

**ANALYSIS OF
STATE'S MOTION FOR ENTRY OF NOLLE PROSEQUI**

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

VS

ACCUSATION NO.

KERRY CRAIG WALKER

02CR1029

MOTION FOR ENTRY OF NOLLE PROSEQUI

COMES NOW, the State of Georgia, by and through WALLACE W. ROGERS, JR., Assistant District Attorney for the Blue Ridge Judicial Circuit, and moves this Honorable Court to enter a Nolle Prosequi, in the above-styled matter for the following reasons: This case was reported to law enforcement in September, 2001. A felony indictment (02CR0053) was filed and then later nolle prossed because this case was indicted for an additional simple assault as well as aggravated assault, simple battery and obstruction of a 911 call (this case). The case should have originally gone to State Court because 1) it was a misdemeanor arrest; 2) it was not a family violence case. The aggravated assault count that was added later in the indictments was, in fact, the simple assault charge that the defendant was arrested for. The indictment was placed on the dead docket because the victim was called to active duty with the army, but has now been removed from dead docket status.

This case should have been prosecuted as a misdemeanor in State Court in 2002. There was ample probable cause to support the filing of a misdemeanor accusation and a timely prosecution would have resolved the case. It has now been over four years since the incident, and in that time period there has been a history of contact between the parties, despite an intervening Temporary Protective Order, that has resulted in law enforcement being called but refusing to intervene. At this point it does not appear that this case can be successfully prosecuted.

Respectfully submitted, this the 8 day of Nov., 2005.

Approved:

GARRY T. MOSS
District Attorney
Blue Ridge Judicial Circuit

WALLACE W. ROGERS, JR
Assistant District Attorney
Blue Ridge Judicial Circuit

PURPOSE OF ANALYSIS

The purpose of this analysis is to correct the record by showing that the facts and information as stated in the States MOTION FOR ENTRY OF NOLLE PROSEQUI are inaccurate, incorrect and untrue. This analysis quotes sections of State's motion and then analyzes the quoted sections using the facts, documents filed by the Clerk of Superior Court, Incident Reports and witness statements to support the findings stated herein.

ANALYSIS

“COMES NOW, the State of Georgia, by and through WALLACE W. ROGERS, JR., Assistant District Attorney for the Blue Ridge Judicial Circuit, and moves this Honorable Court to enter a Nolle Prosequi, in the above-styled matter for the following reasons: This case was reported to law enforcement in September, 2001.”

A. One must question just how “Honorable” this court was when, under the direction of Judge Sumner, on November 19, 2002, the court made light of the crime of Felony Tampering with Evidence, and by Judge Sumner's statement that the allegation that this evidence had been altered was “a broad stroke to paint” the court did not do the “Honorable” thing and dismiss the charges against Mr. Walker and launch an investigation into the events that took place that led up to this crime and end this circus of false accusations and crimes by the State in the States many actions to ignore, doctor, and alter evidence in every attempt to convict an innocent man—A man that was in fact and in truth the VICTIM of crimes and the perpetrator of none. This certainly would have eliminated three years of intense suffering from the continued charade of the actions, or

inaction, of the court and the pressure and frustration on Mr. Walker and his family, especially his sick and elderly mother, of false arrest and multiple attempts by the former detective Peavy, and others that went along with him, to manufacture the guilt of Mr. Walker.

B. It is interesting to note that the date given (“September, 2001”) does not specify a specific day or the actual date of September 19, 2001. This is simply because the state did not want to bring attention to the fact that this report, that was reported to law enforcement concerning this case and filled with completely false information, was not filed by this unbalanced and violent female until this date of September 19, 2001, when in fact the alleged incident occurred on September 16, 2001. It should be pointed out that Mr. Walker called 911 and filed a report to law enforcement on September 16, 2001, the same date of the incident and his report was never investigated and it had critical facts that had been reported to the deputy left out of the report. Mr. Walker described this incident to Deputy Johnson after he called 911 and filed a report and when Mr. Walker collected the report, to the distress and confusion of Mr. Walker and to everyone concerned this violent incident was not described in it, although the incident that Mr. Walker described that had taken place in the Holiday Hotel in another jurisdiction and filed by Mr. Walker in a report in Cedartown was described. Mr. Walker attempted to contact Deputy Johnson several times in his attempts to get this report corrected and, even though several messages for him were left by Mr. Walker and recorded by Mr. Walker on a recording device, Mr. Walker could never get Deputy Johnson to return his calls. It is a note of interest that William Bret Painter was the officer that reviewed this report. Mr. Walker’s previous encounter with Deputy Painter was not without prejudice

against him by this deputy in dealing with the actions of Mr. Walker. Deputy Painter was always on the side of the accuser and would not give a damn about what really went on. Mr. Walker feels that William Bret Painter, the Deputy that reviewed this report, does not care for him and he has made this clear in some other dealings that he was never on his side. Mr. Walker put together a detailed pamphlet over 200 pages long on the facts of the case with Tena McDonnald and Jacky Wagner on January 12, 2002. This account and all the documents and information presented clearly demonstrated how Mr. Walker never committed any crime and how completely and obviously false allegations against Mr. Walker were being persued without any investigation. In fact recorded evidence that proved these allegations to be false was ignored and all attempts by Mr. Walker to persue his allegations of Felony False Swearing and the crime of Felony Extortion were thwarted by the investigators in this case. Mr. Walker stated in his detailed account the statement, "I have had to deal with what I feel is extreme prejudice by the State, especially by Cpl. William Bret Painter. His reports are full of untruths as to what happened and his reports misrepresent the truth about the facts in the case." Possibly this deputy had something to do with these facts of this incident not getting reported, but this cannot be proven. It should also be noted that on May 19th 2001, Mr. Walker called 911 to file a report on Tena McDonnald for Felony False Swearing in a TPO and other Warrant Applications and on harassment by Ms. McDonnald, and Deputy Kenneth Johnson responded to this call. Deputy Johnson refused to put the information as given by Mr. Walker in this report and refused to file this report as given, and as he states in his report on Case Number I 01 50665, "Each time I informed him I could only put in my report things that were substantiated; things that I saw, heard, or could prove, and it was not

permissible for him to dictate what words he wanted a deputy to write in their report.”

Mr. Walker never dictated anything other than what he was simply attempting to file in his report. Mr. Walker attempted to simply file a report on the facts he knew, and after looking into these statements by this deputy you will find his statements are not accurate, and a person does have the right to file an Incident Report on any incident, and it does NOT have to be anything the deputy “saw, heard, or could prove.” This would be a good reason why he left this information out of this report that Mr. Walker filed on September 16, 2001, because it was not anything that he “saw, heard, or could prove.” Mr. Walker has taped conversations with Ms. McDonald where she admits to exaggerations and untruths in her reports and her petition for the Temporary Protective Order. Mr. Walker also has a witness, Mr. Dean Adams, that overheard Ms. McDonald break down and cry and admit that she lied in filing this TPO and these other accusations against Mr. Walker. This report done on September 16, 2001, by Mr. Walker, was also reviewed by William Bret Painter, as indicated on the report. When Mr. Walker went to the precinct that was located at the jail and met with deputies there and attempted to file a “Supplemental Report” he was denied this right and threatened with arrest.

The fact that Ms. Wagner did not file a report on her allegations until several days after the alleged incident should have prompted a Probable Cause Hearing, yet one never took place, and the ONLY EYE WITNESS at the scene, Mr. Drew Mayo, was NEVER interviewed by the former detective Peavy. With little to no investigation done, except a prejudiced and maliciously orchestrated investigation against this man, an arrest warrant was pursued and obtained by Mr. Peavy against Mr. Walker and Mr. Walker was arrested for crimes he never committed.

C. In fact, the evidence clearly showed, when objectively and responsibly viewed, that Mr. Walker was brutally beaten and continuously controlled, dominated and threatened, and then assaulted again by Ms. Wagner, the accuser, and Mr. Walker has put together a detailed account of this incident. Mr. Walker was the VICTIM and not the perpetrator in this incident, yet Mr. Walker was arrested and taken to jail. It should also be noted that the Incident Report filed by Ms. Wagner stating that all these alleged events happened at Mr. Walker's home in Cherokee County, when in fact they did not, also states that the alleged incident occurred on "Sunday, September 19, 2001", the day Ms. Wagner filed her report, when in fact the date of the alleged incident was September 16, 2001, three days earlier. Then in a recorded interview before Mr. Walker's arrest the accuser's story changed completely and she contradicted her own report by stating that these alleged events took place out of town and in a completely different jurisdiction.

"A felony indictment (02CR0053) was filed and then later nolle prossed because this case was indicted for an additional simple assault as well as aggravated assault, simple battery and obstruction of a 911 call (this case)."

A. The GRAND JURY indicted KERRY CRAIG WALKER on January 14, 2002 for AGGRAVATED ASSAULT (O.C.G.A. 16-5-21); SIMPLE BATTERY (O.C.G.A 16-5-23); and OBSTRUCTING OR HINDERING PERSONS MAKING EMERGENCY PHONE CALLS (O.C.G.A. 16-10-24.3) based on: 1) false accusations 2) an incompetent and malice investigation, and 3) exculpatory evidence that was ignored, doctored, and manipulated by and through Detective Peavy. It is interesting to note that a felony

indictment (02CR0053) was filed only because every piece of exculpatory evidence was ignored.

1) The only witness at the scene was never interviewed and statements in the accuser's Incident Report and in her long interview with Detective Peavy, were full of rambling contradictions that contradicted virtually every statement this woman made in her Incident Report.

2) Doctored and altered the transcript from recorded conversation with the accuser (this tape, or a copy thereof, was never provided by the State after some half dozen motions of discovery during the course of several years. Mr. Walker also had a recording device on his end of this conversation.)

3) Additional evidence was suppressed (this being the thick layer of dust on the shaft of the crossbow that was proof that it had not been cocked or loaded as the accuser claimed, and this is verified by an expert witness) and

4) This suppressed evidence was altered before being brought to Mr. Walker's trial (the dust on the crossbow was cleaned off even though the State was told to preserve it).

B. The fact is, had the former detective Peavy simply talked to the witness, (Mr. Mayo), who was at the scene the entire time of the alleged incident, there would have been no probable cause and Mr. Walker would have never been arrested.

C. Had the former detective Peavy simply done a competent, honest and responsible investigation, Mr. Walker would have never been arrested and his life would not have been ruined and he and his loved ones would not have suffered so tragically.

D. Had the former detective Peavy considered the interview with the accuser that he personally orchestrated, and used many leading questions in the process in an obvious attempt to sustain the appearance of Mr. Walker's guilt and not ignored any and all exculpatory evidence, there would have been no probable cause to arrest Mr. Walker and the evidence would have clearly shown that Mr. Walker was the actual VICTIM in this case.

E. If this detective had honestly and responsibly compared the statements of the accuser that were filed in her Incident Report, over 72 hours after this alleged incident reportedly occurred, with the statements made by said accuser in her interview (which contradicted everything in her Incident Report), Mr. Walker would have never been arrested.

F. Had the former detective Peavy taken the actual recorded statements made by the accuser in a taped conversation with Mr. Walker that proved her to be violent and contradicting her own earlier statements that Mr. Walker had "hit himself all night long" and that "All night long Mr. Walker was beating himself up", Mr. Walker would have never been indicted for a felony, and his charges would have, in good justice, all been dismissed. The very simple fact that the accuser's rambling, yet detailed and step by step description of the events that took place, NEVER once describes Mr. Walker hitting

himself, was definitive proof that her story was fabricated, even without this tape having been DOCTORED by the State.

G. In the accuser's recorded statements, the description of the 150 lb. crossbow being cocked is never described in the accuser's rambling and bizarre details of this account. In fact, the foot handle on this crossbow must be placed on the floor and the operator's foot must be placed into the "steer-up" and then the string pulled back with great force using both hands in order to cock the crossbow (note: A cocking device may also be used instead of manually cocking the crossbow, which is how Mr. Walker usually cocked this crossbow as to not injure his figures). The accuser also describes Mr. Walker as having loaded a homemade Indian Head Arrow into the crossbow (Ms. Wagner was familiar with these artifacts as Mr. Walker had shown them to her, and by her own statements Ms. Wagner states that Mr. Walker had shown this "stuff" to her about a week earlier because as she stated, "We both like Indian stuff"). In fact there are six bolts (arrows) mounted onto the crossbow itself, (three bolts on each side of this crossbow for a total of six bolts: three bolts have broad-heads and three have target points), in a quiver that is mounted on the crossbow itself. The "homemade Indian Head Arrow" as described by the accuser is for display purposes only, and is NOT designed to be shot in a bow for any reason and these two homemade Indian arrows that Mr. Walker owned, with "hand knapped" arrow-heads ("knapped" is the word used to describe the process of making arrowheads from stones) for points and real feathers from real birds, were displayed in a bow rack hanging up in Mr. Walker's Master Bedroom on the back wall of the room and not where Mr. Walker would have had access to them from where Mr. Walker was standing. The fact is there would have been no reason for Mr. Walker to access this homemade Indian arrow,

when the very crossbow being described herein had six bolts (arrows) mounted on the crossbow itself with immediate access to them. This homemade Indian arrow is not designed to actually shoot (it is an artifact). This arrow that is described by the accuser will not operate correctly in a crossbow. Mr. Walker is an Archery Champion, who has been shooting archery all of his life. He participated in impressive “Archery Demonstrations” throughout the southeast, and has been saluted by the City of Atlanta as an “Outstanding Athlete and Champion in Archery” and presented an award by the Mayor of Atlanta, Ivan Allen, Jr. on August 21, 1964, when he was ten (10) years old. He earned the Archery Merit Badge as one of his twenty-two (22) Merit Badges in Boy Scouts, and it is absurd to believe that Mr. Walker would load anything but the correct “bolt” that would have been at his ready disposal, if in fact he had loaded this crossbow at all, which, in fact, as the evidence showed, he had not.

H. The most critical and blatant crimes were committed against Mr. Walker by the former detective Peavy when this Officer of the State came to this man’s home and collected the crossbow from Mr. Walker that the accuser claimed Mr. Walker, for no reason whatsoever and with a smile on his face (according to her recorded rambling, contradicting and crazy, statements), picked up, cocked, loaded (with an artifact) and pointed it at her.

I. Just after Mr. Walker’s arrest and his subsequent release on bond and after Mr. Walker obtained a copy of the Incident Report filed by the accuser, Mr. Walker observed the crossbow where he had placed it sitting in the corner of his room, and he noticed a layer of dust on the crossbow, and even a thicker layer of dust on the shaft of the

crossbow (the reason for the thicker accumulation of dust on the shaft is because the shaft of a crossbow is “waxed” in order to prevent wear on the string from the pressure on the shaft as the string slides on the shaft of the crossbow as it is cocked and then fired.)

J. The fact that this crossbow had not been cocked or loaded in two and a half to three years, it had accumulated a very thick layer of dirt, dust and grime on the shaft of this crossbow [approx. 1/8 inch thick]. Mr. Walker knew that this was definitive proof that this crossbow had not been cocked or loaded at the time of this alleged incident. Mr. Walker contacted his attorney, Jeff Rusbridge, the next morning and let him know about this definitive proof. An “expert” witness was contacted and this “expert” witness, Wade Pittman, from W. D. Archery, in Cartersville, Georgia, came out to Mr. Walker’s home and met there with Mr. Rusbridge, and they observed the condition of this crossbow. This “expert” witness that has been shooting, selling, and repairing crossbows for over 22 years at this time, stated that he could say “definitively and with mathematical certainty that this crossbow could not have been cocked at the time of this alleged incident and that this woman’s story could not be true.” He went on to say that, “although he could not state exactly how long it had been since this crossbow was cocked, it had, in his professional and expert opinion, not been cocked in several months, or as long as six months, but probably more likely multiples of years.” Mr. Pittman repeated this fact saying, “I can testify with mathematical certainty, this crossbow was not cocked at the time of this alleged incident.”

K. The simple fact is, if the crossbow was not cocked, it would not have been loaded, as this woman claimed. When Mr. Peavy collected this crossbow, Mr. Walker attempted

to point out to him the fact that what this woman was saying could not be true, and Mr. Walker attempted to show this evidence to Mr. Peavy and to explain it to him, but the crossbow was yanked abruptly and violently from Mr. Walker's hands, and this critical exculpatory evidence was ignored.

L. Had this exculpatory evidence been considered, Mr. Walker would have never been indicted for a felony.

M. In fact and in truth, had all the exculpatory evidence been considered at this point in this case, these bogus and trumped-up charges against Mr. Walker would have been dismissed back in 2001 or early in 2002, and this case would have never been presented to the Grand Jury for felony indictment.

N. The facts clearly show that this case was "later nolle prossed" only after many plea offers and one plea hearing, and many trial dates, and then the act of this case actually going to trial on November 19, 2002, where it did not move forward because of the fact that the dust on the shaft of this crossbow, which was the crux of Mr. Walker's case for his defense, had been altered or "cleaned off" by the State. It was, in fact, not until this evidence in this case was alleged to have been "altered" in a trial setting, that this "trial" for Mr. Walker came to a subsequent "end", and that this previous case (Indictment number 02CR0053) was later nolle prossed and the charge of Simple Assault was added in the new indictment in this case (Indictment number 02CR1029) that was brought against Mr. Walker. Mr. Walker's trial was to take place on November 19, 2002 and the PETITION FOR ENTRY OF NOLLE PROSEQUI (O.C.G.A. 17-8-3) was not

submitted by Marty Helppie, Assistant District Attorney and Cecelia M. Harris, Chief Assistant District Attorney, until February 18, 2003.

O. The fact is the charges of Aggravated Assault, Simple Assault, and Obstruction of a 911 call, all were on the first indictment dated January 14, 2002, therefore this case was being prosecuted as a felony and set for trial in the Family Division of the Cherokee County Superior Court, and, in fact, went to trial in this wrong court.

“The case should have originally gone to State Court because 1) it was a misdemeanor arrest; 2) it was not a family violence case. The aggravated assault count that was added later in the indictments was, in fact, the simple assault charge that the defendant was arrested for.”

A. This case should have never gone to State Court, and never did go to State Court, because Mr. Walker was indicted in Superior Court in 2002 for Aggravated Assault, a felony, on the first indictment for reasons of malfeasance as already detailed above.

B. The fact that this was not a family violence case has no bearing on the case, according to law, and the case should have simply been moved to the appropriate court. Mr. Walker’s case was in the Family Violence Court from the beginning and for every hearing and for practically the entire prosecution of this case, but this was the wrong court according to the law, and Mr. Walker’s case did not meet the criteria O.C.G.A – 19-13-1 for this court to have jurisdiction over it. According to the law this was not a basis for barring the prosecution, but a basis could have been raised as evidence for prejudice in a trial setting because of the hostile setting in this “Family Violence Court” and such

hostile prejudice is alleged. The aggravated assault count was not added later and was in fact, as just stated, in the original (and first) indictment. Therefore, the aggravated assault count was not, in fact, “the simple assault charge that the defendant was arrested for”, but was an upgraded charge from simple assault by the Grand Jury based in erroneous and ignored facts and ignored and altered exculpatory evidence and witnesses. The GRAND JURY indicted KERRY CRAIG WALKER on December 9, 2002, for AGGRAVATED ASSAULT; SIMPLE BATTERY; OBSTRUCTION OR HINDERING PERSONS MAKING EMERGENCY PHONE CALL; and an additional charge of SIMPLE ASSAULT (O.C.G.A. 16-5-20) was added to this indictment over one full year after the alleged incident, charging that Mr. Walker committed this alleged crime by “pushing into her”. The fact is, the alleged crime of Mr. Walker “pushing into her” and as charged in this indictment is, again, not, in fact, the simple assault charge that Mr. Walker was arrested for. The simple assault charge that Mr. Walker was arrested for was based on the false allegations made by Ms. Wagner of the use of said crossbow by Mr. Walker, and has no relationship to Mr. Walker “pushing into her” as stated in the MOTION FOR ENTRY OF NOLLE PROSEQUI as filed by and through WALLACE W. ROGERS, JR., Assistant District Attorney.

C. It was for the reasons described herein and these reasons alone that Mr. Walker’s case was being prosecuted in Superior Court and why Mr. Walker’s case should not have originally gone to State Court and why Mr. Walker’s case would have never gone to State Court and, finally, why Mr. Walker’s case was not prosecuted in State Court.

“The indictment was placed on the dead docket because the victim was called to active duty with the army, but has now been removed from dead docket status.”

A. There has never been any evidence presented to the defendant or the defendant’s attorneys that showed proof that Jacquelyn Wagner was ordered to active duty by the State of Georgia Department of Defense. In fact the indications are that Ms. Wagner was never intended for deployment because of her mental disorders and, the facts indicate that she got into the National Guard only after her mother filed a lawsuit against the National Guard for attempting to deny her admittance after she failed to complete basic training. According to the prosecution and as stated in the motions to add and then to remove from the DEAD DOCKET, “Ms. Wagner was ordered by the State of Georgia Department of Defense to commence active duty on February 8, 2003, with a period of active duty that could have been for as long as 365 days.” The fact is that Ms. Wagner never commenced active duty and, in fact, Ms. Wagner never left town, and the MOTION TO REMOVE FROM DEAD DOCKET was filed on May 27, 2003, and the ORDER was signed by the judge on May 28, 2003, less than four months after supposedly being “deployed” for one full year. The MOTION TO REMOVE FROM DEAD DOCKET states, “The victim was necessary for prosecution of this case. The victim is no longer on active duty.”

B. The fact is that Ms. Wagner was the perpetrator and not the victim and, in fact and in truth, KERRY CRAIG WALKER was the VICTIM of domination, control, and brutal violence at the hands of Jacquelyn Wagner. The fact is Ms. Wagner never commenced to perform, nor was she ever deployed for, any form of active duty.

“This case should have been prosecuted as a misdemeanor in State Court in 2002. There was ample probable cause to support the filing of a misdemeanor accusation and a timely prosecution would have resolved the case.”

A. This case, as the facts have already conveyed, should have never been prosecuted as a misdemeanor, because no crime of any sort, not even one misdemeanor, was ever committed by Mr. Walker.

B. This very statement made by the Assistant District Attorney, Wallace Rogers, only blatantly and disgustingly adds to this disgrace that the State has created and perpetrated against Mr. Walker and his family by stating, “There was ample probable cause to support the filing of a misdemeanor accusation and a timely prosecution would have resolved the case”.

C. At this point in this adjudication process, and with the charges already DISMISSED by the State, this statement is yet another slap in the face of Mr. Walker’s integrity and the fact that he is innocent of all charges, is another rude and blatant disregard for Mr. Walker’s Constitutional Rights and his presumption of innocence and belies all fairness to Mr. Walker and his family. After all the State has put Mr. Walker through, this mindless attitude is reprehensible.

D. Mr. Wallace makes bold and unfair, and illegal assumptions of Mr. Walker’s guilt, when, in fact, no conviction or proof of his guilt has taken place. In fact, on the contrary, all the evidence in this case, again and again, points to the fact that Mr. Walker was arrested in error in spite of all the exculpatory evidence, and that all the charges

against him are incorrect, therefore a timely prosecution would not have “resolved this case” and there was no probable cause for Mr. Walker’s arrest.

E. In fact, it was Mr. Walker that demanded a Speedy Trial more than once, and this demand was made in writing for Mr. Rusbridge to file this motion, and Mr. Walker has a letter stamped “RECEIVED” by his office as an offer of proof, yet this motion was never filed and Mr. Walker was denied his request and his right to a speedy trial.

F. As Mr. Walker’s first attorney, Jeff Rusbridge, stated in his letter on October 28, 2002, in response to Ms. Helppie’s letter stating, (on top of the fact that Mr. Walker’s case was in the wrong court), that “the indictment is correct”--- Mr. Rusbridge made it clear in a documented letter that we have from the beginning of this case, been unwavering in our assertions that Mr. Walker was and is Not Guilty of the charges for which he was arrested or the allegations of the indictment, and that all the allegations are false allegations and that the charges and the indictment, in fact, are based entirely on untruth:

G. The State believed the assertions made by Jacquelyn Wagner with absolutely no basis to do so, while at the same time disbelieving the case as put before you by Mr. Walker and his legal counsel. Why should the State believe the allegations of a person with whom it has no relationship or history, over those of a man who has overcome great adversity to become an established member of the business community?

H. As Mr. Rusbridge also pointed out clearly in his letter to the prosecution in October of 2002, “As I have imparted to you in the past, had the police delved into this

case fully and without bias, the State would be hearing two sides of this story instead of one. I believe this should be taken into serious consideration as the State decides how to proceed with this case. I must again take this opportunity to implore you to re-examine the evidence in this case, and to dismiss the same immediately.” There was no probable cause to support the filing of a misdemeanor accusation against Mr. Walker, had the only witness at the scene been interviewed by Detective Peavy and had this case been responsibly investigated.

I. The fact is malfeasance has been alleged and it is clear that it has taken place in this case against Mr. Walker in the States multiple attempts to manufacture the guilt of an innocent man—a man that was, in fact and in truth, the victim of crimes committed against him by the accuser and, in fact and in truth, not the perpetrator of any crime against her, and this is according to the laws of Georgia.

J. Mr. Peavy makes it clear in his own words on tape on September 25, 2001, the day Mr. Walker was arrested and bonded out of jail, when asked about his concern for the truth by Mr. Walker, Mr. Peavy responded in his own words, “Mr. Walker, the truth don’t concern me one way or the other.” Mr. Peavy certainly went on to prove the sad reality of these words as he went on to ruin Mr. Walker’s life and the life of Mr. Walker’s mother, who died under the enormous stress and frustration of the extremely demented and dishonest actions of Preston Peavy, actions that destroyed the new life of a man that had overcome insurmountable odds, a man that had fulfilled his dreams through miraculous achievements and accomplishments, a man that has not violated a single law in this great country since turning his life around on April 12, 1992; --- and a man that

had learned the art of living in his relationship to truth and this energy behind all Creation.

K. It has now been over four years since the incident, and in that time period there has been a history of contact between the parties, despite an intervening Temporary Protective Order, that has resulted in law enforcement being called but refusing to intervene. At this point it does not appear that this case can be successfully prosecuted.

L. The only contact between the parties and the only conflict that was created by this contact was initiated by the accuser in her constant attempt to go where Mr. Walker could be located and to harass him and file more bogus reports in her continued efforts to have him, again, falsely arrested. In fact this accuser called 911 and involved the police in two incidents where Mr. Walker was celebrating his 10th and 12th sobriety birthdays in the Twelve Step Program, for no other reason other than her continued sick attempts to bring harm to Mr. Walker and his family. Less than a month after being falsely arrested, Mr. Walker was served with papers for a Stalking Temporary Protective Order from this woman that was prepared through Family Violence in Cherokee County, and, like everything else from this woman, it was full of nothing but lies. The fact is there was and is NO “intervening Temporary Protective Order”, as Mr. Walker refused to sign a Consent Order and went before Judge Sumner, which resulted in the Stalking Temporary Protective Order being DISMISSED by the judge for insufficient evidence.

M. The reason law enforcement refused to intervene or to arrest, or to reprimand Mr. Walker, was because it was determined that Mr. Walker had violated no law or any of the conditions of his bond, and many witnesses confirmed that it was in fact the accuser who

was stalking Mr. Walker and it was the accuser who was creating all the drama and all the events that were taking place, and NOT Mr. Walker. The simple fact was that Mr. Walker never stalked this woman and, in fact, he wanted nothing to do with her, but, the Incident Reports and the facts show, starting from the day that this order was dismissed by the judge, that this woman started harassing and stalking him and she stalked and harassed him over the course of the next three years with several false calls to 911 in attempts to have him falsely arrested again, and this did not stop until Mr. Walker stopped attending these meetings or going to these locations where she could make contact with him.

N. The reason that this case could not be successfully prosecuted, according to observational facts, is that Mr. Walker was not guilty of any of the crimes for which he was arrested or for any of the crimes for which he was indicted, and Mr. Walker, by the grace of God, was always one step ahead of the State in their many attempts to convict an innocent man, a man that was in fact the product of false arrest after enduring a nightmarish experience of brutal violence and control by an extremely unbalanced, violent, and pathological female.

CONCLUSION

The facts, and the documents filed by the Clerk of Superior Court, the Incident Reports, and the witnesses in this case support and clearly show that the facts and information, and the reasons as stated in State's MOTION FOR ENTRY OF NOLLE PROSEQUI for CASE NUMBER 02CR1029, THE STATE vs. KERRY CRAIG WALKER, are inaccurate, incorrect and untrue. The facts show, and this is well substantiated by all the

evidence in this case, that the reason all the charges against Mr. Walker were dismissed is because Mr. Walker had not violated any laws or committed any crimes, and that the only crimes that were committed were those committed against Mr. Walker by the accuser, Jacquelyn Wagner, Preston Peavy and possibly other Officers of the State in attempts to cover up the truth.

These actions against Mr. Walker by the State where in violation of Mr. Walker's Constitutional Rights and these direct and heinous crimes committed by the former Detective Peavy (and now Deputy Peavy in Uniform Patrol) of Obstruction of Justice, Violation of Oath of Office, and Misdemeanor and Felony Tampering with Evidence, were obviously committed with the malicious intent to frame Mr. Walker, the victim in this incident, for crimes he never committed.