

**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**

We, the members of the Grand Jury, chosen and sworn to serve the September 2022 Term of the Superior Court of Cherokee County, hereby submit the following report and recommendations. Present for the vote on these Grand Jury Presentments were Grand Jurors Chris Harris, David Tolar, Anne Barry, Kristina Walters, Hans Kessock, Amanda De Los Reyes, Kimberly Reeves, Brandi Byers, Ken Cahill, Greg Jongbloedt, Dave Pileggi, Steven Wyatt, Miles Langston, Jimmy Mitchell, Tracy Gifford-Bursmith, Huifang Jiang, Paula Kantenwein, Philip Hawkins, Jeff Williams, Chester Cheney, Rachel Keck

We, the September 2022 Grand Jury, heard 221 Bills of Indictment, returned 221 True Bills and 0 No Bill.

Presentment 1

We, the September 2022 Grand Jury, express our thanks to the Honorable Judge Anthony Baker for his professionalism and informative empanelment of this Grand Jury.

Presentment 2

We, the September 2022 Grand Jury, commend Superior Court Bailiffs Fay McCurry, Pat Tanner, Tom Owen and Linda Wolfe 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 3

We, the September 2022 Grand Jury, commend District Attorney Shannon Wallace, each of her Assistant District Attorneys and staff members, and 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 4

We, the September 2022 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 Grand Jury, made the following appointments to the Cherokee County Board of Equalization this term:

- (1) Claude Pettit, Jr., Regular Member
- (2) Nancy Carson, Regular Member;
- (3) Emily Lemcke, Additional Alternate Member;
- (4) Phillip Hogsed, Additional Alternate Member;
- (5) John Rick Parker, Additional Alternate Member.

Presentment 5

We, the September 2022 Grand Jury, express our appreciation to Deputy Chief Assistant District Attorney Katie Gropper for her presentation on December 12, 2022, of the current Cherokee County Child Abuse Protocol and the 2021 Cherokee County Child Fatality Review Committee Annual Report. We, the September 2022 Grand Jury, found this presentation to be extremely informative and the Grand Jury appreciates the dedication and hard work of each member of the Cherokee County Child Fatality Review and the Cherokee County Child Abuse Protocol Committees. While the statistics regarding child fatalities in Cherokee County in 2021 are extremely alarming to the Grand Jury, we greatly appreciate the District Attorney's Office for presenting these statistics and helping the Grand Jury better understand the scope of child fatalities in Cherokee County in 2021.

Presentment 6

We, the September 2022 Grand Jury, express our appreciation to Clerk of Courts Patty Baker, for her presentation on December 12, 2022, regarding juror and bailiff pay. To be more in line with other jurisdictions and upon recommendation of the Clerk of Court, we, the Grand Jury, recommend Traverse Juror pay be increased from \$25 per day of service to \$30 per day of service. We, the Grand Jury, also recommend Grand Juror pay be maintained at \$50 per day of service and that bailiff pay be maintained at \$85 per day of service.

Presentment 7

On September 12, 2022, we, the September 2022 Grand Jury, were informed by District Attorney Shannon Wallace that a document styled "Petition to the Cherokee County Grand Jury

2022 May Term for a Civil and Criminal Inquiry” had been hand delivered by three unknown individuals to the May 2022 Grand Jury foreman, Kenneth Keeton, at his personal residence after his Grand Jury service had ended. Mr. Keeton delivered this document to District Attorney Wallace on September 12, 2022, when he came to speak to the September 2022 Grand Jury as the previous foreperson. District Attorney Wallace informed this Grand Jury about her receipt of this petition, a copy of the petition was given to the current foreperson, Chris Harris, and DA Wallace indicated we would discuss the petition at the October grand jury meeting after she had an opportunity to review the petition.

On October 10, 2022, District Attorney Wallace provided this Grand Jury with the petition she received from former Grand Jury foreperson Kenneth Keeton. We, the September 2022 Grand Jury, acknowledge receipt of this petition, which alleges “use of illegally placed QR code on the face of each ballot” from the “most recent past Presidential and primary election cycles” and requests this Grand Jury to “hold void the contract between the Georgia and Dominion and hold void all elections, and certifications thereof, since July of 2019, and that this Grand Jury instruct all state elections officials not to use the Dominion System for obtaining the in-person votes of electors in the State of Georgia...”

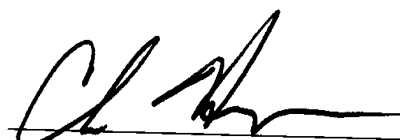
On November 14, 2022, Assistant Foreperson David Tolar provided District Attorney Wallace with a document that had been hand-delivered to his personal residence on October 22, 2022, by an unknown female. The content of this petition received by Grand Juror Tolar was the same as the petition former Grand Juror Kenneth Keeton received at his personal residence and in which this Grand Jury reviewed on October 10, 2022. This petition also included an unsigned letter addressed to Grand Juror David Tolar, which stated the following:

“Consistent with our 1st Amendment Right of Petition, please find enclosed a Petition we submitted to the prior Grand Jury Foreman which we understand was not acted upon due to the pending expiration of their Term. Please share this Petition with your Foreman and colleagues, and upon review, we request that subpoenas issue to the named Petitioners for a date and time for each of us to appear before your Tribunal for further hearing within the next 30 days from service. Should any juror have any questions, we will answer the same upon our in person hearing. Please be aware that your oath of office, and both state and Federal law, does not permit any discretion as to a hearing upon matters touching upon your present service. Thank you for your attention to this matter.”

After review of these documents and discussion, we, the September 2022 Grand Jury, decline to pursue any type of investigation into this matter. While this petition cites alleged violations of federal criminal statutes, this Grand Jury does not have the legal authority to investigate and indict violations of any federal criminal law. Likewise, with limited exceptions that do not appear present in the aforementioned complaint, this Grand Jury does not have any legal authority to investigate or indict any violations of any state laws that occur outside of Cherokee County, Georgia. Furthermore, this Grand Jury lacks authority to civilly inspect or investigate any *state* agency or *state* officer as O.C.G.A. §15-12-71(b)(2) only gives the Grand Jury authority to civilly inspect or investigate *county* agencies and *county* officers.

While it does not appear the act of hand-delivering a request for an investigation to the personal residence of current and previous grand jurors constitutes a violation of O.C.G.A. §16-10-97, we, the September 2022 Grand Jury, were deeply troubled by the actions of these unnamed and unknown individuals and would like to see the state law revised to prohibit this type of contact with grand jurors at their personal residences. Any individual who would like to deliver any document to any future Grand Jury should go through the Blue Ridge Judicial Circuit District Attorney, who is the statutorily prescribed legal advisor for the Grand Jury pursuant to O.C.G.A. § 15-18-6.

Respectfully submitted this 12 day of December, 2022.



Chris Harris
Grand Jury Foreperson

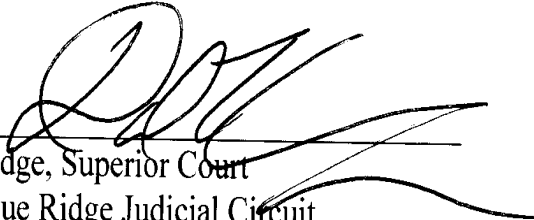
CHEROKEE COUNTY
STATE OF GEORGIA

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 13 day of Dec, 2022.



Judge, Superior Court
Blue Ridge Judicial Circuit