No.: S17A1059

IN THE

Supreme Court of Georgia

THE STATE,

Appellant,

V.

ELGERIE CASH ET. AL.,

Appellee.

Response Brief

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Introduction

After remittitur, the trial court found that the evidence in Weathington's first trial was insufficient to convict her and granted her post-trial plea in bar. The State is appealing from that judgment. But the State can only appeal from a plea in bar "when the defendant has not been put in jeopardy." O.C.G.A. § 5-7-1(a)(3).

This Court has already ruled that Weathington was put in jeopardy at her first trial in 2013. *See State v. Cash*, 298 Ga. 90 (2015) (holding that State could not appeal from denial of recusal after jeopardy attached). Because the General Assembly has not provided the State with the right to appeal from a post-jeopardy plea in bar, this appeal must be dismissed.

Procedural History

1. October 25, 2013: Jennifer Weathington and Elgerie Cash are convicted of murder, aggravated assault, and possession of a firearm during commission of a felony.

2. May 13, 2014: Judge enters written order granting new trial on 13th juror and ineffective assistance of council claims. Judge comments from the bench that he believes the evidence is sufficient.[1]

3. June 3, 2014: State files notice of appeal, arguing that trial court should have recused itself due to previous adverse rulings.[2]

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[1] MFNT 487. (Note: to ease this Court's reading, many of the footnotes hyperlink to the appropriate portion of the record. Just hold ctrl and click).
[2] Record of Jennifer Weathington 1. (Counsel will refer to the records from the first appeal as RJW and from this appeal as 2RJW.)

4. June 10, 2014: Weathington files a notice of cross-appeal, asking this Court to review sufficiency.[3]

5. January 28, 2015: Weathington moves to withdraw cross-appeal.

6. February 10, 2015: This Court grants Weathington's motion to withdraw her cross-appeal because the trial court never ruled in writing on her sufficiency claim. O.C.G.A. § 5-6-31.

7. November 16, 2015: This Court affirms the grant of the new trial, holding that the trial court acted within its discretion and that the State could not appeal from the denial of a motion to recuse filed after jeopardy had attached. *State v. Cash*, 298 Ga. 90 (2015).

8. Weathington files plea in bar, arguing that evidence in first trial was insufficient.[4]

9. April 19, 2016: New trial judge grants plea in bar, holding that evidence in first trial was insufficient.[5]

10. May 12, 2016: State files notice of appeal.[6]

Statement of Facts

I. The Investigation

This is a case about a hat.

On May 30th, 2011, Deputy A. J. Simonelli and Sergeant Richardson responded to an urgent 911 call. There had been a shooting. Simonelli was in

[3] RJW 4.
[4] 2RJW 8.
[5] 2RJW 29.
[6] 2RJW 1.

the neighborhood and arrived within 180 seconds[7] to find Elgerie Cash in front of her home, screaming for help. She told him that someone had been shot, and that it had been an accident.[8]

Simonelli and Richardson entered the house and walked up into the bedroom where Lennis Donovan Jones lay wounded. They found Jones' girlfriend, Jennifer Weathington crouching and holding a towel to his head to stanch the bleeding.[9] She was crying, telling Jones to hang on, and begging for help. Jones was still alive, a gun at his feet.[10]

As a first responder, Simonelli's duty was to preserve life, not evidence.[11] He was a "brand new officer."[12] He ran to his car to get a box of latex gloves, ran back, and took over for Jennifer, cradling Jones and applying pressure.[13] An exhibit at trial showed that he left a pair of those latex gloves on the dresser, right next to where someone had placed Jones' baseball cap.[14] Simonelli was so disoriented and traumatized by the

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[7] T. 476.
[8] T. 395.
[9] T. 398.
[10] T. 399, 462.
[11] T. 444.
[12] T. 1936.
[13] T. 400.
[14] T. 399-400, 433-434.

experience that medical personnel had to remind him to let of Jones so they could take him to the hospital.[15] Detective Cox testified that someone experiencing such a traumatic event could have easily placed the hat on the dresser without remembering it.[16]

Weathington's mother, Elgerie Cash, was initially angry that a police officer had arrived, rather than paramedics.[17] She requested that Jones be taken to Grady Hospital instead of Kennestone.[18] Officers at the scene asked her what had happened. According to Simonelli, she said, "I wanted to show him the gun. I came back here. I grabbed it. I charged it. Nothing came out. He grabbed it, and said it's not loaded. And he stuck the gun to his head and pulled the trigger, and he shot himself."[19] According to officers at the scene, Jennifer Weathington's account was consistent.[20]

Before Jones' body was transported, Cash described only the shot that Jones had fired, but a few minutes later, when Colonel Hicks and Detective

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[15] T. 400, 485.
[16] T. 1193.
[17] T. 411.
[18] T. 502.
[19] T. 415-416. *See e.g. Paige v. US Drug Enforcement Admin.*, 818 F. Supp. 2d (D.D.C) (2010); *Owens, Bob*, Why The Police Shouldn't Use Glocks, Los Angeles Times, May 7, 2015 (explaining why Glocks are unusually prone to accidental discharges).
[20] T. 420, 1532.

Cox arrived, she gave a more detailed account and told them that she had fired an accidental shot into the wall before Jones had asked for the weapon (a .40 Glock 23c).[21]At this point, police officers did not suspect foul play. Weathington's demeanor was consistent with someone who had just seen a loved one shoot himself.[22] She was described as hysterical, and became so upset that she vomited into a trash can.[23]

Cash's neighbors corroborated her account. One neighbor remembered hearing a shot, going inside, and then hearing screaming five minutes later.[24] Another neighbor remembered hearing a gunshot, hearing screaming within about a minute, and seeing the police arrive shortly afterwards.[25]

Later in the day, Cash went to the Sheriff's office to demonstrate what happened. At that reenactment, Cash pointed at her temple rather than behind her ear when describing the shooting.[26] To the officers, this inconsistency seemed suspicious.[27]

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[21] T. 422.
[22] T. 420, 460, 468, 499.
[23] T. 500, 502, 529.
[24] T. 591.
[25] T. 879.
[26] T. 703. There was only audio, not video, of this reenactment.
[27] T. 1078.

Jones died later that day at Kennestone Hospital. His body was brought to Dr. Jonathan Eisenstat, an assistant medical examiner with the Georgia Bureau of Investigation. Dr. Eisenstat conducted a forty-five minute autopsy.[28] His report noted that there was no stippling or powder tattooing at the site of Jones' wound, indicating that the shot had been fired from an indeterminate range (greater than eighteen inches).[29] This would make an accidental suicide unlikely or impossible.

However, officers appeared to find this difficult to believe, perhaps because the women had called 911 quickly, had rendered aid, and had given consistent accounts of what had happened, perhaps because it was found that Jones was legally intoxicated at the time of his death[30] and habitually used methamphetamines.[31] Dr. Eisenstat took the unusual step of asking his supervisor, Dr. Sperry, to support his findings.[32]

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[28] T. 1807-08.
[29] T. 1807.
[30] T. 1455. Jones' BAC was .087. *See* O.C.G.A. § 16-11-134
[31] T. 1718. *See* 18 U.S.C.A. § 922 (d) (3).
[32] At the Motion for New Trial, evidence was presented that Dr. Sperry conducted no independent investigation and only stepped in because none of the investigating officers believed Dr. Eistenstat. *See* RJW 441-442.

A week later, officers noticed a picture of the scene, showing a baseball cap with a bullet hole in it. The hat had never been seized, and so, on June 6, 2011, police secured a search warrant for the home.[33] A SWAT team escorted Elgerie Cash outside while they looked for evidence.[34] In the laundry room, the team found the baseball cap.[35] It had blood in it, which genetic testing confirmed belonged to Jones.[36] The outside of the hat was covered in gunpowder and vaporized lead, there was a bullet hole through the band, and the fibers around the hole chased outwards, indicating that the hat had been worn at the time it was shot.[37] Analysis by ballistics expert Kyle Felix found that the hat had been shot at a range of 1-3 inches, which was consistent with a self-inflicted wound.[38]

If Jones were wearing the hat at the time of his death, it would explain the indeterminate range. And if the wound were self-inflicted, it would explain another puzzling finding—Jones had the maximum countable

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[33] T. 903.
[34] *Id.*
[35] T. 904
[36] T. 1403.
[37] T. 1027.
[38] T. 1532.

amount of gunshot primer residue on the web of his right hand.[39] That much residue on the back of the hand would mean that Jones had either fired the gun recently, or that the weapon had deposited a "plume of heavy elements (antimony, barium, and lead) from a distance of at least two and a half feet away.[40]

Dr. Eisenstat did not revise his opinion and refused to look at the hat until an emergency meeting was held on August 18, 2011.[41] At that meeting, Eisenstat argued that if Jones were wearing the hat at the time he shot himself, there would be a semicircle of gunpowder around the band, and he would expect to see more blood.[42]

Although Dr. Eisenstat repeatedly assured officers that Jones had died as the result of a homicide, police did not arrest Jennifer Weathington or Elgerie Cash until December of 2011.[43] The case went forward to trial.

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[39] T. 1435. While Jones was left-handed, his son testified that he had seen him shoot pistols with both hands. T. 1730.
[40] T. 1539.
[41] T 1500-01.
[42] T. 1831-32.
[43] T. 316.

II. The Trial

If Dr. Eisenstat had made a mistake about the range of fire, the women's story would be consistent with the responding officer's first impression at the scene—this was an accident.[44] On cross-examination, Dr. Eisenstat admitted that he failed to look at the baseball cap before finalizing his opinion[45] and that he performed over 400 autopsies a year.[46]

The State's case had other problems. Agent Farmer testified that the fatal shot, to be consistent with guilt and all of the evidence, must have been fired from a distance of two and a half feet away and from the hip, a difficult feat even for an experienced marksman.[47] A closer shot would not match the apparent trajectory of the bullet unless the gun was placed almost directly against the skin.[48]

To "stage" the scene as the State alleged[49] the two women must have

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[44] T. 529-530, 570, 579. Q: "Your opinion as an officer of two decades in that room at the time was this was accidental. Am I right?" "A: Yes."
[45] T. 1795.
[46] T. 1782. The National Association of Medical Examiners recommends no more than 250. *See* Forensic Autopsy Performance Standards, Garry F. Peterson, 2014, P. 10.
[47] T. 1542-43.
[48] T. 1539.
[49] T. 2012.

shot the victim, realized that the range of fire would not match up, and then fired a second shot through the hat in the correct spot within the span of just a few minutes. Even the State's ballistics expert conceded that such a shot would have been both difficult and dangerous.[50] Then, the women must have sprayed the victim's blood into the hat to match the distinctive misting of a gunshot wound.[51]

The two women had no ballistics training and had conducted no internet research.[52]

The District Attorney admitted at trial that he had no way to explain the presence of the hat: "I also cannot explain how Donny Jones' hat got a bullet hole in it. But you know what? I don't have to explain that."[53] He suggested that it was "actually pretty good evidence of somebody that wanted to cover things up."[54]

Despite the weakness of the State's case, both women were convicted. But this may have had more to do with the bizarre behavior of their trial attorneys than any evidence of guilt. The District Attorney summarized some

[50] T. 1364.
[51] A detective explained the blood as the result of a "large pimple." T. 1173.
[52] T. 1163.
[53] T. 2027.
[54] T. 2013.

of that ineffectiveness in his closing:

> Prosecutors, for us this is not an opportunity to perform or put on a show for a jury. We **don't roll around on the floor**. We don't **shout at people** in the courtroom, especially our opposing counsel. **We don't kick the exhibits around**. We don't get folksy and make little jokes like, "are you married or are you happy?" Well, maybe that's a joke to some people, but I'm both, very married and I'm very happy. Some people might take that as an insult. But we don't get to do that. We don't get to be lighthearted and frivolous about this, because **we have to be serious about it.** [55]

After trial, the women were sentenced to the minimum, life with parole plus five years for the firearm count. Elgerie Cash's lawyer, Tom Ford, would later receive a public reprimand for his poor performance in the case. *See In the Matter of Thomas J. Ford III.*, 297 Ga. 792 (2015).

Response to Enumerations

1. **This appeal should be dismissed.**

On November 16, 2015, this Court ruled that "**jeopardy had attached**" when Jennifer Weathington was tried on October 15, 2013. (Emphasis added). *State v. Cash*, 298 Ga. 90, 92 (2015). This meant that the State could not pursue its appeal from the denial of a recusal motion, because

[55] T. 2008.

O.C.G.A. § 5-7-1 only allowed the State to appeal from rulings made before jeopardy attached.

After remittitur, the trial court granted Weathington's plea in bar, taking two months to draft a twenty-page order that there had been insufficient evidence to convict her as a matter of law. The State is appealing from that decision.

But under O.C.G.A. § 5-7-1(a)(3), the State may only appeal the grant of a plea in bar "when the defendant **has not been put in jeopardy**." (Emphasis added). The statutory provision is almost identical to the one this Court relied on in *State v. Cash*, 298 Ga. 90, 92 (2015), and this Court's previous ruling that jeopardy had attached is the law of the case. O.C.G.A. § 9-11-60(h).

Because the version of O.C.G.A. § 5-7-1(a)(3) in effect at the time of the offense[56] requires strict construction against the State, and because the statute does not authorize this post-jeopardy appeal, this case should be dismissed.

[56] Although O.C.G.A. § 5-7-1 is clearly a procedural statute that would normally be applied retroactively, it is almost always adopted with language clarifying that the new version will only apply to offenses committed before a certain date. Thus, O.C.G.A. § 5-7-6 does not apply to any offenses committed before July 1, 2013. *See* HB 349 Section 21.

The State's Response

The State makes three claims in response to this argument:

a. A motion to acquit due to insufficient evidence at trial is not a plea in bar.

b. A plea in bar cannot be filed after a new trial is granted.

c. The statute does not apply because jeopardy terminated when the new trial was granted, and Weathington is not now in jeopardy.

None of these claims hold up under scrutiny.

a. A motion to acquit due to insufficient evidence at trial is a plea in bar.

Historically, a plea in bar is a special plea, given at the time of arraignment, that explains why the defendant cannot be tried. As Sir William Blackstone puts it:

> SPECIAL pleas in bar; which go to the merits of the indictment, and give a reason why the prisoner ought not to answer it at all, nor put himself upon his trial for the crime alleged. These are of four kinds: a former acquittal, a former conviction, a former attainder, or a pardon.
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> FIRST, the plea of auterfoits [sic] acquit, or a former acquittal, is grounded on this universal maxim of the common law of England, that no man is to be brought into jeopardy of his life, more than once, for the same offense."

William Blackstone, *Commentaries on the Laws of England*, Book 4, Chapter 26. (Oxford 1765-1769) (capitalization in original).

So a plea of *autrefoits acquit*, known in modern parlance as a "Double Jeopardy" plea, is the quintessential plea in bar. It is literally the first example that Blackstone mentions. Black's Law Dictionary agrees:

> **special plea in bar** (17c) A plea that, rather than addressing the merits and denying the facts alleged, sets up some extrinsic fact showing why a criminal defendant cannot be tried for the offense charged. • Examples include the plea of autrefois acquit and the plea of pardon.
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> PLEA IN BAR, Black's Law Dictionary (10th ed. 2014).

Weathington's plea in bar did not address the merits of the State' case. Instead, she cited an extrinsic fact—the insufficiency of the evidence at her previous trial—and argued that she could no longer be tried. This was in accordance with O.C.G.A. § 16-1-8(d)(2), which states that a prosecution may be "barred" when a conviction has been vacated and "there has been a finding that the evidence did not authorize the verdict." It was also in accordance with this Court's ruling that, to raise a Double Jeopardy claim, you must "file a written plea in bar" under O.C.G.A. § 17-7-111. *McCormick u. Gearinger*, 253 Ga. 531, 533 (1984); *see also State v. Stowe*, 167 Ga. App. 65 (1983) (holding that the State must appeal from the grant of a double jeopardy plea in bar under O.C.G.A. § 5-7-1(a)(3)).

This was not a motion to dismiss, or as it's often known, a "demurrer" because it did not allege a defect on the face of the indictment. Nor did it

result in "dismissal" of the charges—the judge's order entered a judgment of acquittal for both defendants.[57]

And there is no reason to believe that it was a "successive" motion for new trial. Motions are named after the remedy they seek. Here, the remedy was to not be tried again.

In short, while the State argues that, in substance, this was not a plea in bar, it never explains why. In the absence of that explanation, we submit that the historical and dictionary definition of plea in bar is accurate.

b. **This Court has ruled more than once that a plea in bar may be filed after a new trial is granted.**

A defendant does not have to win a new trial on sufficiency grounds to later file a plea in bar. *See e.g. Priest v. State*, 265 Ga. 399 (1995); *Prater v. State*, 273 Ga. 477 (2001); *State v. Caffee*, 291 Ga. 31 (2012); *Prather v. State,* 303 Ga. App. 374 (2010) (reviewing cases where defendants won new trials on non-sufficiency grounds, than filed pleas in bar).

Here, the trial court never entered an order denying the motion for new trial on sufficiency grounds. With no written order entered, there was nothing to appeal. *See Sharp v. State*, 183 Ga. App. 641, 642 (1987); O.C.G.A. § 5-6-31.

Had the State prevailed in its first appeal, this Court would have

[57] 2RJW 29.

simply remanded the case to the trial court to decide all remaining issues. *See e. g. State v. James*, 292 Ga. 440 (2013); *Hall v. Lewis*, 286 Ga. 767, 784 (2010); *State v. Banks*, 337 Ga. App. 749 (2016). *Compare State v. Jackson*, 295 Ga. 825 (2015) (no remand because trial counsel expressly waived all non-sufficiency issues at the motion for new trial).

Because there was no ruling, Weathington's failure to pursue a cross-appeal did not waive any issues. Even if the trial court had ruled, and Weathington had failed to appeal, it is not clear that the court could not later reconsider. *See Hipp v. State*, 293 Ga. 415 (2013) (holding that trial court could reconsider denial of motion for immunity even after a jury had convicted the defendant).

In short, unless this Court gave some specific direction to the trial court after remitting[58] this case for a new trial, the court was free to rule on any unresolved issues *de novo*. *See Wilson v. Wilson*, 279 Ga. 302 (2005). And because this Court never ruled on the sufficiency of the evidence in its previous opinion, there was no binding law of the case to prevent the trial court from finding the evidence insufficient. *See State v. Cash*, 298 Ga. 90 (2015); O.C.G.A. § 9-11-60(h).

[58] 2RJW 3.

c. The State's argument ignores continuing jeopardy.

The State argues that the language of O.C.G.A. § 5-7-1(a)(3) does not apply because Jennifer Weathington is not in jeopardy. But this argument has two serious flaws:

First, under the doctrine of continuing jeopardy, Jennifer Weathington's jeopardy began at the start of her first trial and does not terminate until acquittal or final conviction. *See Green v. United States*, 355 US 184 (1957) (describing the theory of continuing jeopardy and rejecting the notion that a defendant waives a valid defense of former jeopardy by obtaining a new trial).

Second, if this Court accepted the State's theory that jeopardy terminated upon the grant of a new trial, and that this is a new, second jeopardy, it would still have to affirm the trial court. The Constitution frowns on placing a person in jeopardy twice for the same offense. U.S. Const. amend. V.

d. *State v. Caffee* does not control the result here.[59]

Sometimes, an issue lurks in the background without this Court ever truly ruling on it. For instance, in *State v. Outen,* 289 Ga. 579, 584 (2011), this Court ruled that it did not have jurisdiction over the State's appeal

[59] The State has not raised *Caffee* in its brief. But it is the State's best argument, so we will address it here.

without a certificate of immediate review, even though it had taken jurisdiction in similar cases twice before. Because no one had raised the issue in the previous cases, they had no precedential value, and the State's appeal was dismissed.

Similarly, in *State v. Caffee*, 291 Ga. 31 (2012) this Court reversed the post-jeopardy grant of a plea in bar and ruled that it had jurisdiction under O.C.G.A. § 5-7-1(a)(3). This Court did not address the "jeopardy" portion of that statute because Caffee's attorney affirmatively waived the issue.[60] Since *Caffee* did not address the impact of the defendant's previous jeopardy on the appealability of the plea in bar, it has no precedential value. Instead, as discussed below, the plain language of the statute should apply.

e. Under the plain language of the statute, dismissal is required.

Under the plain language of the statute, dismissal is required. At the time that the General Assembly wrote O.C.G.A. § 5-7-1(a)(3), in 1973, the State could not appeal most judgments. For instance, it could not appeal from the grant of a motion for new trial until 2005. *See State v. McMillon*, 283 Ga. App. 671 (2007) (reviewing the history of the statute). Rather than creating a broad right of appeal, as enjoyed by civil litigants and criminal defendants,

[60] "[T]here is no question that this Court has jurisdiction over the appeal of the grant of a plea in bar as it is a final judgment in a murder case." *State v. Caffee* 2011 WL 3893740, 2.

the General Assembly instead chose to value finality, speed, and efficiency. *Compare* O.C.G.A. § 5-6-34.

As part of that mission, the General Assembly limited the State's right to appeal to just those pleas in bar granted before trial. *See e.g.* O.C.G.A. § 17-7-170. Thus, when a trial court rules that jeopardy has terminated, and a defendant cannot be retried, that decision is final and unappealable. Otherwise, a defendant who had just been spared the stress and expense of a second trial would instead have to deal with a years-long taxpayer funded State's appeal. *See Burks v. US*, 437 US 1, 12 (1978) (discussing policy for disallowing a second chance to convict after evidence ruled insufficient).

There is nothing new about this interpretation. This Court has already ruled in *this case* that the State could not appeal the denial of a motion to recuse after jeopardy attached based on very similar language. And the State has made no argument to distinguish this unlawful appeal from that one. *See State v. Cash*, 298 Ga. 90, 92 (2015). Because this is a post-trial appeal from the grant of a plea in bar, this Court should dismiss.

2. The evidence is insufficient.

This Court should not be required to cull a record that is now thousands of pages long for evidence to support the State's claims.[61] *See*

[61] See Supreme Court of Georgia Rule 22. "Any enumerated error not supported by argument or citation of authority in the brief shall be deemed abandoned. All citations of authority must be full and complete."

Wallace v. State, 296 Ga. 388 (4) (b) (2015). The State has had six years to gather together its very best, most persuasive argument that Jennifer Weathington murdered Lennis Donovan Jones. At one point, the State thought it would need 90 pages to do it. But there are no facts cited in the State's brief that go beyond mere presence and deception—factors that this Court has already ruled insufficient to support a conviction beyond a reasonable doubt. *See Bullard v. State*, 263 Ga. 682 (1993); *Brown v. State* 250 Ga. 862 (1983).

In *Bullard*, a woman's jealous boyfriend murdered her lover in front of her. She lied to the authorities and later helped dismember the body of the victim. Yet this Court held that the evidence was insufficient to establish the woman's guilt as a party, because there was nothing in the record to show that she assisted in the killing. The only actions the State could point to took place after the victim's murder.

Similarly, in *Brown v. State* 250 Ga. 862 (1983), this Court ruled that there was insufficient evidence to convict the defendant of murder when his brother shot the victim. Although the defendant brought the weapon, and even pointed it at the victim at one point, there was no evidence that in the moment of the victim's death, the defendant had done anything to bring about the killing.

In this case, making every inference in the State's favor, Jennifer Weathington saw Jones get shot, and then lied to police about what she had

witnessed. Unlike the defendant in *Bullard*, she did not take steps to hide the body. Unlike the defendant in *Brown*, there was no evidence on the record that she provided a weapon or threatened the victim. To the contrary, she called 911 immediately after Jones shot himself in the hope that the authorities could save his life.[62]

The State has not cited any case where evidence this slight has been held to establish guilt beyond a reasonable doubt. Nor has it pointed to evidence that Weathington aided, abetted, advised, encouraged, counseled or procured anyone else to murder Lennis Donovan Jones. O.C.G.A. § 16-2-20.

Despite the State's argument, there was nothing "summary"[63] about the trial court's order, which was 20 pages long and took two months to draft. The trial court thoroughly considered the evidence and the case-law. Because the State provides no reason to overturn the trial court's judgment, we respectfully request that this Court affirm the grant of the plea in bar.

Conclusion

Dismissing this appeal is the legally correct thing to do. It follows the plain language of the statute. But dismissing the State's appeal is more than just legally correct. It also reaches the right result.

Even before Jennifer Weathington presented what the State called a

[62] T. 394-403.
[63] See Matthew 7:1–5.

"patently unfair"[64] amount of exculpatory evidence at her Motion for New Trial hearing, it was unclear how she could be guilty of this crime. The State's evidence, taken in its most persuasive light, shows nothing more than that she was there when Jones was killed, and that she refused to testify against her mother. Sometimes, fairness and the law coincide. We respectfully request that this Court apply the law as written and dismiss this appeal.

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[64] State's Brief in First Appeal, P. 19.

CERTIFICATE OF SERVICE

I hereby certify that I served a true and accurate copy of this document to the Paulding County District Attorney's Office by e-mail at ddonovan@paulding.gov.

I further certify that I have e-mailed a copy of this document to counsel for Elgerie Cash at ashenrickson@yahoo.com.

Respectfully submitted, this 13th day of March, 2017.

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