



ROSEMARY M. GREENE

DISTRICT ATTORNEY
CHEROKEE JUDICIAL CIRCUIT

BARTOW AND GORDON COUNTIES

GRAND JURY SUBPOENA FOR DOCUMENTARY EVIDENCE

March 10, 2020

Gordon County Human Resources
201 North Wall Street
Calhoun, GA 30701

RE: Grand Jury Subpoena for the Production of Evidence

Dear Records Custodian :

You are being served with a subpoena for the production of evidence which requires that you appear and produce the evidence described in the subpoena before the Gordon County Grand Jury on the date and time specified in the subpoena. Please contact the name of the person appearing on the front of the subpoena request at the telephone number shown on the request as soon as possible after the receipt of this subpoena so that we may coordinate your appearance before the Grand Jury.

As the subpoena indicates, you are required by law to appear before the Grand Jury and produce the described documents. However, prior to your appearance, should you choose, you may voluntarily provide the subpoenaed documents to this office or to the named person that requested the documentation. (In your response, please include the name of the person requesting the documents, as well as the Agency Name, Address and Phone Number). If you voluntarily provide the documents in advance of your scheduled appearance, the State will be able to review the documents prior to your appearance which will permit the State to release you from the Grand Jury subpoena.

Additionally, please be advised that these records may be used by the State as evidence in the case set forth in the subpoena in the Superior Court of Gordon County. In the past, unless both parties stipulate to the admissibility of business records, it was necessary for a witness from the business to physically appear meaning of the official Code of Georgia Annotated (O.C.G.A.) §§ 24-3-14

On January 1, 2013, Georgia adopted new Rules of Evidence which now permit the foundation requirements for identification, authentication, and admissibility of business records to be satisfied under certain circumstances without the expense and inconvenience of producing witnesses.

See O.C.G.A. §§ 24-8-803 (6) (Foundation by Certification) and 24-9-902 (Form of Certification). In conformation with these new Rules of Evidence, we have attached a Business Records Certification form for use by the custodian of the business records requested. Please review the Certification to determine whether it is an accurate statement with regard to the records requested pursuant to the attached subpoena. If the Certification is accurate, then, in lieu of having the custodian of records appear in court with the records on the date and at the time stated in the attached subpoena, please have the custodian sign the original Certification, attach the requested records to it and return the certification and records to the requesting party listed therein.

There is no guarantee that the custodian of records will not have to appear at trial to authenticate and lay a proper foundation for admittance of the requested records. However, in lieu of appearance as directed by the attached subpoenas, upon the receipt of the records and certification, the custodian will be placed "on call" for the trial. The prosecutor handling the case will make every effort to use the Business Record Certification instead of the testimony of the custodian of records. Should it become necessary for the custodian to testify, a representative of this office will notify the custodian as to the time and place they must appear.

The certificate and copies must be received by this office on or before the date specified in the subpoena. Thank you for your assistance in this matter. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,



Rosemary M. Greene
District Attorney
Cherokee Judicial Circuit

SUBPOENA FOR THE PRODUCTION OF EVIDENCE- (GRAND JURY-CRIMINAL)

**STATE OF GEORGIA
GORDON COUNTY**

**SUBPOENA FOR PRODUCTION OF DOCUMENTS
GJ NUMBER 2019-09-0030**

**To: Gordon County Human Resources
201 North Wall Street
Calhoun, GA 30701**

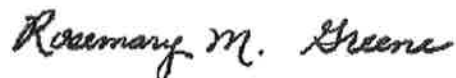
YOU ARE HEREBY COMMANDED, that laying all other business aside, you be and appear before the March, Term Grand Jury, to be held in the Grand Jury Room of Gordon County on the 2nd Floor of the Gordon County Annex Building located at 101 South Piedmont Street, Calhoun, GA 30701 at **9:00 A.M. on the 23rd day of March, 2020** to be sworn as a witness and to bring with you into said Court certain evidence more particularly described below to be used as evidence by the State of Georgia in a case pending before the Grand Jury between the State of Georgia and *Jonathon Lovins*.

The following are hereby subpoenaed: All banking information, to include name of financial institution and account numbers, associated with Jonathon Lovins. Jonathon's date of birth is 9-24-1989 and social security number is 256-71-2312.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of Honorable David K. Smith, Judge of Superior Court this 10th day of March, 2020.

If you have questions contact: Grant Walraven, Clerk of Superior Court



Rosemary M. Greene
District Attorney
Cherokee Judicial Circuit