

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
 vs.)
) CASE NO.: 21SC178252
 RAESHAD CAMPBELL,)
)
 Defendant.)
)
 _____)

Transcript of the Guilty Plea
before the Honorable Ural D. Glanville
held on March 7, 2022
at the Justice Center Tower, Courtroom 8-F

APPEARANCES OF COUNSEL:

For the State: SONYA ALLEN
Assistant District Attorney

For the Defendant: KIMBERLY CORNWELL
Attorney at Law

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: This is the State of Georgia v. Raeshad
3 Campbell in 21SC178252.

4 Counsels, I understand, Ms. Loutzenhiser -- I'm sorry,
5 Ms. Allen and Ms. Cornwell, good morning, ladies.

6 Sir, if I could get you to raise your right hand for me,
7 please.

8 RAESHAD CAMPBELL,

9 having been first duly sworn, was examined

10 and testified as follows:

11 THE COURT: You can put your hand down.

12 Mr. Campbell, what is going to happen over the next
13 several minutes is Ms. Allen is going to ask you a series of
14 questions and we'll go through the factual basis of the
15 offense.

16 The reason for that, you probably heard me say that in
17 that last case I just did, is that in our American system of
18 jurisprudence we don't force people to plead guilty so I have
19 to be satisfied your plea is freely and voluntarily entered.

20 A lot of these things you probably have already gone
21 through with Ms. Cornwell, I'm sure, to your satisfaction but
22 I need to make sure that I am comfortable with that.

23 The other thing is there needs to be a factual basis for
24 anything you enter a plea to. And if I'm satisfied of those
25 two things, I'll find your plea has been freely and

1 voluntarily entered.

2 So if we ask you some questions that may sound silly --
3 how old are you, how far did you go in school -- that is the
4 purpose of those questions. Okay?

5 THE DEFENDANT: Yes.

6 THE COURT: Madam, go ahead.

7 BY MS. ALLEN:

8 Q. If you could state your true and correct legal name.

9 A. Raeshad Campbell.

10 Q. Are you at this time taking or under the influence of any
11 alcohol, drugs, or medicine?

12 A. No.

13 Q. And are there any medications that you did not take that
14 you would normally take?

15 A. No.

16 Q. Okay. And how far have you gone in school?

17 A. Four-year degree.

18 Q. Could you repeat that?

19 A. A four-year degree.

20 Q. Are you able to read, write, and understand English?

21 A. Yes, ma'am.

22 Q. Do you understand that you are being charged with -- on
23 the indictment there is a charge of kidnapping, Count 1. That has
24 been reduced or agreed upon as a false imprisonment.

25 Also you have a fleeing and attempting to elude, false

1 swearing, Count 3. False swearing, Count 4, that will be
2 nol-prossed.

3 Count 5 will be the oath of office.

4 And then Count 6, 7, and 8 -- those are violation of oath by
5 public officer -- will also be nol-prossed.

6 Do you understand?

7 A. Yes, I do.

8 Q. Do you understand that you have the right to plead either
9 guilty or not guilty to these charges, and if you plead not guilty
10 or remain silent you may receive a jury trial?

11 A. Yes, I do.

12 Q. Have you had enough time to speak with your lawyer
13 Ms. Cornwell?

14 A. Yes, ma'am.

15 Q. And do you need any more time to discuss the case with
16 your attorney?

17 A. No, ma'am.

18 Q. Are you satisfied with her services?

19 A. Yes, ma'am.

20 Q. And do you waive the formal reading for the indictment?

21 A. Yes.

22 Q. Has your attorney advised you of the minimum and maximum
23 sentences for each charge in your plea?

24 A. Yes, ma'am.

25 Q. I'm going to state them for the record.

1 So for false imprisonment there is a minimum and maximum of
2 one to ten years.

3 For the fleeing and attempting to elude there is one year to
4 five year and/or a mandatory \$5,000 fine.

5 Count 3 will be nol-prossed.

6 Count 4, false swearing, has a one-to-five-year minimum and
7 maximum.

8 Count 6 -- correction, Count 5, violation of oath by public
9 officer, also has a one-to-five-year sentence.

10 Count 6, 7, and 8 will all be nol-prossed.

11 Do you understand that this is a negotiated plea which means
12 that the State will recommend to the Court a total sentence of ten
13 years' probation with a \$5,000 fine, and it's being split with the
14 false imprisonment of the ten years' probation for Count 1.

15 False swearing, five years' probation to be concurrent with
16 Count 1.

17 Fleeing to be a fine of \$5,000.

18 And then Count 4 with the oath of public officer, also five
19 years' probation to be concurrent with Count 1.

20 A. Yes, ma'am.

21 Q. Do you understand if you are placed on probation of any
22 kind you cannot violate any criminal laws of the government or any
23 special conditions of the probation without being subject to
24 revocation for the balance of the sentence?

25 A. Yes, ma'am.

1 Q. Do you understand that there may be other adverse or
2 unfavorable consequences as a result of this guilty plea conviction
3 just as there would be from a conviction following a trial?

4 For example, your guilty plea may affect your right to vote;
5 your right to hold public office; your right to serve on a jury;
6 right to obtain a passport; right to receive, possess, transport a
7 firearm; or the ability to obtain employment?

8 A. Yes, ma'am.

9 Q. Are you asking to be treated as a first offender under
10 the provisions of the First Offender Act?

11 A. Yes, ma'am.

12 Q. Have you ever pleaded guilty or nolo to or ever been
13 convicted of a felony in the state of Georgia or any other
14 jurisdiction?

15 A. No, ma'am.

16 Q. Have you ever been sentenced for any crime, felony or
17 misdemeanor, under the First Offender Act?

18 A. No, ma'am.

19 Q. Has your lawyer explained to you the First Offender Act?

20 A. Yes, ma'am.

21 Q. And do you understand that if you violate the terms of
22 your first offender sentence or commit a new offense while on first
23 offender probation, your first offender status could be revoked,
24 you could be adjudicated guilty, and you could be resentenced up to
25 the maximum sentence for each charge in this indictment?

1 A. Yes.

2 Q. Do you understand that you waive any and all defenses by
3 entering this plea of guilty?

4 A. Yes, ma'am.

5 Q. Do you understand if you went to trial, you would have
6 the right to a jury trial; the right to see, hear, and confront
7 witnesses called to testify against you; and the right to testify
8 or remain silent and not incriminate yourself?

9 A. Yes, ma'am.

10 Q. Do you understand that by pleading guilty you are giving
11 up the following rights:

12 The right to a trial by jury.

13 The right to remain silent and not incriminate yourself.

14 Right to confront witnesses against you.

15 The right to assistance of counsel hired by you or to the
16 Court-appointed counsel if you cannot afford an attorney at a trial
17 of your case.

18 The right to the presumption of innocence.

19 The right to testify on your own behalf and present other
20 evidence.

21 The right to subpoena witnesses and compel the production of
22 evidence.

23 Right to have the charges against you proved beyond a
24 reasonable doubt.

25 The right to appeal if convicted of these charges after trial.

1 A. Yes, ma'am.

2 Q. Has anyone forced or threatened or promised you anything
3 to get you to enter a plea of guilty?

4 A. No, ma'am.

5 Q. Is it your decision to waive these rights and enter a
6 plea of guilty because you are, in fact, guilty?

7 A. Yes.

8 Q. So how do you plead to the charges of false imprisonment,
9 fleeing and attempting to elude, false statement, false swearing,
10 and violation of oath of public officer?

11 A. I plead guilty.

12 Q. And is this guilty plea freely and voluntarily given with
13 full knowledge of the charges against you?

14 A. Yes, ma'am.

15 Q. Do you understand that you may have only a limited time
16 to appeal this guilty plea conviction?

17 A. Yes, ma'am.

18 Q. Are you a U.S. citizen?

19 A. Yes.

20 Q. Do you understand that you only have four years from
21 today for a felony charge and 12 months from today for a
22 misdemeanor charge to file a habeas corpus petition challenging the
23 voluntariness of this guilty plea?

24 A. Yes, ma'am.

25 MS. ALLEN: At this time, your Honor, I would like to

1 proffer the facts for the record.

2 THE COURT: All right, madam. Had the State gone to
3 trial on this case, what do you believe the State would have
4 been able to prove as a factual basis beyond a reasonable
5 doubt?

6 MS. ALLEN: On June 15th of 2017, Mr. Campbell -- the
7 State would like to add Mr. Campbell was a DeKalb County
8 police officer at the time of this incident. He was traveling
9 at excessive speeds while driving on highway I-85. Georgia
10 State Patrol officer attempted to stop Mr. Campbell and
11 activated his blue lights and siren.

12 Mr. Campbell refused to stop his vehicle. He had a
13 passenger in his vehicle, Ms. Diamond Ashley Farley, and she
14 advised Mr. Campbell that she could see the blue lights and
15 asked him to stop, that the officer was trying to pull him
16 over. Mr. Campbell refused and continued to drive in
17 excessive speeds exceeding amounts of 150 miles per hour.

18 This chase went on for about 10 miles, from Piedmont
19 Road to Highway 166 at the exit ramp. During this 10-mile
20 chase he hit a vehicle from behind and then side-swiped the
21 same vehicle as he tried to exit over to the exit ramp. When
22 he exited the exit ramp, he hit a guardrail and crashed the
23 vehicle.

24 And it was at that time that the GSP, along with other
25 officers who had seen the chase that were off duty, some were

1 on duty from different jurisdictions, all had to assist with
2 getting Mr. Campbell out of the vehicle.

3 He never identified himself as a police officer at the
4 time. And this was all caught on the dash cam video of the
5 officer who was giving chase.

6 He was taken to jail, and upon release -- his license
7 was surrendered at the time of his arrest, and upon his
8 release, he attempted to obtain a new license by stating that
9 his license had not been taken as part of an arrest to the
10 driver's services bureau.

11 And from there he violated his agency's oath of office
12 that states he will not violate any of the laws of the State
13 of Georgia.

14 THE COURT: Is part of this plea -- I see from my notes
15 he's supposed to surrender any POST certification. Is that
16 part of the plea in this case?

17 MS. ALLEN: Yes, sir.

18 THE COURT: Ms. Cornwell, anything, madam, on behalf of
19 your client?

20 MS. CORNWELL: Only that you accept the plea as
21 negotiated. This has been hanging over Mr. Campbell's head
22 for quite some time. He has had to live with it. As you
23 know, being a former police officer, he has never been in
24 trouble before this and hasn't had any issues since this.

25 He is remorseful about that evening. He has now

1 established a delivery business. He's got a child on the way
2 and is ready to move forward with his life.

3 So we ask that you accept the plea as negotiated.

4 THE COURT: Mr. Campbell, good morning, sir.

5 THE DEFENDANT: Good morning, sir.

6 THE COURT: Did you have the opportunity to fully
7 discuss the facts and circumstances of this case with your
8 attorney Ms. Cornwell to your satisfaction?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did she explain to you the constitutional
11 rights you give up by pleading guilty to your satisfaction?
12 Those are the same rights that my prosecutor Ms. Allen just
13 set forth on the record a few minutes ago. Do you have any
14 questions about those rights that you wish to ask me?

15 THE DEFENDANT: No, sir.

16 THE COURT: I'm holding a copy of the indictment. Is
17 this your signature on the face of the indictment under the
18 word defendant?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Did Ms. Cornwell go through this indictment
21 with you as to each and every count to your satisfaction?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I'll note that the indictment has been
24 signed and the plea has been entered.

25 Mr. Campbell, based on the responses you have given to

1 the Court's inquiry, I find your guilty plea is freely and
2 voluntarily entered. I find a factual basis for the plea. I
3 will accept your plea as tendered and negotiated.

4 I will, given your history and lack of record, sentence
5 you under the First Offender Act to the following:

6 On Count 1, kidnapping has been reduced to false
7 imprisonment. This Court will sentence you to ten years'
8 probation.

9 For fleeing and attempting to elude, Count 2, the Court
10 will sentence you to ten years' probation with a \$5,000 fine.

11 Count 3, false swearing, this Court will nol-pros
12 pursuant to your negotiated plea.

13 Count 4, false swearing, this Court will sentence you to
14 five years' probation to run concurrently with the Counts 1
15 and 2.

16 As pertains to Counts 5, 6, 7, and 8, which are
17 violation of -- I'm sorry -- yes, violation of oath by public
18 officer, those are being nol-prossed pursuant to your
19 negotiated plea.

20 The special condition of your probations is that you,
21 pursuant to your negotiated plea, surrender any POST
22 certification you may have; okay?

23 THE DEFENDANT: Yes, sir.

24 MS. ALLEN: Your Honor, could you repeat what you stated
25 for Count 2?

1 THE COURT: Count 2 is 10 years' probation, \$5,000 fine.

2 MS. ALLEN: We agreed to just the \$5,000 fine. It was a
3 one-year minimum, five-year max, and/or a \$5,000 fine.

4 THE COURT: What was your intent, counsels?

5 MS. CORNWELL: For Count 2, Judge, that it be a \$5,000
6 fine. I believe that the Code section provides a minimum of
7 one year in prison or a \$5,000 fine, and it was the intent of
8 the parties to --

9 THE COURT: Okay. All right. So I'll just sentence him
10 to a fine of \$5,000.

11 MS. CORNWELL: Your Honor, I would also like to -- have
12 a behavioral incentive date.

13 THE COURT: I'm sorry?

14 MS. CORNWELL: A behavioral incentive date, Judge,
15 pursuant to 17-10-1, I think, since he is entering this plea
16 as a first offender.

17 THE COURT: I tell you what. If he successfully
18 completes two years of his probation without any problems, he
19 can petition the Court, if he doesn't have any other issues,
20 to terminate his probation at that point in time.

21 MS. CORNWELL: Thank you, Judge.

22 THE COURT: So, Mr. Campbell, if you report to
23 probation, you have done everything that you should do for the
24 first two years, you can petition this Court to go ahead and
25 terminate your probation at that point in time.

1 THE DEFENDANT: Okay. Thank you.

2 THE COURT: Anything else, counsels?

3 MS. ALLEN: No, your Honor.

4 THE COURT: Mr. Campbell, any questions about your
5 sentence?

6 THE DEFENDANT: No, sir.

7 THE COURT: Ms. Cornwell and Ms. Allen, any
8 clarification on the Court's entry of sentence or the
9 defendant's entry of plea?

10 MS. ALLEN: No, your Honor.

11 MS. CORNWELL: No, your Honor.

12 THE COURT: Then that will be the sentence of the Court.
13 Good luck to you.

14 (The proceedings concluded.)

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C-E-R-T-I-F-I-C-A-T-E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions and answers were reduced to typewriting under my direction; that the foregoing pages represent a true and correct record of the evidence given.

I further certify that in accordance with OCGA 9-11-28(a) I am not a relative, employee, attorney, or counsel of any party, nor am I financially interested in the action.

This the 17th day of March 2022.

/s/ *Kristina Weaver*
KRISTINA WEAVER, RPR, CCR-B-1785