

# 2019 ANNUAL REPORT



## OFFICE OF THE DISTRICT ATTORNEY BLUE RIDGE JUDICIAL CIRCUIT

Cherokee County  
90 North Street  
Canton, GA 30114

*Committed to Justice and Integrity*



District Attorney Shannon Wallace has served the citizens of Cherokee County since January 2013. A 2002 graduate of the University of Georgia School of Law, District Attorney Wallace has nearly 20 years of prosecuting experience, including serving as an assistant district attorney in Cherokee County and Ocmulgee Circuit.

In 2019, she was appointed to the Prosecuting Attorneys Council of Georgia and honored as a Woman of Leadership by Lt. Gov. Geoff Duncan. She serves on numerous state and county boards, councils, and task forces, including: Boys & Girls Club of Metro Atlanta, Cherokee County Child Fatality Review, Cherokee FOCUS, Cherokee Multi-Agency Narcotics Squad, and the Prosecuting Attorneys' Council of Georgia.



## OFFICE OF THE DISTRICT ATTORNEY BLUE RIDGE JUDICIAL CIRCUIT

### A MESSAGE FROM DISTRICT ATTORNEY SHANNON WALLACE

Cherokee County remains one of the safest places to live in Georgia due to effective government leadership, excellent law enforcement, and efficient prosecution of crimes. The pages that follow offer a snapshot of the work the District Attorney's Office performed in 2019.

This annual report provides details on the prevalence of crimes such as child abuse, elder abuse, domestic violence, and street gangs. It also highlights cases of significance closed in Cherokee County.

In 2019, a team of **54** prosecutors, investigators, victim advocates, and administrators in the District Attorney's Office received **1,480** cases for prosecution, handled **1,120** probation revocations, presented **554** cases to the Grand Jury for indictment, processed **963** accusations, closed **1,444** felony cases by plea, and presented **31** cases to Cherokee County juries.

In addition, we assisted **2,713** crime victims, closed **826** juvenile cases, staffed **275** cases of potential elder abuse, and worked with law enforcement **24/7** in fighting crime throughout Cherokee County.

Members of the District Attorney's Office provided **198** hours of training on firearms/use of force, courtroom testimony, domestic violence, elder care, teen dating violence, and other issues. This training benefitted more than **2,000** law enforcement officers, lawyers, high school students, and members of the community. We also collected **\$38,475** in pre-trial diversion fees, which go into the Cherokee County general fund.

The District Attorney's Office is committed to justice and integrity, while working with our partner agencies to achieve a safer Cherokee County. Thank you for your interest in the work we do.

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# OFFICE STRUCTURE



*District Attorney Shannon Wallace and members of her staff gather for a Bar Association meeting in October 2019.*

## DUTIES OF THE OFFICE

The Office of the District Attorney prosecutes felony offenders, protects victims and witnesses of crime, and ensures justice is properly served for the citizens of Cherokee County.

Led by District Attorney Shannon Wallace, divisions and units within the office include: Accountability Court, Appellate Court, Domestic Violence Unit, Juvenile Court, Magistrate Court, Pre-Trial Diversion, Superior Court Prosecution Units/Trial Teams, Victim Services, and White Collar/Elder Abuse Unit.

## TRIAL TEAMS

Designated trial teams handle felony cases assigned to the three Blue Ridge Judicial Circuit Superior Court Judges.

Each trial team includes three assistant district attorneys, three investigators, one victim advocate, and one administrative assistant. The teams work together to investigate cases, provide victim services, and close cases through plea hearings, bench trials, or jury trials.

## DOMESTIC VIOLENCE

A specialized Domestic Violence Unit handles family violence cases, specifically those involving intimate partner violence. Partially funded by a \$70,000 federal grant, this unit includes three assistant district attorneys, three victim advocates, one investigator, and an administrative assistant.

## JUVENILE COURT

An assistant district attorney, investigator, victim advocate, legal assistant, and administrative assistant are assigned to this division, which reviews all Juvenile Court complaints to determine if they are prosecutable. In 2019, this unit handled 22% more complaints than the prior year.

## STAFF HONORS

- ◆ ADA Rachel Ashe was named 2019 Woman of the Year by LiveSAFE Resources
- ◆ Inv. Dan Combs was honored as Investigator of the Year by the District Attorneys Association of Georgia
- ◆ Inv. Monica Moore received a Public Safety Award from the Rotary Club of Georgia
- ◆ Deputy Chief ADA Zachary Smith presented oral arguments to the Supreme Court of Georgia
- ◆ DA Shannon Wallace was named Outstanding Woman in Leadership by Lt. Gov. Geoff Duncan

## ELDER ABUSE & WHITE COLLAR CRIME

This division handles elder and vulnerable adult abuse, neglect, and exploitation, as well as white-collar financial crimes such as identify theft, employee theft, and complex financial fraud cases that involve racketeering. The division includes one assistant district attorney, one investigator, one financial analyst, three victim advocates, and an administrative assistant.

## PRE-TRIAL DIVERSION

This program offers low-level, low-risk, non-violent offenders an alternative to the traditional criminal justice system. Participants are eligible for the program as long as their offense does not require a mandatory minimum sentence of incarceration or imprisonment that cannot be suspended, probated, or deferred. The division includes one assistant district attorney and an administrative assistant.

## ACCOUNTABILITY COURTS

Defendants may be eligible for Drug Accountability Court, Treatment Accountability Court, or Veteran's Treatment Court if their crimes are due to substance abuse and/or mental health. The program provides intensive court supervision and rehabilitation to help address core issues and reduce recidivism.

## EMPLOYEES OF THE YEAR

- ◆ Assistant District Attorney Randall Ivey
- ◆ Investigator William Hegwood
- ◆ Victim Advocate Shelby Newton



*Chief Superior Court Judge Ellen McElyea conducts the swearing-in ceremony of Chief Assistant District Attorney Susan Treadaway as District Attorney Shannon Wallace looks on.*

**1**  
**DISTRICT ATTORNEY**  
**20**  
**ASSISTANT DISTRICT ATTORNEYS**  
**14**  
**INVESTIGATORS**  
**19**  
**OTHER STAFF**  

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**54**  
**TOTAL**

# STATISTICS & TRENDS

## POPULATION GROWTH



According to the Atlanta Regional Commission (ARC), Cherokee County is one of the fastest growing counties in Georgia.

In just 30 years, the population has nearly tripled, from 90,000 in 1990 to 262,000 projected in 2020. In the next 30 years,

that growth is expected to continue. In fact, the ARC believes our population will increase by 53% more, with an additional 400,000 citizens by the year 2050.

The rural county that many long-time residents remember is quickly transforming to an extension of suburban Atlanta, an “outer suburb.” It’s no wonder that people flock to Cherokee, with its quality school system, state-of-the-art medical facilities, retail and shopping centers, beautiful parks, and excellent law enforcement agencies.

Fortunately, the increase in crime has not matched the rate of the population growth. But crime is steadily increasing. In 2019, the District Attorney’s Office received 1,480 felony cases — an increase of 21% over the number of cases in 2015.

## CRIME TRENDS

Overall, community crime trends in 2019 remained consistent with those from recent years. Of the cases received by the District Attorney’s Office, 78% were probation revocations, juvenile, or drugs.

Probation revocations represented the highest percentage of cases (33%). When defendants violate conditions of probation, a probation revocation hearing is conducted to determine whether the probation should be revoked and all or part of the prison sentence imposed.

Juvenile cases made up the second highest percentage of cases (24%). The District Attorney’s Office reviews all juvenile court complaints to determine if they are prosecutable.

Drug crimes made up the third highest percentage of cases (21%). Felony drug cases include the purchase, possession, manufacture, distribution, or sale of controlled substances. With regard to drug crimes, the majority of all felonies involve drugs on some level. For example, defendants committing crimes such as child abuse, family violence, vehicular homicide, and armed robberies are often under the influence of illegal drugs.

Traffic crimes include vehicular homicides, felony traffic with injury, and felony traffic without injury.

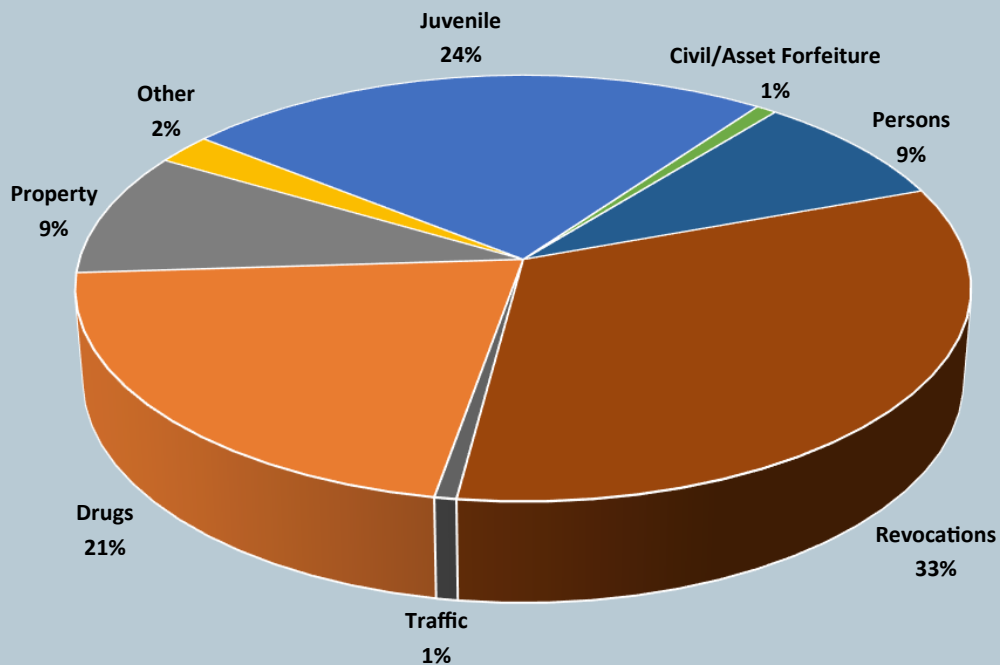
Property crimes encompass charges of burglary, theft, and fraud. Crimes against persons include domestic violence, non-domestic violence assaults, sexual assaults, and crimes against children.

# STATISTICS & TRENDS

## FELONY CASES BY TYPE

The pie chart below provides a breakdown of felony cases by type. Probation revocations totaled 1,120, an increase of 12% over 2018. Juvenile cases totaled 830, while drug cases totaled 728.

### FELONY CASES OPENED IN 2019



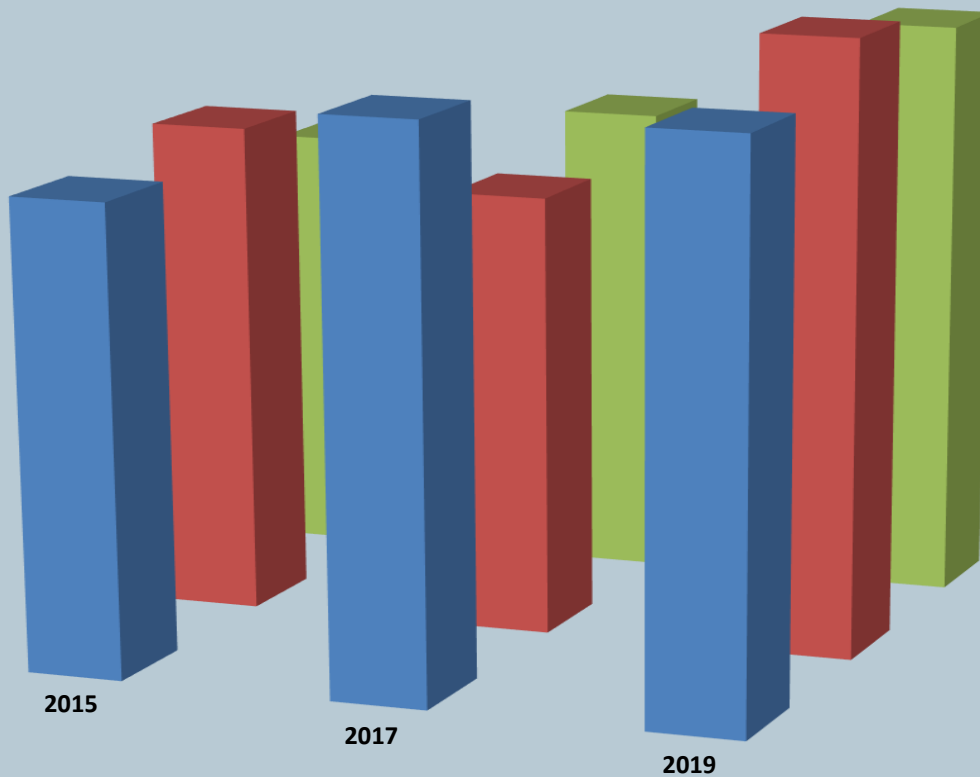
# STATISTICS & TRENDS

## FIVE-YEAR TRENDS IN CHEROKEE COUNTY

The number of cases the Cherokee County District Attorney's Office receives has steadily increased over the past five years. Total felony cases received in 2019 increased by 21% over 2015. The following charts show trends for felony cases, probation revocations, and juvenile cases.

### FELONY CASES

*Received, Disposed, and Indicted/Accused*



	2015	2017	2019
Received	1222	1469	1480
Disposed	1283	1148	1595
Indicted/Accused	1130	1241	1516

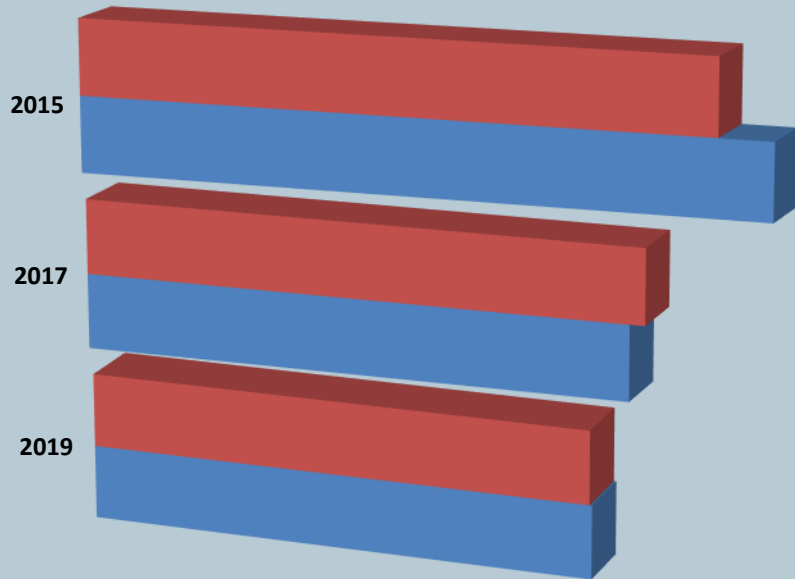


# STATISTICS & TRENDS

## JUVENILE CASES

*Received and Disposed*

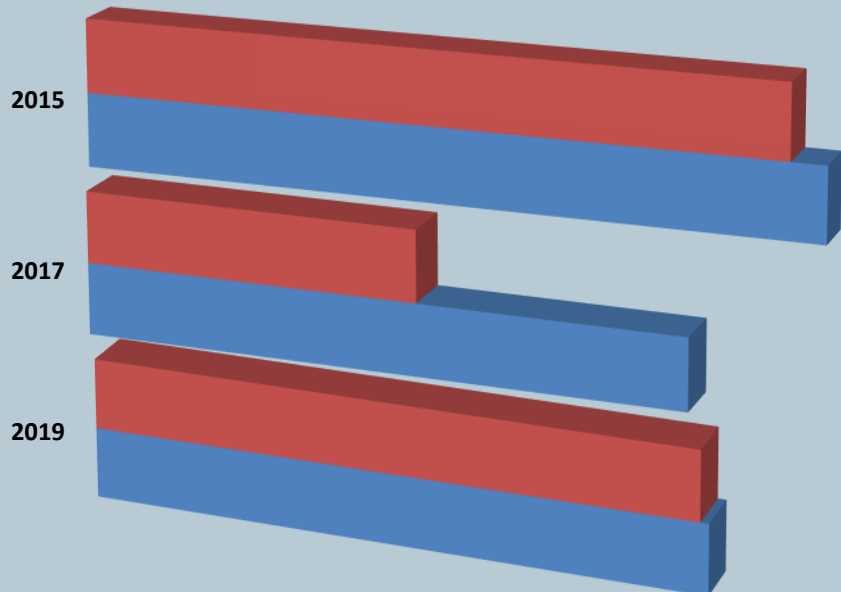
	2015	2017	2019
Received	1099	885	830
Disposed	1014	909	826



## PROBATION VIOLATIONS

*Received and Disposed*

	2015	2017	2019
Received	1176	1112	1120
Disposed	1163	1019	1117



# STATISTICS & TRENDS

## INTERAGENCY COLLABORATION

Understanding that collaboration is key to effective prosecution, the District Attorney's Office is committed to working with all law enforcement agencies so that we can build better cases, successfully prosecute those cases, and keep Cherokee County safe.

A team of assistant district attorneys, investigators, victim advocates, and administrative staff ensure that cases move efficiently through the criminal justice system.

The District Attorney's Office receives cases from agencies throughout Cherokee County, including the Cherokee Sheriff's Office, Ball Ground Police, Canton Police, Cherokee County Marshal's Office, Cherokee County School District (CCSD) Police, Cherokee Multi-Agency Narcotics Squad (CMANS), Georgia State Patrol, Holly Springs Police, and Woodstock Police.

By working with our law enforcement partners and others in the judicial system, we make sure that individuals charged with crimes are treated fairly, their cases are effectively prosecuted, and their constitutional rights are maintained.

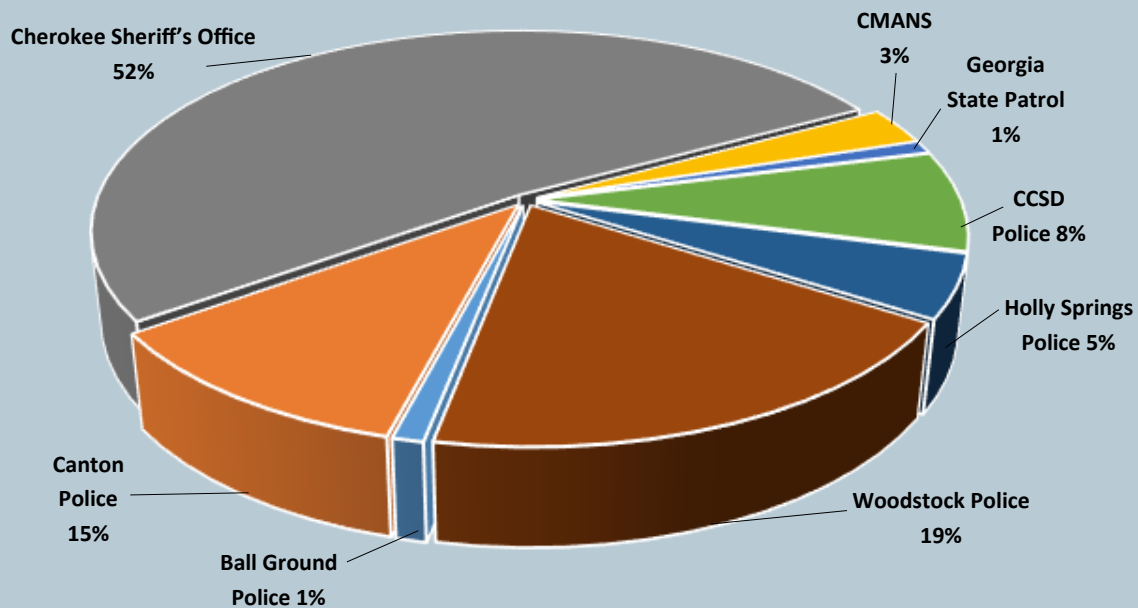


# STATISTICS & TRENDS

## CASES RECEIVED IN 2019

More than half the cases (52%) received by the Cherokee County District Attorney's Office originated from the Cherokee Sheriff's Office, the largest law enforcement agency in the county. City police departments (Ball Ground, Canton, Holly Springs, and Woodstock) provided 40% of cases received, with the remainder coming from other law enforcement agencies.

### 2019 CASES RECEIVED BY LAW ENFORCEMENT AGENCY TYPE



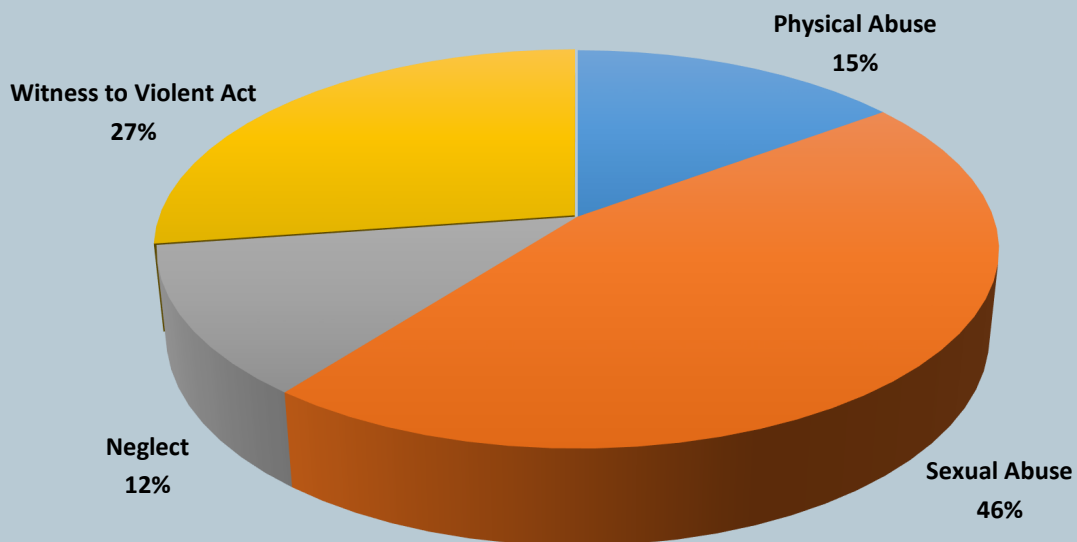
# CRIMES AGAINST CHILDREN

**W**hen a child is a victim of any form of child abuse, it is heartbreaking. These innocent victims are often subjected to unfathomable abuse at the hands of people who are supposed to love and protect them. The abuse a child endures may be physical, emotional, verbal, or sexual; it may be neglect, trafficking, or exploitation; it may be witnessing an act of violence perpetrated on someone else; or it may be a combination of more than one form of abuse.

The horror of child abuse does not end with a conviction. These victims often endure long-term behavioral, physical, and psychological effects. For example, a shaken baby may suffer a serious brain injury that causes learning disabilities, vision problems, speech issues, and other permanent disabilities. A victim of sexual abuse may suffer posttraumatic stress, and later engage in risky sexual behaviors, juvenile delinquency, and drug abuse. Some become future perpetrators of the same crime.

In the Cherokee County District Attorney's Office, the majority of child abuse cases involve child molestation and other sexual crimes.

**CHEROKEE COUNTY  
FELONY CRIMES AGAINST CHILDREN, 2019**



# CRIMES AGAINST CHILDREN

## PREVALENCE OF ABUSE

Nationwide, the statistics are shocking — 677,529 children were victims of maltreatment in 2018 and 26.7% of those victims were infants under the age of 1, according to the U.S. Department of Health & Human Services.

The same year in Georgia, substantiated reports of child abuse totaled 11,090, with 21% of victims still infants, under 1 year old.

Children in homes where caregivers abuse alcohol or drugs are most at risk for child abuse. Nationally, 12.3% of child abuse involved a caregiver who abused alcohol and 30.7% involved a caregiver who abused drugs.

## PROSECUTION OF CHILD ABUSE

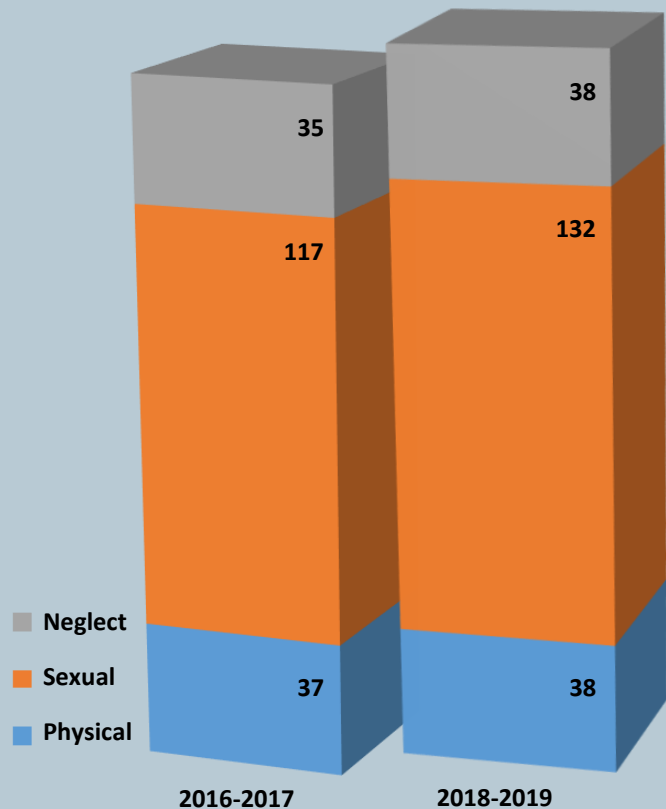
Crimes against children, especially those involving sexual abuse or head trauma, are particularly difficult to prosecute.

These crimes require specialized training since they involve young people who have been traumatized and may be reluctant or afraid to testify. An additional challenge is that many children are nonverbal due to age or development. Often, child abuse stretches back generations and victims later become perpetrators. In addition to staff training, effective prosecution must include ready access to medical experts and assistance from specialists in the field of forensic interviewing.

In 2019, the District Attorney's Office handled cases involving 119 children who were victims of physical or sexual abuse, suffered neglect, or witnessed acts of violence. That's an increase of 112.5% over 2015, when we prosecuted 56 cases.

The graph below shows the steady increase of crimes against children in Cherokee County.

**CHEROKEE COUNTY  
CRIMES AGAINST CHILDREN**



### Sources

U.S. Department of Health & Human Services Administration for Children and Families Children's Bureau. Child Maltreatment 2018. [www.ACF.HHS.gov/cb](http://www.ACF.HHS.gov/cb)  
U.S. Department of Health & Human Services Administration for Children & Families Children's Bureau. Child Welfare Information Gateway. *Fact Sheet: Long-Term Consequences of Child Abuse and Neglect*. April 2010. [www.ChildWelfare.gov](http://www.ChildWelfare.gov)

# CRIMES AGAINST CHILDREN

## **LUIS CORREA, JR., FOUND GUILTY OF AGGRAVATED SEXUAL BATTERY**

In March 2019, a Cherokee County jury found Luis Correa, Jr., 45, guilty of two counts of aggravated sexual battery and three counts of child molestation.

Correa sexually assaulted a young relative in multiple locations in Cherokee County. The abuse started when the child was 6 years old and living in Texas. Sexual assaults continued in 2008 when the child moved to Cherokee. In 2016, when the child was 13 years old, she reported the abuse.

Judge Ellen McElyea sentenced Correa to two life terms with 50 years to serve in prison for two counts of aggravated sexual battery. She also sentenced him to three 20-year terms for three counts of child molestation which will be served concurrently with the life sentence.

All sentences run concurrent with each other, for a total sentence of life with 50 years to serve in confinement. The remainder of his life will be spent on probation with sex offender conditions.

While on probation, Correa must register as a sex offender and is prohibited from contact with the victim or her family.

## **AUSTIN PUCKETT FOUND GUILTY OF AGGRAVATED CHILD MOLESTATION**

Austin Carl Puckett, 29, was sentenced in May 2019 for sexually assaulting his girlfriend's 10-year-old daughter. A Cherokee County jury found Puckett guilty of aggravated child molestation, criminal attempt to commit aggravated child molestation, aggravated sexual battery, and child molestation.

During the trial, the District Attorney's Office detailed the extent of sexual assault that occurred in a Holly Springs home. The abuse occurred from 2017-2018, when the child was 9 and 10 years old. The child reported the abuse to her grandmother in March 2018.

Judge Ellen McElyea sentenced Puckett to two life sentences with 35 years to serve in prison for aggravated child molestation and aggravated sexual battery. She also sentenced him to 30 years to serve for criminal attempt to commit aggravated child molestation, and 20 years to serve 19 years in prison for child molestation. All sentences run concurrent for a total of life to serve 35 years in prison.

Puckett must register as a sex offender and is prohibited from contact with the victim or her family.



### **STATE VS. LUIS CORREA, JR.**

**CHARGES:** Aggravated Sexual Battery (2 counts), Child Molestation (3 counts)

**VERDICT:** Guilty

**SENTENCE:** 2 life terms, 50 years to serve in prison. At completion of prison term, remainder of life on probation with sex offender conditions and no contact with victim or her family. Must register as a sex offender.



### **STATE VS. AUSTIN CARL PUCKETT**

**CHARGES:** Aggravated Child Molestation, Aggravated Sexual Battery, Child Molestation

**VERDICT:** Guilty

**SENTENCE:** 2 life terms, 35 years to serve. Remainder of life on probation with sex offender conditions and no contact with victim or her family. Must register as a sex offender.

# CRIMES AGAINST CHILDREN

## ROBERT CUNNINGHAM FOUND GUILTY OF SEXUAL EXPLOITATION OF CHILDREN

In June 2019, a Cherokee County jury convicted Robert Anthony Cunningham, 49, of sexual exploitation of children.

Cunningham was arrested in July 2016 after an investigation conducted by the Internet Crimes Against Children Unit of the Cherokee Sheriff's Office. The Cherokee Sheriff's Office had received a cyber-tip regarding possession of child pornography.

During the trial, the District Attorney's Office presented evidence of pornographic material containing images of children found on devices in the rural home Cunningham shared with his elderly parents.

Senior Judge Frank C. Mills, III, sentenced Cunningham to 20 years with the first four years to serve in confinement in the state penal system.

Cunningham will also be required to register as a sex offender and adhere to all sex offender special conditions of probation once he is released from prison.

## BRIAN CANTRELL FOUND GUILTY OF AGGRAVATED CHILD MOLESTATION

In August 2019, a Cherokee County jury found Brian Keith Cantrell, 41, guilty of aggravated child molestation, five counts of child molestation, enticing a child for indecent purposes, cruelty to children in the first degree, and two counts of violating a family violence order.

The charges stemmed from incidents occurring from 2015-2017. The child reported the abuse to a relative who advised the child to go to law enforcement.

In October 2019, the victim spoke at the sentencing hearing, describing the pain and long-term effects of the abuse.

Judge David Cannon Jr. sentenced Cantrell to serve 30 years in prison, with the remainder of his life on probation.

Upon release, Cantrell will be required to register as a sex offender, adhere to all sex offender special conditions of probation, and have no contact with the victim or her family.



### STATE VS. ROBERT ANTHONY CUNNINGHAM

**CHARGES:** Sexual Exploitation of Children

**VERDICT:** Guilty

**SENTENCE:** 20 years with the first 4 years to serve. Remainder of his sentence to be served on probation with sex offender conditions. Must register as a sex offender.



### STATE VS. BRIAN KEITH CANTRELL

**CHARGES:** Aggravated Child Molestation, Child Molestation (5 counts), and other charges

**VERDICT:** Guilty

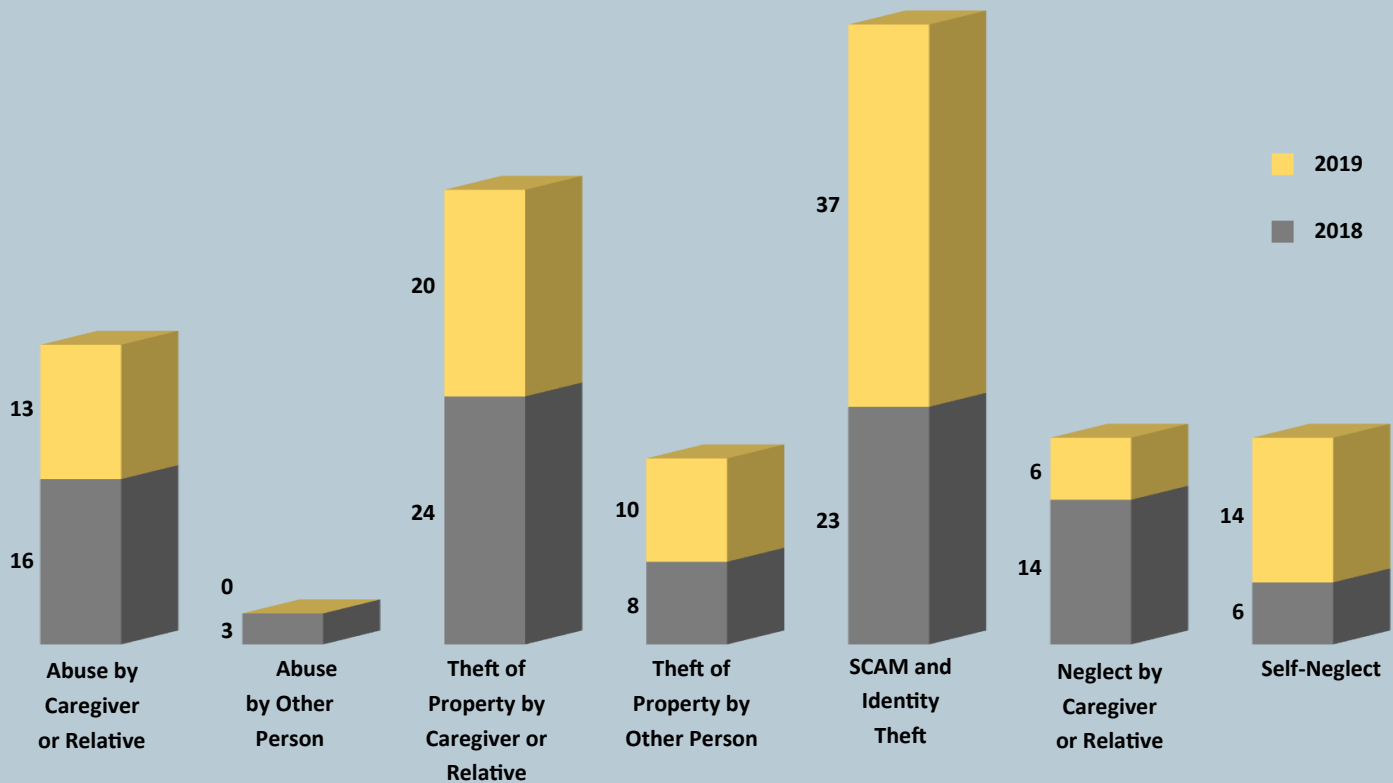
**SENTENCE:** Life, with the first 30 years to serve in prison and remainder of life on probation, with sex offender conditions and no contact with the victim or her family. Must register as a sex offender.

# ELDER ABUSE

Senior citizens deserve to be treated with honor, dignity, and respect. Unfortunately many are mistreated, abused, and neglected, often by family members and trusted individuals. According to the National Council on Aging, 1 in 10 seniors has experienced some sort of elder abuse and many cases go unreported. This national problem is expected to get worse as the population ages.

The crime of elder abuse involves the victimization of vulnerable people, much like child abuse and domestic violence. Elder abuse typically occurs when trusted family members, friends, or caregivers intentionally harm or fail to provide needed services to older adults in their care. In fact, according to the National Center on Elder Abuse, nearly 90% of elder abuse cases involve a family member or trusted individual. The abuse of elders is a growing crime in Cherokee County and beyond. It is important that we continue our work to prevent these crimes and prosecute criminals who prey on our senior citizens.

## CHEROKEE COUNTY ELDER ABUSE SUBSTANTIATED CLAIMS 2018-2019





# ELDER ABUSE

## PREVALENCE OF ELDER ABUSE

Abuse of vulnerable older adults may include physical, sexual, or emotional abuse, as well as neglect or financial exploitation.

Financial exploitation typically occurs when family members steal from an elderly relative, who might suffer from dementia or another disability, then use the elder's assets for their own personal needs.

Other cases of elder financial exploitation involve criminals who target seniors with scams or trusted caregivers who take advantage of their vulnerability. Financial abuse robs America's seniors of more than \$2.6 billion a year, according to MetLife Mature Market Institute.

In 2010, U.S. Congress passed the Elder Justice Act, which was designed to detect, prevent, and prosecute elder abuse while raising awareness of this issue and allocating resources to address the problem. Georgia enacted legislation to protect elders and disabled persons.

## SPECIALIZED PROSECUTION UNIT

The District Attorney's Office designated a special elder abuse prosecution team in 2015. The White Collar/Elder Abuse Unit consists of a prosecutor, investigator, and victim advocates. Members of the Unit receive specialized training on the dynamics of elder abuse since these cases involve complex issues. For example, victims are often reluctant to pursue these cases or recant when they realize a loved one is being charged with a crime.

In 2017, the District Attorney's Office and community partners established the Cherokee County Adult Abuse, Neglect, and Exploitation Multidisciplinary Team (MDT) as a means to protect vulnerable adults from abuse or exploitation. MDT members include the Cherokee County District Attorney's Office, Coroner's Office, Senior Services, and Solicitor-General's Office; the Georgia Division of Aging - Adult Protective Services; and all Cherokee law enforcement agencies.

During monthly meetings, MDT members discuss reports of abuse and collaborate to ensure seniors receive the services they need. In 2019, the group reviewed 275 cases of suspected abuse or neglect of elders or vulnerable adults in Cherokee. Of those cases, the MDT determined that 100 were substantiated claims.

In the past two years, 31 percent of substantiated claims of elder abuse in Cherokee County were scam/identity theft and 23 percent were theft of property by a caregiver or relative.

## PREVENTION & EDUCATION

The District Attorney's Office also partners with Cherokee Triad S.A.L.T., an organization that works to reduce victimization of senior citizens by offering programs for seniors and caregivers. Through this partnership, members of the Office offer training and educational materials to reduce the prevalence of these crimes.

*Source: National Council on Aging. [www.NCOA.org](http://www.NCOA.org)*

# ELDER ABUSE

## ALAN KENNEY PLEADS GUILTY TO ELDER ABUSE AT WOODSTOCK ASSISTED LIVING FACILITY

Licensed Practical Nurse Alan Matthew Kenney, 46, entered a guilty plea on October 30 for charges related to stealing prescription medications from residents of an assisted living facility, where he was employed.



*Police officers located a variety of prescription medications hidden in Kenney's vehicle. Many of the medications were inside pill pouches labeled with the names of assisted living residents.*

Kenney was arrested in April 2018, after a Woodstock Police officer pulled over his vehicle for an expired registration. During the traffic stop, the officer noticed

suspicious prescription medications. Cherokee Multi-Agency Narcotics Task Force then took over the investigation and found a variety of prescription medications in the vehicle, including drugs to treat blood pressure, cholesterol, dementia, heart conditions, and Parkinson's disease, in addition to fentanyl patches and other opioids.

Officers determined that Kenney had stolen the prescriptions from elderly residents living at the assisted living facility.

During the plea hearing in October 2019, the defendant pled guilty to 4 counts of exploitation and intimidation of a disabled adult, elder person, or resident; 5 counts of possession of a controlled substance; and 5 counts of fraud or theft in obtaining a controlled substance.

Senior Judge Frank C. Mills III sentenced the defendant to 15 years, with the first year to be served in confinement and the remainder on probation. Special conditions of probation include 120 hours of community service. While on probation, Kenney is also forbidden from possessing firearms, working in the medical field, and having any medication not prescribed to himself. He must provide a copy of this conviction to the nursing board and medical providers.



### STATE VS. ALAN MATTHEW KENNEY

**CHARGES:** Exploitation and Intimidation of a Disabled Adult, Elder Person, or Resident (4 counts); Possession of a Controlled Substance (5 counts); Fraud or Theft in Obtaining a Controlled Substance (3 counts)

**GUILTY PLEA**

**SENTENCE:** 15 years, with the first year to be served in confinement and the remainder on probation. Special conditions of probation include being forbidden from possession of firearms, working in the medical field, and possession of any medication not prescribed to himself. He must also complete 120 hours of community service.

# ELDER ABUSE

## DYLAN GOMEZ PLEADS GUILTY TO ELDER ABUSE OF FAMILY MEMBER

Dylan Scott Gomez, 22, entered a plea of guilty and was sentenced on November 13 for assaulting an elderly family member over the course of many months.

The defendant was arrested in November 2018 after the victim reported the physical abuse to a Cherokee Sheriff's Office deputy. The victim said the abuse had started months prior, but the episodes had become more frequent over the past two months. She described recent attacks that involved slapping, punching, and hitting her ears, as well as throwing objects at her. On one occasion, he placed a pillow over her face, making it difficult for her to breathe. She had countless bruises on her body and was in pain.

Within weeks of making the charges, the victim had reinitiated contact with the defendant. She later recanted and did not wish to press charges. Because of the seriousness of the charges, the case proceeded through the judicial system.

During the non-negotiated plea hearing, Gomez entered a guilty plea to the following charges: exploitation and intimidation of a disabled adult, elder person, or resident; aggravated assault; and aggravated battery.

Judge David Cannon Jr. sentenced him to 12 years with the first two years to be served in confinement and the remainder on probation.

Special conditions of probation include 200 hours of community service, no violent contact with the victim, participation in Family Violence Intervention Program, evaluation and treatment for mental health and substance abuse, no alcohol or illegal drugs, and no firearms.



*The elderly victim was covered with bruises, on every part of her body, at all stages of healing.*

Judge Cannon also ordered that if the defendant completes Detention Center Boot Camp prior to August 3, 2020, incarceration would be suspended.



### STATE VS. DYLAN SCOTT GOMEZ

**CHARGES:** Exploitation and intimidation of a disabled adult, elder person, or resident; aggravated assault; aggravated battery

**NON-NEGOTIATED GUILTY PLEA**

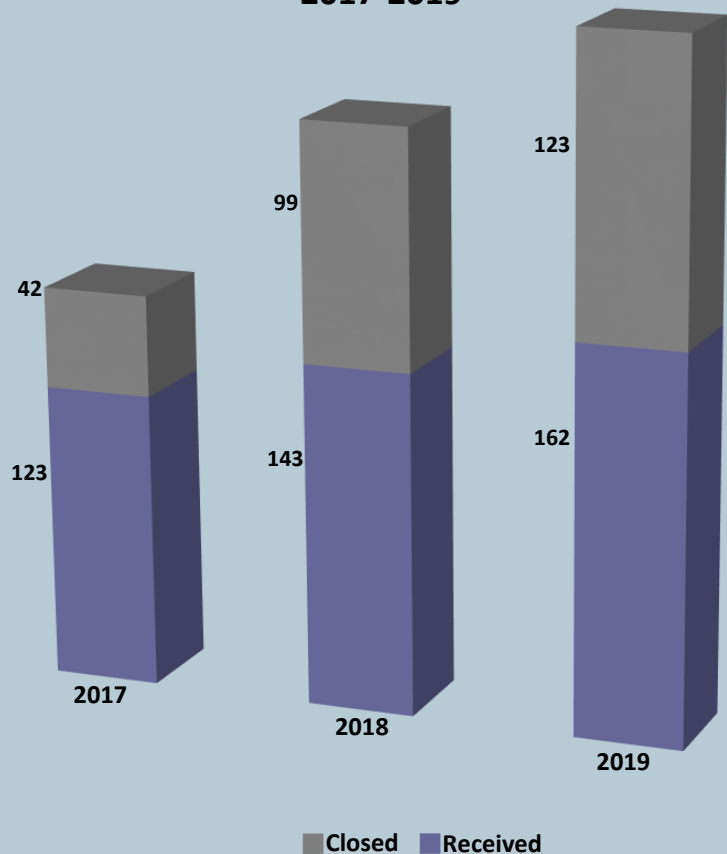
**SENTENCE:** 12 years, with the first 2 years to be served and the remainder on probation. If Gomez completes Detention Center Boot Camp prior to August 3, 2020, incarceration will be suspended. Special conditions of probation include community service, no violent contact with the victim, Family Violence Intervention Program, evaluation and treatment for mental illness and substance abuse, and other conditions.

# DOMESTIC VIOLENCE

**D**omestic violence is typically a crime of progression that begins with emotional abuse to control the victim then progresses to physical and psychological injuries. It involves violence committed against a current or former spouse, partner, or cohabitant of the victim. Victims of this crime endure physical violence, sexual violence, stalking, and/or psychological aggression.

This crime may have lifetime consequences, and the effects often pass to the next generation. Felony cases of domestic violence show a pattern of violent acts increasing in frequency and intensity, sometimes leading to death.

**CHEROKEE COUNTY  
DOMESTIC VIOLENCE CASES  
2017-2019**



## FACTS ABOUT DOMESTIC VIOLENCE

Sometimes, the **BIGGEST** victim is the smallest person in the family.

Nearly **1 in 4** intimate partner cases involve a child witness.

When children witness acts of violence, it takes special training and experience to effectively prosecute.

In homes where domestic violence occurs, the **chance of child abuse is 15 times higher** than average.

# DOMESTIC VIOLENCE

## PREVALENCE OF THIS CRIME

Nearly **1 in 5 women** and **1 in 7 men** have experienced severe intimate partner violence in the United States.

Domestic violence affects people of all ages, including the elderly and children. Many older adult victims have been abused for decades, while children are victimized when they witness violent acts perpetrated on their family members. According to a report from the Department of Justice, nearly 1 in 4 intimate partner cases involves a child witness.

## SPECIALIZED PROSECUTION UNIT

The Domestic Violence Unit handles family violence cases, with a focus on intimate partner violence. Partially funded by a \$70,000 federal grant, this unit now includes three prosecutors, two victim advocates, one investigator, and a legal assistant.

In order to provide effective prosecution, members of the Domestic Violence Unit receive specialized training on the dynamics of these crimes. In 2019, the Unit closed 123 domestic violence cases.

Since family violence cases may lead to intimidation and future harm to the victim, within days of receiving a new case in the District Attorney's Office, an investigator obtains initial incident reports and criminal history, and a victim advocate contacts the victim to set up an interview. The team reviews the entire abusive history of the defendant and takes into account the safety of the victim.

Family violence cases offer complex challenges. These crimes involve people within the same family or household. The defendant is someone they love or care deeply about.

Victims who are emotionally attached to the perpetrator are more likely to forgive or overlook the danger they are in. Many domestic violence victims are reluctant to participate in the legal process because they do not want their loved one to be punished or they may believe the incident won't happen again. Sometimes victims recant their statements or minimize the defendant's actions.

## PREVENTION & EDUCATION

The District Attorney's Office participates in the Cherokee County Domestic Violence Task Force, an organization that works to strengthen and sustain a community response to family violence in Cherokee County. Members of this task force include all Cherokee law enforcement agencies, the District Attorney's Office, Solicitor-General's Office, and community organizations.

Through this partnership, members of our office assist with training and events that increase perpetrator accountability, enhance victim safety, and promote systemic change.

### Sources:

*Alarming Effects of Children's Exposure to Domestic Violence. Psychology Today. Feb. 26, 2019. PsychologyToday.com*  
*Centers for Disease Control and Prevention. CDC.gov*  
*National Coalition Against Domestic Violence. NCADV.org*  
*United States Department of Justice, Office of Justice Programs. OJP.gov*

# DOMESTIC VIOLENCE

## TYLER WAYNE HOLLOWAY PLEADS GUILTY TO BRUTAL ASSAULT OF HIS SISTER

One day after being released from a mental institution, Tyler Wayne Holloway, 32, brutally assaulted Carissa Mills, his sister. Prior to the incident, the family had been concerned about their safety due to Holloway's increasingly bizarre behavior.

In February 2019, Mills confronted Holloway about striking his father the night before and told him to stay away from her and her daughter. In response, Holloway brandished a butcher knife. Mills quickly grabbed her 5-year-old daughter and rushed outside to call 911. Holloway started to attack her on the back porch,



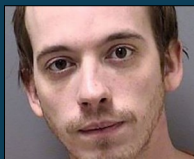
*The brave child who helped thwart Holloway's attack was recognized and honored with the Cherokee Sheriff's Office Medal for Bravery.*

stabbing her multiple times with the knife as her daughter watched. When the child jumped on her uncle's back, Holloway fled the scene. Mills' injuries included 11 stab wounds to her head, neck, abdomen, shoulder, and back. Holloway also fractured the victim's scapula during the assault.

On August 15, 2019, Judge Jennifer Davis sentenced the defendant to 30 years, with the first 15 years to serve in prison.

Holloway pled guilty but mentally ill to 1 count of aggravated assault, 2 counts of aggravated battery, 1 count of cruelty to children in the first degree, 1 count of cruelty to children in the third degree, and 1 count of family violence-battery. Holloway will be required to submit to a full psychological evaluation and follow up with all recommended treatment.

Upon completion of 15 years in custody, the remainder of the sentence may be served on probation with specific conditions imposed, including no contact of any kind with the victim and her daughter and no use of drugs or alcohol.



### STATE VS. TYLER WAYNE HOLLOWAY

**CHARGES:** Aggravated Assault, Aggravated Battery (2 counts), Cruelty to Children in the 1st Degree, Cruelty to

Children in the 3rd Degree, Battery - Family Violence

**GUILTY PLEA:** Guilty But Mentally Ill

**SENTENCE:** 30 years, with 15 years to serve in prison. Special conditions of probation include no contact with the victim or her daughter. The defendant is also prohibited from using drugs or alcohol.

# DOMESTIC VIOLENCE

## DAVID CHARLES KEMP MAN PLEADS GUILTY TO ASSAULTING HIS WIFE

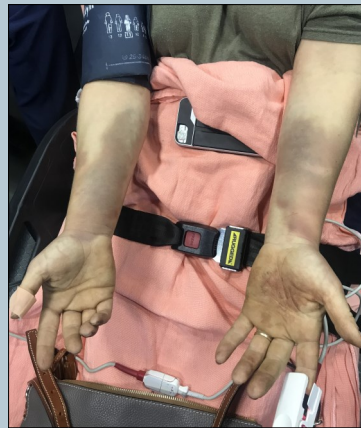
David Charles Kemp, 39, entered a non-negotiated guilty plea and was sentenced on July 31 for brutally assaulting his wife in December 2018. He pled guilty to aggravated assault-family violence, aggravated battery-family violence, battery-family violence, violation of protective order, and terroristic threats.

The incident began in an Acworth home, where Kemp struck his wife in the face and throughout her body, causing a subdural hematoma, nasal bone fracture, facial contusion and laceration, contusion of extremities, and chest wall contusion.

When law enforcement responded, the victim was in Holly Springs, sitting in the driver's seat of her parked car, nearly 9 miles from her home. According to the responding officer, the woman was in distress, with a swollen face, and bruising all over her body. She told the officer the incident occurred two days prior but could not recall many details other than her husband had beaten her. During the hearing, the State played a recorded jail call in which the defendant said his wife "owed him," then made veiled threats to hurt her again when he was released from custody.

Judge Tony Baker sentenced Kemp to 40 years, with the first 25 years to serve in the State Penal System. The

sentence includes 20 years for one count of aggravated assault-family violence and 20 years (including an additional 5 years in prison) for one count of aggravated battery-family violence (to run consecutive).



*Police were called to the Holly Springs Home Depot, where they found a woman who had been badly beaten. In this picture, the victim is strapped in an ambulance for transport to the hospital. Her face is not shown to protect her identity.*

Concurrent sentencing included 20 years for one count of aggravated battery-family violence, 12 months for each of three counts of battery-family violence, 12 months for violation of protective order, and 12 months for terroristic threats. Upon completion of 25 years in custody, the remainder of the sentence may be served on probation with specific conditions imposed, including no contact of any kind with the victim and no use of drugs or alcohol.



### STATE VS. DAVID CHARLES KEMP

**CHARGES:** Aggravated Assault - Family Violence, Aggravated Battery - Family Violence (2 counts), Battery - Family Violence (3 counts), Violation of

Protective Order, Terroristic Threats

### NON-NEGOTIATED GUILTY PLEA

**SENTENCE:** 40 years, with 25 years to serve in prison and the remainder on probation with special conditions to include no contact with the victim, evaluation and treatment for substance abuse, and avoid alcohol and drug use.

# CRIMINAL GANGS

**H**istorically based in urban areas, street gangs have become widespread in the suburbs. More than 50,000 gang members call metro Atlanta home, according to the Federal Bureau of Investigation. Ghostface Gangsters have been active in North Georgia for years, but national and hybrid gangs are now moving in to Cherokee County.

The Bloods are the largest national base gang in Cherokee. The largest set of the Bloods in our county is Sex Money Murder (SMM). Peter Rollack aka “Pistol Pete” started SMM in the Bronx. Rollack was later sentenced to life without parole for killing six people. Part of his plea agreement was to remain in segregation indefinitely. SMM has multiple sets around metro Atlanta, with Blazin Billy one of the largest. YSL/GB, also known as Young Slime Life/Got Broke, is a hybrid gang composed of predominately SMM members that has established a presence in Cherokee. This hybrid gang started on Cleveland Ave in South Atlanta. PDE/SG (Paper Drugs Extortion/Slaughter Gang) is another hybrid gang with predominantly SMM members. This hybrid gang started on the East Side of Atlanta, and now has associates in Cherokee County.

Gang members most often commit armed robbery, aggravated assault, theft, entering autos, conspiracy to tamper with witnesses, felony narcotic sales, domestic violence, and other violent crimes. The Georgia Gang Investigator’s Association (GGIA) estimates that 50-90% of violent offenses in Georgia relate to criminal gangs. Approximately 50% of Cherokee County gang members and associates are 26-35 years old, and 29% are 17-25 years old.

## RESPONDING TO GANG CRIME

Our Office works in partnership with law enforcement agencies to eradicate gang activity. In 2019 we offered gang prosecution training for prosecutors, investigators and local law enforcement. We also hired an investigator trained in handling gang-related crimes. This investigator utilizes a grant-funded database platform to exchange information with agencies throughout Georgia, enabling more effective prosecution of gang-related criminal activity and better data on current gang members. *James* magazine recognized District Attorney Shannon Wallace for her efforts against gangs and honored her as one of Georgia’s most influential attorneys.

*Sources: Georgia Gang Investigators Association, GGIA.net; Jones, Ron and Adrienne Haney, “Gangs Are Infiltrating Atlanta and Targeting its Children,” 11Alive, September 25, 2018; McGee, Madeline, “Georgia’s Gang Situation ‘Getting Worse,’ Investigators Say,” The Atlanta Journal-Constitution, May 8, 2018; National Gang Center, NationalGangCenter.gov.*

## CRIME TREND — ENTERING AUTOS WITH INTENT TO COMMIT THEFT

Cherokee County has seen an increase in criminal activity involving entering automobiles with intent to commit theft. Often thieves are street gang members, looking for weapons. They arrive in groups, canvassing neighborhoods looking for unlocked vehicles. Once inside a vehicle, they steal guns, then quickly move on to another vehicle. A stolen gun may become a weapon in a violent crime.

**ALWAYS LOCK VEHICLES AND SECURE WEAPONS.**



# CRIMINAL GANGS

## ROBERT “TWITCH” MILLER PLEADS GUILTY TO TRAFFICKING METHAMPHETAMINE

Nelson resident Robert Austin Miller aka “Twitch,” 27, entered a negotiated guilty plea in August 2019 to trafficking methamphetamine (28 grams), violation of Street Gang Terrorism and Prevention Act, and fleeing or attempting to elude a police officer.

Miller was arrested in January 2018 after eluding a Georgia State trooper on Interstate 575. The trooper used his car to spin and stop Miller who then attempted to flee on foot. While conducting an inventory of Miller’s car, the trooper saw a large amount of suspected methamphetamine and contacted the Cherokee Multi-Agency Narcotics Squad for assistance.

Chief Judge Ellen McElyea sentenced Miller to 20 years with the first 10 years to be served in confinement and the remainder to be served on probation. Special conditions of probation include restitution to Georgia State Patrol, 200 hours of community service, substance abuse evaluation and treatment, no use of alcohol or drugs, and no firearms.

Miller is also banished from Cherokee County and prohibited from having contact with any member or associate of Ghostface Gangsters.

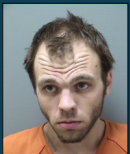
## JOSHUA GRAVLEY PLEADS GUILTY TO TRAFFICKING METHAMPHETAMINE

Joshua Thomas Gravley, 31, of Fannin County, pled guilty and was sentenced for violation of the Street Gang Terrorism and Prevention Act, trafficking methamphetamine, possession of a firearm during the commission of a felony, unlawful conduct during a 911 call, and possession of a firearm by a convicted felon.

Gravley was arrested in August 2018 with two co-defendants, after a false 911 call, which was traced to an Acworth home, where Cherokee Sheriff’s Office deputies found 31 grams of methamphetamine, a methamphetamine pipe, a firearm, and other items.

During the investigation, Gravley admitted to being a member of Ghostface Gangsters, a prison-based street gang that has been in Georgia for about 20 years. This street gang is known for drug trafficking and violence against law enforcement.

Senior Judge Frank C. Mills, III, sentenced Gravley on November 6 to 30 years with the first 20 years to be served in confinement. Gravley, who is a recidivist offender, is forbidden from having any contact with any criminal street gang including Ghost Face Gangsters.

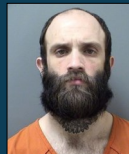


### STATE VS. ROBERT AUSTIN MILLER

**CHARGES:** Trafficking Methamphetamine, Violation of Street Gang Act, Fleeing and Attempting to Elude a Police Officer.

#### NEGOTIATED GUILTY PLEA

**SENTENCE:** 20 years, with 10 years to serve in prison. He is banished from Cherokee County and prohibited from contact with any member of Ghostface Gangsters.



### STATE VS. JOSHUA THOMAS GRAVLEY

**CHARGES:** Trafficking Methamphetamine, Violation of Street Gang Act, Fleeing and Attempting to Elude a Police Officer.

#### NEGOTIATED GUILTY PLEA

**SENTENCE:** 20 years, with 10 years to serve in prison. He is banished from Cherokee County and prohibited from contact with any member of Ghostface Gangsters.

# CRIMINAL GANGS

## CVL STREET GANG ASSOCIATES PLEAD GUILTY TO GANG TAGGING



*Members of a criminal street gang pled guilty and were sentenced for tagging a building in Canton.*

Three Bartow County men pled guilty in October and November 2019 to gang activity, after spray painting gang-related graffiti on a building's walls in 2018.

During two separate hearings, the defendants pled guilty to violation of the Street Gang Terrorism and Prevention Act, specifically that they are associated with Cartersville Locotes (aka CVL), a criminal street gang, and that they engaged in painting, tagging, and creating graffiti of CVL. The defendants committed this crime in retaliation for the beating of Juan Gallegos.

Senior Judge Frank C. Mills III sentenced Juan Estaban Gallegos, 25, to 7 years of probation with 90-120 days to serve at a probation detention center. Chief Judge Ellen McElyea sentenced Coty Lance Gallegos, 32, to 7

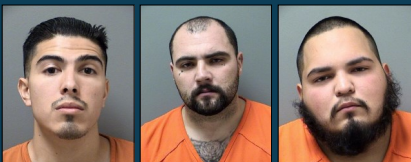
years of probation with 1 year to serve in the state prison and Luis Albert Rocha, 25, to 7 years of probation with 6 months to serve in the Cherokee County Adult Detention Center, suspended upon 90 days to serve in the State Probation Detention Center.

Special conditions of probation include banishment from Cherokee County. They are also prohibited from having contact with each other and any other member of a criminal street gang.

## MICHAEL REINHARDT PLEADS GUILTY TO DRUG CHARGES

Marietta resident Michael Edward Reinhardt, 30, entered a negotiated guilty plea in June 2019 to violation of Street Gang Terrorism and Prevention Act, conspiracy to violate the Georgia Controlled Substances Act, and crossing the guard lines with drugs.

In October 2018, while incarcerated in the detention center, Reinhardt participated in criminal gang activity by conspiring to distribute controlled substances inside the jail. He was found in possession of methamphetamine. Reinhardt admitted to being a member of Ghostface Gangsters. Judge Tony Baker sentenced Reinhardt to 15 years to serve.



**STATE VS. JUAN GALLEGOS, COTY GALLEGOS, AND LUIS ROCHA**

**CHARGES:** Violation of Street Gang Act.

**NEGOTIATED GUILTY PLEAS**

**SENTENCES:** See above for details. During probation, all defendants are banished from Cherokee and forbidden contact with any criminal street gang.



**STATE VS. MICHAEL EDWARD REINHARDT**

**CHARGES:** Violation of Street Gang Terrorism and Prevention Act, Conspiracy to Violate the Georgia Controlled Substances Act, Crossing the Guard Lines with Drugs.

**NEGOTIATED GUILTY PLEA**

**SENTENCE:** 15 years to serve in confinement.

# AUTO THEFT

## JACOB HENSON PLEADS GUILTY TO THEFT OF 13 VEHICLES

In August 2019, Jacob Cole Henson, 26, pled guilty and was sentenced for a string of vehicle thefts and criminal acts committed during the summer of 2018. Henson entered a guilty plea to all 25 counts related to his crime spree.

In July and August 2018, Henson was at large, taking motorcycles, ATVs, trucks, and a car, abandoning one vehicle then taking another. Thefts took place in Ball Ground, Canton, Holly Springs, and Waleska, as well as Bartow and Dawson counties.

On August 13, 2018, the Cherokee Sheriff's Office apprehended Henson in Waleska, after he stole a child's dirt bike, wrecked it, then attempted to elude police on foot.

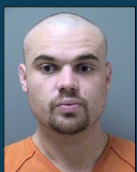
Henson pled guilty to 11 counts of theft by taking (five trucks, three motorcycles, three ATVs), two counts of theft by receiving (one motorcycle and one car), two counts of fleeing and attempting to elude a police officer, two counts of burglary in the first degree, two counts of criminal damage to property, aggravated assault, reckless driving, reckless conduct, entering an automobile, criminal attempt to commit a felony, and failure to wear protective gear on a motorcycle.

Judge Ellen McElyea sentenced Henson to 20 years, with the first 8 years to be served in prison and the remainder of the sentence is to be served on probation.

Special conditions of the sentence include no contact with witnesses or victims, or their family members. Henson must also pay restitution to victims in the amount of \$27,281, complete 320 hours of community service work, complete a substance abuse evaluation and follow any recommended treatment, as well as fulfill other general probation conditions.



*In the summer of 2018, Jacob Cole Henson embarked on a string of auto thefts that included 11 trucks, motorcycles, and ATVs in Cherokee County. He was apprehended in Waleska.*



### STATE VS. JACOB COLE HENSON

**CHARGES:** Theft by Taking (11 counts), Theft by Receiving (2 counts), Fleeing and Attempting to Elude a Police Officer (2 counts), Burglary in the 1st Degree (2 counts), Criminal Damage to Property (2 counts), Aggravated Assault,

Reckless Driving, Reckless Conduct, Entering an Automobile, Criminal Attempt to Commit a Felony, and Failure to Wear Protective Gear on a Motorcycle.

### GUILTY PLEA

**SENTENCE:** 20 years, with 8 years to serve in prison.

# VEHICULAR HOMICIDE

## WENDY MILLICAN PLEADS GUILTY TO VEHICULAR HOMICIDE

In March 2019, Canton resident Wendy Millican, 46, entered a non-negotiated plea of guilty to homicide by vehicle in the first degree and reckless driving.



*Corey Forman, 21, was killed in the accident Millican caused.*

Millican caused a four-car collision that killed Corey Forman, 21, on March 10, 2017. Millican was traveling west on S.R. 140/Hickory Flat Highway when her vehicle crossed the center line, striking Forman's car, which was traveling east. That collision caused Forman's car to cross into oncoming traffic, where a Jeep Wrangler traveling west crashed into Forman.

At the time of the collision, Millican never applied her brake, according to evidence retrieved from her car. A blood sample showed a concoction of medications: Diazepam, nordiazepam, oxycodone, and bupropion.

During the plea hearing, Forman's family provided victim impact statements, commenting on his kindness, passion for playing the drums, and young life cut tragically short. He was a graduate of Creekview High School and student at Kennesaw State University.

Senior Judge Larry F. Salmon sentenced Millican to 15 years, with 4 years to be served in confinement and the remainder on probation. Conditions of probation include paying restitution, performing 120 hours of community service, completing a DUI risk reduction program, and no alcohol, illegal drugs, or firearms.

## KENDALL TEXTER PLEADS GUILTY TO VEHICULAR HOMICIDE

Milton resident Kendall Elizabeth Texter, 19, entered a non-negotiated guilty plea in May 2019 to homicide by vehicle in the first degree, 3 counts of reckless driving, 2 counts of serious injury by vehicle, speeding, improper passing, and possession of marijuana.

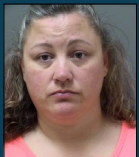


*Fran Griffin, 64, died 9 days after the collision.*

The incident occurred on East Cherokee Highway in Woodstock, on November 2, 2017, when Texter's vehicle collided head-on with a vehicle driven by Mary Francis "Fran" Griffin, 64, of Woodstock. Evidence revealed that

Texter was speeding and passing vehicles on the double yellow line in a no-passing zone. Griffin suffered serious injuries and died 9 days after the crash.

### STATE VS. WENDY MILLICAN



**CHARGES:** Homicide by Vehicle in the First Degree, Reckless Driving

**NON-NEGOTIATED GUILTY PLEA**

**SENTENCE:** 15 years, including 4 years to serve and remainder on probation. Must pay restitution, perform 120 hours of community service, complete substance abuse evaluation and treatment, and follow other special conditions.

### STATE VS. KENDALL ELIZABETH TEXTER



**CHARGES:** Homicide by Vehicle in the First Degree, Reckless Driving (2 counts), Serious Injury by Vehicle (2 counts), Speeding, Improper Passing, Possession of Marijuana

**NON-NEGOTIATED GUILTY PLEA**

**SENTENCE:** 15 years on probation. Special conditions include 2,000 hours of community service, no contact with victim's family, substance abuse and treatment, avoid alcohol and drugs, and no firearms.

# VEHICULAR HOMICIDE

At the hearing on May 14, friends and family members spoke about Griffin, who had retired after a career as a paralegal. Impact statements commented on her Christian faith, nurturing nature, strength and compassion, and how her death had left a hole in their lives. Griffin was known as “Granny Fran” because she was always taking care of someone.

Judge David Cannon, Jr., then sentenced Texter to 15 years, with 90-120 days to be served at the probation detention center. Conditions of probation include 2,000 hours of community service, no contact with the victim’s family, evaluation and treatment for substance abuse, and no alcohol, illegal drugs, or firearms.

## ALLEN MCINTIRE PLEADS GUILTY TO VEHICULAR HOMICIDE AND DUI

Allen McIntire, 63, entered a non-negotiated guilty plea and was sentenced in October 2019 for homicide by vehicle in the first degree, driving under the influence, reckless driving, speeding, and failure to maintain lane.

The incident occurred on January 10, 2018 in White, GA. That afternoon, Barry McMahon, 73, climbed into the passenger seat of McIntire’s vintage Chevrolet Nova. McIntire then drove the car at an excessive

speed on White Road, where he failed to maintain his lane of travel, left the roadway, and crashed into a tree. The crash killed McMahon.

An investigation by the Cherokee Sheriff’s Office determined that McIntire’s car was traveling at approximately 83.8 mph on a road with a 35 mph posted speed limit. A blood sample showed McIntire had a blood alcohol level of .123, an amount greatly in excess of the legal limit. He had also taken diphenhydramine, a non-prescription antihistamine, which is known to intensify the effects of alcohol.

Seven members of the victim’s family provided impact statements. They described McMahon as the type of man who would do anything for anyone, someone they could trust and go to for advice, and a loved one who is deeply missed.

Judge David Cannon Jr. sentenced the defendant to 10 years of probation with the first 90-120 days to be served in a state probation detention center. Additional conditions of his sentence include completing 240 hours of community service, a DUI risk reduction program, the Mothers Against Drunk Driving victim impact panel, suspension of his driver’s license, no alcohol or illegal drug use, and no contact with the victim’s family.

## STATE VS. ALLEN MCINTIRE



**CHARGES:** Homicide by Vehicle in the First Degree (4 counts), Driving Under the Influence (3 counts), Reckless Driving, Speeding, Failure to Maintain Lane

### NON-NEGOTIATED GUILTY PLEA

**SENTENCE:** 90-120 days in probation detention center, 10 years on probation. Special conditions include no contact

with victim’s family or residence, avoid alcohol and drugs, possess no firearms, complete DUI Risk Reduction Program and a Mothers Against Drunk Driving panel. Behavioral incentive date of 3 years from the date of sentence.

# ASSAULT ON LAW ENFORCEMENT

Every day, police officers put their lives in danger to protect and serve us. We respect our law enforcement officers, and the District Attorney's Office will do everything in its power to ensure that anyone threatening their safety will be prosecuted.

## JOEL LEE BEARDEN FOUND GUILTY OF AGGRAVATED ASSAULT ON PEACE OFFICER

In August 2019, a Cherokee County jury convicted Joel Lee Bearden, 49, for a September 2017 assault on law enforcement officers. The jury deliberated for less than an hour before finding Bearden guilty of aggravated assault on a peace officer.



The incident began when Cherokee Sheriff's Office deputies responded to a 911 call regarding a domestic dispute on Trickum Road. The two inhabitants of the home did not initially respond to the officers' knocks or shouts of "Sheriff's Office!"

Upon making entrance into an open door leading from the garage into the home, one of the officers found himself facing the sharp end of an arrow that was aimed and ready to shoot. The officer was forced to retreat for his own safety and was then chased by a large, aggressive dog that Bearden kept on his property.

Eventually, Bearden came out onto the porch brandishing a bow and arrow in a firing position, which he pointed at the police officers in his yard. Typically used for deer hunting, the weapon would be lethal if an arrow were to penetrate the chest of an officer. After repeated demands to "put the bow down" and "drop your weapon," Bearden finally complied.

After the jury came back with the guilty verdict, Judge Tony Baker sentenced Bearden to 10 years, to serve five in the state penal system.



### STATE VS. JOEL LEE BEARDEN

**CHARGES:** Aggravated Assault on a Peace Officer

**JURY TRIAL:** Guilty

**SENTENCE:** 10 years, with 5 years to serve in prison. The remainder of his sentence will be served on probation. Special conditions of probation include avoid alcohol and drug use and not possess firearms.

# ASSAULT ON LAW ENFORCEMENT

## JOSEPH LEON DONALDSON PLEADS GUILTY TO AGGRAVATED ASSAULT ON LAW ENFORCEMENT AND OTHER CHARGES

In October 2019, Joseph Leon Donaldson, 38, entered a guilty plea for shooting at a Cherokee Sheriff's Office deputy, eluding law enforcement, obstruction of an officer, and discharging a gun near a highway.

The incident began on August 23, 2018 when Donaldson refused to pull over for a deputy in Waleska. Instead of heeding the officer's instructions, Donaldson drove his Chevy Blazer at speeds that reached up to 90 mph, weaving back and forth across the roadway as the patrol car followed.

At one point, Donaldson discharged a 9mm pistol at the patrol car, firing 13-15 shots. Donaldson then escaped into Pickens County, where he was later arrested after fleeing police and crashing off a roadway.

Donaldson pled guilty to three counts of aggravated assault against a law enforcement officer, one count of fleeing or attempting to elude a police officer, and other charges.

Judge Tony Baker sentenced Mr. Donaldson to 30 years, with 13 years to serve in the state penal system.



*While fleeing law enforcement, Donaldson pointed his 9mm pistol at a Cherokee Sheriff's Office patrol car and fired 13-15 shots. The gunfire shattered the window glass of his truck but did not injure the officer. CSO deputies later collected shell casings and other evidence on the road and inside the vehicle.*



### STATE VS. JOSEPH LEON DONALDSON

**CHARGES:** Aggravated Assault on a Police Officer (3 counts), Fleeing or Attempting to Elude a Police Officer, Obstruction of an Officer, and Discharging a Gun Near a Highway.

### GUILTY PLEA

**SENTENCE:** 30 years, with 13 years to serve in prison. The remainder of his sentence will be served on probation with conditions to include substance abuse evaluation and treatment.

# ARMED ROBBERY

## TRAVIS COOPER FOUND GUILTY OF ARMED ROBBERY AND AGGRAVATED ASSAULT

*Travis Cooper wore this disguise to commit armed robbery at a RaceTrac gas station near his Woodstock apartment. He pointed a shotgun at a clerk's head and stole money from the cash register.*



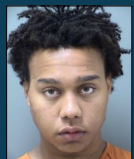
At the conclusion of a June 2019 jury trial, Travis Cooper, 22, was found guilty of armed robbery, aggravated assault, possession of a firearm during the commission of a felony, and theft by taking.

All charges were related to the armed robbery of a Woodstock RaceTrac gas station in September 2017. Cooper entered the gas station wearing a disguise, pointed a shotgun at a clerk's head, stole money from the cash register, then fled on foot. With the help of a K9 officer and the defendant's dropped cell phone, police apprehended the suspect in his apartment.

During the trial, the District Attorney's Office presented nearly 100 pieces of evidence, including the shotgun used in the crime, surveillance video, cell phone records, and photos of the crime scene and Cooper's home.

Judge David Cannon, Jr. sentenced Cooper in August to 20 years to serve 15. The remainder of his sentence will be served on probation.

Cooper will be permitted no contact with the victims, must forfeit the firearm used in the armed robbery, must stay away from all RaceTrac locations, and must have a psychological evaluation. He is also banished from Cherokee County. He will be credited with time served.



### STATE VS. TRAVIS COOPER

**VERDICT:** Guilty **CHARGES:** Armed Robbery, Aggravated Assault, Possession of a Firearm during the Commission of a Felony, and Theft by Taking.

**SENTENCE:** 20 years, with 15 years to serve in prison and the remainder on probation. Special conditions of probation include payment of restitution, no contact with the victims, not permitted within premises of any RaceTrac, banished from Cherokee County, complete a psychological evaluation, no alcohol or drugs, no firearms



# ARMED ROBBERY

## MOSES DIAMOND FOUND GUILTY OF ARMED ROBBERY AND AGGRAVATED ASSAULT

In October 2019, a Cherokee County jury found Stone Mountain resident Moses Albert Diamond, 19, guilty for charges related to an armed robbery of two Woodstock teens.

The incident occurred on October 6, 2018, at a small park off River Glen Drive in Woodstock. The defendant and an unidentified co-conspirator brandished weapons to steal two Apple iPhones and a wallet from two teenagers, who were ordered to lay face down in the parking lot and told they'd be shot if they got up.

Diamond and his accomplice fled the scene in a minivan that Cherokee Sheriff's Office deputies tracked to a Kennesaw hotel, where Diamond was arrested.

During the three-day trial in October, the State called seven witnesses to testify and presented evidence including social media images of Diamond holding a handgun that resembled the weapon used in the crime.

The jury deliberated for about two hours before finding Diamond guilty of all four counts, including two counts of armed robbery and two counts of aggravated assault.

In December 2019, Judge Ellen McElyea sentenced Diamond to 20 years to serve 15. Special conditions of probation prohibit contact with criminal street gangs.



*Moses Diamond and an unknown co-defendant robbed two Woodstock teens at gunpoint at this park. The van they used in the crime was later found parked at a Kennesaw hotel.*



### STATE VS. MOSES ALBERT DIAMOND

**CHARGES:** Armed Robbery (2 counts), Aggravated Assault (2 counts).

**VERDICT:** Guilty

**SENTENCE:** 20 years, with 15 years to serve in prison. Special conditions of probation include no contact with

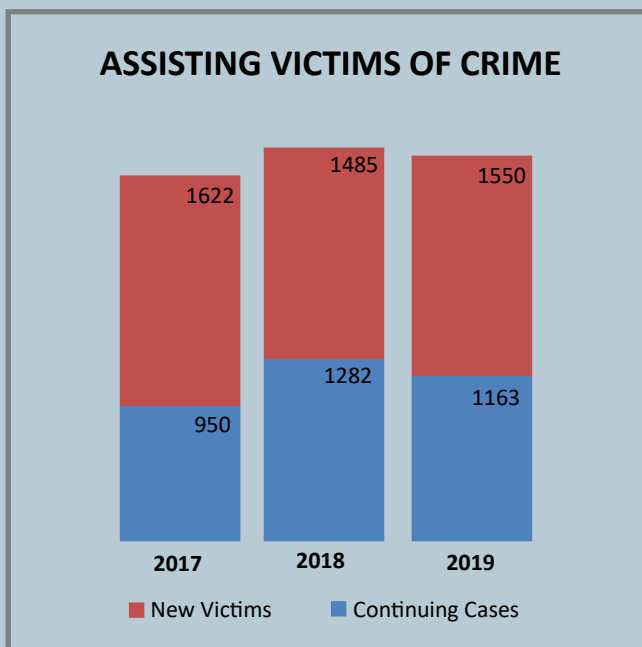
victims, no contact with co-defendant, no contact with any member or associate of a criminal street gang, no participation in any criminal street gang activity, no alcohol or drugs, no firearms

# VICTIM ADVOCATES

## CRIME VICTIM SERVICES

The Victim Witness Assistance Program provides support and guidance to victims as they navigate through the criminal justice process. Victim advocates ensure that victims are informed, present and heard, upholding the Crime Victim's Bill of Rights.

Advocates help victims of violent crime and property crime, including assault, child molestation, domestic violence, homicide, burglary, entering auto, and identity fraud. Advocates provide the catalyst necessary to help crime victims exercise their rights and recover from trauma.



Within 72 hours of a felony arrest, victim advocates reach out to those affected by the crime and stay with the case throughout the process. Advocates provide notification of court dates, obtain restitution information, assist in applying for crime victims' compensation, attend meetings with the prosecutor,

and accompany victims to court. After conviction, victim advocates keep victims informed of important events, such as release from custody, restitution payments, and violation of probation.

In 2019, our nine advocates assisted 2,713 people in new and existing cases, including 767 new victims of violent crime and 766 new victims of property crime. Advocates assisted victims with requesting \$465,676 in restitution. The District Attorney's Office received \$258,253 in federal funds to support this program.

## CRIME VICTIM'S BILL OF RIGHTS

The General Assembly hereby finds and declares it to be the policy of this state that victims of crimes should be accorded certain basic rights just as the accused are accorded certain basic rights. These rights include: (1) The right to reasonable, accurate, and timely notice of any scheduled court proceedings or any changes to such proceedings; (2) The right to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused; (3) The right not to be excluded from any scheduled court proceedings, except as provided in this chapter or as otherwise required by law; (4) The right to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused; (5) The right to file a written objection in any parole proceedings involving the accused; (6) The right to confer with the prosecuting attorney in any criminal prosecution related to the victim; (7) The right to restitution as provided by law; (8) The right to proceedings free from unreasonable delay; and (9) The right to be treated fairly and with dignity by all criminal justice agencies involved in the case.

OCGA §17-17-1

# PRE-TRIAL DIVERSION & ACCOUNTABILITY COURTS

## PRE-TRIAL DIVERSION

The Pre-Trial Diversion Program works to break the cycle of criminal behavior by rehabilitating first-time offenders and deterring future criminal conduct.

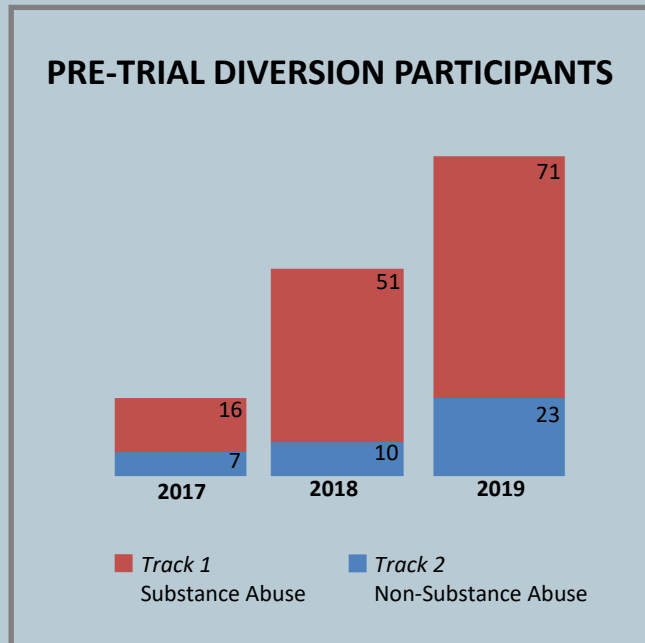
The program offers low-risk, non-violent offenders an alternative to the traditional criminal justice system. Participants are eligible for the program as long as their offense does not require a mandatory minimum sentence of incarceration or imprisonment that cannot be suspended, probated, or deferred.

In the first three years of this program, 168 offenders participated and 83 successfully completed all requirements. In 2019 alone, 94 offenders were accepted into the program, and 41 graduated. Over the course of three years, the program recovered \$11,894 in restitution to victims and generated \$71,440 in administrative fees, which have been added to county general funds.

## ACCOUNTABILITY COURTS

Sometimes crimes are directly connected to a substance abuse disorder and/or mental health issue. Accountability Courts provide carefully screened offenders with the opportunity to overcome these issues so they can go on to pursue productive lives. All programs take 18 months to complete and require intensive court supervision.

Drug Accountability Court was established in 2013 by Superior Court Judge Ellen McElyea. In 2019, 68 offenders were accepted into this program, and 25 graduated.



Treatment Accountability Court accepted 21 new offenders into the program in 2019, with 10 graduating. This program was established in 2016 by Probate Court Judge Keith Wood.

Veteran's Treatment Court was established in 2017 by State Court Judge Dee Morris. This court assists many veterans who suffer from PTSD due to trauma in the military. Veteran mentors guide program participants through the process. In 2019, four defendants were accepted into the program, and the first graduate completed all requirements.

# BEYOND THE COURTHOUSE



Our team coordinated a backpack collection for Cherokee County schoolchildren. In July, we delivered a total of 67 backpacks filled with school supplies to Give a Kid a Chance - Cherokee.



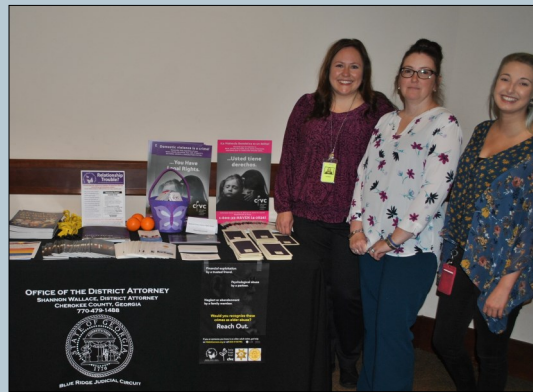
In April, we collected candy and prizes for Cherokee Family Violence Center's annual Easter Egg Hunt.



In April, we collaborated with other Cherokee County agencies to offer events during National Crime Victims' Rights Week, including informational displays, educational presentations, and a vigil honoring victims of crime in our county.



We participated in Cherokee Triad S.A.L.T. Senior Extravaganza in April.



We enjoyed visits from the next generation committed to justice and integrity.

# BEYOND THE COURTHOUSE



*In August, we honored a heroic child who jumped on her uncle's back when he stabbed her mother. Her actions likely saved her mother's life. After the defendant pled guilty to all charges, Sheriff Frank Reynolds presented this sweet child with CSO's distinguished Medal for Bravery. In addition to Sheriff Reynolds, the ceremony included District Attorney Shannon Wallace, Marshal's Office Chief Ron Hutton, the 911 dispatcher, the first responders, and the prosecutor who handled the case.*



*In October, we participated in the Domestic Violence Awareness Vigil hosted by Cherokee Family Violence Center.*



*In December, we initiated a gift drive for Hasty Elementary children. We received contributions from the District Attorney's Office, CSO deputies, courthouse employees, local lawyers, private businesses, and others. We helped make Christmas more magical for many Cherokee County kids.*



# BEYOND THE COURTHOUSE



*Throughout the course of 2019, we offered training on subjects including domestic violence, gang crimes, courtroom testimony, and many other issues related to crimes prevalent in Cherokee County. We also attended specialized training in our respective fields. And we spoke to local organizations and schools and met with key stakeholders in order to educate, inform, and protect our citizens.*



# BEYOND THE COURTHOUSE



During our holiday breakfast in December, we honored employees of the year ADA Randall Ivey, Investigator William Hegwood, and Victim Advocate Shelby Newton. We also honored John Silk, who served our office for 20 years as investigator before taking a position in Juvenile Court.



In March 2019, Rachel Ashe was named liveSAFE Resources Woman of the Year



In May, Rotary Club of Canton honored Monica Moore with the Public Safety Employee of the Year Award.



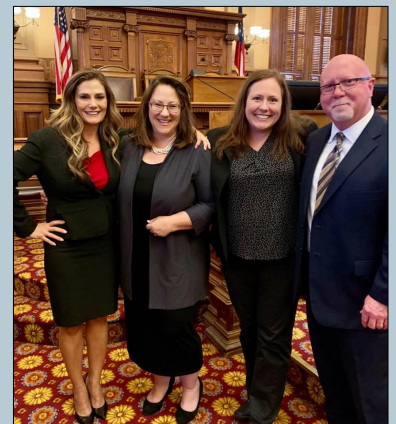
In August, Deputy Chief ADA Zachary Smith presented oral arguments before the Georgia Supreme Court. Attorneys from the Gwinnett County District Attorney's Office, the Georgia Bureau of Investigation, the Prosecuting Attorneys Council of Georgia, and Alston & Bird helped him prepare.



The Prosecuting Attorneys Council of Georgia in May named Dan Combs Investigator of the Year.



In June we bid farewell to former Chief ADA Rachelle Carnesale who was appointed by Gov. Brian Kemp to fill a vacancy on the Fulton County Superior Court.



## **MISSION STATEMENT**

*Office of the District Attorney  
Blue Ridge Judicial Circuit*

*To seek justice, to act with integrity, and to work  
with our partner agencies to protect the citizens of  
Cherokee County and the State of Georgia.*



*Committed to Justice and Integrity*

OFFICE OF THE DISTRICT ATTORNEY  
Blue Ridge Judicial Circuit  
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