



FRANK C. MILLS, III
CHEROKEE COUNTY JUSTICE CENTER



2022 ANNUAL REPORT

The Office of the District Attorney
Blue Ridge Judicial Circuit, Cherokee County, Georgia

Our Mission

The Office of the District Attorney is committed to seeking justice, acting with integrity, and working with our partner agencies, to protect the citizens of Cherokee County and the State of Georgia.

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Executive Summary

District Attorney Susan K. Treadaway
Blue Ridge Judicial Circuit
Cherokee County, GA



Throughout 2022, the Frank C. Mills, III Justice Center in Cherokee County was bustling with activity. With courtrooms fully open to the public, our prosecutors and staff members worked with defense attorneys, judges, the clerk's office, and others in the criminal justice system to make great strides toward elimination of the case backlog that occurred during the pandemic.

By year's end, the Blue Ridge Judicial Circuit held 44 trials in Cherokee County — more trials than ever before in our history.

During the 2022 legislative session, Georgia lawmakers created a fourth Superior Court judgeship for our circuit, which our county has needed for some time due to population growth. In December of last year, Governor Brian Kemp announced that he had chosen my predecessor, Shannon Wallace, to serve in the newly created judicial seat for the Blue Ridge Judicial Circuit. Judge Wallace has been a welcome addition to our Superior Court bench.

In April 2023, I was honored to be selected by Governor Kemp as Cherokee County's next District Attorney. With nearly 20 years of experience as a prosecutor, including serving as Cherokee County's Chief Assistant District Attorney for the past four years, I have the background and experience to ensure that our Office remains steadfast

in its commitment to serving the citizens of this county and helping to make our community safer for all.

The District Attorney's Office received a total of 2,949 cases in 2022, including 726 probation revocations and 678 juvenile cases. During the year, we presented 37 cases to juries, in addition to presenting 7 bench trials. Factoring in guilty pleas, we closed 1,791 cases, with 1,430 cases opened during the year. Victim advocates assisted 4,349 crime victims. We presented 450 cases to the Grand Jury for indictment and filed 507 accusations.



District Attorney
Susan K. Treadaway

Staff members provided training on firearms/ use of force, courtroom testimony, and the prosecution of gang crimes, sex crimes, and domestic violence. This training benefitted law enforcement officers, lawyers, victim advocates, and members of our community.

Our specialty units served vital roles in the courtroom and beyond. The Special Victims Unit reviewed 373 cases of potential elder abuse during monthly meetings of the Elder Abuse MDT. The Domestic Violence Unit reviewed felony and misdemeanor family violence cases through the Domestic Violence MDT, which also met monthly. The Juvenile Court team handled matters involving delinquency, traffic violations, and Children in Need of Services (CHINS).

The Pre-Trial Diversion Program continued to provide an alternative to the traditional criminal justice system for low-level, low-risk, non-violent offenders with no prior felony convictions. Through this program, \$53,600 was generated in 2022 in administrative fees. Members of the District Attorney's Office staffed Accountability Court programs, including Drug Accountability, Mental Health Treatment, and Veterans Court, enabling carefully selected participants the opportunity for intensive court supervision and rehabilitation to address core issues and reduce recidivism.

Our Office is committed to transparency and community outreach. During the year, we issued 36 press releases to inform the public about major cases that closed through trials and plea hearings. We maintained a website and

social media presence, providing another outreach tool for our constituents. We wrote columns for a community magazine and delivered presentations to organizations within the county and beyond.

Through this outreach, we educated residents about crime trends and the criminal justice system, serving an important role in helping to fight crime in our community. Likewise, our staff worked in collaboration with law enforcement 24/7 to fight crime in Cherokee County.

I thank you for taking the time to read about the work that we do, and I look forward to serving the residents of Cherokee County for many years to come.

—District Attorney Susan K. Treadaway

IN MEMORIAM - JUDGE FRANK C. MILLS, III

The criminal justice system and all of Cherokee County suffered a great loss when Judge Mills passed away on February 17, 2023. For 30 years, Judge Mills held the position of Superior Court judge for the Blue Ridge Judicial Circuit. After retirement, he served another 10 years as Senior Judge.

He has held leadership positions locally and statewide and remained active in the community throughout his life, especially with the Boy Scouts.

About Us

Overview of District Attorney's Office

The Office of the District Attorney works within a team structure to prosecute felony crimes committed in Cherokee County. Staff members collaborate with law enforcement agencies and organizations that provide services to victims of crime.

By year-end 2022, our Office had 70 staff members, including 27 attorneys, 20 investigators, 10 victim advocates, 8 senior secretaries, an office manager, intelligence analyst, terminal agency coordinator, diversion coordinator, and public information officer.



Dan Worrell, Geoffrey Fogus, and Lisa Williams

HONORS & AWARDS

In December, three staff members were honored for outstanding work and exceptional service.

Team Member of the Year is Director of Office Administration and Victim Services Director Lisa Williams, who has served in the District Attorney's Office for 23 years. Williams was initially a victim advocate for victims of domestic violence and sexual assault before being promoted to a leadership role in 2012.

Investigator of the Year is Senior Investigator Dan Worrell. A career law enforcement officer with enhanced training in

gang crimes and digital evidence, Worrell provides critical expertise in the investigation of major cases.

Prosecutor of the Year is Deputy Chief Assistant District Attorney Geoffrey L. Fogus, a career prosecutor known statewide among his peers, the bar, and the bench for his inimitable litigation and legal deftness.

SPECIALTY UNITS & TEAMS

Designated courtroom trial teams are assigned to each of the four Superior Court Judges.

Two specialty units – the Domestic Violence Unit and the Special Victims Unit – prosecute crimes involving domestic violence, physical and sexual offenses against children, and elder and vulnerable adult abuse, neglect, and exploitation.

The Juvenile Court Team handles acts involving minors, including delinquent acts, children in need of services, and traffic offenses. An Appellate Court prosecutor staffs appeal cases. The Office also offers Accountability Court Programs and a Pre-Trial Diversion Program.

VICTIM ADVOCATES

An integral part of the District Attorney's Office, 10 highly trained victim advocates provide support and guidance to crime victims. Advocates are assigned to trial teams and speciality units, where they ensure that victims are informed, present, and heard throughout the criminal justice process, and that the Georgia Crime Victim's Bill of Rights is followed.

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 needed to help crime victims exercise their rights and recover from trauma.



Victim advocates serve a critical function in the District Attorney's Office.

Within 72 hours of a felony arrest, victim advocates in our Office reach out to crime victims and maintain contact throughout the criminal justice 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 a case closes with a conviction or guilty plea, victim advocates keep victims

informed of important events, such as release from custody, restitution payments, and violation of probation.

In 2022, our 10 advocates assisted 4,349 individuals in new and existing cases, including 1,274 new victims of violent crime and 1,128 new victims of property crime. The District Attorney's Office received \$257,853 in federal grant funds to support this program.

GEORGIA CRIME VICTIMS BILL OF RIGHTS

In the state of Georgia, individuals who are victims of certain crimes are provided specific rights, including:

- The right to reasonable, accurate, and timely notice of any scheduled court proceedings or any changes to such proceedings;
- The right to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused;
- The right not to be excluded from any scheduled court proceedings, except as provided by law;
- The right to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused;
- The right to file a written objection in any parole proceedings involving the accused;
- The right to confer with the prosecuting attorney in any criminal prosecution related to the victim;
- The right to restitution as provided by law;

- The right to proceedings free from unreasonable delay; and
- The right to be treated fairly and with dignity by all criminal justice agencies involved in the case.
- The right to file a motion in the criminal case within 20 days of a court proceeding requesting to be heard if the victim has properly requested notification and is not given notice of said court proceeding.

The Crime Victims Bill of Rights applies to victims of the following crimes: homicide, assault and battery, kidnapping and false imprisonment, reckless conduct, cruelty to children, feticide, stalking/aggravated stalking, cruelty to a person 65 years of age or older, all sexual offenses, burglary, arson and bombs, theft, robbery, computer crimes and identify theft, fraud, sale or distribution of harmful materials to minors, elder abuse, homicide by vehicle, feticide by vehicle, and serious injury by vehicle.

Training for Excellence

Within and Beyond Our Office

Professional development builds morale, provides staff members with the opportunity to hone skills, and ensures that the District Attorney's Office provides best services for residents. This critical investment results in highly-trained staff members who become sought-after experts in their field, and are often asked to serve as presenters at professional conferences, speaking on a variety of subjects at local, state, national, and even international functions. What follows is a sampling of 2022 training.



IN-SERVICE TRAINING

Throughout the year, investigators from the District Attorney's Office attended in-service training, including a GBI presentation on internet crimes against children, an overview of narcotics investigations, use of force training, a presentation of best practices for evidence handling within our office, and other important topics.

ORGANIZED CRIME/GANG INTELLIGENCE MEETING

In July, the District Attorney's Office hosted an Organized Crime/Gang Intelligence meeting with law enforcement in attendance from the Federal Bureau of Investigation, Homeland Security Investigations, Cherokee Sheriff's Office, Holly Springs Police, Canton Police, and others.

DOMESTIC VIOLENCE TRAINING

In August, members of the Georgia Commission on Family Violence provided training in Cherokee County on lethality factors in domestic violence cases. Understanding what makes a domestic dispute more likely to result in a homicide is essential to protecting victims and holding abusers accountable. Attendees included representatives from the Cherokee Sheriff's Office, Cherokee Family Violence Center, and the District Attorney's Office.

GEORGIA GANG INVESTIGATORS

In August, three staff members traveled to Savannah to attend the annual Summer Conference for the Georgia Gang Investigators Association. Experts across the country provided information on best practices and trends in gang investigation and prosecution.

GANGS IN GEORGIA

In August, the District Attorney's Office traveled to Douglasville to provide gang training to law enforcement agencies including the Douglas County District Attorney's Office. The presentation provided details on the threat of criminal street gangs in Georgia, the value of intelligence in criminal investigations, and best practices for successful street gang investigations.

RETAIL CRIME CONFERENCE

In August, then Chief Assistant District Attorney Susan Treadaway presented on organized retail crime to approximately 500 law enforcement officers, retail asset protection officers, and corporate executives at the Georgia Retailers Organized Crime Alliance 12th annual conference held at the Cobb Galleria. The conference provided a platform for all stakeholders to exchange information and ideas on best practices and creative

solutions in the fight against organized retail crime. Other speakers at the event included Georgia Senator John Albers, then Interim GBI Director John Melvin, FBI Special Agent in Charge (Ret.) George Piro, and others.

GEORGIA ANTI-GANG NETWORK

In September, the District Attorney's Office attended a Cherokee County meeting of the Georgia Anti-Gang Network. The organization is focused on eliminating gang violence in Georgia.

FAMILY VIOLENCE CONFERENCE

In September, the District Attorney's Office attended this annual conference, which is presented by the Georgia Commission on Family Violence. The conference included information on substance abuse and domestic violence, stalking, teen dating violence, sex trafficking, and working with victims of domestic violence.

YOUTH PROTECTION SEMINAR

In October, then Deputy Chief Assistant District Attorney Katie Gropper presented at the 2022 Youth Protection Seminar hosted by the Atlanta Area Council Boy Scouts. In attendance were youth service providers from throughout the metro Atlanta area.

BOARD OF PARDONS & PAROLES

In December, the District Attorney's Office attended training on the parole process in Georgia. Clemency

Division Director Crystal Moon and Senior Hearing Examiner Jacques Brown, both with the State Board of Pardons & Parole, traveled to Cherokee County to deliver the presentation and answer questions.

MULTI-AGENCY TRAINING

In December, the District Attorney's Office presented a full day of training to Cherokee County law enforcement officers, prosecutors, and advocates. Sessions included Juvenile Court, Child Abuse Protocol, Understanding Strangulation, Gang Training, and Human Trafficking. Individuals from LiveSafe Resources, the Georgia Criminal Justice Coordinating Council, and several staff members from the District Attorney's Office presented at the event.

GEORGIA ICAC TASK FORCE

In December, then Deputy Chief Assistant District Attorney Katie Gropper presented at the Georgia Internet Crimes Against Children Task Force quarterly meeting held at the Georgia Cyber Center in Augusta, Georgia. In attendance were statewide professionals who combat child abuse perpetrated through the internet.

LEADERSHIP TRAINING

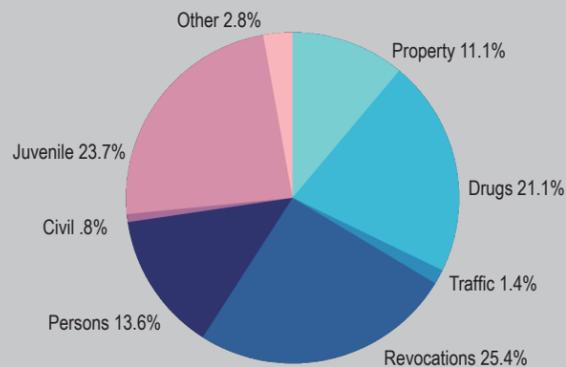
Throughout 2022, members of the District Attorney's Office attended Guardian Leadership training and the Leadership Challenge, offered through the Prosecuting Attorneys' Council of Georgia. This training helps to build great leaders and organizations.

Annual Trends

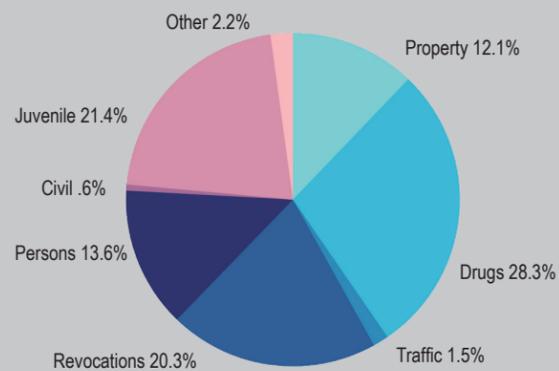
Year-End Stats

In 2022, the District Attorney's Office closed 62 percent more cases than the prior year and presented more trials than ever before in the history of the county.

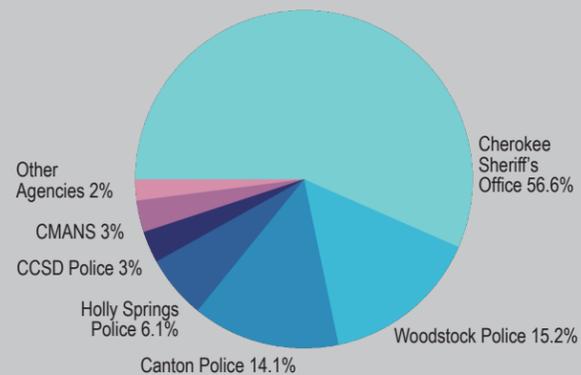
CASES RECEIVED



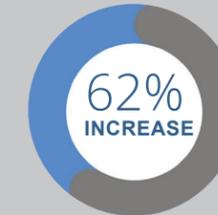
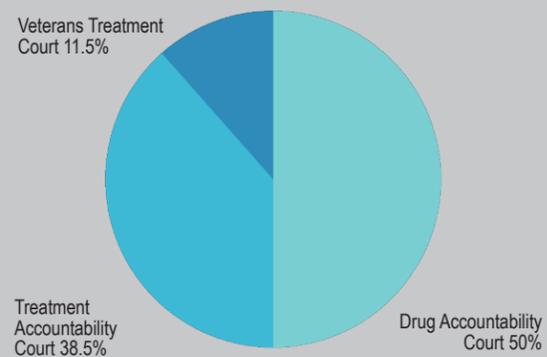
CASES CLOSED



CASES RECEIVED BY AGENCY TYPE



ACCOUNTABILITY COURT GRADUATES



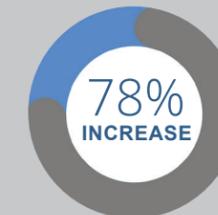
FELONY CASES CLOSED

The number of criminal cases closed in 2022 increased significantly. By year's end, a total of 1,791 cases were closed compared to 1,107 the prior year.



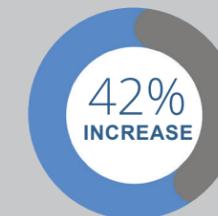
JURY & BENCH TRIALS

In 2022, members of the District Attorney's Office presented 44 trials, including 37 jury trials and 7 bench trials. This is a substantial increase over the 10 trials held in 2021, when our courts were first opening up after the pandemic.



SERIOUS FELONY VIOLENT CASES

These cases include malice murder, kidnapping, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, armed robbery, felony murder, and murder in the second degree. In 2022, the Office closed 41 serious felony cases compared to 23 the prior year.



ASSISTING CRIME VICTIMS

Victim advocates serve a critical role in our Office by ensuring that victims are informed, present, and heard throughout the criminal justice process. The number of crime victims assisted increased from 3,060 in 2021 to 4,349 in 2022.

CASES CLOSED BY TYPE



A Look Back

Five Year Trends

In the past five years, the District Attorney's Office has gradually increased personnel to address increasing caseloads and better serve the community.



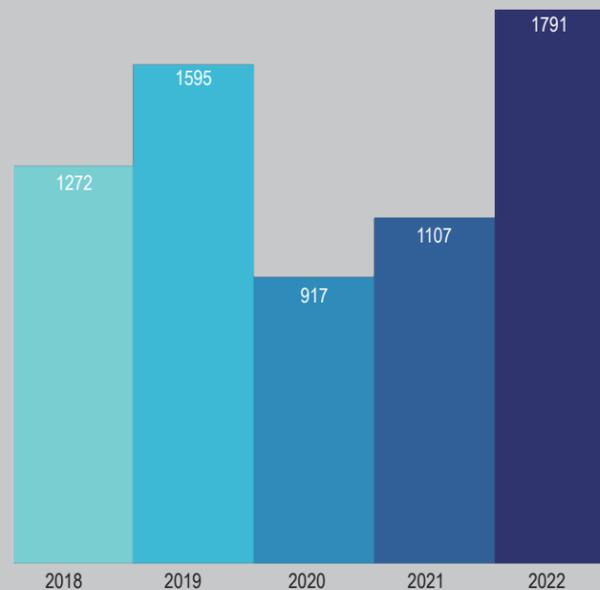
PROSECUTION OF FELONY CRIMES

Received, Disposed, Indicted/Accused, 2018-2022



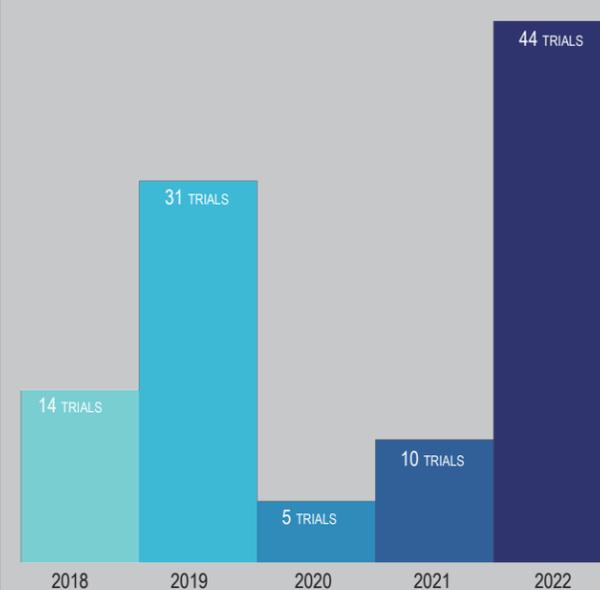
FELONY CASES CLOSED

Includes Cases Closed by Guilty Plea and Trial



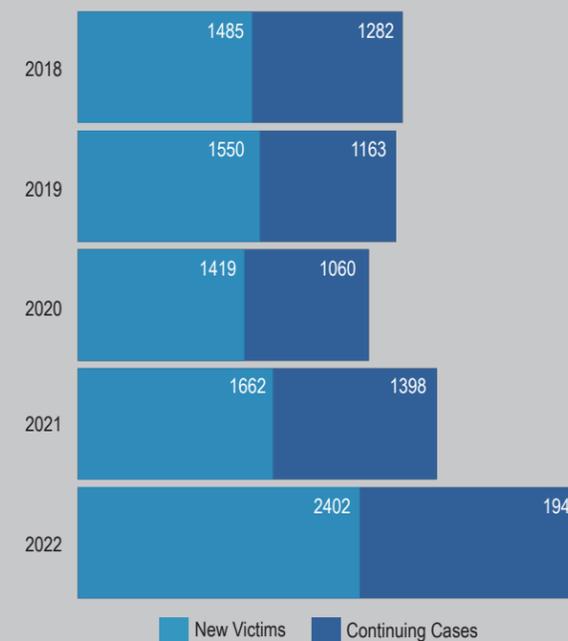
SUPERIOR COURT TRIALS

Includes Jury and Bench Trials

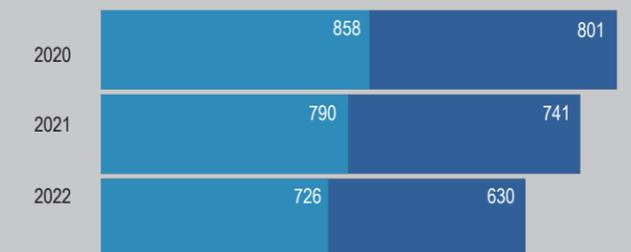


VICTIMS ASSISTED

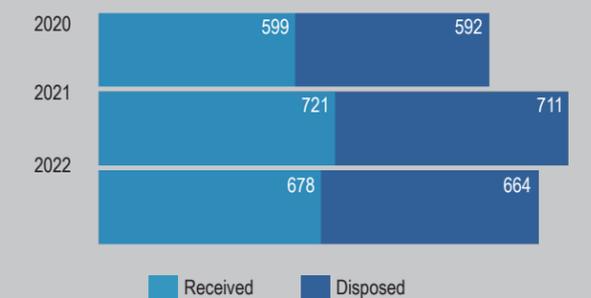
New and Continuing Cases



PROBATION REVOCATIONS



JUVENILE COURT



Street Gangs & Organized Crime

Gang Activity in Cherokee



Gangs often use letters and symbols to mark their territory, which is a practice known as tagging.

ADDRESSING THE PROBLEM

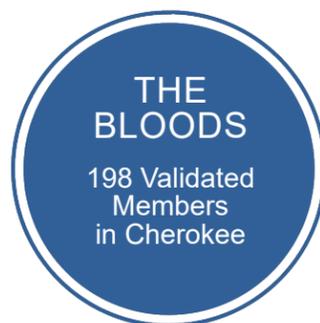
Investigators and prosecutors in the District Attorney's Office are equipped with advanced training and experience in the area of criminal street gangs and organized retail theft. Each year, these individuals attend regular training as well as provide training to county law enforcement, school agencies, and other groups to protect the community.

With continuous training, these staff members are able to hone their skills, stay up-to-date in the field, and effectively address this increasing crime.

TRACKING GANG ACTIVITY

According to the Georgia Office of the Attorney General, recruitment of gang members is rising across the state. Recruitment of juveniles is especially prevalent and cause for concern.

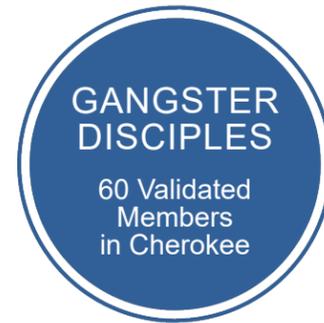
Using gang validation data compiled from Cherokee law enforcement agencies, the District Attorney's Office determined that the total number of validated gang members increased again in 2023. The most prominent gangs in the county are the Bloods, Ghostface Gangsters, and Gangster Disciples.



Founded in Los Angeles, this gang is known for its rivalry with the Crips. The Bloods have many subgroups, known as "sets." Members are often involved in drug trafficking, murder, assault, auto theft, extortion, fraud, and robbery.



Considered the fastest growing white gang in the country, the Ghostface Gangsters originated in the Cobb County Jail. Gang members are often involved in high levels of drug distribution and violent crimes.



The Gangster Disciples, also known as Growth & Development, originated in Chicago. Gang members often engage in drug trafficking, assault, firearm violations, fraud homicide, and money laundering.

“ The state of Georgia is in a state of crisis caused by criminal street gangs. In our most recent statewide survey of gang activity, responding agencies reported that there are over 1,500 criminal street gangs with over 71,000 members currently active in Georgia.

-- Georgia Gang Investigators Association

CRIMINAL STREET GANGS

Of the 159 counties in Georgia, 157 report that gangs are a primary threat. That's not surprising, considering that the Federal Bureau of Investigation estimates there may be as many as 40,000 active gang members in the 21 counties that make up metro Atlanta. In 2020, the Georgia Gang Investigators Association (GGIA) estimated 71,000 gang members and associates in our state.

Of the 17,000 validated members of gangs or security threat groups monitored by the Georgia Department of Community Supervision, more than 500 are from Cherokee County.

Criminal street gangs engage in activities, such as:

- Drug distribution and trafficking
- Violent crimes (assault, armed robbery, murder)
- Human trafficking and prostitution rings
- White collar crimes, extortion, and fraud

ORGANIZED RETAIL CRIME

While shoplifting has always been a concern for retail establishments, in recent years communities across the country have seen a sharp rise of large scale thefts perpetrated by teams of people as opposed to individuals.

Using various methods, these groups have targeted big box retailers, outlet mall locations, and other stores within Cherokee County. They usually target specific businesses, in an attempt to acquire particular products. In many cases, juveniles are used to commit the shoplifting as a way to avoid prosecution.

After acquiring stolen products, organized retail crime groups typically fence stolen merchandise through online marketplaces such as Amazon and Facebook. In some cases, items are sold at flea markets or through other in-person transactions.

Money generated by selling stolen goods may be funneled to pay for illicit crimes in the drug, firearm, human trafficking, and gang realm.

Gang Crimes

Cases Closed in 2022

WOODPILE GANG MEMBERS ADMIT TO CRIMINAL AND GANG ACTS



Jeffrey Kreiger, Ethan Petty, James McKinzie, and Collin Zinicola

During separate plea hearings in 2022, co-defendants Jeffrey Lee Kreiger, James Alton McKinzie, Ethan Charles Bradley Petty, and Collin Christopher Zinicola admitted to taking part in a 2021 gang-related incident involving firearms and making terroristic threats.

Cherokee Sheriff's

Office began investigating the incident on June 30, 2021, after responding to a 911 call reporting that four men were outside a Canton residence waving guns and arguing with a man.

Before law enforcement arrived, the four men left the scene in a black Mustang, which was stopped by police a short while later. Inside the vehicle, law enforcement found three pistols, two rifles, ammunition, and other gang-related items.

During the investigation, law enforcement determined that the men, later identified as associates of the criminal street gang known as Woodpile, went to the home of an associate from the Crips street gang to confront him about territorial issues and displaying of gang colors.

At their plea hearings, the defendants admitted to violation of the Street Gang Terrorism and Prevention Act, criminal attempt to commit a felony, terrorist threats, and possession of a firearm during the commission of a felony. They also admitted to being associates of the Woodpile gang.

Kreiger, 23, of Jasper, was sentenced on October 12, 2022, to 15 years with the first three years to serve in the state penal system. Zinicola, 19, of Canton, was sentenced on May 20, 2022, to 15 years with the first two years to serve in the state penal system.

McKinzie, 21, of Canton, was sentenced on May 9, 2022, to 15 years with the first five years to serve in custody in the state penal system. He pled guilty to an additional charge of possession a firearm by a first offender probationer.

Petty, 20, of Canton, was sentenced on March 14, 2022, to 15 years with the first two years to serve in custody in the state penal system.

While on probation, the defendants may have no contact with each other or any member of a criminal street gang. They must perform 200 hours of community service, receive substance abuse evaluation and treatment, not possess firearms, and adhere to other conditions of probation.

TWO GHOSTFACE GANGSTERS ADMIT TO TRAFFICKING METHAMPHETAMINE

At two separate plea hearings, Amy Elizabeth Little, 41, (aka Amy Elizabeth Weaver) and Brayden Lee Moore, 23, pled guilty and were sentenced for trafficking methamphetamine and violation of the Street Gang Terrorism and Prevention Act.



Cherokee Sheriff's Office found weapons and gang colors while investigating Woodpile Gang activity in Canton.

The co-defendants were arrested on February 7, 2020, after Ball Ground Police conducted a traffic stop. Little was found with a scale containing methamphetamine residue.



Amy Little Brayden Moore

A search of the vehicle uncovered approximately 91 grams of methamphetamine.

During the investigation, the Cherokee Multi-Agency Narcotics

Squad (CMANS) and Cherokee Sheriff's Office determined that Little and Moore were members of Ghostface Gangsters (GFG).

Little was the first of the two co-defendants to enter a negotiated guilty plea. Chief Superior Court Judge Ellen McElyea sentenced her to 15 years, with the first 10 years to be served in confinement in the state prison system.

Moore entered a negotiated guilty plea on April 15, 2022, and was sentenced to 15 years, with the first 7 years to be served in confinement and the remainder on probation.

During probation, the co-defendants may have no contact with each other or with any gang member or gang associate. They must also avoid alcohol and drugs, not possess firearms, and participate in substance abuse evaluation and treatment.

JUVENILES ADMIT TO GANG ACTIVITY IN CASE INVOLVING ENTERING/STEALING AUTOMOBILES

In early 2022, two juveniles were adjudicated guilty after being charged with entering automobiles and theft by taking, in addition to other crimes they committed in Canton and Holly Springs in the summer of 2021.

During the investigation of this crime, law enforcement determined that the juveniles were associated with the Bloods and were participating in criminal gang activity through the commission of these crimes.

In February 2022, the co-defendants separately admitted to allegations and were sentenced as juveniles. Further details of this case are not being provided due to confidentiality of juvenile court records.

RISK FACTS FOR JUVENILE GANG INVOLVEMENT

According to the National Gang Center

Substance Abuse	Limited Parental Involvement	Exposure to Violence
Delinquent Activity	Lack of School Connectedness	Academic Failure
Peer Gang Membership	Poverty	Parental Criminality

Serious Violent Felonies

Cases Closed in 2022

The District Attorney's Office closed 41 serious violent felony cases in 2022. That's an increase of 78 percent over the previous year. Georgia law defines serious violent felonies as the following crimes: aggravated child molestation, aggravated sexual battery, aggravated sodomy, armed robbery, kidnapping, murder, and rape.



Surveillance video assisted in the apprehension of armed robbery suspects at Circle K/Flash Foods in Woodstock.

KEMP AND McCASLIN SENTENCED TO PRISON FOR ARMED ROBBERY

In May 2022, Brandon Devontae Kemp, 29, of Smyrna, and Kerrick McCaslin, 24, of Atlanta, were sentenced to prison for armed robbery and other crimes, following a jury conviction for Kemp and a guilty plea for McCaslin.



Brandon Kemp Kerrick McCaslin

Charges stem from an armed robbery that occurred at 1:21 a.m. on January 24, 2020, at the

Circle K/Flash Foods on Highway 92 in Woodstock. After spotting a woman alone pumping gas, the two men tried to take her vehicle at gunpoint. McCaslin brandished a firearm while Kemp climbed into the driver's seat. When the frightened victim ran into the store with her keys, McCaslin grabbed her purse, and the men fled on foot.

An employee called 911, and Woodstock Police began its investigation. Several hours later, Walmart employees spotted the suspects inside the store and alerted the police. McCaslin was carrying the loaded pistol used in the crime, and Kemp was holding the victim's cash. Police found the victim's wallet and wristlet near where Kemp was arrested and her purse next to a dumpster, which was located in the flight path from Circle K to Walmart.

Just prior to trial, McCaslin entered a negotiated guilty plea to armed robbery and possession of a firearm during the commission of a felony. He was sentenced to 25 years, with the first 10 years to be served in prison and the remainder to be served on probation.

A Cherokee County jury found Kemp guilty of all charges, including armed robbery, hijacking a motor vehicle, aggravated assault, possession of a firearm during the commission of a felony, and theft by taking. Senior Judge Matthew O. Simmons sentenced Kemp to life in prison without the possibility of parole plus 25 years to run consecutively. Kemp has prior felony convictions and was sentenced as a recidivist pursuant to O.C.G.A. § 17-10-7(a) and § 17-10-7(c).

ELAM AND FIDDES SENTENCED TO PRISON FOR ARMED ROBBERY

During two separate hearings in April and May 2022, Eric Jordan Elam aka "Ahuto Dakidd," 28, of DeKalb County, and Troy Williams Fiddes, 20, of Newton County, were sentenced to prison for armed robbery and other crimes committed in Cherokee County. Elam was found guilty by a jury, and Fiddes entered a guilty plea to his charges.

Charges relate to separate incidents, occurring on February 3 and 9, 2020, in which the co-defendants set up marijuana purchases and robbed two different victims at gunpoint. The armed robberies took place in Cherokee County at the Walmart on Bells Ferry Road and Walden

Pond Apartments in Acworth. During the second armed robbery, Elam shot the victim in the chest and fled the scene. The victim survived the shooting and was able to assist law enforcement in identifying the suspects.



Eric Elam Troy Fiddes

Cherokee Sheriff's Office located the second victim's blood on Elam's vehicle and found a cell phone stolen from the first victim inside the vehicle. Additional evidence used at

trial included phone records documenting the defendants' movements at the time of the crimes.

In March 2022, a Cherokee County jury convicted Elam of armed robbery and possession of a firearm by a convicted felon.

Due to his previous criminal history, Elam was sentenced as a recidivist pursuant to O.C.G.A. § 17-10-7(a). Senior Judge Joe Bishop sentenced him to life in prison for the armed robbery. In addition, he will serve 5 consecutive years for the charge of possession of a firearm by a convicted felon.

In February 2022, Fiddes admitted to his crimes by entering a negotiated guilty plea to armed robbery and aggravated assault. Chief Superior Court Judge Ellen McElyea sentenced him to 20 years, with the first 12 years to be served in prison and the remainder to be served on probation.

GARY ALLEN PLEADS GUILTY TO VOLUNTARY MANSLAUGHTER

Gary Matthew Allen, 34, of Jasper, pled guilty in August 2022, to voluntary manslaughter and was sentenced to 20 years, with the first 15 years to serve in prison.

Charges stem from an assault at the Canton Icehouse on July 28, 2019, in which Allen punched Leon Paul Danzis, 48, of Winder, GA, in the face causing Danzis to fall onto the concrete floor, where Allen punched him in the face a second time. Danzis died shortly after arriving at the hospital.



Gary Allen

During the plea hearing, the State reviewed the facts of the case as determined by witness interviews and surveillance cameras inside the establishment.

An autopsy performed by the GBI determined the cause of death was blunt force trauma to the head resulting from the physical assault. Toxicology of Allen hours after his arrest showed he had a blood alcohol level of .123, well above the legal definition of intoxicated.

During the plea hearing, Superior Court Chief Judge Ellen McElyea sentenced the defendant as negotiated to 20 years, with the first 15 years to serve in prison. During probation, Allen must complete 200 hours of community service and may have no alcohol, drugs, or firearms. He must submit to a substance abuse assessment and follow all recommended treatment. He is also forbidden to have contact with the victim's family.

Illicit Drugs in Cherokee

Tackling Drug Crimes

The District Attorney's Office closed 877 felony drug cases in 2022 through guilty pleas and trials. That's an increase of 72 percent over the previous year.



Law enforcement officers located 987 grams of methamphetamine during a traffic stop in Woodstock.

FELONY DRUG CRIMES

In order to limit the availability of illegal drugs in Cherokee County and protect our citizens, the District Attorney's Office collaborates with law enforcement to ensure that drug dealers and traffickers are arrested, charged, and prosecuted for their crimes.

O.C.G.A. § 16-13-31 outlines specific penalties for possession, distribution, and trafficking of controlled substances including fentanyl, cocaine, marijuana, methamphetamine, and other illicit drugs.

Sentences vary, depending on the type and weight of illegal drugs, whether other felony crimes were also committed, and the defendant's prior criminal history.

Cherokee County also offers Drug Accountability Court for nonviolent offenders who meet the program requirements. Through this program, offenders have the opportunity to overcome their addiction so they can move forward to pursue productive lives.

FACTS ABOUT FENTANYL

Fentanyl is a synthetic opioid that was originally produced to treat severe pain in terminally ill patients. It is 50 times stronger than heroin and 100 times stronger than morphine. The potency of this drug creates a substantial risk of addiction, overdose, and death.

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Most cases of fentanyl-related overdose are linked to illicitly manufactured and distributed fentanyl.

Drug dealers have been adding fentanyl to street drugs to increase potency and profits. This has caused a dramatic increase in overdose deaths due to fentanyl.

According to the Centers for Disease Control and Prevention (CDC), nearly 70,000 people in the United States died in 2021 of an overdose that involved fentanyl.

Nationally, fentanyl overdose is the leading cause of death among individuals 18-45 years old in the United States, according to Families Against Fentanyl.

Drug dealers often add fentanyl to other drugs (like heroin, methamphetamine, and marijuana) to stretch out their products. It can also be made into pills to resemble prescription medications like Xanax and oxycodone.

When drug dealers mix deadly amounts of fentanyl into other drugs and sell it to unsuspecting users, it creates a high likelihood of fatal overdose.

Signs of a fentanyl overdose include small pupils, loss of consciousness, weak breathing, limp body, clammy skin, and bluish-colored skin.

Drugs laced with fentanyl are being sold in Cherokee County. In fact, in 2022, the District Attorney's Office prosecuted a case in which the defendant pled guilty to the involuntary manslaughter death of a man who overdosed on drugs laced with fentanyl.

Illicitly manufactured fentanyl is an extremely dangerous drug, even in small doses. It is impossible to detect fentanyl in drugs by sight, taste, or smell.

Addiction to fentanyl is extremely dangerous. If you or someone you know is abusing this drug, it is essential to find treatment right away.

SOURCES

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**IF YOU SUSPECT SOMEONE IS OVERDOSING,
Call 911 immediately and administer naloxone if available.**

Drug Crimes

Cases Closed in 2022

THREE CO-DEFENDANTS SENTENCED FOR TRAFFICKING METHAMPHETAMINE



Daniel O'Bryant Robert Fowler Heather Trott

In March 2022, on separate dates, three co-defendants, all from Woodstock, were sentenced to prison time for trafficking methamphetamine.

A Cherokee County jury convicted James Daniel O'Bryant, 52, and Robert Joseph Fowler, 57, on March 24, 2022. Chief Superior Court Judge Ellen McElyea sentenced the two men to prison during a hearing on May 5, 2022.

Heather Elizabeth Trott, 46, entered a negotiated guilty plea and was sentenced on March 21, 2022.

The co-defendants were arrested in early 2021. On January 12, 2021, Woodstock Police initiated a traffic stop on a truck due to the driver, O'Bryant, failing to maintain his lane. After a K-9 detected drugs in the truck, officers located approximately 987 grams of methamphetamine.

Law enforcement suspected that other parties might also be involved in trafficking methamphetamine. Later the same day, Woodstock Police attempted a traffic stop on Fowler, a close acquaintance of O'Bryant, who was seen driving his truck in a reckless manner. Instead of pulling over for law enforcement, Fowler fled from the scene.

Woodstock Police officers and Cherokee Sheriff's Office deputies pursued the truck, which was eventually brought to a stop by a PIT maneuver. Law enforcement then located approximately 57 grams of methamphetamine in Fowler's truck.

The following day, January 13, 2021, the Cherokee Multi-Agency Narcotics Squad (CMANS) conducted a search warrant of a home where O'Bryant and Trott lived. CMANS agents located approximately 200 grams of methamphetamine as well as a 9mm pistol owned by O'Bryant.

Chief Judge McElyea sentenced O'Bryant to 30 years in prison and Fowler to 30 years, with the first 20 years to be served in prison. Both men were sentenced as recidivists pursuant to O.C.G.A. § 17-10-7(a) and § 17-10-7(c) and will be required to serve the entire prison portion of their sentence without parole eligibility.

Trott, who entered a negotiated guilty plea to her charges, was sentenced to 20 years with the first 10 years to be served in prison.



Nicholas Gosnell

NICHOLAS GOSNELL SENTENCED FOR TRAFFICKING FENTANYL, MANSLAUGHTER IN OVERDOSE DEATH, AND RAPE

In August 2022, Canton resident Nicholas Brian Gosnell, 23, pled guilty and was sentenced, in total, to 25 years in prison, followed by life on probation, for two separate cases involving multiple crimes and three different victims.

During the hearing, Gosnell admitted to charges of rape, involuntary manslaughter, violation of Georgia Controlled Substances Act (6 counts), trafficking fentanyl, and aggravated assault/strangulation.

In July 2018, Cherokee Sheriff's Office began investigating a drug-facilitated sexual assault. On the evening of the assault, Gosnell gave a young woman illegal drugs and later forced more intoxicants on her before raping her. After an investigation that included a sexual assault exam, forensic extractions, DNA testing, and witness interviews, CSO deputies arrested Gosnell for rape.

In September 2020, Cherokee Multi-Agency Narcotics Squad (CMANS) received information that Gosnell, who had been released on bond over the State's objection, was selling narcotics. After CMANS initiated an investigation, undercover agents purchased drugs from Gosnell. Those drugs field-tested positive for fentanyl.

CMANS then executed a search warrant of Gosnell's home and found 36 oxycodone pills, fentanyl patches, 224 alprazolam pills, other pills, and \$28,000 in cash. When agents forensically examined Gosnell's cell phone, they found texts from John O'Connell, 40, who had consumed drugs containing fentanyl and died on August 19, 2020. O'Connell's death had previously been ruled an accidental overdose, but after reviewing these texts, CMANS began investigating this death as a homicide.

Using cell phones belonging to Gosnell and O'Connell, records from the ankle monitor Gosnell was wearing as a part of his bond conditions, and surveillance videos, CMANS agents and their forensic analyst were able to determine that Gosnell sold O'Connell pressed fentanyl on the night of his overdose.

While examining his cell phone, detectives also found evidence that Gosnell had committed aggravated assault – strangulation on another man. Gosnell had texted images of the assault to acquaintances and admitted the strangulation.

At the sentencing hearing, the court heard two victim impact statements. The young woman raped by Gosnell said she still suffers from the crime with sleep problems, flashbacks, fears, and emotional pain. She said to Gosnell, "You left me in a place of darkness."

John O'Connell's sister provided the second victim impact statement, describing her brother as a unique person with magnetic energy. She said their lives are forever crushed by his loss and Gosnell took away an amazing man.

On the involuntary manslaughter, drug, and aggravated assault strangulation case, Superior Court Judge David Cannon, Jr., sentenced Gosnell to 10 years to serve in confinement in the state penal system consecutive to the rape case, for a total sentence of 25 years in prison, followed by life on probation.

CHAVEZ-LOPEZ AND PAUU-SIRIN PLED GUILTY AND WERE SENTENCED TO PRISON FOR DRUG TRAFFICKING

In November 2022, Eloisa Chavez-Lopez, 40, pled guilty and was sentenced to prison for trafficking



Eloisa Chavez-Lopez

methamphetamine. In July 2022, her co-defendant, Erick Alexander Pauu-Sirin, 27, pled guilty and was also sentenced to prison for trafficking methamphetamine.

Charges stem from a Cherokee Multi-Agency Narcotics Squad (CMANS) investigation that began in February 2021 based on tips that Chavez-Lopez was distributing methamphetamine. On multiple occasions, CMANS observed as Chavez-Lopez traveled throughout Cherokee County to conduct hand-to-hand drug transactions.



Erick Pauu-Sirin

Following these transactions, CMANS executed simultaneous search warrants on May 14, 2021, for two addresses where Chavez-Lopez and Pauu-Sirin resided.

At the first home, agents found over 50 grams of methamphetamine and over 50 grams of cocaine, packaged in more than 100 individual bags. In addition to the illegal drugs, the agents found \$5,876 in cash. At the second address, agents located methamphetamine weighing more than a kilogram.

The co-defendants were arrested and charged with trafficking methamphetamine.

Pauu-Sirin entered a negotiated plea in July 2022, and was sentenced to 30 years with the first 15 years to serve in the state penitentiary. Chavez-Lopez entered a negotiated plea in November 2022, and was sentenced to 30 years, with the first 25 years to serve in the state penitentiary.

Special Victims Unit

Specializing in Cases Involving Abuse and Neglect

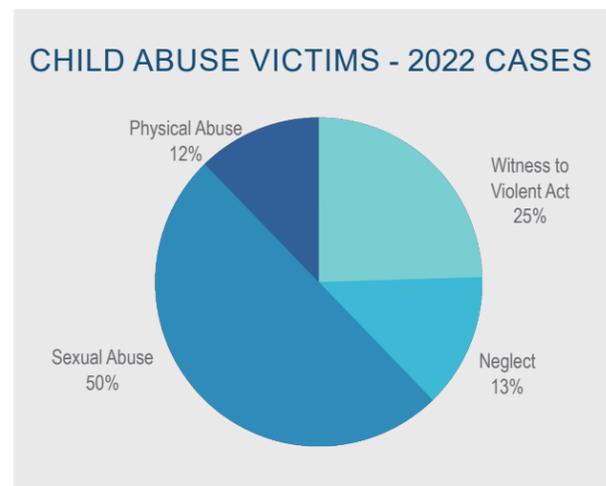


FOCUS OF THIS UNIT

The Special Victims Unit handles the prosecution of felony crimes involving children, senior citizens, and vulnerable adults. These crimes are especially challenging due to the dynamics of the victims.

Children are often afraid or developmentally unable to testify. Adults may be reluctant to report a crime that involves their loved ones, or they may be embarrassed to tell anyone that they fell victim to a scam. Adults may also suffer from medical problems that make it difficult to report abuse. Victims of rape are often afraid or embarrassed to report the crime.

Specialized training, investigative techniques, utilization of expert witnesses, forensic interviews, and long jury trials are often part of the effective prosecution of cases in the Special Victims Unit.



CRIMES AGAINST CHILDREN

Child abuse is defined as physical abuse, sexual abuse, neglect, and/or witness to a violent act. In Cherokee County, the most prevalent crime involving children is sexual abuse, which affected 50% of all child victims in the year 2022.

Sexual abuse of children may consist of sexual molestation, child pornography, sex trafficking, obscene internet contact with a child, and other crimes of a sexual nature.

THE CHILD FATALITY REVIEW BOARD AND ANNA CRAWFORD MDT

The District Attorney's Office participates in the Child Fatality Review Board and the Anna Crawford Children's Center Child Advocacy Center multi-disciplinary team (MDT).

The Child Fatality Review Board reviews all deaths of children under the age of 18 and works to prevent child abuse and fatalities. In 2022, the Board reviewed 10 child deaths.

The MDT consists of members of the Special Victims Unit, law enforcement officers, child protective service workers, medical professionals, mental health professionals, and court appointed special advocates. In 2022, 465 children were referred to the Anna Crawford Children's Center, most of whom had experienced physical or sexual abuse in Cherokee County.

CRIMES AGAINST ADULTS

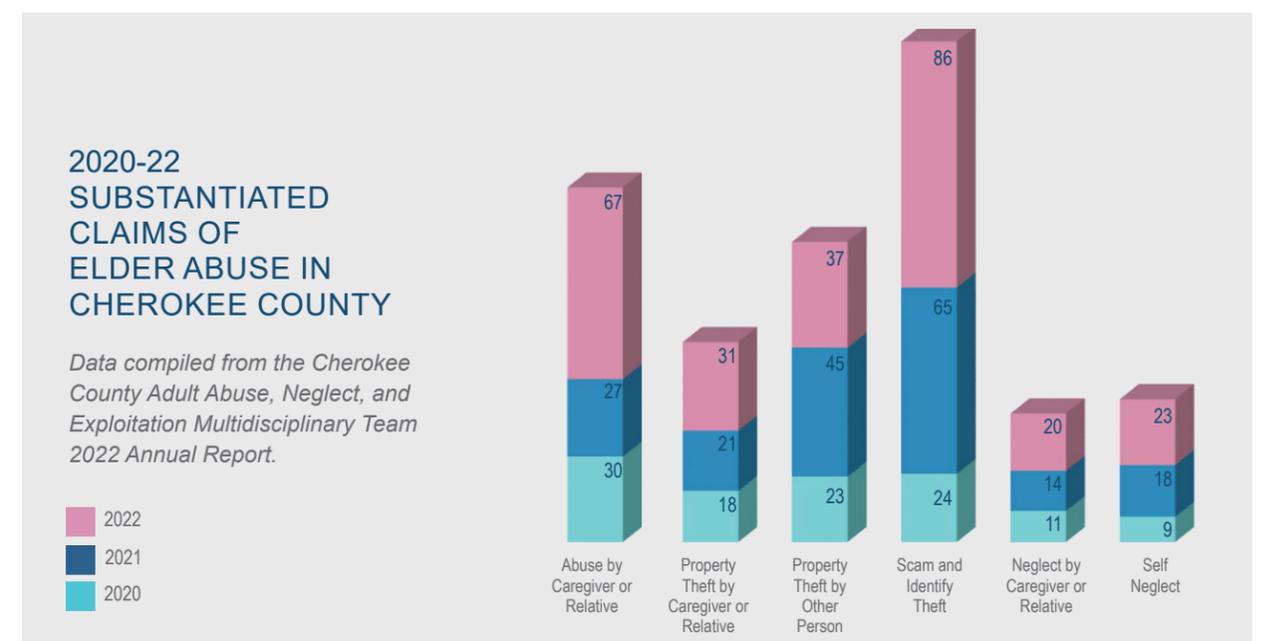
Senior citizens and vulnerable adults are often victimized by family members or caregivers. Abuse may be physical, sexual, or emotional. Abuse may also involve neglect, or failing to provide essential care. In other cases, victims may be subjected to scams including financial exploitation.

ELDER ABUSE MDT

In 2017, in collaboration with community partners, the District Attorney's Office established the Cherokee County Adult Abuse, Neglect, and Exploitation Multidisciplinary Team (MDT) in 2017 to help protect vulnerable adults from abuse and exploitation.

Members of this organization include representatives from the Georgia Division of Aging, District Attorney's Office, Cherokee County Solicitor's Office, Cherokee County law enforcement agencies, Cherokee Senior Services, and Atlanta Regional Commission.

During 2022, this MDT met monthly to review 373 reports of suspected abuse or neglect of elders/vulnerable adults in Cherokee County. The MDT determined that 241 of these reports were substantiated allegations and recommended 29 cases for criminal prosecution. Through regular meetings, this MDT provides an opportunity for case managers, law enforcement officers, prosecutors, and victim advocates to work together to ensure that seniors in our community are protected and receiving the services they need.



Special Victims Unit

Cases Closed in 2022

FORMER ATLANTA POLICE OFFICER CONVICTED OF RAPE



Lionel Dely

In October 2022, a Cherokee County jury found former Atlanta Police Officer Lionel Joseph Dely, 33, of Marietta, guilty of rape and violation of oath by a public officer. He was sentenced to 50 years in prison followed by life on probation.

Charges stem from a rape reported in February 2022 by a woman living in the Acworth area of Cherokee

County. The woman, who operates a massage business out of her home, told Cherokee Sheriff's Office deputies that on January 31, 2022, a new client arrived for a scheduled appointment.

Approximately halfway through the massage, Dely showed her his law enforcement badge and told her he was a police officer conducting an investigation. He then sexually assaulted her against her will.

After an investigation that included a sexual assault exam, forensic digital evidence, and DNA testing, Dely was arrested on February 11.

During the five-day trial, 13 witnesses testified for the State, including the victim and three similar victims who described incidents that paralleled the rape reported in Cherokee County. The jury deliberated just over an hour before coming to its unanimous decision, convicting the defendant on both the rape and violation of oath charges.

Superior Court Judge Tony Baker sentenced Dely to 45 years in prison for rape, followed by lifetime probation with sex offender conditions, \$1,100 in restitution, no contact with any of the victims, and 4th amendment waiver.

For violation of oath of office, he was sentenced to five additional years to run consecutively, for a total of 50 years in prison.

COLLINS CONVICTED OF SEX CRIMES INVOLVING CHILD UNDER 10



Johnathan Collins

In May 2022, a Cherokee County jury convicted Canton resident Johnathan Collins, 39, of multiple sex crimes involving a child under the age of 10. Following the verdict, Chief Superior Court Judge Ellen McElyea sentenced Collins to life in confinement in prison without the possibility of parole.

Law enforcement first became aware of allegations against Collins when the child confided to a third grade classmate in May 2019. The friend told a teacher, and the school reported the allegations to law enforcement.

The child, who is not a resident of Cherokee County, had visited the defendant in 2018. In a forensic interview, the child described multiple crimes that Collins committed against her over the course of the summer. The Cherokee Sheriff's Office arrested Collins on June 3, 2019.

During the three-day trial, the jury listened to the testimony of 10 individuals, watched the victim's forensic interview, and viewed photographs of the house where the crimes were committed. The defendant also testified on his behalf.

The jury deliberated for about two hours before finding Collins guilty on all 13 counts, including rape, aggravated sodomy, aggravated child molestation, child molestation, incest, and cruelty to children.

COLLIN SMERK CONVICTED OF CHILD MOLESTATION AND OTHER SEX CRIMES



Collin Smerk

In May 2022, a Cherokee County jury convicted Collin Anthony Smerk, 52, of child molestation, enticing a child for indecent purposes, sexual exploitation of children, and invasion of privacy.

Charges stem from allegations that Smerk molested a 15-year-old girl in a Cherokee County home in

2017. The child did not disclose the abuse until February 2020, at which time she told law enforcement specifics of the abuse and expressed concern that Smerk had also secretly videotaped her.

Cherokee Sheriff's Office executed a search warrant of the home on February 14, 2020, removing a large quantity of digital evidence, including computers, electronics, and digital storage devices. During the search warrant, deputies also found adult toys that matched items the victim had described to law enforcement officers.

While conducting its investigation, detectives located child pornography on electronics belonging to Smerk. Videos possessed by Smerk included very young children being sexually assaulted by adults. The electronics also contained video of visitors taking showers and using a bathroom in Smerk's home. The individuals in the videos appeared unaware that a camera was in the bathroom.

The jury deliberated for two hours before coming to an unanimous decision. Superior Court Judge Tony Baker sentenced Smerk to 70 years with the first 50 years to serve in prison and the remainder to serve on probation. Upon his release from prison, Smerk may have no contact with the victim, is banned from Cherokee County, and must adhere to sex offender special conditions.

SANTIAGO JAIMEZ FOUND GUILTY OF RAPE, INCEST, AND AGGRAVATED CHILD MOLESTATION



Santiago Jaimez

In June 2022, a Cherokee County jury convicted Santiago Jaimez (aka Junior Jaimez), 39, of rape, incest, aggravated child molestation, criminal attempt to commit a felony, false imprisonment, and child

molestation. Jaimez was arrested on July 11, 2020, after a child relative disclosed abuse to her mother. During the course of the investigation conducted by Canton Police, detectives learned that three other individuals, all relatives of Jaimez, had made similar allegations against the defendant years prior when he resided in another state.

At trial, 18 witnesses testified for the State, including the victim and three other individuals who described similar sex crimes committed upon them by the defendant. After deliberating for about an hour, the jury issued its guilty verdict, finding the defendant guilty of all charges.

Senior Judge Jackson Harris sentenced Jaimez, a recidivist offender, to life without the possibility of parole. During the sentencing hearing, Judge Harris called the defendant "vile" and "unredeemable," adding that this is not a harsh sentence for the crimes he had committed, but an appropriate sentence.

WALTER DEVAULT CONVICTED OF CHILD MOLESTATION

In February 2022, Walter Gary DeVault, 71, formerly of Woodstock, was convicted of child molestation following



Walter DeVault

a three-day jury trial. Superior Court Judge Tony Baker sentenced DeVault to 40 years with the first 15 years to be served in confinement in prison. Upon his release from prison, DeVault may have no contact with the victim or her family members, is banished from Cherokee County, and must adhere to sex offender special conditions.

Charges stem from allegations that DeVault molested a girl in Cherokee County when she was 9 and 10 years old. Two years later, the child disclosed the sexual abuse committed by DeVault to a family member, explaining that she was afraid he was going to come back to get her. In a forensic interview conducted by the Anna Crawford Children's Center, the child said that the defendant had touched her, made her touch his genital area, and kissed her on the mouth.

After DeVault's arrest, the District Attorney's Office uncovered additional evidence of similar acts perpetrated by DeVault on other children. Based on the follow-up investigation by members of the District Attorney's Office, two additional children testified at trial about the abuse they endured at the hands of DeVault.

Domestic Violence Unit

When Violence Occurs at Home



FOCUS OF THIS UNIT

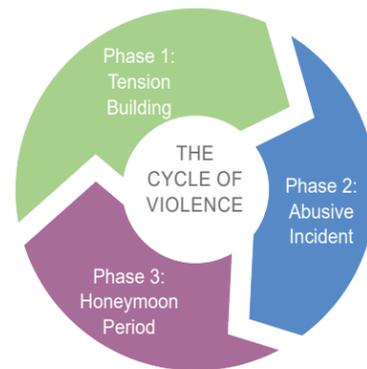
The Domestic Violence Unit handles felony crimes charged under the Family Violence Statute and crimes involving intimate partners.

In domestic violence cases, intimate partners and/or family members may experience abuse that progressively worsens over time. One individual in the relationship often exerts power over the other through physical, sexual, psychological, emotional, economic, and/or financial abuse. People of all ages are affected by domestic violence, including senior citizens and young children who can be victimized when they witness violent acts perpetrated on their family members.

THE CYCLE OF ABUSE

Domestic violence typically follows a pattern, with tension building, followed by a major act of violence, a calm (or "honeymoon") period, then cycling back to tension building.

During the tension building phase, victims may feel like they are "walking on eggshells," waiting for the tension to break. An abusive incident moves the cycle into the next phase, where the victim is subjected to physical, sexual, psychological, financial, or other abuse. Afterwards, the abuser often apologizes, is affectionate, promises to never hurt the victim again, or uses other means to mend the relationship. As time passes, the violent episodes often get more serious and may lead to a lethal act, such as strangulation.



STRANGULATION

Strangulation, which is one of the most lethal forms of domestic violence, occurs when a person compresses the victim's neck to restrict the flow of blood or oxygen to the brain. In many cases, strangulation leaves no visible marks. Signs of strangulation can include red spots on the face, neck, or in the eye; bruising on the neck or behind the ears; bloodshot eyes; abrasions; and other symptoms. A small amount of pressure on the throat for just 10 seconds can cause loss of consciousness. In 30 seconds, brain damage may occur.

According to the Training Institute on Strangulation Prevention, strangulation is the ultimate form of power and control in which the abuser asserts control over the victim's next breath. Odds for homicide increase substantially (750%) for victims who have previously been strangled.

PROSECUTION OF DOMESTIC VIOLENCE CASES

The prosecution of these crimes requires a unique set of skills and training. Since domestic violence involves people who are intimate partners or who are members of the same family or household, many of these victims express love for their abusers, even after suffering years of physical abuse. Victims who are emotionally attached are more likely to forgive or overlook the danger in which they live.

In many cases, victims recant statements or minimize the defendant's actions, which poses a challenge when presenting cases to jury members who may not understand the dynamics of an abusive relationship.

Members of the Domestic Violence Unit participate in ongoing training in addition to providing training and technical assistance to law enforcement officers and others involved in providing services to victims of this crime.

DOMESTIC VIOLENCE MULTIDISCIPLINARY TEAM

Established in 2020, the Domestic Violence Multidisciplinary Team (MDT) consists of individuals from agencies and organizations who work in the area of domestic violence, social service agencies, and/or the criminal justice system.

A multi-agency approach is vital to combating domestic violence, especially domestic violence homicides. Working together helps prosecutors build stronger cases so they can hold offenders accountable and keep victims safe.

Chaired by the District Attorney's Office, the MDT meets monthly to track incoming felony and misdemeanor family violence warrants. Regular meetings enable members to track numbers and common themes. In 2022, the MDT noted an increase in crimes involving strangulation.

HELP IS AVAILABLE

If you or someone you know is impacted by domestic violence, please contact the Cherokee Family Violence Center, CFVC.org, 770-479-1703 (24/7 crisis hotline). In case of an emergency, call 911.

CHEROKEE COUNTY DOMESTIC VIOLENCE CASES

Received and Closed, 2018-2022



Domestic Violence Unit

Cases Closed in 2022

CONVICTED OF MURDERING EX-GIRLFRIEND, JAMES CLEMENTS SENTENCED TO LIFE IN PRISON WITHOUT PAROLE



James Clements

In March 2022, James Damon Clements, 53, was sentenced to life in prison without the possibility of parole after a Cherokee County jury found him guilty of charges stemming from an attack on two roommates and the brutal murder of Shannon Marie Goetz, 48.

The Cherokee Sheriff's Office

responded to a Woodstock residence on December 22, 2017. When deputies entered a bedroom, they found Goetz deceased on the floor with visible injuries. Earlier on the same day, Clements brandished a knife and assaulted two male residents of the home in what was described as a jealous rage involving accusations that the men had a romantic interest in Goetz. An autopsy determined that Goetz had more than 34 injuries to her head, torso, and extremities, with the ultimate cause of death being a brain injury.

During the weeklong trial, the State called 27 witnesses and introduced more than 150 exhibits. The jury deliberated for two hours before finding the defendant guilty of felony murder, family violence aggravated battery, aggravated assault, simple assault, and battery. Chief Judge Ellen McElyea sentenced Clements to life in prison without the possibility of parole for Goetz' murder. He received concurrent sentences of 20 years in prison for aggravated assault on one roommate, and 12 months in prison for simple assault on the second roommate.

RECIDIVIST OFFENDER DAMIEN MOFFETT TO SPEND REMAINDER OF LIFE IN PRISON WITH NO PAROLE

In April and August 2022, Damien Oliver Moffett, 41, was convicted in two separate bench trials. Charges for the first trial stemmed from a domestic violence incident that occurred on April 14, 2021, in Woodstock. The victim, who had been in a relationship with the defendant, told deputies that Moffett forced entry into her home and pointed a firearm at her and two children while demanding keys to a pickup truck. The defendant took the keys and fled. He then led responding law enforcement on a chase that ended in Cobb County.



Damien Moffett

Moffett was found guilty of armed robbery, family violence aggravated assault, possession of a firearm during the commission of a felony, fleeing or attempting to elude a police officer, cruelty to children in the third degree, and possession of a firearm by a convicted felon.

Charges for the second trial stemmed from an incident in the Cherokee County Adult Detention Center on July 28, 2021, during which Moffett seriously injured a fellow inmate by using a pencil to stab the victim in the face.

At the conclusion of this bench trial, Superior Court Judge Tony Baker found Moffett guilty of aggravated assault, aggravated battery, and unlawful acts of violence in a penal institution and sentenced him to 10 years to serve in prison concurrent to his domestic violence case.

JOSEPH NEWTON CONVICTED OF 15 COUNTS OF FAMILY VIOLENCE, SENTENCED TO LIFE IN PRISON



Joseph Newton

On March 31, 2022, a Cherokee County jury convicted Joseph English Gregory Newton, 31, of charges related to violent attacks of his girlfriend.

After a two-day trial, Newton was found guilty of kidnapping with bodily injury, criminal attempt to commit murder, criminal attempt to commit feticide, family violence aggravated assault, family violence aggravated battery, family violence simple battery, false imprisonment, sexual battery, criminal trespass (2 counts), and tampering with evidence. Superior Court Judge Tony Baker sentenced Newton to life plus 10 years to serve in prison.

Law enforcement first became aware of domestic violence in Newton's relationship with his girlfriend in 2020. On December 21, 2020, Newton's girlfriend attempted to leave their home after an argument. Newton chased her, yanked her by the hair, tore off her clothes, and dragged her across a yard and a driveway. Several people witnessed the violence, but no one called law enforcement. The victim sustained swelling, scratches, and bruising from this attack. A family member called 911 the next day. Newton was arrested then released on bond but ordered to avoid contact with his girlfriend. He did not comply with the order, and they resumed their tumultuous relationship.

Law enforcement received another call regarding domestic violence with Newton on October 10, 2021. That day, Newton was angry that his girlfriend had decided to end their relationship. He responded by holding her against her will, attacking her for hours, and expressing his desire to kill her and their unborn child. During this attack, Newton punched his girlfriend, kicked her, spit on her, strangled her, dragged her by the hair, hit her with objects in their apartment, slammed her head against the floor, and stomped on her abdomen with his foot. Afterwards, as she lay on the floor in pain, he poured salt, sugar, and coffee grounds on her open wounds.

After escaping through an apartment window, the victim got into her car and called 911. When first responders arrived to treat the victim, she had swollen eyes and lips, cuts on her arms and hands, and injuries to her neck. Officers noted signs of strangulation, specifically neck pain, sore throat, difficulty swallowing, vision changes, light-headedness, and droopy face. She suffered a

subchorionic hemorrhage of the placenta, but the baby survived. Woodstock Police arrested Newton, who was hiding in the attic of the apartment.

At the trial, the State presented more than 200 exhibits and called 13 witnesses to the stand, including law enforcement officers, domestic violence experts, medical professionals who cared for the victim, as well as a friend and neighbor who had witnessed some of the violence.

AFTER GUILTY PLEA, RONALD GOSS TO SERVE 65 YEARS IN PRISON FOR ATTEMPTED MURDER



Ronald Goss

In January 2022, Ronald Richard Goss, 57, admitted that he attempted to kill his estranged wife in a premeditated attack in her Ball Ground home. He pled guilty to attempted murder, home invasion, attempted arson, nine counts of family violence aggravated battery, and possession of a firearm during the commission of a felony.

Charges stem from an incident that began early in the morning on February 12, 2018, when Goss broke into his ex-wife's home with intentions of killing her. After forcing entry into her home, Goss told the victim that if he could not have her, no one could. He then fired shots at her using a 40-caliber Smith & Wesson handgun. Seven shots struck her in her chest, left forearm, left thumb, left shoulder, right hip, and head, causing internal injuries as well as a spinal injury that left her with no feeling from the waist down. At some point during Goss' shooting spree, a bullet ricocheted and struck Goss in the face.

The investigation by the Cherokee Sheriff's Office also yielded evidence that prior to shooting his ex-wife, Goss doused her car with gasoline with intentions to commit arson. The car was parked inside of the attached garage.

The victim survived the attack but sustained serious injuries, including an incomplete spinal cord injury. Over the past four years, she has undergone more than 15 surgeries and dental procedures to help correct the damage caused by the shooting. She is now able to walk on her own with the assistance of crutches and hopes to someday run again.

The State recommended a sentence of life plus 35 years to serve in prison. The defense recommended a sentence of 20 years to serve in confinement with life on probation. After hearing multiple impact statements, Superior Court Judge David Cannon, Jr. sentenced Goss to 65 years to be served in prison.

Going Beyond Superior Court

Juvenile Court, Accountability Courts, and Pre-Trial Diversion



JUVENILE COURT

The Juvenile Court Division of the District Attorney's Office works closely with Cherokee County Juvenile Court, the local school system, law enforcement agencies, and other organizations. In 2022, this Division received 678 cases and closed 664.

The prosecution of juveniles is handled differently than the criminal process for adults. Juvenile offenses fall into one of three categories: delinquent acts, children in need of services (CHINS), and traffic offenses. A delinquent act is an offense committed by a child under the age of 17 years that would be deemed a criminal offense if it were committed by an adult. CHINS offenses are attributed to children due to their age, such as truancy, ungovernable child, runaway, curfew violations, or underage possession of alcohol.

Juvenile prosecution poses a unique set of challenges that is not present in adult prosecutions. State law requires that all juvenile delinquent and CHINS offenses be dismissed or petitioned within 30 days of the complaint being filed, unless the child is detained. When a child is detained, the petition must be filed within 72 hours and the trial set to within 10 days. The statute does allow for time limits to be extended upon good cause and by order of the Court. However, every effort is made to resolve cases within the statutory time for juveniles to promptly receive services and consequences for their actions. With a shortened time frame, the juvenile prosecution team has

only weeks to gather and analyze the discovery, request additional investigation, interview witnesses and victims, and determine appropriate charges. In addition, juvenile prosecutors have to be familiar with special areas of prosecution such as sexual offenses, electronic crimes, drug offenses, and gang offenses.

The goal of the juvenile justice system is the rehabilitation of juveniles within the community. Disposition of cases relies heavily upon services within the community as well as behavioral health evaluations to determine the appropriate services. More serious juvenile cases require the consideration of removing juveniles from their home and placing them in a juvenile detention center.

JUVENILE DRUG TREATMENT PROGRAM

Established in 2020, the Juvenile Drug Treatment Court Program (JDTC) uses judicial and community-based interventions to provide a comprehensive response to young people in need of substance abuse treatment and behavioral interventions.

The program offers an educational track and a drug court track. The educational track consists of a program that the juvenile attends with a parent. Once the juvenile completes the program, the charge is dismissed. The drug court track is intended for juveniles with a medium- to high-risk substance abuse problem. In the past three years, 60 juveniles have participated in this program.

ACCOUNTABILITY COURTS

For many defendants, criminal activity is directly connected to substance abuse and/or mental health.

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 a minimum of 18 months to complete and require intensive court supervision.

In Cherokee County, the following accountability courts are offered:

Drug Accountability Court — In 2022, a total of 31 offenders with felony cases were accepted into Drug Accountability Court, and 13 graduated.

Treatment Accountability Court — A total of 7 new offenders with felony cases were accepted into Treatment Accountability Court in 2022, with 10 graduating.

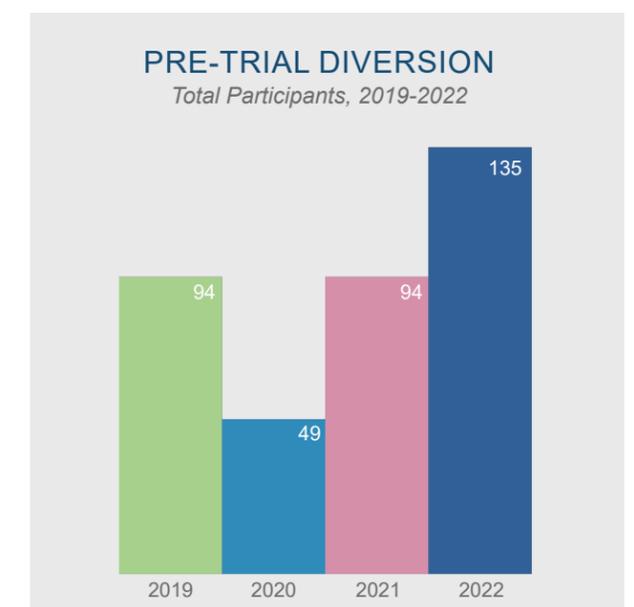
Veterans Treatment Court — This program assists many veterans who suffer from PTSD due to trauma in the military. In 2022, Veterans Treatment Court provided assistance to defendants with felony charges, including 9 who were accepted into the program, and 3 who graduated after completing all requirements.

PRE-TRIAL DIVERSION

In 2017, former District Attorney Shannon Wallace started this program, which offers first-time offenders the opportunity to rehabilitate while deterring future criminal conduct. Eligible low-risk, non-violent offenders are presented with an alternative to the traditional criminal

justice system. By statute, individuals may participate as long as their offense does not require a mandatory minimum sentence of incarceration or imprisonment that cannot be suspended, probated, or deferred. Policies and procedures established by the District Attorney determine which of these cases are admitted.

Since August 2017, a total of 456 individuals have participated in the program, with 135 people entering in 2022. In total, the program has generated \$183,360 in administrative fees, including \$53,600 in 2022, which has been added to the Cherokee County general fund.





INSIDE THE COURTHOUSE

All staff members in the District Attorney's Office are committed to best serving their community by prosecuting felony crimes, assisting crime victims, collaborating with other organizations involved in the criminal justice system, and educating citizens about crime trends.



BEYOND THE COURTHOUSE

Throughout the year, staff members work together to give back to the community. Annual projects include donating to multiple food drives, supporting a school supply drive, contributing to a holiday gift drive at a local elementary school, and volunteering through service organizations.





OFFICE OF THE DISTRICT ATTORNEY
BLUE RIDGE JUDICIAL CIRCUIT

SUSAN K. TREADAWAY

*The Office of the District Attorney is committed to seeking justice, acting with integrity,
and working with our partner agencies
to protect the citizens of Cherokee County and the State of Georgia.*