

**CHEROKEE COUNTY
STATE OF GEORGIA**

GRAND JURY PRESENTMENT

To: Honorable Ellen McElyea
Chief Judge, Superior Court
Cherokee County, Georgia

Honorable David L. Cannon, Jr.
Judge, Superior Court
Cherokee County, Georgia

Honorable M. Anthony Baker
Judge, Superior Court
Cherokee County, Georgia

Honorable Shannon Wallace
Judge, Superior Court
Cherokee County, Georgia

We, the members of the Grand Jury, chosen and sworn to serve the September 2023 Term of the Superior Court of Cherokee County, hereby submit the following report and recommendations.

We, the September 2023 Term Grand Jury, heard 168 Bills of Indictment, returned 168 True Bills and 0 No Bill.

Presentment 1

We, the September 2023 Term Grand Jury, commend Superior Court Bailiffs Pat Tanner, Tina Ingall and Tom Owen for their diligent assistance in arranging materials for the Grand Jury proceedings, managing the schedule for cases to be presented, coordinating Grand Jury payroll and ensuring that all of the Grand Jury proceedings ran smoothly.

Presentment 2

We, the September 2023 Term Grand Jury, commend District Attorney Susan K. Treadaway, Deputy Chief Assistant District Attorney Robert G. Morton, III, each Assistant District Attorney and staff member of the District Attorney's Office, as well as each law enforcement officer and investigator associated with the cases brought before this Grand Jury for their professionalism and hard work in protecting the citizens of Cherokee County.

Presentment 3

We, the September 2023 Term Grand Jury, commend Sheriff Frank Reynolds and his court staff for their excellent work in maintaining safety for jurors within the judicial complex.

Presentment 4

We, the September 2023 Term Grand Jury, express our thanks to the Honorable Judge Shannon Wallace for her professionalism and informative empanelment of this Grand Jury.

Presentment 5

We, the September 2023 Term Grand Jury, received from the District Attorney hand delivered folders from the public on two separate occasions. The folders contained documents with requests of the presiding Grand Jury to determine whether inquiry and/or investigation was to be opened into certain matters. The aforementioned folder contents were identified as follows:

I. Received at the September 11, 2023 monthly session

- (a) A letter dated September 3, 2023 signed by State Representative Charlice Byrd addressed to Georgia Attorney General Christopher M. Carr with a request to “initiate an immediate inquiry into the provable facts and evidence” to support prosecution of Fulton County District Attorney Fani T. Willis for violation of her statutory oath;
- (b) A letter dated September 3, 2023 signed by State Representative Charlice Byrd addressed to Georgia Governor Brian Kemp with a request to “initiate an immediate inquiry into the provable facts and evidence” to support prosecution of Fulton County District Attorney Fani T. Willis for violation of her statutory oath;
- (c) A document entitled “PETITION TO THE CHEROKEE COUNTY GRAND JURY 2023 SEPTEMBER TERM FOR A CIVIL AND CRIMINAL INQUIRY” regarding the “MASTER SOLUTION AND SERVICES AGREEMENT BY AND BETWEEN DOMINION VOTING SYSTEMS, INC. as Contractor (Dominion), and SECRETARY OF STATE OF THE STATE OF GEORGIA as State (Brad Raffensperger) seeking “the

inquisition of this Honorable Article I Court of Inquiry as to the void and void ab initio status of the Contract in question.”

II. Received at the October 13, 2023 monthly session

- (a) A letter dated September 20, 2023 signed by State Representative Charlice Byrd addressed to Grand Jury Foreperson Will Rownd with a request to set “a date and time certain” for the purpose of presentation of “our testimony as upon the merits of our submissions” to the grand jurors;
- (b) Documentation from the Georgia Government Transparency and Campaign Finance Commission purportedly showing outstanding fees owed by Fani T. Willis to the State of Georgia in the amount of \$125;
- (c) A letter dated October 4, 2023 signed by State Representative Charlice Byrd addressed to Chairman Randy McGinley of the Prosecuting Attorneys Qualifications Commission requesting a formal review of District Attorney Fani T. Willis for violation of her oath of office;
- (d) A copy of Oath of District Attorney and Loyalty Oath of Fani T. Willis;
- (e) Identical copy of the September 3, 2023 letter referenced above addressed to Attorney General Christopher M. Carr.

The District Attorney additionally provided the September 2023 Term Grand Jury with applicable Georgia law which outlines the duties and authority of the grand jury when said body elects to undertake an independent investigation:

“...the grand jury shall, whenever deemed necessary by eight or more of its members, appoint a committee of its members to inspect or investigate any *county* office or *county* public building or any public authority of the *county* or the office of any *county* officer, any court or court official of the *county*, the *county* board of education, or the *county* school superintendent or any of the records, accounts, property, or operations of any of the foregoing.” O.C.G.A. § 15-12-71

After review of the contents of said folders and applicable Georgia law, we, the September 2023 Term Grand Jury, find that the Cherokee County Grand Jury lacks authority to investigate any matter concerning Fulton County District Attorney Fani T. Willis in her official capacity, as District Attorney Willis is a Constitutional officer of the State of Georgia and the Office of the Fulton County District Attorney is not located within Cherokee County, Georgia. We, the Grand Jury, conclude that, pursuant to O.C.G.A. § 15-12-71, the Cherokee County Grand Jury does not have legal authority to inspect any records, accounts, property or operations outside of Cherokee County, Georgia.

We, the September 2023 Term Grand Jury, additionally conclude that the Cherokee County Grand Jury lacks jurisdiction to investigate any contract that exists between the State of Georgia and Dominion Voting Systems, Inc., as the legal investigative authority of the Cherokee County Grand Jury does not extend to any state governmental office or official.

After collective discussion and careful consideration, we, the September 2023 Term Grand Jury, declined to pursue any investigation into the use of Dominion voting machines in Cherokee County elections.

Presentment 6

We, the September 2023 Term Grand Jury, express our sincere appreciation to Clerk of Courts Patty Baker for her informative presentation on the operations of the Cherokee County Board of Equalization.

We, the September 2023 Term Grand Jury, pursuant to O.C.G.A. §48-5-311, having received notice from the Board of Equalization, and after publication by the Clerk of Superior Court in compliance with O.C.G.A. §15-12-81, received and reviewed the submitted applications for the vacant positions on the Cherokee County Board of Equalization. All applicants were thereafter interviewed by the Grand Jury on December 11, 2023.

We, the September 2023 Term Grand Jury, hereby appoint Benjamin F. Cunningham to serve as a Regular Member of the Cherokee County Board of Equalization beginning January 1, 2024, and continuing through December 31, 2026.

We, the September 2023 Term Grand Jury, hereby appoint Darrell Dobson to serve as Numbered Alternate Member of the Cherokee County Board of Equalization beginning January 1, 2024, and continuing through December 31, 2026.

We, the September 2023 Term Grand Jury, hereby appoint Rick Parker and William Dewrell to serve as Additional Alternate Members of the Cherokee County Board of Equalization beginning January 1, 2024, and continuing through December 31, 2026.

We, the September 2023 Term Grand Jury, hereby appoint Janet Hall to serve the remainder of the term vacated by Claude Pettit, Jr. as an Additional Alternate Member of the Cherokee County Board of Equalization beginning January 1, 2024, and continuing through December 31, 2025.

Presentment 7

We, the September 2023 Term Grand Jury, express our sincere appreciation to Clerk of Courts Patty Baker for her presentation on December 11, 2023 concerning juror pay. To be more in line with other jurisdictions, and upon recommendation of the Clerk of Court to adjust Traverse Juror pay accordingly, we, the Grand Jury, recommend that Traverse Juror pay be increased from \$25 per day of service to \$35 per day of service.

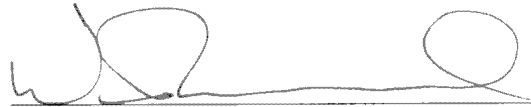
Presentment 8

We, the September 2023 Term Grand Jury, express our sincere appreciation to Court Administrator Jody Overcash for her presentation on December 11, 2023 concerning bailiff pay. To be more in line with other jurisdictions and upon recommendation of the Court Administrator to adjust bailiff pay accordingly, we, the Grand Jury, recommend that bailiff pay be increased from \$85 per day of service to \$125 per day of service.

Presentment 9

We, the September 2023 Term Grand Jury, express our sincere appreciation to Chief Assistant District Attorney Katie Gropper for her informative presentation on December 11, 2023 concerning the current Cherokee County Child Abuse Protocol and 2023 Annual Report, as well as the 2022 Cherokee County Child Fatality Review Committee Annual Report. We, the September 2023 Term Grand Jury, appreciate the hard work and dedication of each member of the Cherokee County Child Fatality Review and the Cherokee County Child Abuse Protocol Committees.

Respectfully submitted this 12th day of December, 2023.

A handwritten signature in black ink, appearing to read 'William Rownd', written over a horizontal line.

William Rownd
Grand Jury Foreperson

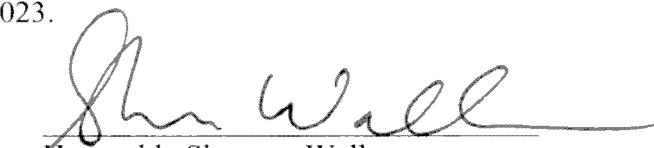
CHEROKEE COUNTY
STATE OF GEORGIA

ORDER

It is ordered that the within and foregoing Grand Jury Presentment having been read and considered, the same be filed.

It is further ordered that a copy of the Grand Jury Presentment, along with a copy of this Order, be sent to the Cherokee Tribune for publication and the usual fees paid thereon.

This the 12th day of December, 2023.


Honorable Shannon Wallace
Judge, Superior Court
Blue Ridge Judicial Circuit