

IN THE SUPERIOR COURT OF HALL COUNTY

FILED  
HALL CO., GA

STATE OF GEORGIA

2009 JAN 26 PM 4:01

THE STATE OF GEORGIA

CRIMINAL ACTION

Vs.

CASE NO. 2008CR000359B  
JANUARY TERM, 2009

MARTY EUGENE SAVAGE,  
Defendant.

CHARLES BAKER, CLERK  
SUPERIOR-STATE COURT

BY 



Date of Birth: 12/17/1956  
State ID Num:  
FBI ID Num:

CHARGES:

Count 1:	Agg Animal Cruelty	Plea Of Guilty
Count 2:	Agg Animal Cruelty	Merged with Count 1
Count 3:	Cruel To Animal	Plea Of Guilty
	Reduced From: Agg Animal Cruelty	
Count 4:	Simple Battery (Fva)	Plea Of Guilty

Negotiated

JUDGMENT AND SENTENCE

**COUNT 1: AGG ANIMAL CRUELTY  
FELONY SENTENCE**

WHEREAS the Defendant has freely and voluntarily tendered a plea of guilty to the offense of AGG ANIMAL CRUELTY;

THEREFORE, IT IS ORDERED AND ADJUDGED that the above named Defendant is hereby adjudicated guilty of the offense of Agg Animal Cruelty and sentenced to confinement for a period of **5 year(s), 0 month(s), and 0 day(s)** in the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law. However, it is further ordered by the Court that upon completion of **1 year(s), 0 month(s), and 0 day(s)** of the above sentence, the remainder of the sentence may be served on probation provided that the Defendant complies with the general and special conditions listed below as imposed by the Court as a part of this sentence.

**SPECIAL CONDITIONS OF PROBATION**

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant comply with each of the following special conditions of probation in addition to any other special or general conditions imposed in this sentence:

- Pay a fine in the amount of \$1,500.00 plus \$200.00 pursuant to O.C.G.A. § 15-21-70, at a rate to be approved by the Probation Department.
- Pay an additional \$150.00 toward the County Jail Fund.
- Pay an additional \$75.00 toward the Victim Assistance Program Fund.

**COUNT 2: AGG ANIMAL CRUELTY  
FELONY SENTENCE**

WHEREAS the Defendant has freely and voluntarily tendered a plea of guilty to the offense of AGG ANIMAL CRUELTY, however the offense of AGG ANIMAL CRUELTY merges with Count 1 for adjudication and sentencing;

THEREFORE, IT IS ORDERED AND ADJUDGED that the above named Defendant is hereby adjudicated guilty of the offense of Agg Animal Cruelty and sentenced to confinement for a period of **0 year(s), 0 month(s), and 0 day(s)** in the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law.

**COUNT 3: CRUEL TO ANIMAL  
MISDEMEANOR SENTENCE**

WHEREAS the Defendant has freely and voluntarily tendered a plea of guilty to the offense of CRUEL TO ANIMAL; THEREFORE, IT IS ORDERED AND ADJUDGED that the above named Defendant is hereby adjudicated guilty of the offense of Cruel To Animal and sentenced to confinement for a period of **0 year(s), 12 month(s), and 0 day(s)** in the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law. This sentence will be concurrent with all other sentences.

**COUNT 4: SIMPLE BATTERY (FVA)  
MISDEMEANOR SENTENCE**

WHEREAS the Defendant has freely and voluntarily tendered a plea of guilty to the offense of SIMPLE BATTERY (FVA);

THEREFORE, IT IS ORDERED AND ADJUDGED that the above named Defendant is hereby adjudicated guilty of the offense of Simple Battery (Fva) and sentenced to confinement for a period of **0 year(s), 12 month(s), and 0 day(s)** in the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law. This sentence will be concurrent with all other sentences.

**GENERAL CONDITIONS OF PROBATION**

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant comply with each of the following general conditions of probation:

1. Do not violate the criminal laws of any government unit.
2. Avoid injurious and vicious habits - especially alcohol and narcotics and other dangerous drugs unless prescribed lawfully.
3. Avoid persons or places of disreputable or harmful character.
4. Report to the Probation Supervisor as directed and permit such Supervisor to visit him (her) at home or elsewhere.
5. Work faithfully at suitable employment insofar as it may be possible.
6. Do not change residence, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
7. Support the Defendant's legal dependents to the best of the Defendant's ability.
8. Pay a Probation Supervision fee of \$32.00 per month.

**OTHER SPECIAL CONDITIONS OF PROBATION**

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant comply with each of the following special conditions of probation:

- Pay court costs of \$135.00 (\$100.00 plus \$20.00 toward the Peace Officer's Training Fund, \$10.00 toward the County Jail Fund and \$5.00 toward the Victim Assistance Program Fund).
- Pay \$50.00 Public Defender application fee pursuant to OCGA § 15-21A-6(c) directly to the Hall County Public Defender's Office and provide proof of payment to Probation.
- Pay a G.B.I. Crime Lab fee of either \$25.00, for violation of O.C.G.A. § 40-6-391 or O.C.G.A. § 16-13-2 (b), or \$50.00 for Felony Probation cases.
- Submit to drug and alcohol evaluation, treatment, and random screens at the Defendant's expense.
- Repay Hall County for the costs of legal representation by the Public Defender pursuant to OCGA §17-12-51(a) in the amount of \$300.00.
- Have no direct or indirect contact with KATHLEEN SAVAGE OR MR. SHEPHARD.
- Perform 40 hours of community service.
- Provide a DNA sample as required by OCGA § 24-4-60

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant is hereby advised that the Court may, at any time, revoke or modify any conditions of this probation and/or discharge the Defendant from probation. The Defendant shall be subject to immediate arrest for violation of any condition of probation. If probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deduction therefrom the amount of time the Defendant has served on probation or under the First Offender Act or may impose a new sentence which may be the maximum which could have been imposed less credit for time served on probation.

**CREDIT FOR TIME SERVED**

The Defendant shall be given credit for each day spent in confinement awaiting disposition of this matter pursuant to O.C.G.A. § 17-10-11.

**4th AMENDMENT WAIVER**

IT IS FURTHER ORDERED AND ADJUDGED that as the Court finds that Defendant has freely and voluntarily agreed to waive any rights to be free from unreasonable searches and seizures under the 4th Amendment to the U.S. Constitution and corresponding provision of the Georgia Constitution, this Sentence shall reflect that the Defendant shall be subject to this waiver of rights for the entire period of this sentence including while imprisoned, on probation, or under any other conditional release program wherever the Defendant may be located.

The Defendant was present before the Court and represented by KRISTIN JORDAN, Attorney-at-Law. The State was represented by VANESSA SYKES. The proceedings were reported by TINA O'GUIN, Certified Court Reporter.

IT IS FURTHER ORDERED AND ADJUDGED that: DEFENDANT SHALL ATTEND AND COMPLETE ANGER MANAGEMENT PROGRAM AND DOMESTIC VIOLENCE INTERVENTION PROGRAM.  
DEFENDANT SHALL HAVE NO CONTACT WITH KATHLEEN SAVAGE.  
DEFENDANT SHALL UNDERGO A MENTAL HEALTH EVALUATION AND RECEIVE TREATMENT AND MEDICATIONS IF RECOMMENDED.  
DEFENDANT SHALL ATTEND ONE (1) AA MEETING PER WEEK FOR THE FIRST SIX (6) MONTHS OF PROBATION.  
DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED FROM 10/10/07 - 3/20/08.  
DEFENDANT SHALL NOT BE ALLOWED TO OWN OR BE IN POSSESSION OF ANY PETS.  
DEFENDANT SHALL REPORT TO THE HALL COUNTY DETENTION CENTER ON FRIDAY, JANUARY 30, 2009 BY 5:00 TO BEGIN SERVING SENTENCE.

**O.C.G.A. § 42-8-34.1-SPECIAL CONDITION OF PROBATION  
OR SUSPENDED SENTENCE**

If within this written sentence there is any term and condition of sentence which is entitled, labeled or categorized as a special condition of probation, including, but not limited to, those terms and conditions entitled SPECIAL CONDITIONS OF PROBATION or as OTHER SPECIAL CONDITIONS OF PROBATION or as ADDITIONAL SPECIAL CONDITIONS OF PROBATION then this sentence provision applies as if this paragraph was written simultaneously to and immediately after each such Special Term and Condition of Sentence.

For the purpose of O.C.G.A. § 42-8-34.1 as applicable to this written sentence, the phrase "Special Condition of Probation or Suspension Of The Sentence" as set out in the statute means a condition of a probated or suspended sentence which is expressly imposed as a part of the sentence in addition to general conditions of probation and court ordered fines and fees; and is identified in writing in the sentence as a condition the violation of which authorizes the Court to revoke the probation or suspension and require the Defendant to serve up to the balance of the sentence in confinement.

**NOTICES**


**APPEAL** - You have a right to appeal your conviction and sentence by filing a written notice of appeal with the Clerk of Superior Court within 30 days from today. If you are not able to pay the cost of an appeal or for an attorney, you may request that the Court waive the filing fee and appoint appellate counsel.

**HABEAS CORPUS** - Pursuant to O.C.G.A. § 9-14-42 and O.C.G.A. § 40-13-33 you have a right to file a habeas corpus action if there has been a substantial denial of your constitutional rights under the Georgia or U.S. Constitution. Any action brought pursuant to these code sections must be filed within 180 days for traffic offenses, 1 year in the case of misdemeanor offenses, or within 4 years in the case of felony offenses. The time for filing begins running upon judgment of conviction becoming final by conclusion of direct review [Appeal] or the expiration of time for seeking such review [30 days from sentencing or ruling on motion for new trial or order granting out of time appeal].

**FIREARMS** - If you are convicted of any misdemeanor involving domestic violence or any felony, you permanently lose your right to possess any firearm or ammunition pursuant to 18 U.S.C. 922 (g) (9).

**Failure to file for Appeal, or Habeas Corpus within the aforementioned time limits waives any rights you have thereto.**

SO ORDERED, this 26th day of January, 2009.




KATHLEEN GOSSELIN, JUDGE  
SUPERIOR COURTS  
NORTHEASTERN JUDICIAL CIRCUIT

**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on this date a true and correct copy of this Sentence Order has been delivered in person to the Defendant and the Defendant has been instructed regarding all conditions set forth above.

THIS 26<sup>th</sup> day of January, 2009

  
PROBATION OFFICER

THIS IS TO ACKNOWLEDGE that on this date I have recieved a copy of this Sentence Order and instructions regarding all conditions set forth above.

THIS 26<sup>th</sup> day of January, 2009

  
MARTY EUGENE SAVAGE

IN THE SUPERIOR COURT OF HALL COUNTY  
NORTHEASTERN JUDICIAL CIRCUIT  
STATE OF GEORGIA

INDICTMENT

WITNESSES

CASE NO. 2008CR359B  
January Term, 2008

THE STATE OF GEORGIA

vs.

MARTY EUGENE SAVAGE

OFFENSE(S): AGGRAVATED CRUELTY TO ANIMAL;  
AGGRAVATED CRUELTY TO ANIMAL; AGGRAVATED  
CRUELTY TO ANIMAL; SIMPLE BATTERY (FVA)

Inv. Brian Foster, HCSO  
Sgt. Bob Watterson, HCSO  
Inv. Cameron Duruam, HCSO  
Deputy Charles Giaquinta, HCSO  
Inv. Deborah Buchanan, HCSO

Kathleen Savage  
11 B Avenue  
Gainesville, Georgia 30504  
(770)718-9294

Deb Patterson

Hiram Warren Shepard  
3120 Sardis Road  
Gainesville, Georgia 30506  
(678)943-1980

Rick Akin  
Hall County Humane Society  
845 W. Ridge Road  
Gainesville, Georgia 30501

Dr. James Tanner  
Hall County Humane Society  
845 W. Ridge Road  
Gainesville, Georgia 30501

Dr. Uriel Blas-Machado  
DVM, PHD  
Athens Diagnostic Laboratory  
UGA College of Veterinary Medicine,  
Athens, Georgia 30602

FILED  
HALL CO., GA.  
2008 MAR 20 PM 5:29  
D'RIGHT S. WOOD, CLERK  
SUPERIOR-STATE COURT

TRUE  
\_\_\_\_\_  
Bill  
J. Bailey  
\_\_\_\_\_  
Foreperson

agg cruelty (ad); cruelty, battery  
The Defendant herein waives formal arraignment/indictment by grand jury and pleads:  
**GUILTY NOT GUILTY NOLO CONTENDERE**  
This 26th day of Jan, 2007

The Defendant herein waives formal arraignment/indictment by grand jury and pleads:  
**GUILTY NOT GUILTY NOLO CONTENDERE**  
This 10th day of April, 2008

[Signature]  
\_\_\_\_\_  
Defendant  
[Signature]  
\_\_\_\_\_  
Attorney for Defendant  
By: [Signature]  
\_\_\_\_\_  
Assistant District Attorney

[Signature]  
\_\_\_\_\_  
Defendant  
[Signature]  
\_\_\_\_\_  
Attorney for Defendant  
By: [Signature]  
\_\_\_\_\_  
Assistant District Attorney

**BILL OF INDICTMENT**

STATE OF GEORGIA, COUNTY OF HALL

IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS SELECTED, CHOSEN AND SWORN FOR THE COUNTY OF HALL, TO-WIT:

FILED  
HALL CO., GA.  
2008 MAR 20 PM 5:29  
DWIGHT S. WOOD, CLERK  
SUPERIOR STATE COURT  
BY \_\_\_\_\_

Thomas C. Mundy, Sr.  
Geraldine Fitzpatrick  
Dale B. Holmes, Sr.  
Christopher Justin Hulsey  
Roger A. Matthews  
~~Joann Quillian~~ *dj*  
Cain Cuevas  
~~Gwen Hensley~~ *dj*

Sherrie W. Hales  
Will Hicks, Jr.  
Joseph B. Bidy  
Joann C. Banks  
Wendy E. Palmer  
Stephanie Lynn Sartain  
Steve McDonald  
Teri D. Minor

Benjamin Thomas Ingle  
Brian K. Jones  
Teresa Davis Thamer  
Curtis Hatcher  
Helen Puckett  
Doris C. Jones  
Stephen B. Brock

In the name and on behalf of the citizens of Georgia, charge and accuse **MARTY EUGENE SAVAGE** with the offense of **AGGRAVATED CRUELTY TO ANIMAL**, for that the said accused in the County of Hall and the State of Georgia on the **8TH DAY OF OCTOBER, 2007**, did knowingly and maliciously cause the death of an animal, to-wit: a mixed-breed puppy named Buddy, by using his foot to stomp on the animal and a knife to stab the animal in violation of O.C.G.A. § 16-12-4, contrary to the laws of said State, the good order, peace and dignity thereof.

**COUNT TWO**

AND THE GRAND JURORS, aforesaid, in the name and on behalf of the citizens of Georgia, charge and accuse **MARTY EUGENE SAVAGE** with the offense of **AGGRAVATED CRUELTY TO ANIMAL**, for that the said accused in the County of Hall and the State of Georgia on the **8TH DAY OF OCTOBER, 2007**, did knowingly and maliciously cause physical harm to an animal, to-wit: a mixed-breed puppy named Buddy, by seriously disfiguring such animal by, using his foot to stomp on the animal and a knife to stab the animal, causing broken bones and a stab wound to the head of animal, in violation of O.C.G.A. § 16-12-4, contrary to the laws of said State, the good order, peace and dignity thereof.

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SUPERIOR-STATE COURT

**COUNT THREE**

AND THE GRAND JURORS, aforesaid, in the name and on behalf of the citizens of Georgia, charge and accuse **MARTY EUGENE SAVAGE** with the offense of **AGGRAVATED CRUELTY TO ANIMAL**, for that the said accused in the County of Hall and the State of Georgia on or about **THE 19TH DAY OF SEPTEMBER, 2007**, the exact date being unknown to the Grand Jurors, did knowingly and maliciously cause the death of an animal, to-wit: a black Pomeranian dog named Smokey, by drowning the animal in violation of O.C.G.A. § 16-12-4, contrary to the laws of said State, the good order, peace and dignity thereof.

**COUNT FOUR**

AND THE GRAND JURORS, aforesaid, in the name and on behalf of the citizens of Georgia, charge and accuse **MARTY EUGENE SAVAGE** with the offense of **SIMPLE BATTERY (FVA)**, for that the said accused in the County of Hall and the State of Georgia on the **8TH DAY OF OCTOBER, 2007**, did intentionally make physical contact of an insulting and provoking nature with the person of Kathleen Savage by grabbing her by the throat and pushing her and head-butting her in the face, said Simple Battery being committed between a husband and wife in violation of O.C.G.A. § 16-5-23, contrary to the laws of said State, the good order, peace and dignity thereof.

FILED  
HALL CO., GA.  
2008 MAR 20 PM 5: 29  
DWIGHT S. WOOD, CLERK  
SUPERIOR-STATE COURT  
BY \_\_\_\_\_