

IN THE SUPERIOR COURT OF EMANUEL COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

D'NARIA CHANEL LOVETT,

DEFENDANT.

*
*
*
*
*
*
*
*
*
*

15-CR-86

CHARGE

Aggravated Assault

MOTION TO REDUCE SENTENCE

I N D E X

NAME	:	DIRECT	:	CROSS	:	RDX	:	RCX	:
ANNIE LOVETT	:	7-10	:	10-11	:		:		:
PHYLLIS STROWBRIDGE	:	12-17	:	17-19	:	19-20	:	20	:
LEROY JORDAN, JR.	:	21-27	:	27-29	:		:		:
SHONDRA WILLIAMS	:	30-33	:	33	:		:		:
REV. EDWARD BELL	:	34-39	:	39-42	:		:		:
EXHIBITS	:	50-52	:		:		:		:

HEARD BEFORE THE HONORABLE ROBERT S. REEVES, JUDGE, EMANUEL
SUPERIOR COURT AND OF THE MIDDLE JUDICIAL CIRCUIT OF GEORGIA,
ON MAY 18, 2016.

APPEARANCES

FOR THE STATE:

HON. HAYWARD ALTMAN
District Attorney
Middle Judicial Circuit
Swainsboro, Georgia 30401

FOR THE DEFENDANT:

MARNIQUE OLIVER, ESQUIRE
Attorney at Law
Swainsboro, Georgia 30401

1 PROCEEDINGS:

2 NOTE: The defendant, D'NARIA CHANEL LOVETT, before the Court.

3

4 BY THE COURT: You may proceed. It's your motion. I'll let
5 you proceed.

6 BY MS. OLIVER: Your Honor, this is the State of Georgia versus
7 D'Naria Lovett, indictment number 15-CR-86, and we're here in
8 the Superior Court of Emanuel County.

9 I have filed a motion to reduce sentence. On March
10 30th of 2016, this defendant entered a guilty plea to one count
11 of aggravated assault, and on that same date the Court heard a
12 sentencing hearing in which the Court ultimately decided that
13 the defendant should be sentenced to 20 years with six years to
14 be served in incarceration followed by 14 years on probation,
15 and the Court also declined to treat the defendant as a first
16 offender.

17 Your Honor, we are coming to court today pursuant to
18 OCGA 17-10-1(f) and we're asking this Court to consider the
19 reduction of her sentence for extraordinary and compelling
20 reasons. And specifically we ask the Court to consider the
21 fact that the defendant was 16 - excuse me, 18 years old at the
22 time of the offense and 19 at the time of sentencing. And in
23 some aspects, Your Honor, in light of her age, it appears that
24 her sentence was in effect a life sentence. She had a sentence
25 that was 20 years as opposed to the 18 years that she had been

1 on earth when she was rendered that decision.

2 BY THE COURT: Of course most of that's =

3 BY MS. OLIVER: Of course it's not a life sentence, but I'm
4 saying in effect, Your Honor, it appears that that's what she
5 received.

6 Also, Your Honor, my client had no prior criminal
7 history. She has a two-year old son. And we contend that the
8 victim did not suffer a serious injury. As the Court can
9 recall, the defendant did take the stand and did attempt to
10 accept responsibility, although this Court had some issues with
11 the way that the Court viewed her acceptance of responsibility.

12 But, Your Honor, in essence we believe that the
13 defendant's punishment was grossly disparate to the conduct
14 giving rise to the conviction.

15 In order to proceed with our motion, Your Honor, I do
16 have various witnesses who would like to come and speak to the
17 Court about the community's perception of the sentence. And we
18 understand, Your Honor, that the Court's concern is that there
19 be a message that school personnel specifically not be
20 attacked. And we understand that.

21 Your Honor, we do believe that the sentence was
22 grossly disparate to the conduct, and we're asking the Court to
23 reduce the sentence, but specifically we're asking the Court to
24 allow Ms. Lovett to enter into the community project Hope
25 program. And we are asking that you put her under the

1 supervision of Rev. Bell, who is present and ready and willing
2 to testify, that she will have a strict - she'll have strict
3 guidelines in terms of when she will have to report, what
4 she'll do in the program, and we also have Coach Leroy Jordan
5 who is present to testify on her behalf. We have Phyllis
6 Strowbridge, Rev. Shonda Williams. And I also have my client's
7 grandmother, Ms. Annie Lovett, Your Honor.

8 But we do believe that she will be a great candidate
9 for the Community Project Hope program and we would contend
10 that the Court can put her on any sort of intensive
11 requirements of probation as the Court deems necessary, that
12 she undergo any sort of counseling that the Court feels is
13 appropriate.

14 I do believe in speaking with D'Naria that she has
15 learned the lesson, that the Court has gotten through to her
16 about the seriousness of what occurred. And in no event, Your
17 Honor, are we downplaying the seriousness of what occurred. We
18 understand that she was completely wrong. There was some
19 testimony at the prior - at the sentencing hearing in terms of
20 what she perceived had occurred to give rise to her conduct.

21 But we do understand the severity of the situation,
22 but we again believe that she should have a punishment but that
23 the punishment that was given was not proportionate to the
24 crime.

25 BY THE COURT: All right. Mr. Altman?

1 BY MR. ALTMAN: Your Honor as always, whenever someone has a
2 hearing in which the victim is present, the victim has suffered
3 injuries, gave their statement, then the Court can take into
4 consideration all the evidence and all the facts. And the
5 Court makes the determination what the proper punishment.
6 Unless something substantially has changed from that particular
7 timeframe that would cause the Court to reconsidering things,
8 then there's actually no method or no reason to be able to
9 modify the original sentence at this point.

10 So what I'm getting at is the Court determined at
11 that particular date based on the evidence presented to it at
12 that specific time, then unless there's something that changes
13 drastically or something that changes different than what the
14 Court heard at that point in time, then the sentence would
15 actually be - should stay in effect.

16 BY THE COURT: All right, thank you, sir.

17 BY MS. OLIVER: Your Honor, first I'd like to call Ms. Annie
18 Lovett.

19

20 WHEREUPON, ANNIE LOVETT CALLED AS A WITNESS IN BEHALF OF THE
21 DEFENDANT AND BEING DULY SWORN, TESTIFIED:

22

23 BY THE COURT: Please tell us your name.

24 A. My name is Annie Lovett.

25

DIRECT EXAMINATION

1

2 BY MS. OLIVER:

3 Q. Now, Ms. Lovett, are you a resident of Emanuel
4 County?

5 A. Yes, I am.

6 Q. How long have you been a resident of Emanuel County?

7 A. Over 30-something years - over 40-something years.

8 Q. Okay. And what's your relationship to D'Naria
9 Lovett?

10 A. D'Naria Lovett is my granddaughter.

11 Q. And are you her father's mother?

12 A. Yes, I am.

13 Q. Okay. And what did you - are you currently employed?

14 A. No. I'm retired.

15 Q. And what are you retired from doing?

16 A. I retired from Head Start.

17 Q. Okay. And now, Ms. Lovett, the court reporter that's
18 seated in front of you is taking down what you say, so if you
19 could wait until I finish my question before you respond.

20 A. I'm sorry.

21 Q. That's okay. That's okay. I know you're nervous.
22 Tell us about the D'Naria that you know, Ms. Lovett.

23 A. D'Naria is my granddaughter, and she is my baby's
24 firstborn, and I been knowing D'Naria all her life. D'Naria is
25 a humble child. She's a obedient - she always - when I ask her

1 something she'll always say yes, ma'am, no, ma'am. She never
2 have been disrespect to me since she been born. And we are not
3 violent people. She came from a good family. And my son had
4 never been - none of my children had never been in no trouble,
5 none of my grandchildren have never been in no trouble. And I
6 haven't never been in no trouble. So we are not no violent
7 family.

8 Q. Now, Ms. Lovett, prior to the date of the incident
9 did you ever see any signs that D'Naria may have needed extra
10 direction or attention?

11 A. Yes. D'Naria, she's my granddaughter. I love my
12 grandchildren. And D'Naria snapped that day that she went off.
13 But to all the mothers, how will we feel when somebody come and
14 snatch your daughter from you, and your grandparents - the
15 grandparents have to go pick them up - the child up - your
16 daughter from school and your daughter ask you, grandmamma,
17 where is my mamma, and you can't tell them nothing. And you
18 will sit there, she keep asking you. She go put her down, put
19 him down, and she go in the room and open the door, but where
20 is my mamma, and we can't tell her nothing.

21 Q. Are you referencing D'Naria's son?

22 A. Yes, ma'am.

23 Q. Are you stating that he's looking for her and asking
24 about her?

25 A. Yes, ma'am. He's asking for her, he cries for her.

1 And we don't know what to tell her - tell him about her. And
2 it's sad for a child - for you to stand there and look at your
3 child - your grandchild and she's crying for his parent. And
4 fathers, how will we feel if somebody come and snatch our son
5 from us and we have to go to the schoolhouse and pick them up
6 and they ask, where is mamma. To open the doors, where is
7 mamma. And you can't tell them nothing cause you don't know
8 what to tell them.

9 Q. Ms. Lovett, have you talked to D'Naria about what
10 happened and has she expressed regret to you?

11 A. Yes. I talked to D'Naria, and she said, grandmamma,
12 I'm sorry for what I did. I snapped. And that's
13 understandable, cause we all get in the heat of the moment.
14 But I always said with me, I would ask God to help me. I don't
15 get to snap. And that's my granddaughter did. She snapped
16 when that -

17 Q. Now you -

18 A. I'm sorry.

19 Q. Go ahead, Ms. Lovett. I'm sorry if I interrupted
20 you.

21 A. And that's why we want - I want my granddaughter to
22 be home with her mamma to help raise her daughter - help raise
23 her son. My heart goes out to her. I love my grandchildren.
24 I love every one of them. I don't have no special child that I
25 pick. I love all of my children. All of my children,

1 grandchildren, and great grands, I love them. If you love your
2 children, you're going to shield and protect them from all
3 hurt, harm, or danger.

4 Q. And if D'Naria is allowed to be released what would
5 you do differently in this situation? Now that you know what
6 happened, and you said that she snapped, what would you do
7 differently in her life to prevent this from happening again?

8 A. I would want D'Naria to get in the Job Corps or
9 either go to Navy or the Army. I have three nephews already in
10 service. And that's what I would want D'Naria. I always wanted
11 my children, my grandchildren to make something out themselves
12 like I made out my children.

13 Q. Would you be there to talk to her and direct her?

14 A. Yes, I would.

15 BY MS. OLIVER: No additional questions, Your Honor.

16 BY THE COURT: Mr. Altman?

17

18 CROSS EXAMINATION

19 BY MR. ALTMAN:

20 Q. Now, Ms. Lovett, you're D'Naria's grandmother.
21 Right?

22 A. Yes, I am.

23 Q. And you're also her son's great grandmother.

24 A. That's my son - my son. That's my granddaughter, not
25 great. She's my granddaughter.

1 Q. She's your granddaughter.

2 A. She's my grand-

3 Q. The defendant is your granddaughter but her -

4 A. Her son is my great grandson.

5 Q. Okay. That's what I was trying to get at. So you're
6 basing all what you're asking as to the effect of what happened
7 here based on your love for your granddaughter and your great
8 grandson.

9 A. Yes. I love them.

10 Q. Okay. And so you're not taking in consideration the
11 effect it had on the victim at all are you? You're just
12 talking about the love you have for your daughter - your
13 granddaughter.

14 A. The love I have for my daughter and the love that
15 everybody should have for their child if you love your child.

16 BY MR. ALTMAN: No further questions, Your Honor.

17 BY THE COURT: All right, thank you, ma'am. You may step down.

18 BY MS. OLIVER: I'd like to call Ms. Phyllis Strowbridge.

19

20 WHEREUPON, PHYLLIS STROWBRIDGE CALLED AS A WITNESS IN BEHALF OF
21 THE DEFENDANT AND BEING DULY SWORN, TESTIFIED:

22

23 BY THE COURT: For the record, just tell us your name.

24 A. Phyllis Strowbridge.

25

DIRECT EXAMINATION

1

2 BY MS. OLIVER:

3 Q. Ms. Strowbridge, where do you live, what county?

4 A. I live here in Swainsboro, Emanuel County.

5 Q. How long have you lived here in Swainsboro?

6 A. 56 years.

7 Q. And what do you do for a living?

8 A. I'm self-employed. Kiddie Kampus Learning Center is
9 my business. And I'm employed through Georgia Sheriff Youth
10 Home in Nunez.

11 Q. Do you know the parties here, either Ms. Johnson, the
12 victim, or Ms. D'Naria Lovett, or Ms. Tara Gray, D'Naria's
13 mother?

14 A. Yes.

15 Q. You know all three?

16 A. You say Ms. Johnson?

17 Q. Yes.

18 A. Who is - no, I don't know Ms. Johnson.

19 Q. Oh, okay. Tell us how long you've known D'Naria and
20 Tara?

21 A. I've known both of them all their lives.

22 Q. And how did you come to know them?

23 A. Well, Tara and I, we grew up in the same
24 neighborhood. And D'Naria, which is Tara's child, I raised
25 D'Naria in my childcare facility.

1 Q. Okay.

2 A. Ever since she was two years old.

3 Q. And I believe that Ms. Gray has also worked with you
4 a small amount of time.

5 A. She did. She worked in my after school program at
6 Kiddie Kampus.

7 Q. So you've had several contacts with D'Naria.

8 A. I have.

9 Q. Explain for the Court what sort of a person you found
10 her to be during those times.

11 A. As a toddler and growing up until D'Naria got about
12 11-12 years old, D'Naria was always a very intelligent child,
13 humble, loving, always respectful and obedient. And D'Naria,
14 the D'Naria I know have always been a good child.

15 Q. Have you ever witnessed any outbursts from her?

16 A. I have not.

17 Q. And have you talked to her about what happened in May
18 of last year?

19 A. No, I didn't talk to her about that, but I did go by
20 to check on her, to let her know that I was there for her if
21 she needed me. I don't believe in getting in, you know,
22 others' business, but I'm the type of person if you need me,
23 I'll be there for you. And I just let her know that, you know,
24 just encourage her to let her know that, you know, you made a
25 mistake but don't dwell on it, ask for forgiveness, and keep

1 moving forward.

2 Q. Now do you believe that there's anything you could
3 have done to have been proactive to help D'Naria before this
4 even occurred?

5 A. Well actually I never thought anything like that
6 would happen because that's not D'Naria's character. But you
7 know, sometimes when we are going through - with me being an
8 adult I've gone through a lot. And I think - well I know, you
9 know, when D'Naria mom and dad got divorced that that was
10 really devastating for D'Naria. And as an adult, you know,
11 divorce is like death. And I can't imagine what it would be
12 like for a child. So D'Naria, after her parents got divorced,
13 after so many years, D'Naria started rebelling in a sense, you
14 know, and sometimes as kids and even adults, we don't know how
15 to cope. A lot of times we as a people, you know, we hold it
16 in. So, you know, sometimes children, they have the tendency
17 to get involved with the wrong crowd and that peer pressure,
18 you know, is really, you know, a problem with a lot of children
19 now.

20 So with D'Naria going through, you know, divorce with
21 her parents and, you know, then the teenage pregnancy, I can
22 imagine she was under a lot of stress and, you know, with me
23 being, you know, in her life all those years, you know, I
24 should have been there, you know, but Tara and I, we talked
25 briefly and she have, you know, brought her to the daycare for

1 me to talk to her, you know, about her behavior and things like
2 that. But if I would've known it was a problem, I would have
3 been there for her.

4 Q. Now, Ms. Strowbridge, I know you stated a little bit
5 earlier that you usually don't get into other people's
6 business. What made you come forward today and want to address
7 the Court?

8 A. Well when I heard about the incident that had
9 happened with D'Naria and the counselor and I was told, you
10 know, that D'Naria did it, you know, it was just unbelievable.
11 But when I heard about the case and that she had been given 20
12 years, that was really devastating because I felt like, you
13 know, that was too much time for the crime. So with me being a
14 citizen of Emanuel County, Swainsboro, and being a mother, a
15 grandmother, a great-grandmother, and being a child advocate, I
16 felt like I needed to step in, you know, to do what I could do,
17 you know, to make things better, not just for D'Naria but for
18 the entire family and the community. So that's why, you know,
19 I'm here.

20 Q. And, Ms. Strowbridge, you understand that she was
21 given six years of incarceration and 14 years on probation.
22 Does that change how you feel about that sentence?

23 A. Well actually six years is a long time, you know,
24 with her being still a child. You know, she's wrong. I'm not
25 saying that she's not wrong, that she shouldn't be punished,

1 yes. Punish her because she was wrong, you know, but to me I
2 feel like, you know, maybe a women's detention facility for a
3 certain amount of time and going into the school systems,
4 talking to the youth about school violence, not just school
5 violence but violence in general. And this is what I did, you
6 know, with it being D'Naria. This is what I did and this is my
7 consequence, you know. Well her being in a state prison, which
8 is really hard for a child, you know, she hadn't had a life and
9 she have a baby, but if she would've had the opportunity to go
10 into the school systems just to talk with the youth to let them
11 know, I did this, I was wrong, and this is my punishment, that
12 would deter a lot of other children from even thinking about
13 doing what she did.

14 Q. So, Ms. Strowbridge, it sounds like you're saying you
15 think that her speaking to youth would be the deterrent which
16 is one of the aspects that the Court is concerned about. You
17 think that her speaking to the youth would be a way to do that
18 as well?

19 A. Yes.

20 Q. Is there anything else that you would like for the
21 Court to know, Ms. Strowbridge?

22 A. Yes. I just want to say to the Court, you know, we
23 all have done some wrong in our lives, but God is a good God,
24 he's a merciful God. And I just feel like D'Naria needs a
25 second chance to have a life. When she go and she does her

1 community service and do what she needed to do to let the other
2 youth know that don't dare think about doing what I did because
3 if you do then this is a consequence. So I'm just asking the
4 Court for mercy for her today.

5 BY MS. OLIVER: Thank you, Ms. Strowbridge.

6

7

CROSS EXAMINATION

8 BY MR. ALTMAN:

9 Q. Now, Ms. Strowbridge, you said you operated a self-
10 learning center?

11 A. Yes.

12 Q. Is that a daycare center with kids -

13 A. It is.

14 Q. - and you basically teach them sort of like a
15 kindergarten situation.

16 A. Yes.

17 Q. How many employees do you have?

18 A. Thirteen.

19 Q. And they take care of the kids?

20 A. Yes.

21 Q. Are you there presently? You're kind of like the
22 principal of the school?

23 A. The director, yes.

24 Q. The director, okay. Now you said you knew the
25 defendant and her family basically all your life.

1 A. Yes.

2 Q. So you're, again, you're coming here today based on
3 your relationship with them?

4 A. Yes.

5 Q. And because you mentioned you did not know the victim
6 in this case, Ms. Angie Johnson, at all.

7 A. I didn't.

8 Q. And you really didn't know the facts of the case
9 either did you?

10 A. Nothing but what I was told. I didn't read about it.

11 Q. Okay. Now you mentioned, because you first said you
12 were concerned because of a 20-year sentence, and then you
13 realized now it wasn't a 20-year sentence because 14 years of
14 those years are on probation.

15 A. Well it's still a - to me it's still a 20-year
16 sentence.

17 Q. Okay. But it's only six years to serve.

18 A. Right.

19 Q. And you do understand that six years is with the
20 possibility of parole, which means that's even less than that
21 that she'll actually have to serve.

22 A. Yes.

23 Q. You do understand that?

24 A. Yes, I do.

25 Q. I mean, you understand that now don't you?

1 A. I do now.

2 Q. Okay. If someone - since you don't know the victim,
3 if someone is attacked physically, or aggravated assault or
4 attacked where they commit an aggravated assault on one of your
5 employees because there's a relationship, you'd be very upset
6 with that too would you not?

7 A. I would be upset, yes.

8 Q. Okay, and you would expect the Court to punish that
9 person would you not?

10 A. Yes.

11 Q. Because the victim has certain rights too.

12 A. Exactly, yes.

13 BY MR. ALTMAN: Okay. No further questions.

14 BY MS. OLIVER: Just a -

15 BY THE COURT: Yes, ma'am.

16

17 RE-DIRECT EXAMINATION

18 BY MS. OLIVER:

19 Q. Ms. Strowbridge, are you saying that D'Naria
20 shouldn't have any punishment for her actions?

21 A. No. I'm expecting D'Naria to be punished for her
22 actions, because like I said, she was wrong.

23 Q. And also you were questioned about whether or not you
24 know the facts of the case. What's your understanding of what
25 happened?

DIRECT EXAMINATION

1

2 BY MS. OLIVER:

3 Q. Mr. Jordan, how are you employed?

4 A. I'm the head men's basketball coach at East Georgia
5 State College right here in Swainsboro, Georgia.

6 Q. Are you a resident of Swainsboro, Georgia?

7 A. Yes, I am.

8 Q. How long have you been a resident of Swainsboro?

9 A. I've been a resident here since 1986. Been employed
10 as a former counselor at Swainsboro High School and coach.

11 Q. And how long have you been the coach of East Georgia
12 College?

13 A. I've been over there ever since 2010.

14 Q. Did you ever have - did you ever teach in the school
15 system over here?

16 A. Yes, I have. I've been employed here ever since 1986
17 as a guidance counselor and as a head basketball coach right
18 here at Swainsboro High School.

19 Q. Okay. And do you know D'Naria Lovett?

20 A. Yes, I do.

21 Q. How do you know her?

22 A. I know her as a student here at Swainsboro High
23 School. I also watched her as she grew up. She is a good
24 friend of my baby daughter, sort of like sisters, you know,
25 from another mother, and also taught her mother and her father

1 when they came through Swainsboro high School.

2 Q. What sort of a child did you find her to be? You
3 stated that she has been friends with your youngest daughter.

4 A. Yes.

5 Q. And you've had contacts with her.

6 A. Yes.

7 Q. And what sort of a person did you find her to be?

8 A. To be a loving, humble, respectable young lady who I
9 have a definite high respect for, and basically, you know, as
10 kids grow up there are some kids that I have always said that,
11 look, you know, I know everybody has a child and everybody
12 does, but she's one that I did allow my daughter to grow up
13 with.

14 Q. Did you ever see any aspects of her character which
15 caused you concern?

16 A. None whatsoever. I know that growing up they all
17 will, you know, have a few little attitudes and things of that
18 nature because things didn't go well, but never seen or thought
19 that anything like this would be a factor. I never seen that.

20 Q. Has she ever been disrespectful to you?

21 A. None whatsoever.

22 Q. Has she ever been violent towards you?

23 A. None whatsoever.

24 Q. Are you aware of the facts that gave rise to the
25 charge that she entered a guilty plea to?

1 A. Yes, I am.

2 Q. Tell me what you think - what you know the facts to
3 be?

4 A. The facts to be that she had a 20-year sentence and,
5 you know, six of them to be sentenced and with the idea of
6 being paroled. I also know that what she did. I'm not here
7 trying to go against what the Court has done or what the law is
8 in reference to the honor. I respect him highly, I know him
9 well, I watch him do his job, and I want to thank him for what
10 he does here in Emanuel County. But you know as well as I know
11 that, you know, this is a young girl and I look at a young lady
12 at that age and, you know, that six years right there is a
13 pinnacle part of a young lady's life, and especially to have
14 another young lady - a young son that's there to be raised.
15 That is a very, very important area that needs to be addressed
16 and she needs to be there, like her grandmother said, to be
17 able to raise that child, to be able to get the help that she
18 need, you know, to move on and be a better person.

19 Q. And, Coach Jordan, why did you feel the need - why
20 did you feel that it was important for you to be present here
21 today and speak on Ms. Lovett's behalf?

22 A. I know D'Naria and I also know the victim of this
23 case, and I've always watched students as they grew up at
24 Swainsboro High School and as what they've done. But we as
25 young mens and womens have children, and there is no perfect

1 judging a child. We know that we all have struggles in this
2 world. This old world is definitely filled with a lot of peer
3 pressure, a lot of trouble, trials, and tribulation. But
4 through it all, if we work together to help one another, to be
5 able to make them a better universe, that this world will be a
6 whole lot better. But when things happen, they happen because
7 the devil steps in and he just takes over sometime. But we
8 know that there is a God that's right there by our side to help
9 us get through what we need. And this young lady needs an
10 opportunity, not only to be sitting behind bars, but somebody
11 to talk to, somebody to rehabilitate her, somebody that she can
12 be counseled with, somebody that she can look up to, somebody
13 that she can go out and have a test for the testimony that she
14 have, somebody that can know they know that she has made a
15 mistake and it's not going to happen again.

16 And we understand the victim. I know if it had've
17 been my wife, I would feel the same identical way. I was in
18 the counselor office. I've been there, I worked with Angie, I
19 know she's a sweet person, and I definitely hate it that that
20 happened to her. But right now, you know, this child is the
21 one that's been, you know, sentenced. And I'm here today to
22 ask the Honorable this Judge and this Court is that to have
23 mercy on this child. If I could be able to help her because of
24 my counseling background, I'm at East Georgia right now working
25 with the students that we bring in this county, you know,

1 trying to keep them straight, counsel with them as well, I'm
2 willing to step in and help her out in the counseling matter
3 because I know that she plays a major part in my daughter.
4 She's helped my daughter and I watched them grow up together
5 and I treat her just like my daughter.

6 So I'm willing to - I just want to be able to assist
7 in whatever we need to do to rehabilitate her. But putting her
8 behind bars is not helping rehabilitate her, counsel her, talk
9 to her, give her an idea to be able to have some help when she
10 can come to somebody, when we all having problems and trouble,
11 she got somebody that she can come to. She know she can come
12 to me because that's what I do every day at East Georgia. When
13 I take off this shirt and tie, I'm going out there to help
14 other students to be able to do it. And I want to be able to
15 do that with D'Naria.

16 Judge, I know he's done the law. I'm not speaking
17 about anything. I respect him highly for whatever he did, but
18 I'm here to say have mercy on her soul. Whatever I can do to
19 help her with my counseling background, 30 years of being in
20 Emanuel County, still out at that college, I'm willing to help
21 her, to step in and to make sure that she can grow up to be a
22 mother for her son. Because that's another little boy that's
23 growing up that we may have to be facing right here if he
24 doesn't have his mother. Grandmothers? Great-grandmothers?
25 They're fine. But every child, if they've got an opportunity

1 to have a mother in their lives, they need their mother, they
2 need their father. And that's why I'm here to say that if I
3 had to meet with her every day when she get out, I'll be more
4 than willing to do that because that's how much I know that she
5 has learned a lesson, and I know that she's going to be a
6 better citizen for this world, and that's what we need. We
7 need better young men and better young guys to be able - so
8 they don't have to be before your court. I'm willing to give
9 all the help that I possibly can to make sure that she get all
10 the help that she need.

11 So I'm asking, Judge, to have mercy on her soul. And
12 if you could reduce the sentence, I'd be more than happy to
13 step in and continue my counseling session that I'm doing at
14 East Georgia right now to this day with her as long as much as
15 you want me to.

16 Q. And Coach Jordan, does it change your opinion that
17 you've heard that D'Naria followed the counselor to another
18 part of the school? Does that change how you feel about this
19 case?

20 A. Like I said before, I'm not sitting here saying
21 anything in reference to the case, how it was handled. I'm
22 just speaking on behalf of what the sentence was and how I can
23 be a support person to that.

24 Q. So it still doesn't change your opinion on how you
25 would support her?

1 A. That's right.

2 BY MS. OLIVER: No additional questions, Your Honor.

3 BY THE COURT: Mr. Altman.

4

5

CROSS EXAMINATION

6 BY MR. ALTMAN:

7 Q. Coach, I'll call you Coach. Okay?

8 A. Yes, sir. That's fine. How you doing?

9 Q. Now you mentioned the fact that you worked out there
10 at Swainsboro High School as a counselor and a coach.

11 A. Yes, I did.

12 Q. In fact, you were head coach of the basketball team.

13 A. Yes, I did.

14 Q. And I think you also - at sometime in the past had
15 coached other sports at various -

16 A. Oh yes. Football, basketball, track, I did it all.

17 Q. You also I think for a long time was a guidance
18 counselor -

19 A. Guidance counselor.

20 Q. - out there where you counseled some of these kids -

21 A. Yes.

22 Q. - through the course of your career that you had out
23 there.

24 A. That's correct.

25 Q. And I think now you're out at East Georgia College

1 coaching basketball and basically counseling out there.

2 A. Yes, sir. Same thing.

3 Q. You knew Ms. Johnson.

4 A. Yes, I did.

5 Q. Also her husband David Johnson is also a coach, or
6 was a coach out there at Swainsboro High School.

7 A. That's correct.

8 Q. How would you describe Angie Johnson?

9 A. Very, very sweet loving person, very professional,
10 and knew what she was doing.

11 Q. Now as your job as a counselor when you deal with
12 people -

13 A. Yes.

14 Q. - one of the first parts of rehabilitation -

15 A. Um-huh.

16 Q. - or one of the first parts of someone changing their
17 life is to accept the consequences of their actions is it not?

18 A. That's correct.

19 Q. To go ahead and accept the punishment that's in
20 conjunction with the actions they took.

21 A. Um-huh.

22 Q. Would that be correct?

23 A. That's correct.

24 Q. And so that would be the first step towards any
25 rehab, or rehabilitation is to accept whatever punishment they

1 get -

2 A. That's correct.

3 Q. - based on the facts of the case and what a judge
4 does.

5 A. Um-huh.

6 Q. Now would it be safe to say that when someone gets
7 paroled out they still have an opportunity, even with a record,
8 they can still make big careers and have successful careers in
9 life if they make those changes?

10 A. Yes.

11 Q. You have been I think you said personal friends with
12 this family for a long time?

13 A. Yes.

14 Q. And I think you said your youngest daughter is
15 actually the defendant's best friend?

16 A. Yes, she's a friend of hers.

17 Q. And so you're here because out of the concern for
18 her.

19 A. Yes, sir.

20 Q. Okay. It doesn't really have to do with the facts of
21 the case; it's more concerned because you know this family.

22 A. Yes, I do.

23 Q. And the love that you have for them.

24 A. Um-huh.

25 BY MR. ALTMAN: Okay. No further questions, Your Honor.

1 BY MS. OLIVER: Nothing further, Your Honor.

2 BY THE COURT: Thank you, sir. You may step down.

3 BY MS. OLIVER: Judge, I'd like to call Ms. Shondra Williams.

4

5 WHEREUPON, SHONDRA WILLIAMS CALLED AS A WITNESS IN BEHALF OF
6 THE DEFENDANT AND BEING DULY SWORN, TESTIFIED:

7

8 BY THE COURT: Please tell us your name.

9 A. Shondra Williams.

10

11 DIRECT EXAMINATION

12 BY MS. OLIVER:

13 Q. Ms. Williams, are you a resident of Emanuel County?

14 A. Yes, ma'am, I am.

15 Q. And how long have you been so?

16 A. 43 years.

17 Q. Okay. And what's your occupation?

18 A. I'm unemployed right now.

19 Q. I called you reverend when I was initially telling
20 the Court what witnesses I had. Are you a reverend?

21 A. No, ma'am.

22 Q. Okay. Explain to the Court exactly why I would have
23 gotten that confused.

24 A. Sometimes at my church I minister, my pastor asks me
25 to minister a word to the church, sometime I speak.

1 Q. Have you had an opportunity to meet either Tara Gray,
2 this defendant's mother, or D'Naria herself?

3 A. Yes.

4 Q. How do you know them?

5 A. I went to school with Ms. Tara, and for the past
6 seven years Ms. Tara has done my hair. So for the past seven
7 years I've gotten to know D'Naria, and knowing D'Naria she's
8 always been a sweet person. She just - she's been quiet, very
9 amenable, very respectful. If I talk to her she's yes, ma'am,
10 no, ma'am.

11 Q. Did you go to their house to get your hair done?

12 A. Yes, that's where I -

13 Q. And so you had an opportunity to see D'Naria in her
14 home?

15 A. Yes, ma'am.

16 Q. Okay. Did you have any concerns about her behavior
17 during those seven years that you were in and out of their
18 house?

19 A. No, ma'am.

20 Q. And if you thought that D'Naria had any issues, would
21 you have been there to step in and try to defer her from
22 whatever wrong you saw?

23 A. Yes, ma'am, I would've talked to D'Naria about, you
24 know, whatever - what had been going on with her and try to
25 figure out what was going on because she's just a respectful

1 person. I can't say anything negative about her.

2 Q. And, in fact, Ms. Williams, you have a background as
3 in working at Ogeechee Health. Is that correct?

4 A. Yes, ma'am.

5 Q. What did you do for Ogeechee Health?

6 A. I was a social service technician where we did group
7 sessions with kids that had low self-esteem, anger management
8 problems, social problems, and communication problems.

9 Q. And are you willing to use that set of skills that
10 you developed at Ogeechee with D'Naria if she's released?

11 A. Oh, yes, ma'am.

12 Q. And how involved would you be with her?

13 A. Very involved. Whenever I'm needed.

14 Q. And why did you feel the need that you should come
15 here today, Ms Williams, and speak to this Court?

16 A. Because I felt that D'Naria, the type of child that I
17 know her to be, the character of D'Naria, I just felt that
18 something need to be said on her behalf because that's not
19 D'Naria, it's not the person that I've seen, I've observed. And
20 I felt that the six-year sentence in a prison was a little
21 harsh. I mean, I'm not saying by no means that she should not
22 be punished. But I'm just saying I felt like six years in the
23 prison was a bit much.

24 Q. And is there anything else that you would like for
25 the Court to know, Ms. Williams?

1 A. No, ma'am.

2 BY MS. OLIVER: No additional questions.

3 BY THE COURT: Mr. Altman?

4 BY MR. ALTMAN: Just a couple of questions at this point in
5 time.

6

7

CROSS EXAMINATION

8 BY MR. ALTMAN:

9 Q. You're here because you know the family.

10 A. Yes, sir.

11 Q. And you've known the family for a long time.

12 A. Yes, sir.

13 Q. And you really weren't involved in the actual facts
14 or anything like this out at the school itself.

15 A. No.

16 Q. And you don't know Mrs. Johnson at all do you?

17 A. Oh, no, sir.

18 Q. Or the effect it had on her or what she testified to
19 in the courtroom at the prior sentence?

20 A. No, sir.

21 BY MR. ALTMAN: No further questions, Your Honor.

22 BY MS. OLIVER: No additional questions.

23 BY THE COURT: You may step down.

24 BY MS. OLIVER: And my last witness will be Rev. Bell.

25

1 WHEREUPON, REV. EDWARD BELL CALLED AS A WITNESS IN BEHALF OF
2 THE DEFENDANT AND BEING DULY SWORN, TESTIFIED:

3

4 BY THE COURT: Please tell us your name.

5 A. My name is Edward (---) Bell.

6

7

DIRECT EXAMINATION

8 BY MS. OLIVER:

9 Q. And, Rev. Bell, how are you so employed? How are you
10 employed?

11 A. I'm actually a pastor, but I own several businesses.

12 Q. Okay. And do you have some counseling background and
13 education?

14 A. Yes, and I have my Doctoral Degree in counseling.

15 Q. Okay. And from what school?

16 A. I came from (Clarence) University out of Tallahassee.

17 Q. And tell the Court about your involvement with the
18 court system and what you've done with Community Project Hope.
19 The Court knows, but for the record.

20 A. What we try to do is try to find alternatives for
21 young men now and women to make sure that we give them a
22 different avenue besides being institutionalized. The program
23 has been a outstanding program, and what we do is counsel them
24 and try to - in other words, renew their mind, get them in a
25 different mindset to show them that there is other options,

1 other ways and think before they react, and try to also find
2 what's going on inside in order to set them free, because a lot
3 of time I found out that a lot of them have a lot of things
4 trapped on the inside.

5 Q. And did you know this family? Did you know D'Naria
6 Lovett before she was sentenced in this court?

7 A. No.

8 Q. And how did you get involved with this family?

9 A. Well I heard about the case and then I received a
10 phone call from someone I knew about the case and then I made
11 contact with D'Naria's mother, just to hear more about what
12 actually went on, what had happened, very cautious on how I
13 kind of put myself involved in certain things. But that made
14 me very interested in the case because of the age based on what
15 she had done. The court system always do what's given to them
16 correctly according to what they are provided, the information
17 and so. Whenever a sentence is hand down, it's basically
18 they're going off the information that given them, done the
19 best of their ability. And I support the system with what they
20 does. But this case just really stood out because, one, her
21 age, and that she had a child.

22 Q. And what have you done in terms of - let me back up.
23 Have you met with D'Naria?

24 A. Yes, I have.

25 Q. And if you could explain to the Court what

1 observations you've had of her and what treatment you think
2 would (---) her needs?

3 A. Well sitting down and talking with her, this has been
4 since she been incarcerated, I talked with her a little bit
5 about her childhood. I noticed a couple of things that's
6 balled up on the inside, which she still hold on since she been
7 ten years old. A lot of things are compressed, feelings are
8 compressed, taught to not really cry. She'll smile instead of
9 crying. She hurts, she'll try to smile instead of just crying.
10 I found a lot of things in there that's actually closed up and
11 balled up on the inside. Her life has been a pretty good life
12 but she's hurting. A lot of times I found out it only take a
13 grain of sand to make a mountain fall. And this day I believe
14 that was that sand.

15 I also found out from her she's very remorseful about
16 what she done. She said I'm sorry. You know, she hate that
17 she done this. What made me react this way. She just
18 basically opened up, she cried. And in the beginning I looked
19 at it, I tried to see if she was crying because of the position
20 that she was in. But she was crying because of the hurt,
21 because of the pain that she had caused somebody else, because
22 she don't want to - she didn't really want to cause that pain,
23 even though she reacted on someone else because of her pain
24 that she's been through. It's not good for anyone to hurt that
25 way.

1 She just shared a lot. I mean, I just want to get
2 involved because I wanted to try to break this cycle. We have
3 so many going and being incarcerated that are youth. I believe
4 in giving them another alternative. I see so many cases, and a
5 lot of them I don't even touch, I stay away. But this one
6 really stood out because I believe that she is a young lady
7 that we can reach, have counseling, basically set up, we can
8 give her counseling. I have great women in position, the
9 probation office in position, a counselor that's been a
10 counselor in school, then we have another counselor that's here
11 that's willing to step up. I just want to offer her something
12 different besides incarceration.

13 A two-year old child she cares about, she loves.

14 Q. Rev. Bell, talk to us about the specifics of
15 Community Project Hope and if she is allowed in that program
16 what will she do on a day to day basis?

17 A. Basically what - I have put together a program for
18 her. Judge Reeves, I believe this will be our second female.
19 We have basically with males in Emanuel County, we have a great
20 success rate. I'm talking about a great. Nobody has been back
21 before the judge.

22 For the young lady, we will have her to go to
23 counseling. I require in the program for her twice a month she
24 need to meet with a counselor for at least a hour. That will
25 go on at least for six months.

1 Now the two weeks that she do not come to counseling
2 it will be a phone call, basically just talking over the phone,
3 trying to see how everything went that week. She must get a
4 job or either go to school. That's just part of the program.
5 She must go to church, get some spiritual guidance.

6 Also in this program what we require her to do and
7 what we have basically set up for her is a 24-month long
8 program that she will be under our supervision to make sure
9 that she is reporting. I'm going to give a report not only to
10 you but to the judge. I will ask him to - access to give a
11 report to him at least once every other month. If he require
12 more, we will do so. Just to give her another avenue, because
13 prison is not the - not what I can see for this young lady.

14 Q. Is there anything else that you want the Court to be
15 aware of, Rev. Bell, that you want him to hear?

16 A. Yes. Judge Reeves, I respect you, I thank you for
17 what you're doing for the surrounding counties. Outstanding
18 job. I stand behind everything that you do. To me you're a
19 fair judge. But I'm just asking you on this day, we have a
20 two-year old son that we're dealing with. I want to break that
21 cycle. So many of our young men believe that if I mess up that
22 we go straight to jail, that they're not allowed a second
23 chance. I don't want that two-year old child to grow up that
24 way. I want our young women to be able to see, yes, you
25 supposed to do right, but we all have done wrong, fall down,

1 but give us a second chance. I'm just asking again that we
2 break this cycle by allowing us to do some counseling.

3 I try to get involved before it get this far, but I
4 did not. I did not. I don't know her. I don't even know her
5 mother. But what I found out from talking with her and
6 evaluating her, I believe and I know without a shadow of a
7 doubt we can reach her. I want her to let go what's on the
8 inside. I need to counsel not only her; I need to counsel her
9 daddy. I need counsel with the father. I need a family
10 counseling. I believe I can break this cycle if you just allow
11 me to.

12 And I just ask you, Judge, just today, give us a
13 second chance. Give me the opportunity and the program the
14 opportunity to do what we can do. And I'll say thank you for
15 that.

16 BY MS. OLIVER: Thank you, Your Honor.

17 BY THE COURT: Mr. Altman?

18

19 CROSS EXAMINATION

20 BY MR. ALTMAN:

21 Q. Rev. Bell, how are you doing today?

22 A. I'm doing good. How you doing?

23 Q. Just fine. We actually work together, been through
24 all this Project Hope, the case you're talking about, you're
25 working with my office through those. Correct?

1 A. Right.

2 Q. I think you work primarily with Mr. Fitzner up here
3 and -

4 A. Yeah, Mr. Fitzner and - the young lady.

5 BY MS. OLIVER: Jenkins.

6 BY MR. ALTMAN: Ms. Jenkins?

7 A. Jenkins.

8 Q. Okay. So we're quite familiar with your program and
9 stuff like this -

10 A. That's correct.

11 Q. - and we work hand in hand in a lot of these
12 programs. But one of the first aspects of any kind of
13 counseling or any kind of recovery from what someone did is to
14 assume responsibility for what they did.

15 A. To accept your responsibility, yes.

16 Q. Yeah. And to accept the corresponding punishment
17 that goes with that.

18 A. I use the terminology accept, but at the same time
19 let's talk about to make sure that it's a punishment that you
20 can recover from.

21 Q. Sure. And in any case unless it's a life sentence,
22 as we previously heard, unless it's a life sentence or whatever
23 like this, then any punishment actually can be recovered from
24 if the person makes the determination to do that.

25 A. With society now?

1 Q. With society now.

2 A. It's kind of hard to say. I'm going to say no to
3 that, because of lot of - what I'm finding out with society,
4 looking at young people once they hit institutions and come
5 out, it's hard for them to get good jobs, very hard for them to
6 get jobs. We try to help them, don't get me wrong, to get
7 jobs. But if we can stop the cycle before it gets there for
8 them to - even though they have a record, okay?, but to return
9 to the world, I'm finding it very, very difficult for our
10 youth.

11 Q. But it's not impossible for (---).

12 A. There's nothing impossible.

13 Q. Okay, very - we're on the same wavelength. Okay.
14 Now getting back to this. You don't know the victim in this
15 case at all do you?

16 A. No.

17 Q. Okay. You've never even talked to her.

18 A. Today.

19 Q. When?

20 A. I talked to her once for just evaluating to see if I
21 will come today.

22 Q. I'm talking about the victim now. The victim.

23 A. Oh, no, not the victim.

24 Q. I'm talking about the victim. You don't know the
25 victim at all.

1 A. No.

2 Q. And you've not talked to the victim, so you don't
3 know the consequences or the effect this has had on her do you?

4 A. Not on the victim.

5 Q. Okay. And that's goes into the effect - that goes
6 into the evaluation of a judge as far as his punishment is
7 concerned does it not?

8 A. What he's given.

9 BY MR. ALTMAN: Okay. No further questions, Your Honor.

10 BY MS. OLIVER: No additional questions.

11 BY THE COURT: All right, thank you very much.

12 BY MS. OLIVER: And, Judge, I do have one letter which I would
13 ask the Court to consider. It's from Attorney Dorna Jenkins
14 Taylor, if I could present it to the Court.

15 BY MR. ALTMAN: I have no objection, Your Honor.

16 BY THE COURT: All right, Mr. Altman, anything the State would
17 like to present?

18 BY MR. ALTMAN: Your Honor, I have a copy of a letter that Ms.
19 Johnson, she said she did not want to be here today because of
20 the traumatic effect from the last hearing or whatever like
21 this, but I do have a letter from her that I'll present to you
22 on her behalf.

23 BY THE COURT: All right.

24 BY MS. OLIVER: No objection, Your Honor.

25 BY THE COURT: Ma'am?

1 BY MS. OLIVER: No objection.

2 BY THE COURT: Also I don't know if they need to be marked as
3 exhibits and admitted into evidence, the two letters or not.
4 It's up to ya'll. It doesn't matter to me.

5 BY MR. ALTMAN: We'll mark them as exhibits and just stick them
6 in there.

7 BY MS. OLIVER: Yes, Your Honor.

8 BY THE COURT: Let this be D-1 and let that be S-1. The letter
9 from Ms. Dorna Jenkins Taylor will be D-1, and the statement
10 from Angie Johnson will be S-1. Very well.

11 All right, any further closing? You have the right
12 to open and conclude since it's your motion.

13 BY MS. OLIVER: I'll take closing, Your Honor.

14 BY MR. ALTMAN: Your Honor, I'm assuming the Court will take
15 judicial notice of the previous hearing and the evidence that
16 was presented at that time since that was an actual sentencing
17 hearing where the Court made a determination at that point. So
18 I'm not going to go back over what the Court heard at that
19 point because the Court heard it then and there's no reason to
20 regress and go back over everything there.

21 What you heard today was a lot of people who love the
22 defendant. There's no question they love the family. But
23 again, you're looking at the standpoint of the effect it has on
24 society as a whole and the effect that it would have on other
25 kids who are in that position to make them second guess what

1 they're doing in their life, and also the effect it had on the
2 victim. The Court heard all that.

3 Now there's been some discussion about the length of
4 the 20-year sentence and some discussion about first offender.
5 I'll state in my place I have no objection to the first
6 offender part of it. Under the circumstances, at her age,
7 there's no reason why if she fulfills the terms of her
8 probation why her record couldn't be cleaned up at that point
9 in time, or her prison time and her probation time.

10 The Court can also, if the Court wishes to consider,
11 it's a 20-year sentence, but after ten years if she has
12 fulfilled the obligations, got her GED, gone through the
13 necessary things to meet all the requirements of probation,
14 then she can come back and petition the Court and the State
15 would have no objection to terminating it early.

16 But the sentence the Court made at that particular
17 time was just based on what the facts of the case, the effects
18 of the victim, and the effects of the community as a whole at
19 that time.

20 BY THE COURT: Mr. Altman, the only thing that - and I
21 understand, you certainly tell me that I was here at the last
22 hearing, obviously, I've got my transcript.

23 BY MR. ALTMAN: Sure.

24 BY THE COURT: Regardless of what I decide to do with regard to
25 this motion, the facts of this case have been misrepresented in

1 the community. They've been - not been revealed in the social
2 media and other areas. You handle your case like you want to
3 handle it, but -

4 BY MR. ALTMAN: Sure. Well I was -

5 BY THE COURT: - I think there needs to be some understanding
6 of the fact that what's been reported as the facts of this case
7 are not the facts of this case.

8 BY MR. ALTMAN: Not the ones - I only looked at a Facebook page
9 one time just to observe what was being said, and the facts
10 that were presented there were inaccurate as far as how much of
11 an injury that the victim actually suffered, and also the
12 victim was chased down the hallway and threatened at that point
13 in time. There's no question that the facts of the case is
14 more egregious than what has been presented to other people.
15 To be quite honest, I was approached by someone in Jefferson
16 County, a school board member there, and once they found out
17 the facts and once they found out that they actually didn't
18 receive a 20-year prison system, then that person did not have
19 any objections to the sentence at that point.

20 It's an interesting thing. Once the facts in the
21 case come out how egregious the behavior was, how the victim
22 was actually attacked, how the victim was attacked blindly and
23 struck with a - and suffered substantial injury, she had to be
24 taken to the emergency room and actually treated there and was
25 released and has affected her traumatically and emotional

1 ability to operate in society as a whole. Once you know all
2 those facts, then the punishment does not actually - the
3 punishment is not overly egregious to the effects of the facts
4 of the case. In other words, what - the punishment fits the
5 crime at that particular point in time.

6 But I'm willing to make the adjustment in the fact
7 that I think that also first offender was - change it to a
8 first offender status and changing it to allowing her after
9 about ten years, if she has had no other effects, that she can
10 re-petition the Court and the Court can then terminate the
11 sentence or whatever judge hears it at that point in time can
12 terminate it early. Once we get to that point and she's shown
13 the ability to change her behavior and to modify her behavior
14 to the fact that she can follow the rules in society, then I
15 think we're in good shape.

16 BY THE COURT: Ms. Oliver?

17 BY MS. OLIVER: May it please the Court, Your Honor, I've been
18 practicing before you for at least eight years, eight to ten
19 years in this circuit. I find you to be - I've found you to be
20 a fair and honorable judge, and I still believe that at this
21 moment, and I want the Court to be aware of that.

22 Now I know that the State has spoken about there
23 being some reports on social media that have not been correct.
24 I want to let the Court aware that neither myself nor my client
25 have partaken in any of that dissemination of incorrect

1 information. I want to make that clear.

2 I also saw reference in the victim's letter to what
3 she perceived was conduct that I have been involved in, and
4 that is incorrect as well. I saw in paragraph three, it's
5 something that she heard that I had been involved, and I can
6 state for the Court that that's not correct as well.

7 But I do want to address the Court on the issue of
8 the sentence. I can't second guess this Court. I understand
9 that you're in the position to consider all these things, and
10 it's a tough position to be in. I understand that. I wouldn't
11 want it. I know that it's a terrible burden as well as an
12 obligation that you have for this community. This is your
13 community and our community, and I know that you take that into
14 consideration when rendering whatever decision, I know you take
15 that to heart and you consider it, and you believe that it's a
16 very important aspect of what you do.

17 But we are asking this Court and we are telling this
18 Court that we have given the Court some options in this
19 situation. We have had Rev. Bell come to say that he is ready
20 to stand firm in this case, is not going to defer the
21 responsibility to another party. He's ready to stand in the
22 gap and help this young woman. He has an extensive history
23 with this Court, one I think is unblemished. I believe that he
24 has utmost credibility with this Court and I believe that he
25 will stand behind his word and that he will be the one who

1 would answer to the Court in terms of Ms. Lovett's progress.

2 We also have Coach Jordan and Ms. Shondra Lewis who
3 are willing and ready and who both have history with counseling
4 who are also ready to stand in the gap.

5 And I thought it was extremely important what Ms.
6 Strowbridge told this Court. She said that she thought it
7 would be a great idea for D'Naria to speak to youth who are in
8 her position - single mothers, kids who may have issues with a
9 parent not being there. But she can speak to other children to
10 deter them from conduct such as this. I think that that will
11 be the deterrent - that will be the best deterrent factor in
12 this case. I think that that will be a great thing to do and I
13 think that my client would be ready and willing to do that.

14 Judge, we're asking that she either be released to
15 Community Project Hope, or if the Court still believes that
16 it's necessary for her to spend some time in the penitentiary,
17 we're asking that the prison sentence be reduced to one to two
18 years of incarceration or PDC time. But our first option we're
19 asking the Court for is to release her on probation and to
20 participate in the Community Project Hope program with strict
21 guidelines and requirements as to how she should comply, that
22 she come back to this Court and report every month, twice,
23 every two months, every three months. We're open and willing
24 and we're ready. We want to fix this situation. We're not
25 overlooking Ms. Johnson and what she went through. I read her

1 impact letter and I understand her position and I respect her
2 position. And it seems that she has suffered in this situation
3 as well. But we are asking for the Court to reduce the
4 sentence.

5 And thank you, Your Honor, for allowing us - giving
6 us the opportunity to be heard.

7 BY THE COURT: Thank you, ma'am. All right, thank everybody
8 for your attendance and for your participation and/or your
9 testimony that I've heard, and of course the letters that I've
10 got here which I of course have read but I will re-read. I'll
11 also evaluate all the testimony that I've heard and will take
12 this matter under advisement to sleep on it, consider it, think
13 about it, reflect on everything that has been said, and then
14 I'll render a decision and I'll let ya'll know about that in
15 writing at that time.

16 BY MS. OLIVER: Thank you, Your Honor.

17 BY THE COURT: Thank you all very much.

18

19 THERE BEING NOTHING FURTHER, THE CASE OF THE STATE OF GEORGIA
20 VERSUS D'NARIA CHANEL LOVETT WAS CONCLUDED.

21

22

23

24

25

May 17, 2016

Dear Honorable Judge Reeves,

On May 4, 2016, Mrs. Donna Moore notified me that she had received notice of a pending motion to reduce sentence on May 18. I realized at that moment that there was no possible way that I could attend court again unless I was physically made to attend. By me making this statement, I truly intend no disrespect to you or the DA's office. I am not emotionally able to go through the proceedings again. In no way does this mean I do not care what happens in the sentencing or restitution hearing.

I can honestly say that I have never endured anything more emotionally and physically traumatic in my life than going through this experience this past year. Before I was physically assaulted, I thought that I was strong mentally and emotionally. The public believes that an assault only harms the body. That one statement is completely false. It takes its toll on you mentally, physically, spiritually, and emotionally. I walked away from the sentencing hearing on March 30 feeling that for once, I could attempt to move past this horrible event that happened to me. I say me and yes I was the one that it happened to but through everything it has taken its toll on my spouse and two children. We are not the same people that we use to be. It saddens me to even type this. For one year, we have looked over our shoulder, we have not allowed our sixteen year old daughter to go to any events that a large crowd may be, and I never go to the grocery store alone anymore. These are all common events that take place daily without most people thinking twice about but a victim of assault is not most people...you are a statistic and you lose trust.

I would like to move past these events and thought I was making progress until April 20 when I was told that the defendant's attorney was organizing a march by the NAACP and was working to get her sentence overturned. I will admit that hearing this took me back to the courtroom on March 30 and seeing the defendant's arrogance and smirk on her face. It was the same face that I saw on May 20, 2015 when she assaulted me. Friday will make one year that I have lived through something that was once unimaginable in a school setting; especially my school setting where it was my home away from home. So much more was taken away from me that day and I find it hard to explain. I have full confidence that the proper decision will be made tomorrow at the hearing and I am hopeful that by me not being in attendance would have no bearing on the outcome.

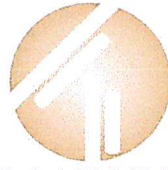
I sincerely hope and pray that you will accept my request to not subject myself to this pain anymore than I have to. I greatly appreciate you considering my request.

Sincerely,

Angie Garvin Johnson

Angie Garvin Johnson

5-1



TAYLOR & ASSOCIATES. LLC.
ATTORNEYS & COUNSELORS AT LAW

Dorna Jenkins Taylor, Esq.
Dorna.taylor@taylorattorneys.com
Taylor & Associates LLC
3355 Lenox Road NE
Suite 750
Atlanta, Georgia 30326

404.507.2066

May 17, 2016

The Honorable Robert S. Reeves
Middle Judicial Circuit
Po Box 1347
Swainsboro, Georgia 30401

Re: D’Naria Lovett

Your Honor:

As you know, Swainsboro Georgia is my hometown and where I found a interest in the legal field while in high school. I was attracted to a career in the Law because of the opportunity it provided me to help others. Although I practice in Atlanta, Georgia as I have for the past 18 years, the Lovett case pending before your Court has come to my attention. It is my hope that the Court will consider this statement as part of its decision on the motion now pending in this matter.

I graduated from Swainsboro High School in 1991 with the mother of the defendant. She was someone I considered a friend of mine and I have always found her to be a kind person. Shortly after the sentencing hearing for her daughter D’Naria, I began to hear directly and on social media from many citizens in the Swainsboro community who were outraged at the harshness of the sentence given the first offender status, defendant’s age, and the circumstances and severity of the offense committed. At that time, I contacted the defendant’s mother to first, make sure I understood the facts correctly and then to see how I might help her.

It is my opinion that the impact of the length of the sentence has seemingly created an undertone of unfairness in the application of the law, one that I fear could have lasting implications on the community if left unchecked. While I certainly respect the Courts desire to send a message to other ‘would be’ offenders, the Court must also be cognizant of the message it

May 17, 2016

Page 2


sends to the law abiding citizens of Swainsboro and the community as a whole.

Certainly while no parent, including Ms. Lovett's mother, wants to find their child on the wrong side of the law, all parents, including me, hope that their child would be afforded the opportunity to suffer an appropriate penalty, and then pick up the pieces of their life within a reasonable time frame so that they can continue to grow and flourish. The feeling of the loss of that opportunity for a whole segment of a community can have far reaching implications beyond that of the victim and the defendant.

On the contrary, if the Court reconsiders its decision and orders a lighter sentence and first offender status if appropriate on the facts, I believe the community would be comforted to know that they have a voice that was heard and considered. I know that there are many in the community who have been organizing to fight the rise in teen criminal activity in Swainsboro, and it is clear that the public, the law enforcement community and the Court system must work in concert to be successful in that effort. An act of compassion in the form of alternative sentences—such as placing the defendant in a treatment center or under home detention rather than a prison, or requiring extensive community service and restitution, could go a long way to energize the community leaders and motivate them to continue to foster the partnership needed between the Court and the community. A lighter sentence would also afford this defendant the opportunity be rehabilitated and reintroduced into society.

Thank you for your time in reading and considering this request.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dorna Taylor".

Dorna Jenkins Taylor, Esq.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COURT REPORTER'S CERTIFICATE

GEORGIA, EMANUEL COUNTY.

I hereby certify that the foregoing is a true, complete, and correct transcript of the proceedings taken by me in the case aforesaid.

This 20th day of May, 2016.

