

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

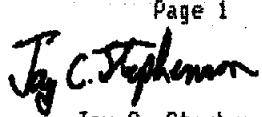
**WANDA SPANN, and
CHARLES SPANN
Plaintiffs,**

vs.

**COBB SUPERIOR COURT JUDGES:
JAMES BODIFORD, ROBERT FLOURNOY III,
ADELE GRUBBS, S. LARK INGRAM,
GEORGE KREEGER, KENNETH NIX,
DOROTHY ROBINSON, MARY STALEY, and
MICHAEL STODDARD;
MAGISTRATE FRANK COX, in his OFFICIAL
CAPACITY as CHIEF JUDGE OF
THE COBB COUNTY MAGISTRATE COURT
& in his INDIVIDUAL CAPACITY;
SUPERIOR COURT ADMINISTRATOR
HOWARD CHESSHIRE; and COBB COUNTY
MANAGER DAVID HANKERSON
Defendants,**

**CIVIL ACTION FILE
FILE NO: 07-1-03371-18**

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ID# 2007-0143068-CV
Page 1


Jay C. Stephenson
Clerk of Superior Court Cobb County

**AFFIDAVIT of WANDA SPANN for SUMMARY JUDGMENT
HEARING**

1. My name is Wanda Spann. I am over the age of 18 and competent to testify. The facts set forth in this affidavit are based upon my personal knowledge.
2. The genuine issues of material facts are detailed in the paragraphs below. If this court will allow witnesses to be subpoenaed, introduced, examined and cross-examined, expected testimony is as follows:

3. On June 7, 1983, I was appointed Director of Cobb County Pretrial Court Services by the Cobb County Superior Court Judges Council under the authority of a local Cobb Superior Court Order which established the Pretrial Services office in 1973.
4. On July 1, 1985 the Uniform Superior Court Rules of Georgia were promulgated by the Georgia Supreme Court. At that time, these Rules were adopted by the Cobb County Superior Court, and I was reaffirmed as director of Pretrial Services by the Superior Court Judges pursuant to these Rules, which have statewide application.
5. Under Uniform Superior Court Rule 27.1, my duties and appointment are described in full detail. (See Exhibit 1) Rule 27.1 states: "The Superior Court Judges under whose authority the program shall function, shall appoint a director, setting the qualifications deemed necessary for the office". This rule goes on to state, "the director shall hold office at the pleasure of the Superior Court Judges".
6. On or about May 22, 2003 after serving in my position 20 years with an unblemished employee performance record, I was terminated from my position as Director of Pretrial Services by Chief Magistrate Judge Frank Cox. Judge Cox, the Chief Magistrate Judge since 2001, tortiously interfered with my employment by firing me when he had no

authority or legal basis to do so. In the 20 years I served as director, no Superior Court Judge had ever advised me of the transfer of any hiring or firing authority of the Chief Magistrate Judge. My office was not a part of the Magistrate Court during my entire service and had absolutely no connection to Magistrate Court. The Magistrate Court did not control the budget of my office, and we were not a part of the Magistrate Court's Staff. I attended no staff meetings regarding the operations of Magistrate Court. The Pretrial Services Department is an independent department which functions under the authority of the Superior Court Judges. Judge Cox admitted to me during an oral deposition that he made Pretrial Services a division of his court upon my termination or shortly thereafter. He also told me during the same deposition he fired me and placed the department under Magistrate Court under authority given to him in a local order dated October 24, 1985. (See Exhibit 2)

7. I was aware of the 1985 order and had been for many years, however the order did not give the Chief Magistrate Judge the authority to hire and fire the Pretrial Director, nor did it place Pretrial Services under the Magistrate Court.

8. I have personally researched whether or not authority was transferred, from the Superior Court Judges to the Chief Magistrate and found it was not. The State Attorney General has also said that compliance with Uniform Superior Court 1.2 (B) is required for Rule deviations. Rule 1.2 (B) states, “Each Superior Court by action of a majority of its judges (or failing this, by action of its Chief Judge), from time to time may propose to make and amend rules which deviate from the Uniform Superior Court Rules provided such proposals are not inconsistent with the Georgia Civil Practice Act, general laws, these Uniform Superior Court Rules, or any directive of the Supreme Court of Georgia. Any such proposals shall be filed with the clerk of the Supreme Court, proposals so admitted shall take effect 30 days after approval by the Supreme Court. It is the intentment of these rules that rules which deviate from the Uniform Rules be restricted in scope.”
9. In 2004 the Clerk of the Georgia Supreme Court told me there was no record of any filings or approval for Rule changes for Cobb County. (See Exhibit 3). She then gave me documentation confirming her statement.
10. I met with the Supreme Court Clerk again in 2005 to determine whether or not the 1985 order had been filed and approved by the

Georgia Supreme Court, and again I was told it had not been filed. The clerk later forwarded a letter to me stating, the Court wants to maintain their policy of certifying only what they have. (See Exhibit 4)

11. Moreover, I have personally researched and discovered that the referenced 1985 order (a local order which deviates from the Uniform Superior Court Rules), expired automatically on December 31, 1994, pursuant to Uniform Superior Court Rule 1.1. (See Exhibit 5) Rule 1.1 (Repeal of local Rules) states: All local rules of the superior courts except those relating to drawing of jurors by mechanical or electronic means pursuant to OCGA 15-12-40(b) and 15-12-42(b) et seq. shall expire effective December 31, 1994. If any superior court by action of its judges (or failing this, by action of its chief judge) proposes to prevent any local rule from expiring pursuant to Rule 1.1 then a proposal to prevent the local rule from expiring must be presented to the Supreme Court for approval 30 days prior to the expiration date as stated in Rule 1.1. Only those rules reapproved by the Supreme Court on or after December 31, 1994, shall remain in effect after that date. Rules timely resubmitted shall remain in effect until action by the Supreme Court. Again, the 1985 order Magistrate Judge Cox used to terminate me was ineffective, because it expired 9 years prior to my

termination. Judge Cox tortiously interfered with my employment by firing me on an illegal, expired, and unapproved document.

12.I have personally spoken to Cobb Superior Court Judges (Defendants in this case) on the authority issue. In March 2003, a sitting Superior Court Judge advised me that they (the Superior Court Judges) never, “Abdicated authority” over Pretrial to the Magistrate Judge. The same Judge told me Howard Chesshire told Judge Cox he had authority, but the Judge said Judge Cox did not have authority. Another sitting Superior Court Judge telephoned me at my home urging me to, “enjoy your vacation”, because, “he can’t fire you”. This call came one day after Judge Cox placed me under suspension so that he could conduct, “an investigation” into so-called, “personnel related matters” in my office.

13.During the suspension, I spoke via telephone to a former Cobb Chief Magistrate Judge who served in the position 6 years. He told me the following: I have always viewed Pretrial as an independent department functioning under the authority of Superior Court. When I asked him if there were any orders in existence which gave the authority of Pretrial Services to the Chief Magistrate Judge, he said, “No. If this were the case, you and I would have sat down and talked about it”. Also, after

my termination I had a telephone conversation with the Chief Magistrate Judge who succeeded the aforementioned individual. This Chief Magistrate had served in the position approximately two years and had previously served as a full time Magistrate since the inception of Magistrate Court in 1985. He referred to the 1985 order saying, "It's not worth the paper it's written on".

14. Judge Cox's memorandum to me dated March 5, 2003, further proves that the department was not under the umbrella of Magistrate Court. (See Exhibit 6) In the memo, Judge Cox stated, "Effectively immediately Pretrial Services will no longer serve as an independent unit, but as a division of Magistrate Court."

15. Acting without legal authority and in a clandestine fashion, Judge Frank Cox conspired with other individuals and orchestrated a wrongful and malicious plan to take my job. In the year 2000 after Judge Cox was elected and before he took office, I was told by two Magistrate Court employees that Judge Cox was after my job.

16. I paid approximately \$850.00 for a copy of the, "Investigation" of me and its conclusion. I learned that the March 5, 2003 memo I received from him, came one day after Judge Cox had Information Services technicians to download a letter from my office computer that I was in

the process of writing and sending to two Superior Court Judges advising them of his harassment of me. This download was done without my knowledge or consent. One day after I sent these letters, Judge Cox presented me with the aforementioned memo, stripping me of my authority and taking away the bulk of my duties, giving them to Bobbie Ely the Magistrate Court Administrator--and individual with even less authority over me and the Pretrial Services' office than Judge Cox. Documents related to the download of the letter to the two Superior Court Judges are attached. (See Exhibits 7,8,9)

17.I would later learn, after he terminated my employment, that he requested the download of my entire computer hard drive in search of documents on March 5, 2003. (See Exhibits 10 and 11) To this day, I do not know what he was looking for.

18.After my termination, I learned that in December 2002, Bobbie Ely, the Magistrate Court Administrator, requested a list of former employees who left the Pretrial department in the last 5 years. Again, this was done without my knowledge. (See Exhibit 12)

19.I learned through their investigation documents that Judge Cox and Bobbie Ely had acted secretly and in concert with two employees of Pretrial Services from my clerical staff, Janet Lindemann and Anita

Lingerfelt. These women were providing Judge Cox and Bobbie Ely with notes containing trivial and untrue statements. (See Exhibits 13, 14, 15, 16, 17, 18) Anita Lingerfelt and Janet Lindemann reported to Judge Cox and Bobbie Ely that my husband, (Plaintiff Charles Spann) and I had searched Lindemann's office while she was out of the office on sick leave. (See Exhibit 19) This was a lie. The false statement resulted in my husband Charles Spann, being placed under internal investigation by his department, Cobb County Police Department. He was investigated and cleared of any wrongdoing. Both Lindemann and Lingerfelt received promotions after my termination.

20. I was unaware that Judge Cox and Bobbie Ely were communicating with these women behind my back, but had been experiencing problems with Janet Lindemann for several weeks. Lindemann, an 8 month probationary employee, had all of a sudden become hostile towards me and my middle manager Mattie Armbruster. I had given her verbal warnings about it, but her hostility continued to escalate.
21. On the morning of March 19, 2003, two days after she had called in sick, Lindemann became verbally abusive to me in the doorway of my office as I sat at my desk. I fired her. Later that afternoon, I was called to Judge Cox's office and placed under suspension and "internal

investigation". Judge Cox allowed Lindemann to return to work the next day and placed her in charge of the department.

22. During an oral deposition, Judge Cox admitted he had communicated with Lindemann while she was at home sick. During their communication, according to the documentation, Judge Cox wanted to know how long Ms. Armbruster had been a manager. During the oral deposition, I asked Judge Cox why did he not ask me about Armbruster and that I would have told him if he had asked. He said he wanted the information, "independent" of me. Judge Cox was creating hostility within my office behind my back.

23. During the suspension, Ely and County Attorney Debra Dance searched my office. Again to this day, I do not know what they were looking for. Evidence of these searches are contained herein. (See Exhibits 20,21)

24. Judge Cox even had the Cobb County Sheriffs Department to provide him with a computer print-out indicating the dates I entered my work building, and the times I left. Further, he had copies made of an airplane ticket and travel itinerary where I had attended a National Pretrial Services Conference in 2002. A copy was also made of my

travel expense report. (See Exhibits 22, 23) I had done nothing wrong, and I do not know why this would have been of interest to Judge Cox.

25. Judge Cox's actions show that he was looking for something or anything to fire me for even though he did not have the authority to do so. Judge Cox even tried to use the medical records of a retired employee, with whom I had worked for 23 years. The employee Belinda Brock and I were very close friends and had been for years. Belinda's daughter Tracie Grabarkewitz was employed as Judge Cox's administrative assistant.

26. For many years Belinda told me she suffered from depression resulting from childhood issues and decisions she made as an adult. Judge Cox sought her medical records in an effort to make it appear that I had caused her depression. (See Exhibit 24) He would later use her situation to make it appear I had been, "abusive" to employees. The truth is that I was a sounding board for Belinda Brock practically every morning for 20 years. Attached is a letter from Mrs. Brock to me which shows she confided in me. (See Exhibit 25) Judge Cox even admitted to me during his deposition that he learned after my termination, Mrs. Brock's problems were not caused by me. However

my job was taken on this falsehood. Tracie Grabarkewitz, Belinda Brock's daughter was also promoted after my termination.

27. Judge Cox stated he suspended me on March 19, 2003 because I fired Janet Lindemann after he instructed me not to fire anyone. Hiring and firing Pretrial employees were part of my job duties according to the Uniform Superior Court Rules. Judge Cox showed no documentation to me from the Superior Court Judges that indicated otherwise. The fact of the matter is that Judge Cox had already planned to take my job before he placed me under internal investigation after I fired Lindemann on March 19. As of March 18 he was already conducting this clandestine surveillance or "inquiry". (See Exhibit 26) The fact is that Judge Cox has a history of this type of misconduct. Previously, he placed a full-time Magistrate Judge under secret surveillance by instructing his secretary, Tracie Grabarkewitz, to keep track of that Judge's "goings and comings". When I questioned him about this during his oral deposition, he admitted that he had done this.

28. Defendant Howard Chesshire also acted in concert with Judge Cox by filing a false affidavit in Federal Court, stating the authority of Pretrial Services had been transferred to the Magistrate Court under Rule 1.2(B) when in fact it had not. (See Exhibit 27) Furthermore in his

affidavit Chesshire stated that Pretrial Services had not had an administrative relationship with Superior Court Judges since 1985. This was also an untrue statement. Throughout my directorship, there had always been an administrative relationship between the department and the Superior Court Judges.

29. Defendant David Hankerson was also a part of this effort when he abolished my position. He received a blind copy of the March 5, 2003 memo from Judge Cox the day prior to it being given to me. He also allowed department managers working under him to take unauthorized actions such as transferring my department's payroll, budget, and purchasing responsibilities to Judge Cox. I received first hand information from one of these managers who said Hankerson instructed: "Do everything he (Cox) tells you to do, but make sure you cross all of your "T's" and dot all of your "I's".

30. I have always conducted myself in a professional manner and was therefore able to retain my employment for 20 years as Pretrial Director. These claims made by Judge Cox were false, and smeared my employment record and reputation. Judge Cox used a local document that expired 9 years prior to carry out his own misconduct,

including unlawfully and tortiously interfering with my employment,
benefits and my retirement.

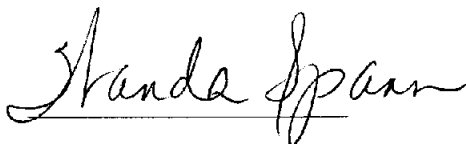
31. I submit to this court there are genuine issues of Material facts in this
case, and therefore summary judgment should not be granted in favor
of defendants Cox, Chesshire, and Hankerson.

The Genuine Issues of Material Facts are:

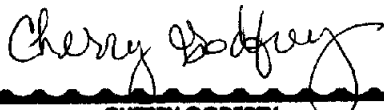
- (1) Judge Cox acted without legal authority per Uniform Superior Court
Rules 27.1, 1.2(B), and 1.1 of the Georgia Supreme Court.
- (2) Judge Cox conspired with other individuals to take my employment
through wrongful, unwarranted conduct and clandestine efforts.
- (3) Judge Frank Cox, Howard Chesshire, and David Hankerson were all
strangers to my employment.

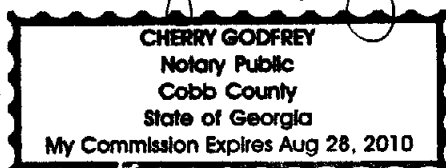
I declare under penalty of perjury that the within and foregoing is true and
correct:

Sworn and signed: This 15th Day of October, 2007.



Wanda Spann





- Rule 27.1. Structure.
- Rule 27.2. Duties.
- Rule 27.3. Release under the program.
- Rule 27.4. Security bail other than 10% bail.
- Rule 27.5. Exoneration of bondsman after forfeiture.

This program may be established in any county by the superior court judges of the circuit within which that county lies and the appropriate county governing authorities.

Rule 27.1. Structure.

The superior court judges, under whose authority the program shall function, shall appoint a director; setting the qualifications deemed necessary and appropriate for the office. The director shall:

- (A) Be responsible for the supervision and execution of the duties enumerated hereinafter in connection with the program;
- (B) Receive such compensation as may be set by the superior court judges from time to time subject to the approval of the governing authority;
- (C) Hold office at the pleasure of the superior court judges;
- (D) Employ such assisting and clerical staff as may be authorized and assign them as needed to discharge the functions of the program; and,
- (E) Develop and promulgate rules, regulations and procedures pertaining to conditional release under the program, subject to the approval of the superior court judges, including such as pertain to the issuance of a bench warrant for the arrest of any individual released under the program who fails to comply with the conditions of the release.

Rule 27.2. Duties.

The duties involved in the proper functioning of the program shall include:

- (A) Securing pertinent data and providing reports containing verified information respecting an accused who has agreed to be considered for release under the program;
- (B) Conducting such investigation and interviews as may be necessary for the compilation of such reports and submitting the reports to an appropriate judicial officer;
- (C) Monitoring and reporting to the court the compliance or noncompliance of an accused released under the program with the conditions of release;
- (D) Providing appropriate documentation to the court respecting performance by an accused complying with the conditions of release so that upon full performance by the accused the sheriff shall return to the party posting deposit bail that portion of the deposit not retained to defray administrative costs; and,
- (E) Providing appropriate documentation to the court respecting performance by an accused not complying with the conditions of release so that the court having jurisdiction may:
 - (1) enter an order declaring the bond forfeit and requiring that any deposit held in escrow by the sheriff be paid into the county general fund;
 - (2) issue a bench warrant for the arrest of the accused.

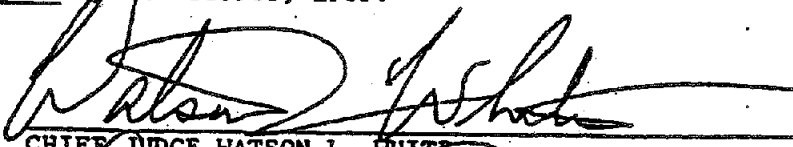
IN THE SUPERIOR COURT FOR THE COUNTY OF COBB

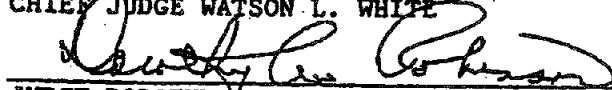
STATE OF GEORGIA

O R D E R

It is hereby ordered that the supervision and administration of Pre-Trial Court Services be transferred from the Court Administrator's Office to the Chief Magistrate of Cobb County until further order of this Court.

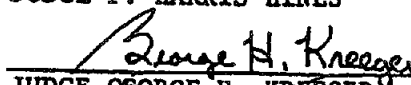
SO ORDERED, this 24th day of October, 1985.

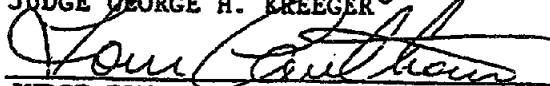

CHIEF JUDGE WATSON L. WHITE


JUDGE DOROTHY A. ROBINSON


JUDGE G. GRANT BRANTLEY


JUDGE P. HARRIS HINES


JUDGE GEORGE H. KREEGER


JUDGE TOM CAUTHORN

APPROVAL DATE

JUDICIAL CIRCUIT

6/20/85

Stone Mountain

6/20/85

Northern

6/20/85

Southern

6/20/85

Atlanta

7/8/85

Augusta

7/8/85

Mountain

7/8/85

Southwestern

7/11/85

Tallapoosa

10/3/85

Atlanta

10/18/85

Alcovy

10/21/85

Atlanta

1/7/86

Griffin

3/19/86

Clayton

3/19/86

State Court of Fulton County

8/5/86

State Court of Fulton County

12/7/86

Stone Mountain

4/2/87

Atlanta

4/13/88

Fulton County - Atlanta

9/9/88

State Court of Fulton County

6/18/80

DeKalb Superior

6/18/90

DeKalb State Court

6/18/91

DeKalb Superior

6/18/91

DeKalb State Court

3/9/89 - Audio/visual experiment - Fulton
Renewed in March 1990?

More Perm. rule - 2/22/91
10/19/92 - Grinnett Judicial Circuit

Exhibit 3

CLERK'S OFFICE, ATLANTA,

I certify that the above is a true extract from the minutes
of the Supreme Court of Georgia.



Supreme Court
State of Georgia
STATE JUDICIAL BUILDING
Atlanta 30334

NORMAN S. FLETCHER, CHIEF JUSTICE
LEAH WARD SEARS, PRESIDING JUSTICE
ROBERT BENHAM
CAROL W. HUNSTEIN
GEORGE H. CARLEY
HUGH P. THOMPSON
P. HARRIS HINES
JUSTICES

SHERIE M. WELCH, CLERK
WM. SCOTT HENWOOD, REPORTER

June 16, 2005

Wanda S. Spann
2838 Crestwicke Drive
Kennesaw, GA 30152

Dear Ms. Spann:

The Justices have reviewed your document. The Court wants to maintain our policy of certifying only what we have. Therefore, I am returning your document to you.

Sincerely,

Sherie M. Welch, Clerk

SMW/mh
Enclosure

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Exhibit 4

Rule 1.7. Publication of rules and amendments.

Pursuant to the inherent powers of the Court and Article VI, Section IX, Paragraph I of the Georgia Constitution of 1983, and in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions, these rules are promulgated. It is not the intention, nor shall it be the effect, of these rules to conflict with the Constitution or substantive law, either per se or in individual actions and these rules shall be so construed and in case of conflict shall yield to substantive law.

Rule 1.1. Repeal of local rules.

All local rules of the superior courts except those relating to drawing of jurors by mechanical or electronic means pursuant to O.C.G.A. § 15-12-40 (b) and 15-12-42 (b) et seq. shall expire effective December 31, 1994. If any superior court by action of its judges (or failing this, by action of its chief judge) proposes to prevent any local rule from expiring pursuant to Rule 1.1 then a proposal to prevent the local rule from expiring must be presented to the Supreme Court for approval 30 days prior to the expiration date as stated in Rule 1.1. only those rules reapproved by the Supreme Court on or after December 31, 1994, shall remain in effect after that date. Rules timely resubmitted shall remain in effect until action by the Supreme Court.

Rule 1.2. Authority to enact rules which deviate from the Uniform Superior Court Rules.

A) The term "local rules" will no longer be used in the context of the Uniform Superior Court Rules.

B) Each superior court by action of a majority of its judges (or failing this, by action of its chief judge), from time to time, may propose to make and amend rules which deviate from the Uniform Superior Court Rules provided such proposals are not inconsistent with the Georgia Civil Practice Act, general laws, these Uniform Superior Court Rules, or any directive of the Supreme Court of Georgia. Any such proposals shall be filed with the clerk of the Supreme Court; proposals so submitted shall take effect 30 days after approval by the Supreme Court. It is the intent of these rules that rules which deviate from the Uniform Superior Court Rules be restricted in scope.

C) Notwithstanding the expiration of previously approved local rules December 31, 1994 courts may continue to promulgate rules which relate only to internal procedure and do not affect the rights of any party substantially or materially, either to unreasonably delay or deny such rights. These rules, which will be designated "internal operating procedures," do not require the approval of the Supreme Court. "Internal operating procedures," as used in these Uniform Superior Court Rules, are defined as rules which relate to case management, administration, and operation of the court or govern programs which relate to case management, administration, and operation of the court.

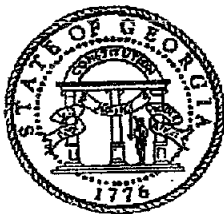
D) The above provisions notwithstanding, each superior court may retain or adopt without specific Supreme Court approval a local rule relating to drawing of jurors by mechanical or electronic means pursuant to O.C.G.A. §§ 15-12-40 (b) and 15-12-42 (b) et seq. and an order establishing guidelines governing excuses from jury duty pursuant to O.C.G.A. § 15-12-10.

E) Notwithstanding these uniform rules, a majority of judges in a circuit may adopt experimental rules applicable to pilot projects, upon approval of the Supreme Court, adequately advertised to the local bar, with copies to the State Bar of Georgia, not to exceed a period of one year, subject to extension for one additional year upon approval of the circuit judges and the Supreme Court. At the end of the second year, any such pilot projects will either be approved by the Supreme Court or will be allowed to sunset. Programs developed under the Alternative Dispute Resolution Rules of the Supreme Court will be approved by the Georgia Commission on Dispute Resolution before attaining permanent status under these rules.

F) Rules which are approved as deviations from the Uniform Superior Court Rules and internal operating procedures of courts shall be published by the judicial circuit in which the rules are effective. Copies must be made available through the clerk of the superior court of each county in the judicial circuit where the rules are effective. Any amendments to deviations from the Uniform Superior Court Rules or to internal operating procedures must be published and made available through each superior court clerk's office within 15 days of the effective date of the amendment or change.

MAGISTRATE COURT OF COBB COUNTY

Public Safety Building
32 Waddell Street
Marietta, Georgia 30090
(770) 528-8931 Fax 528-8947
TDD (678) 581-5432
www.cobbcounty.org



BOBBIE C. ELY
Court Administrator (770) 528-8999

SHEILA H. WALKER
Clerk (770) 528-2387

FRANK R. COX
Chief Judge

JOAN VAUGHAN BLOOM
DONALD T. PHILLIPS
Magistrate Judges

ROBERT G. HALVORSON
Court Reporter

TRACIE GRABARKEWITZ
Administrative Assistant

Memorandum

To: Wanda Spann
From: Judge Frank R. Cox
Re: Clarification of Responsibilities
Date: March 5, 2003

The purpose of this communication is to document our conversation of February 28, 2003 in which we discussed concerns I have regarding the Pretrial Court Services Division.

First, I am encouraged with your change in heart involving the previous comments regarding the hostile work environment. I am determined to ensure that all employees working in this Court feel comfortable with their surroundings and if problems arise all employees need to be assured they have a place to turn to discuss the issues. Decisions made by members of management aren't always welcomed by employees, but no employee should feel uncomfortable in their environment due to the same.

Some of the issues below were discussed on Friday. I regret time did not permit the opportunity to discuss all of them.

- Effective immediately Pretrial Court Services will no longer operate as an independent unit, but as a division of the Magistrate Court. You will continue in your roll as Director running the day-to-day operation, but I will require a more hands on approach.
- You will report directly to the Chief Judge. The Pretrial Director's position will parallel that of the Court Administrator's position on the Court's organizational chart.

Exhibit 6

Memo – Wanda Spann
March 5, 2003
Page 2

- As Director, you will be expected to attend all staff meetings as any other manager of the Court.
- I will review all phases of the budget prior to the submission of the documents to the Budget Office.
- No communication of a business nature will be sent to the County Manager or to the Board of Commissioners without my approval and or signature. (This will allow us to prioritize the requests made of the Board and of the County Manager by this Court.)
- All matters regarding the office space or renovation of the same will fall under the authority of the Court Administrator.
- Effective immediately, you no longer have the authority to hire, fire or discipline employees. In keeping with all divisions of this Court, the Court Administrator will oversee matters of this nature.
- The Magistrate Court's human resources representative will begin immediately processing all personnel related matters regarding the Pretrial Division.
- Payroll for Pretrial employees will be distributed along with that of all other Magistrate Court employees.
- In keeping with all other divisions, reports generated in conjunction with Pretrial's payroll will be kept by the Court Administrator.
- In keeping with all other divisions, all personnel files for the Pretrial Division will be maintained by the Court Administrator. Existing files should be turned over immediately.
- All members of the Pretrial Division will be advised that although assigned to the Pretrial Division, they are employees of the Magistrate Court and as such are afforded the opportunities of all other employees, i.e., a sounding board for employee concerns or other issues.
- Employees will refer to other employees by their given names. No manager will require employees under their supervision to refer to them by their formal name, i.e., Mr. or Mrs. Jones. (This creates an unnecessary distance between manager and employee within an office of this size.)
- Before accepting invitations to speak on behalf of your position, please discuss the matter with me. I may elect to accompany you to some of the events. (This again is the same policy in place for all management.)
- All training/travel requests (which involve expenditures) must be submitted to me for consideration and or approval.

Memo – Wanda Spann
March 5, 2003
Page 3

- To encourage personal, as well as professional growth of all employees, a goal was set for all Magistrate employees to receive a satisfactory or above performance evaluation for 2003, employees must attend at least two job related training courses during the year. Cobb County's On Track for Training provides a variety of classes and most at no cost to the department or the employee. This policy is to be implemented for all employees, including those assigned to the Pretrial Division. (For specific information regarding this requirement, please contact the Court Administrator.)
- Upon employment with this office, all employees will receive a copy of the Magistrate Court Policy Manual. (This manual is provided in addition to the Cobb County Employee Handbook.)
- Effective immediately all members of the Pretrial Division will be required to use the TimeCare System. (Please contact the Court Administrator regarding specific information involving this process.)
- All divisions of the Court will be required to use a standard form of letterhead. One of the purposes behind this requirement is to eliminate the printing cost associated with this inventory. (Please contact the Court Administrator regarding this matter.)

I will be meeting with all employees of Pretrial Division during the next several days to apprise them of the above changes.

I look forward to working with you to improve morale within the division. I know you and I both want the division to continue to perform in a productive manner. Thank you for your commitment to that end.

bcc: Mr. David Hankerson, County Manager
Mrs. Debra Dance, Assistant County Attorney

cc: Mr. Tony Hagler, Director, Human Resources
Mrs. Bobbie C. Ely, Court Administrator

Dear Judge Cox,

Per our Telecom discussion on Thursday, March 06, 2003 at 14:30 hours, I have attached copies of the properties sheets of two documents.

The following is a synopsis of the properties of both documents.

The first document is titled "Since the inception of Pretrial Court Services in 1973.doc".

This document was first created on March 4, 2003 at 10:15:00 AM

It was last modified on March 4, 2003 at 2:18:30 PM.

It had a total editing time of 243 minutes indicating that the document was opened and continuously edited from the time it was created until it was last modified.

A copy of the document was printed on March 4, 2003 at 1:50:00 PM.

The owner of the document (the person who actually created it) is Wanda Spann. This was extracted from the Novell name SpannW.JD.CC per logon accounts.

The second document is titled "ms spann.doc".

This document was first created on March 4, 2003 at 8:33:00 AM

It was last modified on March 4, 2003 at 10:05:00 AM.

It had a total editing time of 92 minutes indicating that the document was opened and continuously edited from the time it was created until it was last modified.

No copies of the document were printed.

The owner of the document (the person who actually created it) is Wanda (Matty) Armbruster. This was extracted from the Novell name ArmbrW.JD.CC per logon accounts.

After extracting the information from both documents, I moved both of them to a secure location where the general population of Cobb County employees could not view their contents.

If anything else is needed, please contact me

Sincerely;

Dominick R. Druda, MCSE

Information Services Manager

Cobb County Government

(770) 528-8710 Voice

(770) 528-8770 Fax

(678) 458-6850 Mobile

(404) 837-8307 Pager

ddruda@cobbcounty.org or

eMail to my pager

4048378307@alphapage.myairmail.com

Exhibit 7

CONFIDENTIAL

I received an e-mail from Sheila Walker on 3/6/03 advising me that I should look at a document stored on the common directory, under the name of "Since the inception of Pretrial Court Services in 1973". I immediately checked the document and discovered this communication. After discussing the matter with Judge Cox, I attempted to contact Paul Ruth, Director of Information Services Department to have the file deleted. Paul was out of the office. I spoke with his administrative assistant, Brenda Legg, and advised her of a sensitive nature involving a file located on the common directory and asked who would be able to assist me. Brenda contacted Dominique Druda of the IS Department. Judge Cox joined me at this point. Instead of requesting that it be deleted, we first asked if Dominique could provide information as to the date and time the document was created and by whom. He indicated he would need to get back with us shortly. This first call took place at 1:00 on 3/6/03.

Dominique contacted Judge Cox and I again on 3/6/03 at 2:30 and advised that the attached document was created on 3/4/03 by Wanda Spann. He further advised that as a result of his search, he located a second document entitled, msspann, created by Matti Armbruster on 3/4/03. Dominique provided us with a Novell printout which reflects the name of the persons who created both documents. I requested that Dominique provide us with a memorandum explaining the complete history of what he located on these files. He agreed to submit the memorandum to us.

This the 6th day of March, 2003.

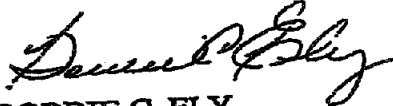

BOBBIE C. ELY
Court Administrator

Exhibit 8

Since the inception of Pretrial Court Services in 1973...

Novell.

Selected: Inbound.doc

Author: AMR VALUE

Name Space: None

Left Active: NewActive

W:\Novell\Group\Pretrial\Inbound.doc

Properties:

<input checked="" type="checkbox"/> Read-only	<input checked="" type="checkbox"/> Shared	<input checked="" type="checkbox"/> Hidden (Info)
<input checked="" type="checkbox"/> Archive	<input checked="" type="checkbox"/> No Caching	<input checked="" type="checkbox"/> No Indexing
<input checked="" type="checkbox"/> Hidden	<input checked="" type="checkbox"/> No Publishing	<input checked="" type="checkbox"/> Copy Inhibit

OK Cancel Apply

Since the inception of Pretrial Court Services in 1973...

Novell.

Selected: Inbound.doc

Author: AMR VALUE

Name Space: None

Left Active: NewActive

W:\Novell\Group\Pretrial\Inbound.doc

Properties:

<input checked="" type="checkbox"/> Read-only	<input checked="" type="checkbox"/> Shared	<input checked="" type="checkbox"/> Hidden (Info)
<input checked="" type="checkbox"/> Archive	<input checked="" type="checkbox"/> No Caching	<input checked="" type="checkbox"/> No Indexing
<input checked="" type="checkbox"/> Hidden	<input checked="" type="checkbox"/> No Publishing	<input checked="" type="checkbox"/> Copy Inhibit

OK Cancel Apply

ms spann.doc Properties

Novell.

Selected: Inbound.doc

Author: AMR VALUE

Name Space: None

Left Active: NewActive

W:\Novell\Group\Pretrial\Inbound.doc

Properties:

<input checked="" type="checkbox"/> Read-only	<input checked="" type="checkbox"/> Shared	<input checked="" type="checkbox"/> Hidden (Info)
<input checked="" type="checkbox"/> Archive	<input checked="" type="checkbox"/> No Caching	<input checked="" type="checkbox"/> No Indexing
<input checked="" type="checkbox"/> Hidden	<input checked="" type="checkbox"/> No Publishing	<input checked="" type="checkbox"/> Copy Inhibit

OK Cancel Apply

ms spann.doc Properties

Novell.

Selected: Inbound.doc

Author: AMR VALUE

Name Space: None

Left Active: NewActive

W:\Novell\Group\Pretrial\Inbound.doc

Properties:

<input checked="" type="checkbox"/> Read-only	<input checked="" type="checkbox"/> Shared	<input checked="" type="checkbox"/> Hidden (Info)
<input checked="" type="checkbox"/> Archive	<input checked="" type="checkbox"/> No Caching	<input checked="" type="checkbox"/> No Indexing
<input checked="" type="checkbox"/> Hidden	<input checked="" type="checkbox"/> No Publishing	<input checked="" type="checkbox"/> Copy Inhibit

OK Cancel Apply

Exhibit 9

MAGISTRATE COURT OF COBB COUNTY

FRANK R. COX
Chief Judge

JOAN VAUGHAN BLOOM
DONALD T. PHILLIPS
Magistrate Judges

BOBBIE C. ELY
Court Administrator (770) 528-8999

SHEILA H. WALKER
Clerk (770) 528-2387



Public Safety Building
32 Waddell Street
Marietta, Georgia 30090
(770) 528-8900 Fax 528-8947
TDD (678) 581-5432
www.cobbcounty.org

ROBERT G. HALVORSON
Court Reporter

TRACIE GRABARKEWITZ
Administrative Assistant
(770) 528-8924

Memorandum

To: Mr. Paul Ruth

From: Judge Frank R. Cox *FR C*

Re: Pretrial Division Inquiry

Date: March 19, 2003

In reference to an inquiry underway regarding the Pretrial Division (Pretrial Court Services) of Magistrate Court, I must request the assistance of your department. My Court Administrator, Bobbie Ely, will need access to all files (located on the hard drive, as well as those stored by other methods) for two employees of the Pretrial Division. Due to the nature of the inquiry, I am additionally requesting that a member of your staff accompany her during the process of reviewing these files. I realize the time involved could be extensive, but due to the nature of the inquiry, I feel it is necessary.

Would you please provide Bobbie with the name of the person to contact regarding this request at your earliest convenience? Access to these records will be essential to the timely conclusion of this inquiry.

Your assistance in processing this request with the utmost discretion will be greatly appreciated. Thank you for your assistance.

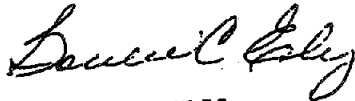
ID# 2007-0143068-CV
Page 26

Exhibit 10

In Re: Pretrial Division – Files Retrieved from the Computer Removed from the Office of Wanda Spann

Debra Dance and I reviewed files on the "c" drive of the computer removed from the office of Wanda Spann on March 27, 2003. The attached files were located on said drive. The same were copied to a diskette.

This the 27th day of March, 2003.



BOBBIE C. ELY
Court Administrator

Exhibit 11

From: Wilma M Robinson/HR/CobbEM
To: Bobbie C Ely/Magistrate Court/CobbEM
cc: Anthony B Hagler/HR/CobbEM
Date: Monday, December 30, 2002 09:27AM
Subject: Pretrial Terminations

Hi Bobbie!

Tony asked me to create the attached list of people that terminated from Pretrial Department in the last 5 years. The termination date is the first column and it is sorted from latest to earliest. Please note that the "reason" for termination reflects the code in our system although some of the employees were allowed to voluntarily resign.

Another note: The list does not reflect employees who transferred out of the department. I couldn't think of an easy way to get to that information. A system download would not work in that the transfer would only show up in the receiving department and not the department the employees came from

Please call me if I can assist you further.

Thanks!

Wilma Robinson
Human Resources Manager
(770) 528-2539

Attachments:



CONFIDENTIAL

In Re: Pretrial Division - Anita Lingerfelt

I received a call from Anita Lingerfelt on March 11, 2003 between 7:00 and 7:30 a.m. Anita asked if I knew when "everything would be over and things would begin to calm down". I asked her if something had happened within the past few days that Judge Cox and I were not aware of. She responded, "If looks could kill, Janet (Lindemann) and I would be dead." She indicated that things were extremely stressful for the employees although Leona was being "treated like a queen".

I advised her that I was unable to respond to her question at the moment. I advised her further that should she need to meet with Judge Cox and I again she should let us know.

This the 11th day of March, 2003.



BOBBIE C. ELY
Court Administrator

Exhibit 13

CONFIDENTIAL

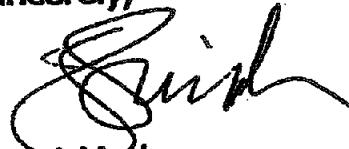
March 17, 2003

Dear Judge Cox,

Here are my notes regarding what lead up to Matty becoming Assistant Director. I'm sorry that I could not bring them in person, but I have caught the flu. If you have any questions, please give me a call.

(770) 974-0600 Home
(770) 778-6241 Cell Phone

Sincerely,



Janet Lindemann

Exhibit 14

I don't remember the exact date but not long after I started working here Matty did run her Driver's History, I walked in on the tail end of the conversation Someone had gotten a ticket and it was brought up how long it stayed on the record or something like that and Matty mentioned getting a similar ticket so she ran her history and even mention that she wasn't suppose to run her history and that she could get in trouble if anyone found out.

CONFIDENTIAL

Exhibit 15

March 20, 2003

CONFIDENTIAL

Anita approached me this morning and said that she felt that we shouldn't trust Leona. She suggested that maybe Leona would give the new key to Ms. Spann or Matty and I have to agree that she just might do that. Over the past few weeks Leona has been in the office of either Ms. Spann, Matty or both of them. I feel that Leona was very close to both Ms. Spann and Matty. Matty had offered to take her to lunch and I actually saw Ms. Spann rubbing Leona's shoulders. Leona was the only person in our office allowed to come to work not wearing a suit as well as allowed to walk around our office wearing sneakers. No one else was allowed to wear any type of footwear that was considered to be casual at all.

Prepared by Janet Lindemann
March 20, 2003

Exhibit 16

There was a plaque given to Mrs. Spann by the employees of Pretrial Court Services back December of 2001. The only thing about this was that the employees had no say in the matter. Matty informed me that we were giving her a plaque for appreciation from the employee's and that it would be given to Ms. Spann during Belinda Brocks retirement party in which I thought would be kind of rude since it was Belinda's day. I told Matty that we should not give it to her during the retirement party that it would not be appropriate.

From what I remember Matty gave it to Mrs. Spann later that day in her office by herself.

CONFIDENTIAL

Anita Lingerfelt

Exhibit 17

In Re: Pretrial Division

CONFIDENTIAL

The attached documents were prepared by and hand-delivered to me on March 6, 2003 by Anita Lingerfelt.

Sheila Walker was present at the time the documents were delivered.



BOBBIE C. ELY
Court Administrator

Exhibit 18

In Re: Pretrial Division -- Janet Lindemann

I received a telephone call from Janet Lindemann on March 18, 2003 at approximately 9:15 a.m. Janet advised that she was at home with bronchitis and had also been out sick on the 17th of March. Janet advised that she received a telephone call from Anita Lingerfelt during the evening hours of March 17, 2003 advising her that Wanda Spann and Matti Armbruster were observed going through Janet's office on the 17th of March. Janet advised that she is not concerned with work related matters being seen, but instead with what might be "left" in her office by the two women. Anita further advised Janet that later in the day, Wanda Spann and her husband, Officer Charles Spann with the Cobb County Police Department, went into Janet's office and closed the door. Anita indicated that the two were behind closed doors for "an extended period of time".

Janet advised that although she called in early in the day advising that she would be out for the day, her work relating to calendar issues for the State Court was not given to anyone until 4:00 p.m. (This information was provided Janet by Anita.) Anita further advised Janet that Wanda required a number of employees stay after hours to complete the assignment.

Janet advised that on a previous occasion Wanda had informed her that she was requiring overtime of the staff because if she didn't use it, she would lose it.

Prepared by me as presented by Janet Lindemann. This the 18th day of March, 2003.



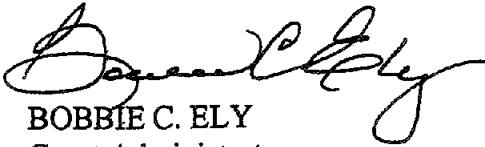
BOBBIE C. ELY
Court Administrator

Exhibit 19

In Re: Uniform Rules for the Superior Court - Located in Wanda Spann's Office

Debra Dance and I located the attached in Uniform Rules for the Superior Court in Wanda Spann's office while conducting a review of Mrs. Spann's office on April 3, 2003.

This the 3rd day of April, 2003.

A handwritten signature in cursive script, appearing to read "Bobbie C. Ely".

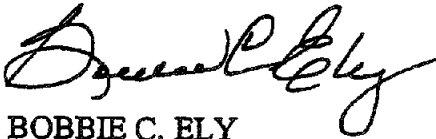
BOBBIE C. ELY
Court Administrator

Exhibit 20

In Re: Job Description for Director of Pretrial Services/Cobb County Government -
Located in Wanda Spann's Office

Debra Dance and I located the attached Job Description for Director of Pretrial Services/Cobb County Government in Wanda Spann's office while conducting a review of Mrs. Spann's office on April 3, 2003.

This the 3rd day of April, 2003.



BOBBIE C. ELY
Court Administrator

Exhibit 21

SALES PERSON: SM

ITINERARY

DFUNIF

DATE: 30 SEP 02

PAGE: 01

TO: NAPSA-ATTN MARILYN WALCZAK
229 E. WISCONSIN AVE NO. 1250
MILWAUKEE, WI 53202
WANDA SPANN

FOR: SPANN/WANDA

05 OCT 02 - SATURDAY

AIR	DELTA AIR LINES INC	FLT:400	ECONOMY	
	LV ATLANTA		1230P	EQP: MD-80
	DEPART: SOUTH TERMINAL			01HR 41MIN
	AR WASHINGTON REAGAN		211P	NON-STOP
	ARRIVE: TERMINAL B			REF: D5A3CN
	SPANN/WANDA	SEAT-18D		

09 OCT 02 - WEDNESDAY

AIR	DELTA AIR LINES INC	FLT:1897	ECONOMY	
	LV WASHINGTON REAGAN		1105A	EQP: MD-80
	DEPART: TERMINAL B			01HR 49MIN
	AR ATLANTA		1254P	NON-STOP
	ARRIVE: SOUTH TERMINAL			REF: D5A3CN
	SPANN/WANDA	SEAT-19D		

ANY QUESTIONS OR CHANGES PLEASE CALL 800-287-3158

THIS IS A NON REFUNDABLE TICKET CHANGES SUBJECT TO A FEE

THIS IS AN ELECTRONIC TICKET PHOTO ID REQUIRED AT CHECK IN

NEW TICKET TOTAL 208.00

SERVICE FEE 25.00

OLD TICKET CREDIT 251.00

LESS CHANGE FEE 100.00

TOTAL DUE 82.00

Ticket #

006-729-6241065

Exhibit 22

9 COUNTY BOARD OF COMMISSIONERS - TRAVEL EXPENSE STATEMENT

County Name Wanda S. Spann Reason for Travel National Assoc. of Pretrial Services Agencies Annual Training Conference Agency # 155 Orig # 8490 Repayable Training Y

DATE: 10-12-02

DAY OF WEEK	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
DATE TRAVELED	10/6	10/7	10/8	10/9			10/5
TRAVELED FROM							
TRAVELED TO							
TRAVELED TO							

EXISTENCE/ TRAVEL:

dging	148.16	148.16	148.16				148.16
als/Tips - Breakfast (Maximum \$6)	6.00	6.00	6.00	6.00			
Lunch (Maximum \$8)	8.00	8.00	8.00	8.00			8.00
Dinner (Maximum \$16)	16.00	16.00	16.00				16.00
Fare/Railroad * \$376.00							
l (County/Rental Car)							
sonal Car Mileage Reimbursement*							
Subway, Etc.							
al Car							
STRATION							
ELLANEOUS:							
ing							
phone							
r (Explain Below)							
TD TOTAL	178.16	178.16	178.16	14.00			172.16

LESS: TRAVEL ADVANCE TAKEN

AMOUNT DUE EMPLOYEE

AMOUNT DUE COUNTY

(ATTACH CHECK)

al Car - Ending Mileage							
Less Beginning Mileage							
Equals Total Mileage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Multiplied By Mileage Rate	x 3.365	x 3.365	x 3.365	x 3.365	x 3.365	x 3.365	x 3.365
al Car Mileage Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	0.00

NATIONS: *Travel reimbursement includes \$251.00 for charges made to my hit card for an Airline ticket purchased through the same travel

icy to attend the 2001 NAPSA Conference. Due to an office emergency,

ed to abruptly cancel the trip. The travel agency applied \$108.00 from the old ticket to the new one (cost nces are still on my credit account, and I am seeking reimbursement from the County to remove them.

EMPLOYEE REPAYMENT AGREEMENT

I understand that, in accordance with the Repayment Policy adopted on July 28, 1999, should resign or be terminated for cause within 12 months of this training, I will be liable for 1/2 of the total training when such total cost exceeds \$1,000. Such may be accounted for on this form and/or on other forms.

Wanda S. Spann
Employee
Wanda S. Spann
Auditor

I certify that to the best of my knowledge the information given is true and correct.

EMPLOYEE SIGNATURE *Wanda S. Spann*
AUTHORIZING SIGNATURE: *Wanda S. Spann*
Dept. Manager *Wanda S. Spann*
COUNTY MANAGER
BOARD OF COMMISSIONERS:

Exhibit 23

MAGISTRATE COURT OF COBB COUNTY

FRANK R. COX
Chief Judge

JOAN VAUGHAN BLOOM
DONALD T. PHILLIPS
Magistrate Judges

BOBBIE C. ELY
Court Administrator (770) 528-8999

SHEILA H. WALKER
Clerk (770) 528-2387



Public Safety Building
32 Waddell Street
Marietta, Georgia 30090
(770) 528-8900 Fax 528-8947
TDD (678) 581-5432
www.cobbcounty.org

ROBERT G. HALVORSON
Court Reporter

TRACIE GRABARKEWITZ
Administrative Assistant
(770) 528-8924

March 13, 2003

Mrs. Debra Dance
Assistant County Attorney
100 Cherokee Street
Marietta, GA 30060

Re: Pretrial Division Inquiry

Dear Debra:

I am providing you with a set of copies of documents gathered to date in reference to the Pretrial Division inquiry.

Belinda Brock is currently working with her medical care providers to obtain copies of her records. Her goal is to be able to provide us with the copies next week. She indicated earlier today that she would be meeting with you on Monday morning. A copy of her rough draft affidavit is included in the documentation provided.

I have confirmed with Judge Cox the meeting for March 19, 2003 at 2:00 p.m. If additional information is needed, please contact me.

Sincerely,

BOBBIE C. ELY
Court Administrator

Enclosures/

Exhibit 24

DATE 10-2-01

Sundays

PAGE 1

DATE

PAGE 2

Dear Wander,

I don't know how to start this and I really don't know what I want to say. There are no words to describe what I'm going through right now. All that I do know is that my mind is not right, my emotions are all mixed up, and I hope this nightmare is over soon.

I saw my therapist this afternoon. I told her that I was feeling very anxious about not talking to you right now but that I just can't.

I told her about how I had always been able to tell you anything about what is going on with me until now and now I really don't want to speak much to anybody. She suggested that I write you, so I'm giving it a shot.

The psychiatrist prescribed an additional medicine for me to take last week to try to boost the antidepressant medication but I didn't get it filled until today because I didn't want to take any more medicines. However, the therapist told me today that I should take it so I did. The psychiatrist also said that the medication should start kicking in by next week and for me to take more of the Xanax during the day. I feel like all of my emotions are just numb. Nothing makes me want to smile + nothing makes me want to cry - just numb.

I am doing the best I can to get better and I hope + pray to God that there will be a breakthrough by Nov 1st.

DATE

PAGE 3

DATE

PAGE 4

I appreciate very much the get well card from everyone. I miss you all. I feel terribly bad that this has happened to me because I know you need me there but right now, anything associated with work causes me to have panic attack symptoms.

The only places I have been to have been a few places to eat close by the house and church last Sunday + Wednesday night. However, I get so nervous even about going to church that I was trembling and had to take Xanax. Dr. Adams said the last thing I needed is to stay in the house because I would develop other problems.

Jeff has insisted that I get out with him to take a walk a few times. I know I need to because I sleep so much my body seems weak + tired but it's really hard.

I don't want to keep on + on about all this but I know you're in the dark about me and so I wanted to at least try to explain somehow what I'm going through. I just can't handle talking on the phone until I get better.

Please tell everyone I said hello and that I miss them. If you have a minute or two to write me, I would love to hear from you.

Exhibit Good Bless!
25

MAGISTRATE COURT OF COBB COUNTY

FRANK R. COX
Chief Judge

JOAN VAUGHAN BLOOM
DONALD T. PHILLIPS
Magistrate Judges

BOBBIE C. ELY
Court Administrator (770) 528-8999

SHEILA H. WALKER
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www.cobbcounty.org

ROBERT G. HALVORSON
Court Reporter

TRACIE GRABARKEWITZ
Administrative Assistant
(770) 528-8924

March 18, 2003

Mrs. Debra Dance
Assistant County Attorney
100 Cherokee Street
Marietta, GA 30060

Re: Pretrial Division Inquiry

Dear Debra:

I am providing you with additional documents related to the Pretrial Division inquiry.

I am sorry I missed you earlier. Judge Cox wanted to see if it would be possible to move tomorrow's meeting to sometime later today. We look forward to hearing from you.

Sincerely,

BOBBIE C. ELY
Court Administrator

Enclosures/

Exhibit 26

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WANDA SPANN,	*	
	*	
Plaintiff,	*	
	*	
vs.	*	Civil Action No.:
	*	1:04-CV-1951 (MHS)
COBB COUNTY GOVERNMENT	*	
COBB COUNTY SUPERIOR COURT	*	
JUDGES COUNCIL	*	
COBB COUNTY PRETRIAL COURT	*	
SERVICES AGENCY,	*	
FRANK COX, in his OFFICIAL	*	
CAPACITY as HONORABLE CHIEF	*	
JUDGE OF THE COBB COUNTY	*	
MAGISTRATE COURT & in his	*	
INDIVIDUAL CAPACITY,	*	
	*	
Defendants	*	

AFFIDAVIT OF HOWARD CHESHIRE

After being properly sworn, Howard Chesshire testifies
as follows:

1.

I am competent in age and mind to give the testimony
in this affidavit, and I present this affidavit for use in
defending the above-styled case, currently pending before
this Court.

2.

I am employed as the Court Administrator of the Cobb
County Superior Court. I have held this position since
1985.

Exhibit 2.7

3.

I am familiar with the Cobb County Pre-trial Services program (hereinafter "Pre-trial Services"), the program that employed Plaintiff, Wanda Spann, and the manner in which it is operated.

4.

The pre-trial services function of the Cobb Judicial Circuit was officially recognized by an Order of the Superior Court of Cobb County filed October 22, 1973. (Exhibit A)

5.

During the period between July 1, 1985 and October 24, 1985, Pre-trial Services was under the supervision and administration of the office of the Court Administrator of the Cobb County Superior Court as provided in Georgia Uniform Superior Court Rule 27.1.

6.

By Order of October 24, 1985, the supervision and administration of the Pre-trial Court Services was transferred entirely from the Court Administrator to the Chief Magistrate Judge. This was done pursuant to Uniform Superior Court Rule 1.2(B) and with the approval of the Georgia Supreme Court. (Exhibit B, and attached letters)

7.

27-1

The Superior Court has had no administrative role with regard to Pre-trial Services since ~~June 30~~, 1985.

8. *October 24, 87*

The Superior Court does not have the authority to determine the terms and conditions of the employees of Pre-trial Services. The Superior Court does not determine who is hired by Pre-trial Services. It does not make decisions concerning the termination of employees of Pre-trial Services. It does not set the work schedule of Pre-trial Services employees, nor does it determine the manner, method and means by which the work done by the employees of Pre-trial Services is accomplished. Further, the Superior Court does not pay the wages and benefits of employees of the Pre-trial Services.

9.

Further, there is no appeal process of employment decisions made by the Cobb County Magistrate Court through the Superior Court. At no time did any judge or other agent of the Superior Court have the authority to make employment decisions concerning Plaintiff.

10.

The Superior Court Judges Council is not an entity that has the ability to hire and fire employees. The Council is made up of the Judges of the Superior Court of

27-2

Cobb County and functions solely as a group in order to
promote the efficient operation of the Superior Court and
its duties.

Further this affiant sayeth not.


Howard Chesshire

Sworn to and subscribed
Before me this 10th day
of November 2004.


NOTARY PUBLIC

My commission expires: Notary Public, Cobb County, Georgia
My Commission Expires April 21, 2008