

WITNESSES :

(In addition to those listed in the body of the indictment)

Chief Investigator Greg Arp
Appalachian Circuit District Attorney's Office
50 N. Main Street, Suite 101
Jasper, GA 30143

GENERAL BILL OF INDICTMENT

No. 2016SUCR 274-P

Pickens Superior Court

MARCH TERM, 2016

The State of Georgia

vs.

**MARK BRANNON THOMASON
AND
RUSSELL STOOKEY**

OFFENSE

Ct. 1: IDENTITY FRAUD

O.C.G.A. 16-9-121

Ct. 2: ATTEMPT TO COMMIT IDENTITY FRAUD

O.C.G.A. 16-9-122

Ct. 3: MAKING A FALSE STATEMENT

O.C.G.A. 16-10-20

Filed in office by:

William Conkell Grand Jury Bailiff
June 24th 20 16

Dep Rebecca Hammett Dep
Clerk, S. C.

[Signature] BILL

[Signature] Foreman

B. ALISON SOSEBEE, District Attorney

SPECIAL PRESENTMENT

H. ALI OT, Prosecutor

Minutes _____ Page _____

GEORGIA, PICKENS COUNTY

IN THE SUPERIOR COURT OF PICKENS COUNTY

The Grand Jurors selected, chosen and sworn for the County of Pickens to wit:

- | | |
|---------------------------------------|--|
| 1. Christopher Adam Payne, Foreperson | 13. Heidi Marie Smith |
| 2. Alan Morris | 14. Sandra Daniell Searbrough |
| 3. Marcus Jesse Walker | 15. Audrey Jewell Blaine |
| 4. Cheryl Ann Carmody | 16. Jason Timothy Bernerth |
| 5. Danny Lee Cruikshank | 17. Stuart Anthony Martin |
| 6. Anne M. Bopp | 18. Steven M. McDowell |
| 7. James Cody McFarland | 19. Candy Chism DiPrima |
| 8. Donald Wayne Martin | 20. David Michael Bowers |
| 9. Martha Ann Baldwin | 21. Amanda Leigh Romero |
| 10. Diane M. Jones | 22. Vanessa Kaitlin Stancil |
| 11. June Elizabeth Ash | 23. David Paul Croft |
| 12. Lisa Lowery Duckett | |

COUNT 1 (O.C.G.A. 16-9-121)


THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse MARK BRANNON THOMASON AND RUSSELL STOOKEY, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME, with the offense of **IDENTITY FRAUD**, for that the said accused, on the 3rd day of June, 2016, in the County and State aforesaid, without consent of Brenda S. Weaver or notification to Brenda S. Weaver, as depositor as set forth O.C.G.A. Section 7-1-360(b), did unlawfully commit the offense of Identity Fraud in violation of O.C.G.A. 16-9-121(a)(1), by willfully and fraudulently using a checking account number, identifying information of Brenda S. Weaver, Superior Court Judge, Appalachian Judicial Circuit, by uttering a document titled Subpoena for the Production of Evidence containing said identifying information to Stearns Bank N.A., a financial institution, with intent to unlawfully appropriate resources of said victim, contrary to the laws of this State, the good order, peace and dignity thereof.

COUNT 2 (O.C.G.A. 16-9-122)

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse MARK BRANNON THOMASON AND RUSSELL STOOKEY, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME, with the offense of ATTEMPT TO COMMIT IDENTITY FRAUD, for that the said accused, in the County and State aforesaid, did unlawfully in violation of O.C.G.A. Section 16-9-122 attempted to commit the crime of Identity Fraud, in violation of O.C.G.A. 16-9-121, between the dates of June 3, 2016 and June 17, 2016 in that the said accused did knowingly and intentionally perform acts which constituted a substantial step toward the commission of said crime in that the accused did utter a document titled Subpoena for the Production of Evidence to Stearns Bank N.A., a financial institution, without the consent of the Brenda S. Weaver or notification to Brenda S. Weaver, as depositor as set forth in O.C.G.A. Section 7-1-360(b), and further by attempting to access the financial information and resources provided by Stearns Bank N.A. to the accused with the intent to possess and fraudulently use the identifying information of the Brenda S. Weaver, Superior Court Judge, Appalachian Judicial Circuit contained within said financial information and resources provided by Stearns Bank N.A. to the accused as a result of the accused's utterance of said subpoena to Stearns Bank N.A., this being a separate and distinct offense than set forth in Count 1, contrary to the laws of this State, the good order, peace and dignity thereof.

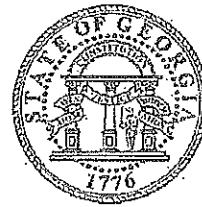
COUNT 3 (O.C.G.A. 16-10-20)

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse MARK BRANNON THOMASON with the offense of MAKING A FALSE STATEMENT, for that the said accused, on the 13th day of June, 2016, in the County and State aforesaid, did unlawfully, knowingly and willfully make a false and fictitious representation to Robert P. Jones, Chairman of the Pickens County Board of Commissioners, said Board of Commissioners being an agency of Pickens County, Georgia government, a political subdivision, in a matter within the jurisdiction of said agency, when the accused requested documents pursuant to the Open Records Act in an electronic communication to Robert P. Jones, in his official capacity as Chairman of the Pickens County Board of Commissioners, and specifically requested "the actual cleared checks (front/back) that Pickens County has written to Judge Brenda Weaver and Judge Roger Bradley for Pickens County's portion of the quarterly operating account expenses for the judges from the years 2013, 2014, and 2015" and further stated "after reviewing only the checks written on behalf of Fannin County for the 2015 year and finding that, according to several banks, some of these checks appear to have not been deposited but cashed illegally," knowing the same to contain a false and fictitious representation, contrary to the laws of this State, the good order, peace and dignity thereof.

/s/  Prosecuting Attorney
B. Alison Sosebee, District Attorney
Appalachian Judicial Circuit

APPALACHIAN JUDICIAL CIRCUIT
STATE OF GEORGIA

☒ PICKENS COUNTY
☐ GILMER COUNTY
☐ FANNIN COUNTY



STATE OF GEORGIA

§

Case / Warrant Number(s)

-vs-

§

2016SUCR274

Mark Brannon Thomas

§

☐ BOND MODIFICATION ORDER

Accused

ORDER FOR SPECIAL CONDITIONS OF BOND

In the above styled action, bond is hereby set in the amount of \$ 10,000⁰⁰ { ☐ O/R } returnable to ☐ the Magistrate Court ☐ the Probate Court ☒ the Superior Court on the _____ day of _____, 20____, at _____m ☒ on a date and time to be notified by the District Attorney. By his/her signature below, accused acknowledges that this bond is conditioned upon accused complying with the following conditions which are ORDERED by the court. (only those conditions endorsed by the Judge are applicable)

Accused Initials	Judges Initials	Applicable Condition(s)
MT	JA	The accused shall from time to time, upon written or oral request by a probation officer, or any city, county, or state law enforcement officer, produce a breathe, spittle, urine and/or blood specimen for analysis for the possible presence of a substance prohibited by any law of the State of Georgia or the United States. (Includes Alcohol.)
MT	JA	The accused shall submit to a search of his/her person, houses, papers and/or effects as these terms of the Fourth Amendment to the United States Constitution are defined by the courts, anytime of the day or night with or without a search warrant whenever requested to do so by a probation officer or any law enforcement officer and specifically consents to the use of anything seized as evidence in a proceeding to revoke this order of bond or in any other criminal or civil proceeding.
MT	JA	The accused shall not take into his/her body any substance prohibited or controlled by any law of the State of Georgia or the United States except pursuant to a physician's prescription which shall be submitted to the Sheriff for inspection and copy prior to ingesting any of the prescribed substances, including alcohol.
MT	JA	The accused shall not violate the laws of any governmental unit. If accused is arrested on any new charges, accused shall not be released from jail until bond violation is addressed by a Court of competent jurisdiction.
MT	JA	The accused shall provide the address of the location where they will reside upon release and he or she shall not change residences without first notifying the Court.
MT	JA	The accused shall report to the Appalachian Pre-Trial Probation Office based on the "Color-Wheel" for drug testing. There will be a \$ 5.00 charge for each test given. Failure to report or failure of the test shall be grounds for immediate arrest.
MT	JA	The accused have <input checked="" type="checkbox"/> no contact <input type="checkbox"/> no violent or harassing contact directly or indirectly with the victim, victim's family, professional, personal, or close associates, by phone, mail, electronic methods, or through third party, including at victim's work place, place of worship, home or daycare/school. If accused encounters victim, defendant must leave immediately, and must not come within 200 yards of the victim or victim's family.

JUDGE SETTING BOND & DEFENDANT MUST INITIAL EACH PAGE

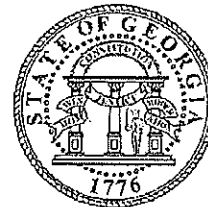
Initials of Judge:

Page 1 of 3

Initials of Defendant:

APPALACHIAN JUDICIAL CIRCUIT
STATE OF GEORGIA

☒ PICKENS COUNTY
☐ GILMER COUNTY
☐ FANNIN COUNTY



STATE OF GEORGIA

§

Case / Warrant Number(s)

-VS-

§

2016SUCR274

Mark Brannon Thomas

§

☐ BOND MODIFICATION ORDER

Accused

ORDER FOR SPECIAL CONDITIONS OF BOND

In the above styled action, bond is hereby set in the amount of \$ 10,000⁰⁰ { ☐ O/R } returnable to ☐ the Magistrate Court ☐ the Probate Court ☒ the Superior Court on the _____ day of _____, 20____, at _____ m ☒ on a date and time to be notified by the District Attorney. By his/her signature below, accused acknowledges that this bond is conditioned upon accused complying with the following conditions which are ORDERED by the court. (only those conditions endorsed by the Judge are applicable)

Accused Initials	Judges Initials	Applicable Condition(s)
MT	[Signature]	The accused shall from time to time, upon written or oral request by a probation officer, or any city, county, or state law enforcement officer, produce a breathe, spittle, urine and/or blood specimen for analysis for the possible presence of a substance prohibited by any law of the State of Georgia or the United States. (Includes Alcohol.)
MT	[Signature]	The accused shall submit to a search of his/her person, houses, papers and/or effects as these terms of the Fourth Amendment to the United States Constitution are defined by the courts, anytime of the day or night with or without a search warrant whenever requested to do so by a probation officer or any law enforcement officer and specifically consents to the use of anything seized as evidence in a proceeding to revoke this order of bond or in any other criminal or civil proceeding.
MT	[Signature]	The accused shall not take into his/her body any substance prohibited or controlled by any law of the State of Georgia or the United States except pursuant to a physician's prescription which shall be submitted to the Sheriff for inspection and copy prior to ingesting any of the prescribed substances, including alcohol.
MT	[Signature]	The accused shall not violate the laws of any governmental unit. If accused is arrested on any new charges, accused shall not be released from jail until bond violation is addressed by a Court of competent jurisdiction.
MT	[Signature]	The accused shall provide the address of the location where they will reside upon release and he or she shall not change residences without first notifying the Court.
MT	[Signature]	The accused shall report to the Appalachian Pre-Trial Probation Office based on the "Color-Wheel" for drug testing. There will be a \$ 5.00 charge for each test given. Failure to report or failure of the test shall be grounds for immediate arrest.
MT	[Signature]	The accused have <input checked="" type="checkbox"/> no contact <input type="checkbox"/> no violent or harassing contact directly or indirectly with the victim, victim's family, professional, personal, or close associates, by phone, mail, electronic methods, or through third party, including at victim's work place, place of worship, home or daycare/school. If accused encounters victim, defendant must leave immediately, and must not come within 200 yards of the victim or victim's family.

JUDGE SETTING BOND & DEFENDANT MUST INITIAL EACH PAGE

Initials of Judge:

Page 1 of 3

Initials of Defendant:

**ACKNOWLEDGEMENT OF DEFENDANT AS TO
RESPONSIBILITIES SET IN CONDITIONAL BOND ORDER**

STATE OF GEORGIA

§

-VS-

§

Case / Warrant Number(s)

2016 SUR 274

Mark Brannon Thomasan
Defendant

§

I understand, acknowledge and consent to all of the conditions of the bond including:

- Notice of the above conditions of my bond and realize that upon my VIOLATIONS, MY BOND MAY BE REVOKED upon showing of good cause to the Court. TBN
- My next hearing is scheduled on _____, 20____ at _____ m. /or/
That my case has been bound over and I will be notified of my Court date by mail.
- That this **ORDER CANNOT BE Modified, Changed or Altered** in any manner other than by the Court and this Order shall remain in effect until further order of the Court and during the pendency of this case which means that neither I nor the Victim can modify this order in any manner.
- Violations of this Order may result in my immediate arrest on criminal charges and/or the revocation of my bond without release. This means I can be denied another bond.
- I will keep the Court, Sheriff's Office, District Attorney, Pre-Trial Probation, & the person responsible for posting my bond aware of any changes in my address or telephone number.

ACKNOWLEDGED BY DEFENDANT

[Signature]
Defendant

6/25/16
Date

Attorney for Defendant (if applicable)

Date

WITNESS

[Signature] 3517
Print Name: M. Flowers

6/25/16
Date

JUDGE SETTING BOND & DEFENDANT MUST INITIAL EACH PAGE

Initials of Judge: [Signature]

Page 3 of 3

Initials of Defendant: _____

SUBPOENA FOR THE PRODUCTION OF EVIDENCE

STATE OF GEORGIA

Fannin COUNTYTO: Community + Southern BankYou are hereby required to be and appear at the FANNIN County Superior Court before
MARTHA CHRISTIAN, Judge ofSuperior Court, in Room _____ of the FANNIN County Courthouse at 9 o'clock A.M./P.M. on the
13 day of June, 20 16, and to bring with you into said Court certain bank records to be used asevidence by Russell Storky in a certain case pending in said Court between
Fannin Focus/Russell Storky and Rhonda Stubblefield.Case No. 2015V251.

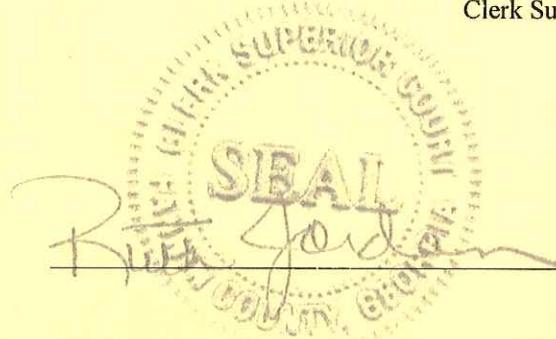
The following are hereby subpoenaed: Any and all checks from the account
of Roger E. Bradley Superior Court Judge Appalachian
Judicial Circuit from Dec. 1, 2015 thru March 1, 2016
written to Clark & Clark Law and/or Herman Clark and/or
May Beth Priest pertaining to attorney services in court
case #2015V251.

Herein fail not, under penalty of the law.

Witness, _____, Judge of said Court

this 1 day of June, 20 16.If you have questions contact Attorney For Plaintiff/
DefendantRussell Storky
Hiawassee, GA
706 835-9173

Phone: _____

Melissa A Queen Dep.
Clerk Superior Court

WITNESS LIST

Christy O'Dell
Appalachian Circuit District Attorney's Office
50 N. Main Street, Suite 101
Jasper, GA 30143
Work Phone: 706-253-3511
Email Address: codell@pacga.org

Matt Dawkins
Jasper Police Department
55 Dixie Street
Suite A
Jasper, GA 30143
Main Office: 706-253-9110
Fax: 706-692-2213

Roger E. Bradley
Updated address will be provided at a later date

Carol Caywood
Stearns Bank
100 Mark Whitfield Street
Jasper, GA 30143
Work Phone: 706-692-3581
Cell Phone: 706-253-7070

Rita Davis-Kirby
Fannin County Board of Commissioners
400 West Main Street, Suite 100
Blue Ridge, GA 30513
Work Phone: 706-258-5104

Lynn Doss
710 West First Street
PO Box 1277
Blue Ridge, GA 30513
Work Phone: 706-632-2083

Tara Gibson
Pickens County Courthouse
50 North Main Street
Jasper, GA 30143
Work Phone: 706-253-8741

Wilma Housley
Gilmer County Superior Court
1 Broad Street, Suite 202
Ellijay, GA 30540
Work Phone: 706-515-2027

Avery S. Jackson
Tisinger Vance, P.C.
100 Wagon Yard Plaza
Carrollton, GA 30117
Work Phone: 770-214-5119

Ruth Jordan
Community & Southern Bank
150 Orvin Lance Connector
Blue Ridge, GA 30513
Work Phone: 706-258-4000

Amanda H. Mercier
Georgia Court of Appeals
47 Trinity Avenue, S.W., Suite 501
Atlanta, GA 30334
Work Phone: 404-656-3450

Mary Elizabeth Priest
Gilmer County Superior Court
1 Broad Street, Suite 202
Ellijay, GA 30540
Work Phone: 706-515-2027

Phyllis Ross
Fannin County Superior Court
400 West Main Street, Suite 300
Blue Ridge, GA 30513
Work Phone: 706-258-5204

R. Scott Kiker
Fannin County Probate Court
400 W. Main Street, # 204
Blue Ridge, GA 30513

Bill Simonds
Fannin County Board of Commissioners
400 West Main Street, Suite 100
Blue Ridge, GA 30513
Work Phone: 706-632-2203

Brenda S. Weaver
Pickens County Superior Court
50 North Main Street
Jasper, GA 30143

Robert Jones
Chairman
Pickens County Board of Commissioners
1266 E. Church Street, Suite 112
Jasper, GA 30143

SUBPOENA FOR THE PRODUCTION OF EVIDENCE

STATE OF GEORGIA

Fannin COUNTYTO: Stearns Bank, Jasper GAYou are hereby required to be and appear at the FANNIN County Superior Court beforeMARTHA CHRISTIAN, Judge ofSuperior Court, in Room _____ of the FANNIN County Courthouse at 9 o'clock A.M./P.M. on the13 day of JUNE, 20 16, and to bring with you into said Court certain Bank Records to be used asevidence by Russell Stookey in a certain case pending in said Court betweenFannin Focus / Russell Stookey and Rhonda StubblefieldCase No. 2015V251.

The following are hereby subpoenaed:

Any and all itemized banking statements
from Jan. 1, 2015 thru current from Superior Court Judge
Brenda Weaver, Appalachian Judicial Circuit, Operating Account
at Stearns Bank, based on attached check example
from said acct where check 084418 from Fannin County written
on 3/30/15 was deposited to #44950 at Stearns on 4/14/15
stamp 091910455 / 2015-0414 / 0808569439

Herein fail not, under penalty of the law.

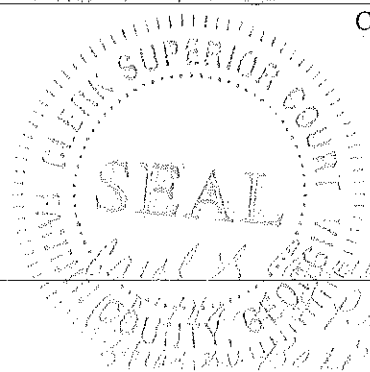
Witness, _____, Judge of said Court

this 1 day of June, 20 16.If you have questions contact Attorney For Plaintiff/
Defendant

Russell Stookey
Hiawasse, GA
706 835-9173

Phone: _____

Melissa A. Queen Dep.
Clerk Superior Court





Community &
Southern Bank

3333 Riverwood Parkway • Suite 350 • Atlanta, GA 90339 • 678.293.1300 • www.mycsbonline.com

Carol T. Langford
Corporate Paralegal/AVP
carol.langford@mycsbonline.com
678-293-1371

June 7, 2016

VIA ELECTRONIC MAIL

Mr. Russell Stookey
c/o debra@stookeylaw.com

Re: Fannin Focus v. Stubblefield

Dear Mr. Stookey:

I am writing in response to the Subpoena for the Production of Evidence (the "Subpoena") served upon Community & Southern Bank (the "Bank") in the above-referenced matter. Based on a review of our records, we have determined that the Bank has no documents that are responsive to the Subpoena.

If you have any questions, please let me know.

Sincerely yours,

Carol T. Langford
Corporate Paralegal/AVP



BRENDA S. WEAVER
CHIEF JUDGE

SUPERIOR COURTS
APPALACHIAN JUDICIAL CIRCUIT
POST OFFICE BOX 545
JASPER, GEORGIA 30143

(706) 253-8729
FAX (706) 253-8734



PICKENS
GILMER
AND FANNIN COUNTIES

Mr. Mark Thomason, Publisher
Fannin Focus
2680 E. First Street
Blue Ridge, GA 30513

February 12, 2016

Re: Second Oral request for check

Dear Mr. Thomason:

My office received a voice mail from you on February 10, 2016, in which you stated you were making an oral Open Records Act request to obtain a copy of a check. You requested that I review Open Records Act provisions and stated that records which relate to any settlement which involve a government entity are subject to the Open Records Act.

I am not sure I understand what you are talking about.

Funds paid for attorney fees to defend a lawsuit brought against a court reporter (in which the court reporter prevailed) were not "settlement" of any dispute.

Moreover, as I have previously indicated, the judicial branch is not considered a "government agency" for the purpose of the Open Records Act. The Open Records Act does not apply to the judicial branch. See O.C.G.A. § 50-18-70(a) (incorporating the definition of "agency" set forth in the Open Meetings Act of O.C.G.A. § 50-14-1(a)(1)); *Fathers Are Parents Too, Inc. v. Hunstein*, 415 S.E.2d 322, 202 Ga. App. 716 (1992) (holding that "agency" under the Open Meetings Act refers only to state executive agencies and, therefore, does not include the judicial branch of state government).

Sincerely,

Brenda S. Weaver
Chief Judge



BRENDA S. WEAVER
CHIEF JUDGE

SUPERIOR COURTS
APPALACHIAN JUDICIAL CIRCUIT
POST OFFICE BOX 545
JASPER, GEORGIA 30143

(706) 253-8729
FAX (706) 253-8734



PICKENS
GILMER
AND FANNIN COUNTIES

Mr. Mark Thomason, Publisher
Fannin Focus
2680 E. First Street
Blue Ridge, GA 30513

February 5, 2015

Re: Oral request for check

Dear Mr. Thomason:

My office received a voice mail from you on February 4, 2016, in which you stated you were making an oral Open Records Act request to obtain a copy of a check. The Judicial Branch is not subject to the Open Records Act (Official Code of Georgia Code Annotated § 50-18-70(a)).

Sincerely,

Brenda S. Weaver
Chief Judge

2nd Email

Rita Davis

From: Rita Davis-Kirby [rdavis@fannincountyga.org]
Sent: Tuesday, December 01, 2015 10:38 AM
To: 'mimimac5@yahoo.com'
Subject: RE: Question

Good Morning Stacy,

Do you know if Judge Bradley has the money in his account now? We have already cut the 4th quarter checks for all the judges operating accounts and there is a zero balance in that line item so if any additional money is requested then we would have to do a budget amendment to allow for the expense which would have to be approved in a meeting and brings us back to the same problem as I mentioned before in that if the County had been responsible for paying attorney fees then it should have been submitted to ACCG and an attorney appointed to represent her. If the money is already in his account then it's the Judge's decision on how to spend money out of that operating account.

If you don't mind to go ahead and fill Judge Weaver in on my concern I would appreciate it... That way it will give her time to think about it and if she has a minute I would be happy for her to come see me or call me and I'll go to her to talk this over. Again please know that I am in no way trying to be difficult, I just don't want this to come back on anyone!

Thank you!!!



Rita Davis-Kirby

Finance Director/County Clerk
Fannin County Board of Commissioners
400 West Main Street, Ste 100
Blue Ridge, GA 30513
706-258-5104-Direct Line
706-632-2507-Fax

From: mimimac5@yahoo.com [<mailto:mimimac5@yahoo.com>]
Sent: Monday, November 30, 2015 8:58 PM
To: rdavis@fannincountyga.org
Subject: Re: Question

Response

Oh dear, I am wondering if it's meant to come from the account that is controlled by Wilma and not anything that would be paid from the county account. In other words, the billing that is done quarterly for each county to contribute to each judges office operating account....I wonder if that's the account she is referring to. It would be in his audit and not the counties. She is actually in fannin tomorrow.....do you want to try and get with her or would you prefer I send her a message? I don't know when I will see her, but will be glad to reach out to her.

Sent from my Verizon 4G LTE Smartphon

----- Original message-----

From: Rita Davis-Kirby
Date: Mon, Nov 30, 2015 8:38 PM
To: 'Stacy';

Rita Davis

From: mark@fanninfoocus.com
Sent: Friday, December 18, 2015 10:28 AM
To: rdavis@fannincountyga.org
Subject: request

Morning,

I spoke w Lynn Doss late yesterday and she assured me all records surrounding Judge Weaver/Bradleys use of funds for the attorney are open records. That being said, I would like to request copies of any and all emails between the superior courts office employees or judges and the Fannin County Commissioners office. From what I gather from the county attorney there are at least a few emails where the funds are discussed.

Thanks again!!
Mark