



**GEORGIA DEPARTMENT OF LAW**

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August 9, 2019

Director Vic Reynolds  
Georgia Bureau of Investigation  
3121 Panthersville Road  
Decatur, Georgia 30037

Re: Request for investigation – Paulding District Attorney/Cedartown Prosecutor

Dear Director Reynolds:

I am writing to request that the GBI open an investigation into possible bribery, false statements, and violations of oath of office involving Paulding Judicial Circuit District Attorney Dick Donovan and Cedartown city prosecutor Stefanie Burford. The allegations were originally sent by the Superior Court Judges of the Paulding Judicial Circuit to the GBI for consideration. Your Chief of Staff John Melvin forwarded the allegations to me for review. I have reviewed the allegations and feel an investigation by the GBI is warranted. Enclosed are the documents provided by the judges. I have assigned Greg Lohmeier and Cara Miller, prosecutors in my division, to this case and they will be available to your agents as needed during the investigation. Please do not hesitate to contact me if you have any questions.

As always, thank you for your time and consideration.

Sincerely,

David S. McLaughlin  
Deputy Attorney General

DSM/dm

Enclosures

On July 10, 2019, while attending the GGIA conference in Savannah GA, I contacted employees of the District Attorney's Office to check on the progression of cases. On this date, I spoke to Jamie White the Victim witness coordinator. During this conversation Mrs. White brought up the fact that Mr. Donovan stated in an affidavit she had been arrested for shoplifting in Polk County. Mrs. White went on to state that Mr. Donovan spoke to the City Solicitor, Stefanie Burford, who agreed to dismiss the charges against Mrs. White if Mr. Donovan dismissed the charges against her client in Paulding County. The term used was "horse trade."

On the night of July 10, 2019, I looked up the Solicitor's name and searched the system for any cases where she was the defense attorney. I only found one case in our system where Stefanie Burford was the defense attorney. 15-CR-1725, Alex Harrell. Based upon the documents available to me, I have determined the following:

On October 2, 2017, Judge Bucci entered an order granting the State motion to introduce other acts.

On October 14, 2017, Jamie White was arrested for shoplifting.

On October 31, 2017, Mr. Donovan requested a Nolle Prosequi of the case pending against Alex Harrell.

After reviewing the documents in the clerks file, that I felt supported the allegation made by Jaime White, I stopped looking into the matter based upon a conflict of interest.

On July 11, 2019, I request Jamie White to write a statement about what she had told me. After speaking with her attorney, Mrs. White has declined to write a statement but states that she will cooperate with any questioning.

I have attached to following documents: Accusation in 15-CR-1725, Order on State's notice to introduce evidence under OCGA 24-4-417, Motion/Order for Nolle Prosequi, and the relevant portion of Mr. Donovan's affidavit. I have not spoken to Eric Logan, the assigned prosecutor, or any other parties. Also, I have not pulled any documents from the Cedartown City Court.

By reporting the above, I am not requesting or recommending any course of action. I feel that I have an ethical, professional, and legal obligation to report the alleged criminal conducted.



Matthew Rollins  
Chief Assistant District Attorney  
Paulding Judicial Circuit

## Matthew Rollins

---

**From:** Abby Akins <aakins@thrasherworth.com>  
**Sent:** Friday, July 26, 2019 2:23 PM  
**To:** Matthew Rollins  
**Cc:** Kim Worth  
**Subject:** CONFIDENTIAL  
**Attachments:** 2019-07-25\_Statement - executed.pdf

Mr. Rollins,

On behalf of Jamie White, please see the attached executed statement.

Thank you,

**Abby Akins** | Paralegal  
5 Concourse Parkway, Suite 3200  
Atlanta, GA 30328  
404.760.6014 | [aakins@thrasherworth.com](mailto:aakins@thrasherworth.com)



**THRASHER  
WORTH**

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I have been asked to prepare a statement reflecting my knowledge of certain actions taken by Paulding County District Attorney Dick Donovan ("Donovan") on my behalf. Certain facts were not made known to me, however, I have provided the context to the best of my recollection.

I have worked at the office of the District Attorney since 2008 and am employed as a victim witness advocate. On October 14, 2017, I was arrested at Walmart for theft by shoplifting. My daughter was with me so I was allowed to contact my mother to pick up my daughter. In accordance with office policy, I then contacted Donovan so that he would hear directly from me that I had been arrested. I notified Donovan of my arrest and I told him that I was about to be transported to the Polk County jail.

I was booked into the Polk County jail. Shortly thereafter, I was told by jail personnel that I would be processed quickly. I do not have a law enforcement background and I have never been arrested, so I did not have any context to understand the length of time I would remain in a holding cell.

I was allowed to contact my mother to arrange a ride from the jail. When I walked out of the jail, Donovan was waiting for me. My mother was also in the parking lot. Donovan stated that he had told my mother not to come and that he would take me to my car still parked at Walmart. I asked Donovan about the terms of my bond and he stated that it ". . .was taken care of." I assumed I had been given a sign on bond given my lack of previous criminal history. I was very emotional as I left the jail and embarrassed at the situation so my recollection may not be as sharp as I would like.

The following week, Donovan and I spoke briefly about the incident. He continued to remind me that everything would be ok and that he was handling the matter. I did not know what he meant by this statement because I was still very emotional and embarrassed. I then received a letter from a civil recovery law firm on behalf of Walmart requesting \$150.00 in a civil fine. I did not know what the letter meant or why it was being sent to my attention. I asked Donovan what I should do regarding the letter. Donovan stated that the funds needed to be paid and I believe he paid the fee on November 7, 2017. I did not see a copy of his check and I am not aware of how he paid the fee; I was only told that it had been satisfied.

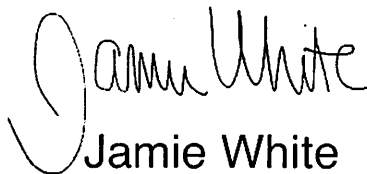
Thereafter, Donovan came into my office and explained to me that he met with Stefani Burford, the prosecutor that was assigned to my case. Donovan stated they met for a while and they did some "horse trading" to resolve my case. I did not know or understand what he meant by this statement as I had not ever heard it used before in this context. Donovan then provided me with a letter from Ms. Burford that explained the steps I needed to take to have my case dismissed and eventually expunged which included completion of an on-line course for shoplifting.

I asked Donovan what he meant by the statement "horse trading" and he explained that Ms. Burford had a pending case in Paulding County that she asked him to review. I thought Donovan referred to a personal case of Ms. Burford's as Donovan stated it was an

"...old misdemeanor case that had been sitting around." Donovan stated that he "...took care of" Ms. Burford's case because it would have "...been dismissed anyway." I was under the impression that the pending case in Paulding was minor and due to be dismissed eventually.

Per Ms Burford's direction, I completed an online shoplifting course on November 13, 2017. The cost of the course was \$75.00 and I paid for the cost myself. Ms. Burford had previously given instructions in her email to Donovan that if I appeared before the call of the calendar she would handle my case before the crowd appeared. Donovan appeared at the Polk County courthouse on November 17, 2017 at the time of my court hearing and he accompanied me in the courtroom when I provided the documentation which reflected my completion of the shoplifting course. We left the courthouse with a disposition on my case of dismissal and were told the expungement paperwork could be handled another day. Thereafter, Donovan provided me with an expungement packet and I signed those documents. I am not sure of the processing fee for the expungement as I did not pay any of the fees associated with the expungement of my case.

I later learned that Ms. Burford also worked in private practice and that she had a HV case set for trial in Paulding County. I was not aware of the severity of the charge or that the case had been set for trial in Paulding county until recently. At some point, Donovan dismissed Ms. Burford's matter citing "prosecutorial discretion." I was not involved in this decision, consulted on this decision or even aware these actions were taken until several weeks ago.

  
Jamie White  
7/25/2019

IN THE SUPERIOR COURT OF PAULDING COUNTY  
STATE OF GEORGIA

2017 OCT -3 AM 11:49

STATE OF GEORGIA

v.

ALEX HENRY HARRELL

CRIMINAL  
FILE NO. 15-CR-1725

PAULDING COUNTY COOR.

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ORDER ON STATE'S NOTICE TO INTRODUCE EVIDENCE UNDER O.C.G.A. §  
24-4-417

This matter came before the Court for a pre-trial hearing on the admissibility of evidence under O.C.G.A. § 24-4-417. After review of said notice, briefs, proffers, argument of counsel, and the applicable law, it is ORDERED as follows:

1. Current Case

Here, the Defendant is charged with Driving Under The Influence (Less Safe) (Alcohol), and Speeding. The date of the alleged offense is June 27, 2015. The officer stopped the Defendant for speeding. The officer smelled alcohol and noticed bloodshot, watery eyes. The Defendant admitted to consuming alcohol but refused field sobriety testing as well as the state-administered test.

2. Prior Occurrence

The State seeks to admit a prior occurrence from May 26, 2014, in which the Defendant was charged with DUI and Failure to Maintain Lane. On that occasion, an officer spoke with the Defendant following a single-vehicle motor vehicle accident, the officer smelled alcohol, the Defendant admitted to having consumed alcohol, the Defendant performed field sobriety testing and showed multiple "clues." The Defendant tested positive for alcohol on the alco-sensor. He was read the

Implied Consent notice and refused state chemical testing. The Defendant plead Guilty to a reduced charge of Reckless Driving on October 19, 2015.

### 3. Relevance

O.C.G.A. § 24-4-417(a)(1) essentially states that in a DUI prosecution in which the accused refused the test required by O.C.G.A. § 40-5-55 (Implied Consent), evidence of a separate commission or DUI by the accused shall be admissible to prove knowledge, plan, or absence of mistake or accident. See also State v. Frost, 297 Ga. 296, 303 (2015); State v. Tittle, 335 Ga. App. 588 (2016).

Here, the State is offering the prior act to prove knowledge. The Prosecutor argued that the “other act” will show that the Defendant had knowledge that the SFST and the alco-sensor (both of which were refused in the case at bar) would show that he was in fact drinking. The Prosecution argues that the Defendant knew that to refuse these tests would weaken the State’s case, as he learned in the 2014 case that refusing chemical testing resulted in a reduced charge.

In State v. Frost, 297 Ga. 296 (2015) the Court noted that it could be inferred from another DUI occurrence that the defendant was aware that drinking impaired his driving ability and that the test would show he was under the influence. Frost at 305. It was also noted in Frost that in some circumstances the other act could show that the defendant had knowledge of how officers determine whether someone is under the influence, which might explain the defendant’s refusal. Id. Such inferences might strengthen the adverse inference a jury can draw from a refusal. Id.

The Court finds the 2014 occurrence to be relevant.

#### 4. Evidence of Prior Occurrence

The Court finds there is evidence sufficient to support a finding that the Defendant committed the other acts. See O.C.G.A. § 24-1-104(b); United States v. Frye, 193 Fed. Appx. 948 (11<sup>th</sup> Cir. 2006)(requiring proof that a jury “could find” by a preponderance of the evidence that the defendant committed the other act).

#### 5. Rule 403 Balancing Test

The text of Rule 417 contains no requirement that the Court perform a 403 balance.<sup>1</sup> However, given the code-wide application of Rule 403, the Court believes that a 403 balance is appropriate.<sup>2</sup> This involves a consideration of all the circumstances surrounding the offense, including the similarities between the incidents, the remoteness in time between the incidents, and the prosecutorial need. State v. Jones, \_\_\_ Ga. \_\_\_, 802 S.E.2d 234 (2017). The Court finds that the analysis weighs in favor of admissibility, especially considering that the probative value of the other act is heightened when 417(a)(1) applies insofar as it may strengthen the permissive presumption which results from a refusal of chemical testing, constitute evidence of consciousness of guilt, and show knowledge of the means by which law enforcement determines whether a driver is under the influence. See Frost at 305.

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<sup>1</sup> The Supreme Court reserved this question in Frost v. State, FN 6

<sup>2</sup> See Carlson on Evidence: Comparing Georgia and Federal Rules, Ronald L. Carlson and Michael Scott Carlson, 5<sup>th</sup> ed., p. 225.

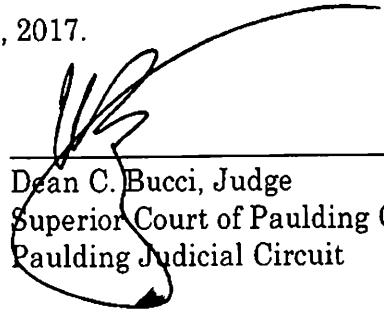


Counsel may request that a limiting instruction be given contemporaneous to the admission of subject evidence and/or in the general charge to the jury following closing arguments. See O.C.G.A. § 24-1-105; United States v. Gomez, 763 F.3d 845 (7<sup>th</sup> Cir. 2014) (court should consult counsel concerning whether and when to give a limiting instruction so as not to preempt a defense preference.)

-7-

The Court GRANTS the State's request to admit evidence of the prior act pursuant to O.C.G.A. § 24-4-417

So ORDERED, this 2 day of October, 2017.



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Dean C. Bucci, Judge  
Superior Court of Paulding County  
Paulding Judicial Circuit

Criminal Case No.:  
15-CR-001725-P2

PAULDING COUNTY COURT  
PAULDING COUNTY, GA

2017 OCT -3 AM 11:50

CERTIFICATE OF SERVICE

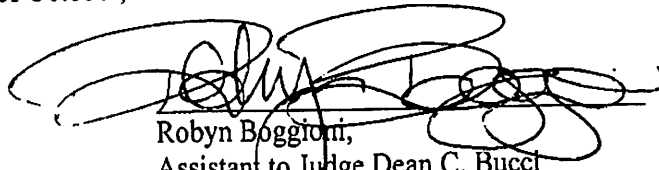
PAULDING COUNTY COURT  
PAULDING COUNTY, GA

COMES NOW, the undersigned does hereby certify that a true and correct copy of the attached **ORDER ON STATE'S NOTICE TO INTRODUCE EVIDENCE UNDER O.C.G.A. § 24-4-417**, was duly served upon the parties of record herein by placing said copy in the U.S. mail in a properly addressed, postage paid, first class, envelope addressed or as noted on the date below:

Paulding Co. District Attorney Office  
Attn: Eric Logan, Esq.  
280 Constitution Blvd., Room 2076  
Dallas, GA 30132  
**HAND DELIVERED**

Stefanie Drake Burford, Esq.  
216 Main Street  
P.O. Box 64  
Cedartown, GA 30125

This 3 day of October, 2017.

  
Robyn Boggioni,  
Assistant to Judge Dean C. Buccell  
Superior Court of Paulding County

Paulding County Justice Center  
280 Constitution Blvd., Rm. 3047  
Dallas, GA 30132  
(770) 443-7529

FILED IN OFFICE  
PAULDING COUNTY, GA  
2017 OCT 31 AM 11:47  
DEVA W. SHELTON, CLERK  
PAULDING COUNTY  
SUPERIOR COURT


**IN THE SUPERIOR COURT FOR PAULDING COUNTY**  
**STATE OF GEORGIA**

STATE OF GEORGIA :  
VS. : CRIMINAL CASE  
ALEX HARRELL, : NO. 15-CR-001725  
Defendant :

**MOTION FOR ENTRY OF ORDER OF NOLLE PROSEQUI**

Comes now the State of Georgia by and through the District Attorney for the Paulding Judicial Circuit, and moves this Honorable Court to enter its order of *Nolle Prosequi* as to this Accusation for the following reason(s): Prosecutorial discretion.

Respectfully submitted, this the 31st day of October, 2017.

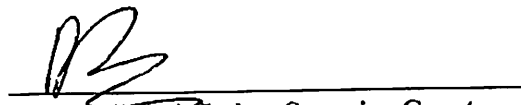


**Donald R. Donovan**  
District Attorney  
Paulding Judicial Circuit

**ORDER FOR ENTRY OF NOLLE PROSEQUI**

Upon proper motion by the State and due consideration of same, it is hereby ORDERED that an Order for *Nolle Prosequi* of the within and foregoing criminal charge(s) in the above-entitled criminal case be entered for the reason(s) hereinbefore set out.

SO ORDERED, this the 31st day of October, 2017.



**Dean C. Bucci, Judge, Superior Court**  
Paulding Judicial Circuit

FILED IN OFFICE  
PAULDING COUNTY, GA  
2017 OCT 31 AM 11:47

### CERTIFICATE OF SERVICE

TREVA W. SHELTON, CLERK  
PAULDING COUNTY  
SUPERIOR COURT

This is to certify that I have this day served opposing counsel (counsel for the Defendant) with a correct copy of the within and foregoing order by:

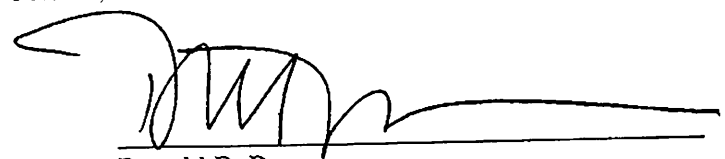
\_\_\_\_\_ placing a copy of same in a properly addressed envelope with adequate postage thereon to ensure delivery and placing same with the United States Postal Service;

\_\_\_\_\_ hand delivery in open court;

by electronic mail to his or her e-mail address at 770-748-3606 .

\_\_\_\_\_ by telephone facsimile to his or her office at \_\_\_\_\_ .

This the 31st day of October, 2017.



**Donald R. Donovan**  
District Attorney, Paulding Judicial Circuit



**TONNY S. BEAVERS**  
JUDGE SUPERIOR COURT  
PAULDING JUDICIAL CIRCUIT

August 1, 2019

Mr. Vic Reynolds, Director  
Georgia Bureau of Investigations  
3121 Panthersville Road  
Decatur, Georgia 30034

Re: Possible Violation of O.C.G.A. § 16-10-1, *et seq.*

Dear Mr. Reynolds:

On Thursday, July 18, 2019, Paulding Judicial Circuit Chief Judge Tonny Beavers, Judge Dean Bucci, and Judge David Lyles met with Chief Assistant District Attorney Matthew Rollins concerning a possible violation of O.C.G.A. § 16-10-1 by the District Attorney Donald R. Donovan. Mr. Rollins provided the following information:

- (1) Ms. Jamie White, Director of the Victim-Witness program in the Paulding Judicial Circuit's District Attorney's Office has filed a sexual harassment claim against the District Attorney, Donald R. Donovan.
- (2) The Paulding County Board of Commissioners has retained an outside law firm specializing in employment law to conduct an investigation and make a report to the Board of Commissioners.
- (3) During the pendency of that investigation, Ms. White has continued to be employed in the District Attorney's Office under the direct supervision of the Chief Assistant, Mr. Matthew Rollins.
- (4) On July 10, 2019, while reporting to Mr. Rollins, Ms. White advised him that she had been arrested in Cedartown, Polk County, Georgia on the alleged offense of shoplifting on October 14, 2017. Ms. White then stated that Mr. Donovan spoke to the City Solicitor for Cedartown, Ms. Stefanie Burford, who agreed to dismiss the charges against Ms. White in exchange for Mr. Donovan's dismissing charges against Ms. Burford's client in Paulding County.
- (5) A brief inquiry by Mr. Rollins revealed:

- (a) Ms. Burford was attorney of record for only one client, Alex Henry Harrell, in Paulding Superior Court Case No. 15-CR-1725(P2) in 2017;
  - (b) That on October 2, 2017, upon hearing, Judge Dean Bucci had granted the State's Motion to Introduce Evidence Under O.C.G.A. § 24-4-417 in the case of the State v. Alex Henry Harrell, Paulding Superior Court Case No. 15-CR-1725(P2) which presumably would strengthen the State's case;
  - (c) That the State v. Alex Henry Harrell case was assigned to Assistant District Attorney Eric Logan; and
  - (d) That Mr. Donovan personally signed and submitted a "Motion for Entry of Order of Nolle Prosequi" on October 31, 2017 in the case of the State v. Alex Henry Harrell, and the motion was granted.
- (6) Mr. Rollins provided a written statement consistent with this information. He also noted in writing that while he was not requesting or recommending any course of action, he felt that he had an "ethical, professional, and legal obligation to report the alleged criminal conduct."

At that time we were also provided with copies of the following documents:

- (1) A copy of Mr. Rollins' statement;
- (2) A copy of the ruling on "Motion to Introduce Evidence Under O.C.G.A. § 24-4-417 in the case of State v. Alex Henry Harrell, Paulding Superior Court Case No. 15-CR-1725(P2);
- (3) A copy of "Motion for Entry of Order of Nolle Prosequi" and Order thereon; and
- (4) Pages 21 through 35 of a statement Mr. Donovan is alleged to have made.

After Mr. Rollins disclosure it was agreed by the three judges that a letter should be drafted and sent to GBI and that all relevant materials would be forwarded to GBI as well. Prior to the letter being finalized, Mr. Rollins reported that Ms. White had changed her mind and would be providing a statement concerning this matter. Based upon that information, the judges decided to wait and include that statement in their packet as well. That statement was received on Friday, July 26, 2019.

In her statement, Ms. White states that, rather than her case being dismissed outright, she was required to appear in court, pay a civil fine in the amount of \$150.00 and complete an online shoplifting course at her expense. In exchange, Ms. Burford requested simply that Mr. Donovan review the pending case Ms. Burford had in Paulding County. Mr. Donovan reviewed that case and determined in his discretion that it was a four year-old misdemeanor case that would have "been dismissed anyway."

Having reviewed Ms. White's statement, Mr. Rollins again approached the judges and indicated that this information was more complete and different than what was originally stated by Ms. White. This statement also appears to be the product of consultation between Ms. White

and her attorney. Nevertheless, the information contained within her written statement casts a different light upon the transaction between Mr. Donovan and Ms. Burford.

We take no position on Ms. White's allegation. However, in light of the initial allegation by Ms. Jamie White (and possible recantation), responsibilities placed on the Judges by the Georgia Code of Judicial Conduct, and pursuant to O.C.G.A. § 35-3-8.1, we are advising you of this allegation for such action as you may deem appropriate, if any.

Included herewith are:

- (1) A copy of the statement of Mr. Matthew Rollins;
- (2) A copy of the statement of Ms. Jamie White;
- (3) A copy of the ruling on "Motion to Introduce Evidence Under O.C.G.A. § 24-4-417 in the case of State v. Alex Henry Harrell, Paulding Superior Court Case No. 15-CR-1725(P2);
- (4) A copy of "Motion for Entry of Order of Nolle Prosequi" and Order thereon; and
- (5) Pages 21 through 35 of a statement Mr. Donovan is alleged to have made.

Best Regards,



Tonny S. Beavers  
Chief Judge, Superior Court  
Paulding Judicial Circuit



Dean C. Bucci  
Judge, Superior Court  
Paulding Judicial Circuit



T. David Lyles  
Judge, Superior Court  
Paulding Judicial Circuit

1           She said: This is Jamie. I'm in Cedartown. I  
2 have been arrested and -- and you have to fire me.

3           And I said: No, I'm not going to fire you.  
4 What -- what's this all about? What do you mean, you  
5 have been arrested? And I can't tell you word for  
6 word what the conversation was, but, basically, she  
7 had been arrested for shoplifting at Wal-Mart in  
8 Cedartown.

9           She had her daughter, Ella, with her. Her mother  
10 was coming to get Ella. And Jamie was being taken to  
11 jail in Polk County for shoplifting.

12           And she said her husband was in Athens with her  
13 son at a Georgia football game. It's a hundred miles  
14 from Dallas to Athens, so -- from Cedartown, it's 125  
15 miles -- so, I said: Okay. Tell your mother that I  
16 will come and get you when they put you in jail.

17           I will come and see if I can get an O.R. bond. I  
18 will call the district attorney, Jack Browning, and  
19 see if he will do me a favor and see if he can get an  
20 O.R. bond, and I'll come out there and make sure that  
21 everything is all right when you get out of jail.

22           And she kept saying: I have been arrested. You  
23 have to fire me. You have to fire me. You have to  
24 fire me. She must have said that a half-dozen times.

25           I went upstairs and got dressed, got in my car.



1 I called Jack Browning. I said: I need a favor. He  
2 said: Yes, no problem.

3 He called -- he called me back and said this is a  
4 pretty dead-bang case, they caught her with the goods,  
5 so, it's not a mistake -- like she had said to me.

6 I said: Okay. Well, I'll let you know, but, if  
7 you get the O.R. bond arranged, I would appreciate it.

8 I called her mother and I said: I'm going to go  
9 and make sure that we get her out of jail and you just  
10 take Ella on home and I'll take Jamie to her truck, or  
11 you can come back and get her.

12 And her mother said: Stress makes you do strange  
13 things. And I said: Well, I can't respond to that.  
14 I said: I'm sorry to meet you under these  
15 circumstances. And she said: Well, we have met  
16 before.

17 So, I drove to the Polk County jail. I went in  
18 and gave the young lady at the jail window my card.  
19 She said: Oh, yes, we were expecting you. She's just  
20 come in, so it will be a few minutes, probably about  
21 30 minutes, just have a seat.

22 So, I sat outside in the waiting room for  
23 probably half an hour, maybe a little more, and, by  
24 that time, it was pushing seven o'clock.

25 I was kind of surprised that I beat her there

1 because I came from Hiram to Polk County jail, which  
2 is on the east side of Cedartown.

3 But, finally, the young lady behind the desk  
4 said: Sir, she will be coming out from the gated area  
5 around the side, and I said: Okay.

6 So, I went outside, and there was a bench, and I  
7 sat and waited probably another ten or fifteen minutes  
8 and finally I saw her.

9 And I think she was escorted to the -- to the  
10 gate, which was opened by the person that was with  
11 her -- whether it was automatically opened or swung  
12 open with a key and a lock, I don't remember.

13 Jamie was in a short-sleeve jersey. She was  
14 crying. She was red-faced. She was -- tears were  
15 flowing. She was actually crying as -- my word -- she  
16 was sobbing and she was shaking and she was upset.

17 And I said: Okay. Come on.

18 I didn't make any move to put my arms around, put  
19 my hands on her. I turned and -- we started walking  
20 toward the parking lot, which was a little uphill from  
21 down where the gate was -- and she was a little slow,  
22 and she was still shaking, so I reached out and I  
23 said: Here, take my hand, and I -- we got about maybe  
24 10 feet -- and I said: If you're not comfortable  
25 holding my hand, you don't have to.

1           And she said: Well, my mother may be up here. I  
2 didn't know why that would make a difference, but I --  
3 she let go of my hand.

4           We walked up to the top. Her mother was there.  
5 Her mother said, like, she would take her to her  
6 vehicle -- which was her husband's truck.

7           And I said: That's fine or I'll take her,  
8 whichever, you can go ahead and take Ella home.

9           I think at the time Ella would have been about  
10 five or six years old, and, obviously, a child that  
11 age was visibly upset that her mother had been  
12 arrested and taken away by the police.

13           But I told Jamie, I said: I'll take you if you  
14 want me to or I'll just see you Monday.

15           And she said: No, you can take me to my truck,  
16 and she said: Okay. Her mother left.

17           We got in my state-owned vehicle, my Tahoe, and  
18 she was still crying, and she was still saying: You  
19 have to fire me. You have to fire me. And I said:  
20 Well, tell me what happened.

21           So, we drove from the Polk County jail to the  
22 Wal-Mart in Cedartown.

23           It just so happened that the parking space next  
24 to her truck was vacant, so I pulled right up next to  
25 her truck. It was out in the open, still broad -- not

1 broad daylight, but it was still light, it hadn't yet  
2 gotten dark.

3 But she was -- again, she was crying, she was  
4 sobbing, she kept saying: You have to fire me.

5 And I said: No, you need to tell me what  
6 happened, and she made an explanation.

7 She said that she had things in her basket that  
8 she had not paid for because she was distracted  
9 because -- her daughter was trying to buy one of those  
10 spinning toys for herself and for her older brother  
11 and that she had gotten distracted and had not paid  
12 for it, but that she had stopped just the other side  
13 of the cash register before she got out of the store  
14 to look at her receipt to see whether or not what was  
15 all in her basket had been paid for.

16 I didn't understand why she would have done that,  
17 but that was the explanation that she made to me.

18 She kept saying: You have to fire me. You have  
19 to fire me.

20 Well, Jamie runs one of the four divisions in the  
21 office, she's been here longer than any of the other  
22 victim-witness advocates, she knows all about the  
23 grants, she knows all about the VOCA grants and the  
24 VAWA grants.

25 The VOCA is the Victims Of Crime Act grant and

1 the VAWA, which is the Violence Against Women Act  
2 grant.

3 She knows how to do those things and take care of  
4 those things, so, firing her wasn't the first thing  
5 that came into my mind because replacing her would  
6 have been very difficult, and I wasn't satisfied that  
7 she wasn't telling me the truth.

8 I have no idea to this day whether she was  
9 telling me the truth about it being an oversight,  
10 about it not being actual having gone in there  
11 intending to steal something.

12 So, I said: No. And I finally said: Jamie, I  
13 love you, I'm not going to fire you. I've loved you  
14 for a long time. I'm not going to fire you.

15 And when I said: Jamie, I love you. I'm not  
16 going to fire you, I love you -- in the same way that  
17 I've said to Tiffany Watson and other people in the  
18 office, I love you -- when I said to Jamie: I'm not  
19 going to fire you, I love you, she said: I love you,  
20 too.

21 I didn't really put any different construction on  
22 that than I do when a lady at church might say I love  
23 you, or when Tiffany -- when I say: I love you, kid,  
24 and she says: I love you, too. I didn't put any  
25 different construction on it.

1           But, every time I said: Jamie, just be cool,  
2 relax. I love you. But, from there, it was a little  
3 bit different. She kept crying.

4           I took my handkerchief out of my pocket, and  
5 it's -- this is germane, it's important -- it was one  
6 of the handker -- one of a set of handkerchiefs that I  
7 had bought in Germany. I actually had two sets -- but  
8 I just happen to like them. I bought them when -- I  
9 travel to Germany every December for Christmas -- I  
10 had bought these -- and I took the handkerchief out of  
11 my pocket and I gave it to her, and she began to dry  
12 her eyes and calm down a little bit, but not -- not  
13 what I considered to be enough. She was still crying,  
14 she was still shaking. She was still very upset.

15           Off the record.

16           (Whereupon, a pause ensued.)

17           I had given her my handkerchief and she had begun  
18 to dry her eyes, but it didn't stop her crying because  
19 pretty soon the handkerchief was soaked.

20           She was still upset, she was still -- and we were  
21 still sitting in a parking lot in full view of whoever  
22 happened to be there.

23           And, finally, she was -- she -- again, she was  
24 upset -- and I'll go back and I'll say I may have  
25 said: I'm in love with you, Jamie.

1           I don't remember whether I said I'm in love with  
2 you or I love you, but, every time I said anything  
3 like that, she would respond to me: I love you, too.

4           Finally, I put my hand on the console, palm up,  
5 my right hand, and she looked at me and she said: Do  
6 you want your hanky back? And I said: No. So, she  
7 took my hand and I held her hand for probably five  
8 minutes, intending and hoping that it would calm her  
9 down. She did get a little more calm.

10           And after -- I want to say probably between five  
11 and ten minutes -- finally, I said: I'm sorry if this  
12 makes you uncomfortable, you know, don't -- you don't  
13 have to keep holding my hand if this makes you  
14 uncomfortable and if you are uncomfortable.

15           And she said -- and I quote -- I haven't taken my  
16 hand away yet, which indicated to me that she was  
17 comfortable, everything was fine.

18           Finally, I said: Look, I'm not going to fire  
19 you. You need to go home. You need to go pick up  
20 Ella. You need to go home.

21           I'm sure that things are not going to be  
22 wonderful when you get home because your husband is  
23 going to have to find out about this and he's probably  
24 not going to be happy, and she agreed.

25           And we had probably sat there for between 30 and

1 45 minutes -- maybe more, maybe less, I don't know, I  
2 wasn't keeping track of the time -- but we had not  
3 gotten there until probably about 7:30, so, it was  
4 probably between 8:15 and 8:30.

5 She got out, she got in the truck. She couldn't  
6 get it cranked. It was turning over and over and over  
7 and over. And she tried that two or three times, and  
8 she looked exasperated. And I hadn't gotten out. She  
9 got out on her own.

10 So, I got out, walked around there, and I said:  
11 You aren't doing it right, and I reached in -- and I  
12 don't know why I know because I'm not a mechanic, but  
13 I know if you turn the key full on and start the start  
14 motor, that sometimes won't work. I just bumped it  
15 and it caught.

16 And she said: How did you do that? And I turned  
17 it off and did it again just to demonstrate that you  
18 don't turn the key all the way on and make the starter  
19 motor turn and turn, you just bump it and it will  
20 catch, which it did.

21 I said: Call me when you get home, and she  
22 said: Okay.

23 Now, I made a wrong turn and wound up going way  
24 out of my way, but I finally wound up on the road back  
25 on 278 back toward Dallas and Hiram.



1 I had to stop at a gas station because I was  
2 almost completely out of gas. I put \$30 worth of gas  
3 in out of my own pocket, because it wasn't an approved  
4 state facility.

5 I asked the man if he had a public bathroom. He  
6 said: No.

7 I said: Well, can I go around behind the  
8 building, and he said: No. If you are that  
9 desperate, yes, we have a bathroom. And I drove home.

10 I was on Bill Carruth Parkway when she called and  
11 said that she had gotten Ella and she was home.

12 I asked if she were okay, and she said: Yes --  
13 because she was still -- when she left me, she was  
14 still visibly upset.

15 And I said: Okay. Just want to make sure you  
16 are all right, and I said: You need to remember  
17 something -- now I've got to go back to the  
18 conversation in the truck -- while we were in the  
19 truck, I said -- she said: I have been meaning to  
20 come -- I have been wanting to come see you for the  
21 last week -- but, of course, I had not been in the  
22 office most of the week.

23 She said: Things have not been good at home.

24 I said: Well, I'm sorry to hear that. I -- we  
25 talked. She said something about her -- she said,

1 specifically, that Nick, her husband, checked her  
2 phone to see what messages she was sending.

3 She told me one time a few months later that he  
4 had walked in and she was in bed texting or looking at  
5 her phone and he accused her of texting to someone. I  
6 don't know anything about that, I just know what she  
7 told me.

8 But that night she told me in -- sitting in my  
9 Tahoe that she had been meaning to come see me, she  
10 wanted to talk to me, that she needed to come talk to  
11 me, that it had been very difficult when I wasn't  
12 available, and that things were not good at home and  
13 that he checked her phone.

14 Those things are relevant because it made me sad  
15 that she was in that situation because I still thought  
16 of her and still think of her as a person who's worthy  
17 of being treated fairly and right.

18 But I told her, I said: Okay, you know, no  
19 problem. I love you. I will -- I'll always be here  
20 for you if you need me, don't worry about it. I need  
21 you to smile because your smile means everything in  
22 the world to me.

23 Driving home, just before I got home, she called.  
24 I said: Are you okay? Yes. She got Ella. Ella  
25 didn't want to go to bed, Ella wanted to play.

1           And I said: Okay. Well, I need you to remember  
2 what I told you, remember that I love you -- because I  
3 do -- remember that I'll always be here for you if you  
4 need me -- because she had told me that her husband --  
5 things were not good at home and her husband checked  
6 her phone. So, I said: I'm always here for you if  
7 you need me, and I said: Remember to smile because  
8 your smile means the world to me.

9           And I actually wrote those things down later  
10 after that to remind her always, if ever things  
11 deteriorated at home, I wanted her to know those  
12 things.

13           She had talked about that relationship -- she  
14 hadn't talked about any other relationship, but she --  
15 there was something in -- in the conversation that  
16 we'd had that made me ask her: Are you in love with  
17 somebody?

18           And I genuinely wanted to know whether she was  
19 aiming affections at me or at somebody else in the  
20 office because there was someone else in the office to  
21 whom she was apparently very close -- there were two  
22 other people in the office that she had been very  
23 close to, and I wanted to know, had -- was that part  
24 of the reason that things were not good at home.

25           I didn't ask it that way. I didn't say: Are you

1 in love with somebody else and is that causing the  
2 problem at home? I said: Are you in love with  
3 somebody? And she said -- and I quote -- I'm not sure  
4 I know anymore what it means to be in love.

5 Okay. That was the last thing she said, and I --  
6 next-to-last thing, because I said: Okay. Listen to  
7 me. I love you, I'll always be here for you, and keep  
8 smiling because it means the world to me, so don't  
9 forget that. And she said: Well, I love you, too.  
10 Click.

11 I went home. The next morning, I went to church.

12 She typically goes to church, according to what  
13 she tells me.

14 But, after church, I was at a council meeting,  
15 and I texted her while I was sitting there listening  
16 to a very dull treasurer's report: Are you okay? And  
17 she came back and said: Yes. And we texted back and  
18 fourth for probably 15 or 20 minutes.

19 At one point, I said: Well, I want you to, you  
20 know, be cool.

21 She said her husband was not happy --  
22 obviously -- but I told her I wanted her to just relax  
23 and be cool and I'd see her Monday.

24 She never said again: You have to fire me, but  
25 I -- I didn't know that was still in the back of her

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mind or not.

And I said: Jamie, you are very precious to me, and she came back and said: You are very precious to me.

Okay. Fine. I consider that an expression of affection, I don't consider that sexual harassment.

That next Thursday, she and I were supposed to go to Douglasville to a candlelight vigil for the S.H.A.R.E. House, the battered women's shelter.

That Monday, Tuesday, Wednesday -- I don't remember a lot, except that I talked to her a few times -- she seemed to be concerned about the shoplifting, about the arrest, about the effect it would have on her job, about the effect it would have on her reputation.

I told her I would see what I could do to take care of that, to make sure that, you know, there weren't any adverse consequences because, at that point, again, she told me it was all a mistake, and I said, okay, I won't -- I won't challenge you -- I didn't say that to her but made in my mind -- I won't challenge you; you said it was mistake, it was a mistake.

That Thursday afternoon, she came into my office and she said: I can't go tonight.

1           And I said: Well, I was kind of hoping you'd go.  
2 I was kind of hoping we could spend the evening  
3 together.

4           And she said: Well, that's what I was hoping,  
5 too. That's why I wanted to go, I wanted to spend the  
6 evening with you. She said: Well, are you upset with  
7 me for not going?

8           I said: No, your children were sick -- her  
9 children were not well, and I said that would be very  
10 foolish for me to say. I would be upset with you for  
11 not taking care of your family and going to some place  
12 with me tonight.

13           I went to Douglasville. One of her advocates was  
14 there. I texted her a couple of times about what was  
15 going on at the candlelight vigil because her advocate  
16 did a couple strange things. I don't even remember  
17 now what they were -- but they were funny to us that  
18 her advocate was doing the things that she was  
19 doing -- advocate is no longer with us.

20           That was all of October, to my knowledge, was  
21 just the next two weeks. That week and the week after  
22 was the rest of October.

23           Her court date was October 17th, I think -- it  
24 was a Friday -- in Cedartown in the city court.

25           And, in the meantime, November 2nd, I said -- I