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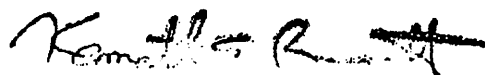
C E R T I F I C A T E

G E O R G I A:

H A L L C O U N T Y:

I hereby certify that the foregoing transcript of the proceedings was taken before me as official court reporter for the Superior Court of Hall County, and reduced to typewriting under my direction and supervision; that the foregoing pages 1 through 11 represent a true, complete, and correct transcript of said proceedings.

This, the 3rd day of December 2011.



KENNETH E. BARRETT, CCR-B-1996

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THE DEFENDANT: Yes, sir.

THE COURT: All right. Mr. Wise, good luck to you.
That will be the sentence of the court. Mr. Darragh, I
think you inadvertently gave me your office file.

MR. DARRAGH: Sorry.

THE COURT: I signed the nol-pros.

MR. SAMMONS: Thank you, sir.

(Proceedings concluded.)

1 freely, voluntarily and with a full understanding of what
2 you are doing. Do you agree with that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Sammons, do you agree?

5 MR. SAMMONS: Yes, Judge.

6 THE COURT: Is there anything else you want to say
7 about sentence?

8 MR. SAMMONS: No, Judge. I think it is a fair
9 disposition. If the court would find and the sentence
10 reflect that the time has been served, then Mr. Wise can
11 get on elsewhere.

12 THE COURT: Mr. Wise, I'm going to sentence you to one
13 year to serve in custody, credit for time served from 5
14 November 2010. I believe under the policy of the Hall
15 County Sheriff, you have served all your custodial time.
16 I'm going to add one condition to your sentence. You are
17 banished from the Northeastern Judicial Circuit. That is
18 Hall County and Dawson County. So hopefully that will help
19 them get you moved south back to Fulton County. But I
20 think you served all your custodial time. So there is not
21 much of anything other than my comment that they don't need
22 to have you in Hall County. You keep getting in trouble
23 here. You need to be somewhere else.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Does that sound fair?

1 riot in a penal institution is twenty years in prison. The
2 minimum is one year which can be served on probation. Has
3 anyone coerced you to enter a plea of guilty through
4 threats, force or promises?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: They coerced you?

7 THE DEFENDANT: No. No. No, sir.

8 THE COURT: Are you entering this on your own free
9 will?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Then, Mr. Wise, are you now under the
12 influence of alcohol or drugs?

13 THE DEFENDANT: No, sir.

14 THE COURT: Then as to count one in 2011-CR-314-C
15 charging you with riot in a penal institution, how do you
16 plead?

17 THE DEFENDANT: Guilty.

18 THE COURT: Did you in fact commit that offense as you
19 have been accused?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Sammons, do you stipulate that there's
22 a factual basis for the plea?

23 MR. SAMMONS: Yes, Judge.

24 THE COURT: Mr. Wise, I will accept your plea of
25 guilty, find you guilty and find that you entered your plea

1 from Fulton County.

2 MR. SAMMONS: Yes, Judge. It seems fair for them to
3 come get him.

4 THE COURT: Is this the incident that I read about in
5 the paper with Captain Bandy and others?

6 MR. DARRAGH: The nol-pros incident, yes, sir. The
7 one to which he is pleading guilty is the unrelated
8 incident of November 5th.

9 THE COURT: Mr. Wise, I'm holding here your petition
10 to enter a plea of guilty. Do you recognize this document?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you read it, understand it, go over it
13 with your attorney and sign it here on the back?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did you answer all the questions
16 truthfully?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did you sign the document freely,
19 voluntarily and with a full understanding of what you were
20 doing?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand what you're charged
23 with?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The maximum sentence you can receive for

1 THE COURT: So no prior convictions.

2 MR. DARRAGH: I was looking for that just now. Let's
3 see if I can find that, Judge. I'm looking specifically
4 for notations for convictions themselves.

5 THE COURT: What is Mr. Wise's pending charges in
6 Fulton County?

7 MR. SAMMONS: Judge, he tells me that it was -- I
8 think initially it was an armed robbery charge that was
9 pled out to robbery with twenty-five years probation. He
10 says that case has been closed. So the effect of today's
11 proceedings should be to effectuate his release.

12 MR. DARRAGH: The GCIC that I presently have does not
13 reflect that closure, so I don't know whether that's so or
14 not. But I do show that there was an armed robbery charge
15 of 10/1/2009. And a cycle one -- a cycle two arrest. A
16 cycle one arrest was 11/10/2008 for robbery by force, and
17 then a cycle two was an armed robbery charge out of the
18 Atlanta Police Department, along with an aggravated
19 battery, and possession of a firearm or knife during the
20 commission of attempt to commit certain felonies, and also
21 a battery charge related to it. So I actually don't show.
22 I show two different arrests. One by Atlanta Police and
23 one by MARTA Police, two different dates. So I don't know
24 if he disposed of those or not.

25 THE COURT: That's fine. Mr. Wise was being boarded

1 MR. DARRAGH: Thank you very much. November 5th,
2 2010. And that the sentence order would reflect that his
3 time is already served. That's only a couple weeks away.
4 That's fine with me. I knew that it was approaching that
5 time. But through this disposition, he does receive that
6 felony conviction. And even though it doesn't account for
7 any additional time, I think it is appropriate to have that
8 on his record. And I will also be advising the sheriff
9 that it might be a good idea that Mr. Wise be housed
10 elsewhere rather than in either the Hall County facility or
11 under our auspices, because there -- because there were at
12 least two chargeable incidents that he has been involved
13 with since his incarceration.

14 With that, the defendant -- and I pretty much made my
15 factual presentation about what happened on November 5th.
16 There is not a whole lot more to that. The defendant has
17 prepared a petition to enter a guilty plea, has signed on
18 the face of the indictment that he is entering that plea.
19 And I also have the nol-pros related to the other. I will
20 submit all of that to Your Honor.

21 Now, I will say -- and of course, always interested in
22 the defendant's prior record. He has some serious charges
23 pending in Fulton County. I took that into account in
24 closing this case as well. Hopefully they will get closer
25 to closing their case.

1 But after the incident for which he was charged, there
2 was an incident involving some deputy -- some correctional
3 officers with the Hall County jail. And in order to just
4 ensure that that matter be handled appropriately, they're
5 agreeing that a covenant not to sue related to that
6 incident or any incident while Mautious Wise has been
7 incarcerated at that the Hall County jail and that we can
8 just close that case by nol-pros.

9 I was also aware, of course, that the defendant had
10 this additional case, and that is 2011-CR-314-C. In that
11 case, the defendant is charged with riot in a penal
12 institution. And the allegation is that on the 5th of
13 November, 2010, he did, while legally confined to a penal
14 institution, that is, the Hall County jail, commit an act
15 in a violent and tumultuous manner by fighting with Kevin
16 Robinson, in violation 16-10-56.

17 Because that occurred in a jail, it is a felony
18 charge. They were observed in this fight, and both were
19 charged. Mr. Favor has previously closed his case, and
20 Mautious Wise's case is pending here. Our negotiation on
21 that case, and I hope the court will accept it, and I think
22 it is appropriate, is that he receive a sentence of one
23 year to serve from the date of the incident, which was
24 November 5th, 2011.

25 MR. SAMMONS: November 5th, 2010.

1 habeas corpus action. You would have to file that action
 2 within four years of today's date if you're closing a
 3 felony and within one year of today's date if you're
 4 closing a misdemeanor. You also have a qualified right of
 5 appeal which you would have to pursue within thirty days of
 6 today's date. Your attorney can give you more advice about
 7 those rights.
 8 (Whereupon, a brief recess was taken.)
 9 MR. DARRAGH: Your Honor, the defendant is essentially
 10 closing two cases today. One of them is by a guilty plea.
 11 One of them is by a not-pros, should the court approve our
 12 disposition, which the State is satisfied with. I have
 13 also talked with the County attorney, Mr. Blalock, and I
 14 have also talked with the sheriff of Hall County, Sheriff
 15 Cronin, concerning disposition of the 2011-CR-376-C case.
 16 In that case, we are submitting a not-pros because
 17 pursuant to our negotiations, we have also obtained -- I
 18 talked to County attorney about this. The defendant has
 19 prepared a covenant or signed a covenant not to sue and I
 20 have prepared -- I talked to Mr. Blalock about that, and he
 21 is satisfied with the language concerning an incident of
 22 December of 2011 in which there was clearly a case in which
 23 the defendant was appropriately charged for obstruction of
 24 an officer and a riot in penal institution and some other
 25 things.

THE COURT: Ladies and gentlemen, if everybody here
 would give me your attention, I want to tell you about the
 rights you give up when you plead guilty. When you plead
 guilty, you give up certain rights. You give up your
 presumption of innocence, your right to have a trial by
 jury where the State would be required to prove your guilt
 beyond a reasonable doubt. You give up the right to
 confront the witnesses against you, to subpoena witnesses
 to testify for you, the right to testify for yourself and
 to offer to offer other evidence at trial.

You give up the right to be represented by an attorney
 at trial. That would be an attorney you hired or one that
 was appointed to represent you. And you give up the right
 not to incriminate yourself.

By pleading not guilty or remaining silent, you would
 get a jury trial. When you get up here to enter your plea,
 I'm going to ask if you understand the rights you give up
 by pleading guilty. If you have any questions about those
 rights, make sure you ask me at that time.

Additionally, I need to tell you that a plea of guilty
 may affect your immigration status and/or your ability to
 remain in or re-enter this country if you are not a
 citizen.

Additionally, everyone needs to know that you have
 some post conviction rights. You have a right to file a

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LEE DARRAGH
District Attorney
P.O. Box 1680
Gainesville, GA 30503
(770) 531-6965

JASON J. DEAL
JUDGE, SUPERIOR COURTS
NORTHEASTERN JUDICIAL CIRCUIT

Approved:

LEE DARRAGH
DISTRICT ATTORNEY
NORTHEASTERN JUDICIAL CIRCUIT

Prepared and recommended by:

This 18th day of October, 2011.

Therefore, that charge is hereby nolle prosequi.

nolle prosequi disposition of 2011CR376C.

2011CR376C involving an incident of December 23, 2010, the State and the defense negotiated a

Although there was probable cause and a prima facie case in the later case of

served since the incident.

of November 5, 2010, and received a sentence of one year to serve, credit for the time he has

defendant entered a guilty plea to the riot offense charged in 2011CR314C regarding an incident

defendant's two pending cases, 2011CR376C and 2011CR314C. Under the agreement, the

The defendant Mautous Wise and the State of Georgia negotiated a disposition of the

reasons:

Northeastern Judicial Circuit, and hereby enters a nolle prosequi in this case for the following

Comes now the State of Georgia, by and through the District Attorney for the

NOLLE PROSEQUI

Defendant,

MAUTOUS WISE,

CHARLES BAKER, CLERK
SUPERIOR STATE COURT
BY *mm*

2011 OCT 19 AM 8:35

STATE OF GEORGIA
HALL COUNTY, GA
CASE NO.: 2011CR376C

IN THE SUPERIOR COURT OF HALL COUNTY, GEORGIA

STATE OF GEORGIA	§	CASE NUMBER: 2011CR376C
v.	§	(not to be filed with clerk – for
MAUTIOUS WISE,	§	the parties' records)

COVENANT NOT TO SUE

The defendant Mautious Wise, pursuant to a negotiated disposition of two indictments (2011CR314C, to which defendant entered a guilty plea on October 18, 2011) and the present indictment (to which a nolle prosequi is entered), hereby agrees and covenants that he will under no circumstances pursue a civil suit against the Sheriff of Hall County, or any of his employees or assigns for any incident or event occurring at the Hall County Jail from the date of the beginning of the incarceration of Mautious Wise at said jail up and through the date of this covenant not to sue. This document shall be delivered to Steve Cronic, Sheriff of Hall County, Georgia, and to Bill Blalock, County Attorney, for inclusion in their files.

SO COVENANTED.

This 18 day of October, 2011.

Mautious Wise
 MAUTIOUS WISE

Dan Sammons
 DAN SAMMONS
 ATTORNEY FOR DEFENDANT

Lee Darragh
 Witness



**LEE DARRAGH
DISTRICT ATTORNEY
NORTHEASTERN JUDICIAL CIRCUIT
HALL COUNTY / DAWSON COUNTY**

October 25, 2011

P.O. Box 1690
Gainesville, Georgia 30503
(770) 531-6965
Fax: (770) 531-6970
email: ldarragh@hallcounty.org

Sheriff Steve Cronic
Hall County Jail

Mr. Bill Blalock
Stewart, Melvin & Frost
P.O. Box 3280
Gainesville, GA 30503

Gentlemen:

Re: Mautious Wise

Enclosed please find the original (to Mr. Blalock) and a copy (to Sheriff Cronic) of the covenant not to sue obtained in connection with the closure of the cases against Mr. Wise, one by guilty plea, the other by nolle prosequi.

Respectfully,

A handwritten signature in black ink, appearing to read "Lee Darragh", with a long horizontal flourish extending to the right.

Lee Darragh
District Attorney

LD/lgt

Enclosure

FILED
HALL CO. GA.

COUNT TWO

2011 MAY -2 PM 5:05

CHARLES OWEN, CLERK
SUPERIOR-STATE COURT

BY _____ *CK*

AND THE GRAND JURORS, aforesaid, in the name and on behalf of the citizens of Georgia, charge and accuse MAUTIOUS WISE with the offense of RIOT IN A PENAL INSTITUTION, for that the said accused in the County of Hall and the State of Georgia on the 22ND DAY OF DECEMBER, 2010, did while legally confined to a penal institution, to-wit: the Hall County Jail, commit an act in a violent and tumultuous manner by using his hands and fists to strike Correctional Officer Jourdan Smith on and about the face and head in violation of O.C.G.A. § 16-10-56 , contrary to the laws of said State, the good order, peace and dignity thereof.

BILL OF INDICTMENTFILED
HALL COUNTY

2011 MAY -2 PM 5:05

CHARLES W. WALKER, CLERK
SUPERIOR STATE COURT

BY _____

Cf

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:

James Dorsey Smithson
Tony Marvin Garland
Mary Gwendolyn Kelly
William T. Hudson, Jr.
Martha Sue Coffee
Susan Jimenez
Terri Denise Garcia
Jameson Campbell

Donald A. Palmour
Wilbert Michael Rundles
Stiles Ron Attaway
Martha L. Hemphill
Carolyn D. Hester
Maria Cavazos
Janet M. Robertson
Phyllis J. Gardner
Alistair G. Hyatt
Tracy D. Strickland

Jane Hedgecough
Tina M. Guth
Jerry K. Burruss
Cathy Smith Bowers
Hector A. Martinez

In the name and on behalf of the citizens of Georgia, charge and accuse **MAUTIOUS WISE** with the offense of **FELONY OBSTRUCTION**, for that the said accused in the County of Hall and the State of Georgia on the **22ND DAY OF DECEMBER, 2010**, did knowingly and willfully resist and oppose Jourdan Smith, a correctional officer in the lawful discharge of his official duties, by offering and doing violence to such officer by using his hands and fists to strike said officer on and about the face and head in violation of O.C.G.A. § 16-10-24, contrary to the laws of said State, the good order, peace and dignity thereof.

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

POSTED

INDICTMENT

WITNESSES FILED
HALL CO. GA.

2011 MAY -2 PM 5:05

CASE NO. 2011CR376C
May Term, 2011

Jourdan Smith
Hall County Sheriff's Office - Jail

CHARLES BROWN, CLERK
SUPERIOR STATE COURT

Blakely Farr
Hall County Sheriff's Office - Jail

BY CF

THE STATE OF GEORGIA

vs.

MAUTIOUS WISE

Terry Mozley
190 Meador Way
Atlanta, GA 30315
DOB: 04/02/85

OFFENSE(S): CT 1: FELONY OBSTRUCTION;
CT 2: RIOT IN A PENAL INSTITUTION

True Bill
Tony Mabard
Foreperson

The Defendant herein waives formal arraignment/
indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20__.

The Defendant herein waives formal
arraignment/indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20__.

Defendant

Defendant

Attorney for Defendant

Attorney for Defendant

By:
Assistant District Attorney

By:
Assistant District Attorney

FILED
HALL CO. GA.

BILL OF INDICTMENT 2011 APR 14 PM 4:36

CHARLES E. WALKER, CLERK
SUPERIOR STATE COURT

BY: _____ CF

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:

~~Terry M. Ellis~~
Woody W. Justus
~~Chad Vaughan~~
Jan M. Nix
Suzanne Spitnale
Aubrey Lawton O'Kelley, Jr.
~~Hubert D. Ortiz~~
Peggy Jean Cronic

Kimberly Sue Miller
Gerald D. Herring
Daniel L. Christy
Carl Franklin Powell, Jr.
Harvey G. Rooks
Rickey D. Thompson
Robert L. Ables, Jr.
Bonita Burkett Payne
Barbara B. Grant
Michelle A. Grimes
~~Donald R. Willers~~

Rebecca Tapp
Jesse G. New
Michael Anthony Maxwell
~~Christopher Shane Parks~~

In the name and on behalf of the citizens of Georgia, charge and accuse **MICHAEL FAVORS AND MAUTIOUS WISE** with the offense of **RIOT IN A PENAL INSTITUTION**, for that the said accused in the County of Hall and the State of Georgia on the **5TH DAY OF NOVEMBER, 2010**, did while legally confined to a penal institution, to-wit: the Hall County Jail, commit an act in a violent and tumultuous manner by fighting with Kevin Robinson in violation of O.C.G.A. § 16-10-56, contrary to the laws of said State, the good order, peace and dignity thereof.

PLEA ENTRIES (CONTINUED FROM PAGE 1)

WITNESSES (CONTINUED FROM PAGE 1)

The Defendant herein waives formal arraignment/indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20__.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney

The Defendant herein waives formal arraignment/indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20__.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney

The Defendant herein waives formal arraignment/indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20__.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney.

FILED
HALL COUNTY GA
2011 APR 14 PM 4:36
CLERK
SUPERIOR COURT
BY _____

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

POSTED

INDICTMENT

WITNESSES

CASE NO. 2011 CR 314C
January Term, 2011

THE STATE OF GEORGIA

vs.

**MICHAEL FAVORS
AND
MAUTIOUS WISE**

OFFENSE(S): CT 1: RIOT IN A PENAL INSTITUTION

T. Ma Bill
Head Herin
Foreperson

The Defendant herein waives formal arraignment/
indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ___ day of _____, 20__.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney

Frank Roche
Hall County Sheriff's Office

Kevin Robinson
1360 Otilla Drive
Apartment 2-B-4
Gainesville, GA

Jacob Bradley London
Hall County Sheriff's Office

Officer Palmer
Hall County Sheriff's Office

Officer Ashman
Hall County Sheriff's Office

Sergeant Ashley
Hall County Sheriff's Office

FILED
HALL COUNTY, GA
2011 APR 14 PM 4:36
CLERK
SUPERIOR STATE COURT

The Defendant herein waives formal
arraignment/indictment by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ___ day of _____, 20__.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney