

**COPY**

**KERRY CRAIG WALKER**  
sui juris  
2135 Big Fork Road  
Chattanooga, TN 37405  
(423) 260-5803

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PATTY BAKER, CLERK

December 26, 2008

FAX: 706-258-5203  
The Honorable Oliver Harris Doss, Jr.  
Superior Court Judge  
400 W. Main Street  
Blue Ridge, GA 30513

RE: Kerry Craig Walker vs. Cherokee County, Georgia, Sheriff Roger Garrison, Preston Peavy, et. al.

Cherokee County Superior Court, Civil Action File No. 07-CV-3325-EM

Dear Judge Doss, Jr.,

It is understood that you were called upon to take over this case because of the prior Judge's conflict of interest and because Judge Foster III, who had this case for over 9 months, has now stepped aside.

With no disrespect to your Honor, the Plaintiff has noted that by our actions of blindly raising the importance of some men in power, others are distortedly lowered. The Plaintiff is unpleasantly overwhelmed at the prolific dishonesty that prevails in those that can call themselves lawyers. It is understood that people are fallible and this is not to say that there are no honest lawyers as the Plaintiff has had the pleasure of knowing two, one personally and one indirectly. In fact one was formerly counsel when the Plaintiff was a Defendant, and during the Plaintiff's first attempt at trial in this bizarre case, where felony tampering with evidence was alleged, this lawyer became a witness in this case.

Because the Plaintiff's life was ruined by the actions of Preston Peavy and those that covered for his actions, it has been difficult for Kerry Craig Walker to survive, much less to always respond in a timely manner in this case.

In his letter to Judge Foster III dated September 29, 2008, Mark Aragon of Shivers and Associates states, "while Defendants have attempted to procure the deposition of Plaintiff, Plaintiff's schedule has not been conducive to same." This statement clearly projects that there has been more than one attempt to procure the deposition of the Plaintiff, when in fact there has only been one attempt and only one conflict in his attempt to do so. Notice of this conflict was sent by Plaintiff on April 18, 2008 and the Plaintiff filled a timely motion with proper service to notify said counsel of this conflict and this was filed with the Clerk of Superior Court.

Furthermore, Plaintiff's only request, in order for a deposition to be granted, is that Preston Peavy, and anyone else that the Plaintiff may request, be available for same. Mark Aragon of Shivers and Associates also states, "Plaintiff has failed to properly serve the summons and complaint in this matter. As such Plaintiff's Complaint should be dismissed for want of service." The fact is that the Plaintiff did properly serve the summons and complaint in this matter, and erred only in naming one of the defendants, and this defendant was not represented by said counsel. The Plaintiff quickly dismissed the complaint against this one defendant and corrected this error long before this Motion to Dismiss was filled by said council for Defendants, who were all properly served.

The Plaintiff also filed A More Definite Statement of Claim, as requested by Mr. Aragon through his degrading and demoralizing statements, although this complex case should be read in its entirety. Mr. Aragon appears to be pathological, and such a mind can rarely find clarity or truth in anything, and it is this mind, possessed by many attorneys, that has created the failures of the criminal justice system for both the wrongly accused and the victims of crimes in this country.

The word "intelligence" means the ability to correctly choose between different courses. We must have the faculty to choose and that faculty must be intelligent. If I choose out of prejudice, or with a motive, it's not intelligence. If we are laying the foundations of an environment in which our principal concern is to live together intelligently, this demands not only freedom, but self-critical awareness. I must be aware of what I am doing, why I'm doing it, of the consequences of that action; not be obstinate and say, "This is right! This is what I think! I'll stick to it." Too many people in our society today will continue to sustain a lie, no matter what the consequences, and the lie is often believed over the truth. If we are to have an intelligent legal system that is sane and rational, it must have its foundation built on a truth seeking process. All too often the system that is in place today in this country is not based on this process.

Your Honor, there have been over 200 human beings cleared of violent crimes by DNA. These people were absolutely innocent of their charges and were not even affiliated with these crimes, and yet our system convicted them! There are others that don't have DNA to prove their innocence, and even though the evidence, if studied competently, lends proof to their actual innocence, the system continues to fail them. I have studied over 350 cases, in detail, of good people in prisons throughout this country that are innocent of the charges of which they were convicted. This means that the perpetrators of these often heinous crimes were free to strike again! This case is not about me, it's about the some 100,000 men and women in prisons in this country that were convicted of or forced into a plea for crimes of which they were not guilty. Our system in this great country is throbbing to error and steps need to be taken to correct it.

I have suffered severely and my health is failing with a pain in my head and it has become difficult to survive. I no longer have the good medical and dental insurance that I had when this nightmare began and that I struggled to keep for several years after my false arrest and the subsequent attempts by Mr. Preston Peavy to manufacture my guilt. I have lived in everything from a renovated shed, to a tent, to a small log cabin that I built to completion for my disabled brother, to a 27 foot sailboat at a marina. I am not unsympathetic to the budget crisis in Georgia and tragic financial state of our country, and it would seem more fitting to me to resolve this case

by a fair and just settlement. I am not a greedy person and would be willing to negotiate a fair and amicable settlement.

It is hoped that you will attain all the documents filed for this case and should this Court have any questions regarding this matter, please feel free to contact the undersigned. The Plaintiff's hope is to have an unbiased jury hear this case and that right should be afforded him.

Blue skies.



Kerry Craig Walker

sui juris

Cc: Marc M. Aragon, Shivers and Associates, 4400 North Point Parkway, Suite 105, Alpharetta, Georgia 30022

Patty Baker, Clerk of Superior Court, Cherokee County, Georgia, Justice Center, 90 North Street, Canton, Georgia 30114

Jeff Rusbridge, Dyer & Rusbridge, PC, 291 East Main Street, Canton, Georgia 30114