

IN THE SUPERIOR COURT OF HALL COUNTY

FILED
HALL CO., GA.

STATE OF GEORGIA

2006 MAR 16 AM 7:59

THE STATE OF GEORGIA

CRIMINAL ACTION

Vs.

CASE NO. 2005CR001314J
JANUARY TERM, 2006

DWIGHT S. WOOD, CLERK
SUPERIOR-STATE COURT

LISA LYNNETTE CLARK,
Defendant.

BY 



Date of Birth: 06/19/1968
State ID Num: GA3347639A
FBI ID Num: 557323KC9

CHARGES:

- Count 1: Statutory Rape (F)
- Count 2: Child Molestation
- Count 3: Entice Child Indecen

Fo - Plea Gu - Nc
Nolle Prosequi
Nolle Prosequi

Negotiated Plea

JUDGMENT AND SENTENCE

**COUNT 1: STATUTORY RAPE (F)
FIRST OFFENDER SENTENCE**

WHEREAS the Defendant has freely and voluntarily tendered a plea of guilty to the offense of STATUTORY RAPE (F), and

WHEREAS, the Defendant has not previously been convicted of a felony, previously plead guilty under the First Offender Act (O.C.G.A. § 42-8-60), and consents to the imposition of a First Offender Sentence;

THEREFORE, IT IS ORDERED AND ADJUDGED that no judgment of guilt be imposed at this time, but that further proceedings are deferred and the Defendant is sentenced to confinement for a period of **10 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 **0 year(s), 9 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. Provided further that upon violation of the terms of probation, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence provided by law. Upon fulfillment of the terms of probation, or upon release of the Defendant by the Court prior to the termination of the period thereof, the Defendant shall stand discharged of the offense charged and shall be completely exonerated of guilt of the offense charged.

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 \$1,000.00 plus \$150.00 pursuant to O.C.G.A. § 15-21-70
- Pay an additional \$100.00 toward the County Jail Fund.
- Pay an additional \$50.00 toward the Victim Assistance Program Fund.

**COUNT 2: CHILD MOLESTATION
FELONY SENTENCE**

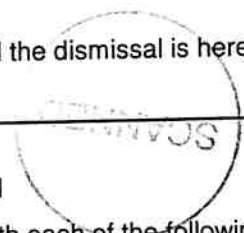
Nolle Prosequi - WHEREAS this matter has been dismissed by the State and the dismissal is hereby accepted by the Court.;

**COUNT 3: ENTICE CHILD INDECEN
FELONY SENTENCE**

Nolle Prosequi - WHEREAS this matter has been dismissed by the State and the dismissal is hereby accepted by the Court.;

GENERAL CONDITIONS OF PROBATION

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



Signature

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 \$125.00 (\$100.00 plus \$10.00 toward the Peace Officer's Training Fund, \$10.00 toward the County Jail Fund and \$5.00 toward the Victim Assistance Program Fund).
- Pay 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.~~ Screens Only
- The Defendant shall be subject to the Sex Offenders Conditions of probation that are attached to this Sentence Order and incorporated herein by this reference.
- Probation is to be intensive.
- Other: THE DEFENDANT SHALL BE BANISHED FROM THE NORTHEASTERN JUDICIAL CIRCUIT (HALL AND DAWSON COUNTIES)

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.

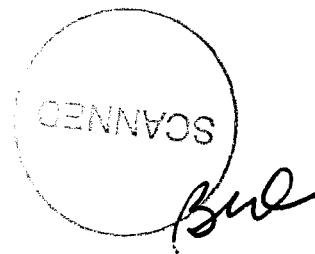
CREDIT FOR TIME SERVED

The Defendant shall be given credit for each day spent in confinement since 11/09/2005 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 DAN SAMMONS, Attorney-at-Law. The State was represented by LEE DARRAGH. The proceedings were reported by DEBRA WESSELY, Certified Court Reporter.



IT IS FURTHER ORDERED AND ADJUDGED that: THE DEFENDANT SHALL HAVE NO CONTACT WITH [REDACTED] UNTIL HE REACHES THE AGE OF 17 AND HE EXPRESSES A DESIRE TO HAVE CONTACT WITH THE DEFENDANT. IF [REDACTED] WANTS TO HAVE VISITATION WITH THE CHILD, HE MUST ARRANGE IT THROUGH THE DEPARTMENT OF FAMILY AND CHILDREN SERVICES.

THE LAST 5 YEARS OF THE PROBATED PORTION OF THE SENTENCE SHALL BE SUSPENDED IF THE DEFENDANT HAS SATISFIED ALL THE OTHER CONDITIONS OF PROBATION.

THE DEFENDANT SHALL NOT HAVE ANY CONTACT WITH CHILDREN UNDER THE AGE OF 18 EXCEPT FOR HER OWN CHILDREN.

THE DEFENDANT SHALL NOT BE ELIGIBLE FOR HALL COUNTY HOUSE ARREST OR WORK RELEASE PROGRAMS.

THE DEFENDANT SHALL RECIEVE CREDIT TOWARD THE \$1,000 FINE FOR THE COST OF ANY TREATMENT.

THE DEFENDANT SHALL PAY RESTITUTION TO [REDACTED] FOR THE COST OF ANY COUNSELING HE UNDERGOES.

NOTICES

SENTENCE REVIEW - Pursuant to O.C.G.A. § 17-10-6 you have a right to have your sentence reviewed by the Superior Courts Sentence Review Panel of Georgia if you have received a sentence of 12 or more years. An application for sentence review must be filed with the Clerk of Superior Court within 30 days of this date or, if you appeal your case, within 30 days of the date that judgment of the appellate court is made the judgment of this Court.

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].

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

SO ORDERED, this 15th day of March, 2006.

Bonnie Chusshu Oliver

BONNIE OLIVER, 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 persc to the Defendant and the Defendant has been instructed regarding all conditions set forth above.

THIS 15th day of March, 2006.

Elizabeth P. Pressley
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 15th day of March, 2006.

[Signature]

LISA LYNNETTE CLARK

