

SUPREME COURT OF GEORGIA
Case No. S24H0192

April 16, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JAMIE PATRICK HAHN v. ANGELA REAVES, WARDEN et al.

Upon consideration of the application for certificate of probable cause to appeal the denial of habeas corpus, it is ordered that it be hereby denied.

All the Justices concur, except Peterson, P. J., not participating.

Trial Court Case No. 2021SUCV50177

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

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

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa A. Barnes, Clerk

IN THE SUPERIOR COURT OF BALDWIN COUNTY
STATE OF GEORGIA

JAMIE PATRICK HAHN,
Petitioner,

v.

ANGELA REEVES, Warden,
TIMOTHY WARD, Commissioner,
Respondents.

Civil Action No.: 2021-SU-CV-50177
HABEAS CORPUS


Mitch Longino, Clerk
Baldwin County, Georgia

**ORDER DENYING PETITIONER'S APPLICATION FOR
WRIT OF HABEAS CORPUS**

Petitioner filed this petition for writ of habeas corpus challenging his imprisonment following a probation revocation. A full hearing was held on November 24 and December 15, 2021 where the Petitioner represented himself and the Respondents were represented by Assistant Attorneys General Leslie Coots and Matthew Crowder at the hearings and Michael Oldham in the subsequent brief. Petitioner asserts his incarceration is unlawful claiming five grounds.

On May 15, 2018, Petitioner was convicted by a Decatur County jury for multiple counts of child molestation. On appeal, the conviction was affirmed, but the multiple counts were merged for purposes of sentencing. Hahn v. State, 356 Ga. App. 79, 846 S.E.2d 258 (2020), cert. denied (Mar. 15, 2021), cert. dismissed (Mar. 15, 2021), cert. denied sub nom. Hahn v. Georgia, 211 L. Ed. 2d 133, 142 S. Ct. 287 (2021), reh'g denied, 212 L. Ed. 2d 794, 142 S. Ct. 2735 (2022)

Habeas Corpus is a special statutory proceeding, civil in nature, that begins assuming the conviction in question to be "presumptively valid," Gaither v. Gibby, 267 Ga. 96, 97 (1996). A petitioner bears the burden of proving, by a preponderance of the evidence, that his constitutional rights were violated. Id. Here, the only evidence or argument proffered by the Petitioner is belied by the official record. He provides no evidence of that record's inaccuracy.

Pursuant to O.C.G.A. 9-14-48(d) a Habeas Corpus Court is confined to considering claims arising from "timely motion[s] or objection[s]" and ineffective assistance of counsel. "[F]ailure to enumerate as error on appeal any alleged error or deficiency stands on like footing with a failure to

make timely objection in the trial court—that is, the same shall be waived. Being waived, there then exists a procedural bar to its consideration in habeas corpus proceedings,” Earp v. Angel, 257 Ga. 333, 334, 357 S.E.2d 596, 596 (1987) (citations omitted). When asked at the habeas hearing if “any of the issues in the habeas were raised” on direct appeal, Petitioner replied, “They were not raised in direct appeal, no, sir.” (December Habeas Transcript 15). As Petitioner did not raise these issue on direct appeal, and offers no explanation for the failure or delay, he is now procedurally barred from raising any at the habeas level. Chatman v Mancill, 278 Ga. 488 (2004).

Hence the only relief available to Petitioner comes through claims of ineffective assistance of counsel. This Court will address each of Petitioner’s claims on that basis.

Petitioner first asserts that the statutory definition of “child” requires that his conviction be overturned. The general provision of O.C.G.A. § 1-3-3 defines “child” as a “legitimate descendant” Petitioner asserts that his conviction for child molestation in violation of O.C.G.A. § 16-6-4 must, in light of that definition, be set aside as the victim alleged was not the Petitioner’s child or descendant. Such argument ignores the plain reading of the statute prohibiting “an immoral or indecent act to or in the presence of or with any child.” There is no requirement that the victim be biologically or legally related to the offender to support a conviction for child molestation. This issue has been decided adversely to Petitioner in Sraley v. State, 284 Ga. 873, 874, 672 S.E.2d 615, 616 (2009). As this claim would not have prevailed if raised by previous counsel, Petitioner cannot claim ineffectiveness for failing to raise it. U.S. v. Nyhuis, 211 F3d 1340, 1344 (11th Cir. 2000).

Petitioner next asserts that venue was not proven at his trial and his appellate counsel was deficient for failing to raise that issue on appeal. Appellate Counsel, Betsey Tate, testified that Petitioner provided “a very detailed list of issues with case cites and everything. I very carefully went through that list and researched all the issues.” (November Habeas Transcript 22) Counsel then pursued all she considered “meritorious,” but she did not recall whether she reviewed the venue proof. (November Habeas Transcript 18-19). The trial transcript reflects that Decatur County, Georgia was proven to be the location of the crime (December Habeas Transcript 442). As this issue would ultimately be meritless, a lawyer’s failure to preserve it clearly cannot prejudice the Petitioner.

During trial of Petitioner's case, the jury heard testimony concerning analysis of the alleged victim's bedding. Petitioner claims that the State's evidence was internally inconsistent and therefore cannot support a conviction. As a result of those alleged inconsistency, Petitioner asserts that his prior counsel was ineffective for not highlighting the confusion or outright falsifications that Petitioner claims. The jury heard the testimony of the chain of custody and analysis of stains on that bedding. Such factual claims are conclusively resolved by the jury against the Petitioner. This Court may not "substitute its judgment for that of a court of competent jurisdiction which reviewed identical evidence." Walker v. Penn, 271 Ga. 609, 611, 523 S.E.2d 325, 327 (1999). When Petitioner's appellate counsel was asked about raising this issue on appeal, she said "she didn't notice any issues with" the blankets that were "important... or [were] going to be meritorious" (November Habeas Transcript 17-18), but could have missed it. (id at 20). Though placed on the first Motion for New Trial, appellate counsel later abandoned this issue in the second amended motion and subsequent appeal (December Habeas Transcript 200 et seq). The evolving choice not to pursue this issue shows intentional analysis in counsel's decision-making. In light of the evidence presented at trial, these appear to be logical, tactical decision made by appellate counsel. Nonetheless, Petitioner again fails to identify performance below the expected standard for attorneys, as well as a likely different outcome from that performance. He has not carried his burden to show legal ineffectiveness. See generally Strickland v. Washington, 466 U.S. 668 (1984).

In his fourth enumeration Petitioner claims a violation of his Sixth Amendment right to counsel during his interviews with law enforcement. Appellate counsel testified that she "vetted the issues, and some of them I determined I felt that they weren't meritorious and that I wouldn't -- and told him that I wouldn't raise them." (November Habeas Transcript 17). The record reflects that the Trial Court reviewed the relevant evidence and found that Petitioner "voluntarily, knowingly, and intelligently" waived his *Miranda* rights when choosing to speak to the authorities of Glasgow, Kentucky and Decatur County, Georgia. That finding appears to have been supported by the evidence. The transcript of the Petitioner's interview reveals that, after being fully advised of his rights he voluntarily waived them (December Habeas Transcript 670), and then, after another discussion of those rights, Petitioner agreed to speak to the officers (December Habeas Transcript 696). The transcript does not show reluctance, request to halt the interview, or an invocation of the right to any attorney (December Habeas Transcript 689), by the Petitioner. Contesting the Trial

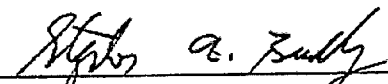
Court's ruling on Petitioner's statement appears meritless, therefore appellate counsel was not ineffective for not pursuing it.

Finally, Petitioner claims vague irregularity surrounding the return of his indictment, but shows no violations of rule or statute. The Trial Court enjoys "the presumption, long recognized in Georgia, in favor of the regularity and legality of all proceedings in the courts below." Nash v. State, 271 Ga. 281, 284, 519 S.E.2d 893, 895 (1999). Petitioner bears the burden of showing an illegality in his case. Petitioner has shown evidence of constitutional or statutory violations making his incarceration unlawful from the return of his indictment in open court. He offers no evidence or authority in support of his position. Petitioner points to the date the indictment was returned in open court (February 7, 2016, which the State asserts is an obvious scrivener's error for a Grand Jury that served from November 2016 to May 2017). The date the indictment was returned cannot be deemed fatal, even if wrong, if the dates contained in the actual allegations of the indictment are not required to be perfect, unless alleged to be material allegations, which the date of return in open court can never be. See Townsend v. State, 357 Ga. 111, 115 (2020). Petitioner has failed to show identifiable illegality in this ground as well. Therefore, appellate counsel's failure to assert this claim is not below expected legal standards and there is not likelihood of a different outcome on appeal from her failure to do so.

THEREFORE, Petitioner has failed to carry his burden and his request for a writ of habeas corpus is hereby DENIED.

If Petitioner desires to appeal this order, he must file an application for a certificate of probable cause to appeal with the Clerk of the Georgia Supreme Court within thirty (30) days from the date this order is filed. Petitioner must also file a notice of appeal with the Clerk of Baldwin County Superior Court within the same thirty (30) day period.

IT IS SO ORDERED this the 31st of August, 2023.


STEPHEN A. BRADLEY
Judge, Baldwin County Superior Court
Ocmulgee Judicial Circuit

CERTIFICATE OF SERVICE

I, Molly Bonner, Secretary to Judge Stephen A. Bradley, do hereby certify that I have this day served the within Order Denying Petitioner's Application for Writ of Habeas Corpus upon the individuals listed below by electronic transmission or by mailing a copy to them by U.S. Mail in envelopes having sufficient postage thereon to ensure delivery and addressed as follows:

Jamie Patrick Hahn
GDC ID# 100952908
Walker State Prison
P. O. Box 98
Rockspring, GA 30739

Michael A. Oldham, Esq.
Attorney for Respondent
moldham@law.ga.gov

Original e-filed with Clerk of Court

This 31st day of August, 2023.



Molly L. Bonner
Post Office Box 111
Monticello, Georgia 31064
Tel: (706) 468-4906

APPENDIX - B
2011 INDICTMENT

Witnesses for the State

Redell Walton

PLEA

The Defendant Jamie Patrick Hanh waives indictment by Grand Jury, notice of arraignment, and agrees for the Judge to pass on all questions of law and fact and on being formally arraigned, pleads

guilty this

day of _____, 20____

Defendant

Attorney for Defendant

No. 11CR00220

**SUPERIOR COURT
DECATUR COUNTY
STATE OF GEORGIA
NOVEMBER TERM, 2011**

VS.

JAMIE PATRICK HANH

Ct. 1 Aggravated Child Molestation (O.C.G.A. § 16-6-4(c))

Ct. 2 Child Molestation (O.C.G.A. § 16-6-4(a))

Bill
Linda B. Lumpkin
Foreperson

Joseph K. Mulholland
District Attorney

Redell Walton

Prosecutor

INDICTMENT

Received in Open Court from the sworn Grand Jury Bailiff, and filed in office this

15 day of November
2011.

Sue Morris
Op. Clerk, Superior Court

ARRAIGNMENT

The Defendant Jamie Patrick Hanh

Waive _____ formal arraignment.

Plead not guilty.

This _____ day of _____ 20____

Defendant

Attorney for Defendant

JOSEPH K. MULHOLLAND - District Attorney

VERDICT

We, the Jury, find the Defendant Jamie Patrick Hanh

This _____ day of _____ 20____

Foreperson

JOSEPH K. MULHOLLAND - District Attorney

**GEORGIA, DECATUR COUNTY
IN THE SUPERIOR COURT OF SAID COUNTY**

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

- | | |
|-------------------------------------|--------------------------|
| 1. Linda Yvonne Lumpkin, Foreperson | |
| 2. Deborah W. McIntyre, Clerk | 13. Maurice Baulkman |
| 3. Kendall Stavely Sheffield | 14. Debra Sue Braswell |
| 4. Kathy W. Varner | 15. |
| 5. Antonio D. Childs | 16. William Lee Barber |
| 6. George Carter | 17. Vivian Brown Ware |
| 7. | 18. Mark A. Esquivel |
| 8. Inez Sapp Carter | 19. Lucy M. Stubbs |
| 9. Beverly S. Cutchens | 20. |
| 10. Fletha B. Campbell | 21. |
| 11. Blanchie M. Brooks | 22. Danny E. Walker, Jr. |
| 12. | 23. J. B. Swicord |

Count 1

In the name and behalf of the citizens of Georgia, charge and accuse **JAMIE PATRICK HANH** with the offense of **Aggravated Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, then and there did commit an indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to satisfy the sexual desires of himself by rubbing his penis on her urethra, said act causing injury to said child, to wit: damaging her urethra, contrary to the laws of said State, the good order, peace and dignity thereof.

Count 2

And the aforesaid Grand Jurors, in the name and behalf of the citizens of Georgia, further charge and accuse **JAMIE PATRICK HANH** with the offense of **Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, then and there did commit an indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to satisfy the sexual desires of himself by rubbing his penis on her vagina, contrary to the laws of said State, the good order, peace and dignity thereof.

Indictment prepared by:

JOSEPH K. MULHOLLAND
District Attorney
PO Drawer 1870
Bainbridge, GA 39818
Telephone: 229-248-1823

APPENDIX - C
2016 INDICTMENT

GEORGIA, DECATUR COUNTY
IN THE SUPERIOR COURT OF SAID COUNTY

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

1. Joseph Franklin Faircloth, Foreperson	
2. Debbie S. Strickland, Clerk	13. Linda G. Pounsel
3. Willie C. Burke	14. Bethany Marie Martins
4. Thomas P. Toliver	15. James A. Gail, III
5. Larry Gaines	16. Martha A. Pearson
6. Anthony G. Cooper	17. Janet D. Jones
7. Jovon Jackson	18. Cassandra G. Foster
8. James Neal Dollar, II	19. Karen Ann Rice
9. Ashley Denise Cason	20. Tynesia L. Adams
10. Melissa H. Beckham	21. Marian M. Genovar
11. Frank G. Flowers	22. David Gerald Davis
12. McKinley Strong, Jr.	23. Chasity B. Burke

Count 1

In the name and behalf of the citizens of Georgia, charge and accuse **JAMIE PATRICK HAHN, AKA: HANH, JAMIE PATRICK** with the offense of **Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, did commit an immoral and indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to arouse and satisfy the sexual desires of himself by rubbing his penis on her vagina, an act separate and distinct from charges in count 2, count 3, count 4, and count 5, contrary to the laws of said State, the good order, peace and dignity thereof.

Count 2

And the aforesaid Grand Jurors, in the name and behalf of the citizens of Georgia, further charge and accuse **JAMIE PATRICK HAHN, AKA: HANH, JAMIE PATRICK** with the offense of **Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, did commit an immoral and indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to arouse and satisfy the sexual desires of himself by rubbing his penis on her vagina, an act separate and distinct from charges in count 1, count 3, count 4, and count 5, contrary to the laws of said State, the good order, peace and dignity thereof.

Count 3

And the aforesaid Grand Jurors, in the name and behalf of the citizens of Georgia, further charge and accuse **JAMIE PATRICK HAHN, AKA: HANH, JAMIE PATRICK** with the offense of **Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, did commit an immoral and indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to arouse and satisfy the sexual desires of himself by rubbing his penis on her vagina, an act separate and distinct from charges in count 1, count 2, count 4, and count 5, contrary to the laws of said State, the good order, peace and dignity thereof.

Count 4

And the aforesaid Grand Jurors, in the name and behalf of the citizens of Georgia, further charge and accuse **JAMIE PATRICK HAHN, AKA: HANH, JAMIE PATRICK** with the offense of **Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, did commit an immoral and indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to arouse and satisfy the sexual desires of himself by rubbing his penis on her vagina, an act separate and distinct from charges in count 1, count 2, count 3, and count 5, contrary to the laws of said State, the good order, peace and dignity thereof.

Count 5

And the aforesaid Grand Jurors, in the name and behalf of the citizens of Georgia, further charge and accuse **JAMIE PATRICK HAHN, AKA: HANH, JAMIE PATRICK** with the offense of **Child Molestation** for that the said accused, between the 1st day of October, 2010, and the 26th day of July, 2011, the exact date of the offense being unknown to the Grand Jury, in Decatur County, Georgia, did commit an immoral and indecent act to Emily Sullivan, a child under the age of 16 years, with the intent to arouse and satisfy the sexual desires of himself by rubbing his penis on her vagina, an act separate from charges in count 1, count 2, count 3, and count 4, contrary to the laws of said State, the good order, peace and dignity thereof.

Indictment prepared by:

Joseph K. Mulholland
District Attorney
PO Drawer 1870
Bainbridge, GA 39818
Telephone: 229-246-1823
Bar #527912
Fax: 229-246-7518
jmulholland@pacga.org

Witnesses for the State

Redell Walton

PLEA

The Defendant Jamie Patrick Hahn waives indictment by Grand Jury, notice of arraignment, and agrees for the Judge to pass on all questions of law and fact and on being formally arraigned, pleads

guilty this

day of _____, 20____

Defendant

Attorney for Defendant

No. 17CR00029

**SUPERIOR COURT
DECATUR COUNTY
STATE OF GEORGIA
ADJOURNED NOVEMBER TERM, 2016
vs.
JAMIE PATRICK HAHN, AKA: HANH,
JAMIE PATRICK**

Ct. 1 Child Molestation (O.C.G.A. 16-6-4(a))

Ct. 2 Child Molestation (O.C.G.A. 16-6-4(a))

Ct. 3 Child Molestation (O.C.G.A. 16-6-4(a))

Ct. 4 Child Molestation (O.C.G.A. 16-6-4(a))

Ct. 5 Child Molestation (O.C.G.A. 16-6-4(a))

True
Bill

Foreperson

**Joseph K. Mulholland
District Attorney**

Redell Walton

Prosecutor

INDICTMENT

Received in Open Court from the sworn Grand Jury Bailiff, and filed in office this

7 day of February

20, 16

Sue Morris

Op. Clerk, Superior Court

JOSEPH K. MULHOLLAND - District Attorney

ARRAIGNMENT

The Defendant Jamie Patrick Hahn

Waive _____ formal arraignment.

Plead not guilty.

This _____ day of _____ 20____

Defendant

Attorney for Defendant

**JOSEPH K. MULHOLLAND - District
Attorney**

VERDICT

We, the Jury, find the Defendant
Jamie Patrick Hahn

This _____ day of _____ 20____

Foreperson

APPENDIX- D

HABEAS CORPUS TRANSCRIPTS
DECEMBER 15, 2021

IN THE SUPERIOR COURT OF BALDWIN COUNTY
STATE OF GEORGIA

JAMIE PATRICK HAHN,

PETITIONER

v.

ANGELA REEVES, WARDEN
TIMOTHY WARD, COMMISSIONER

RESPONDENTS

CIVIL ACTION FILE NUMBER: 2021-SU-CV-50177

HABEAS CORPUS
VOLUME I OF II

BEFORE THE HONORABLE STEPHEN A. BRADLEY
JUDGE, SUPERIOR COURTS
DECEMBER 15, 2021

APPEARANCES OF COUNSEL:

For the Petitioner:
PRO SE

For the Respondent:
MR. MATTHEW CROWDER, ASST. AG
Office of the Attorney General
40 Capitol Square SW
Atlanta, Georgia 30334

* * * * *

TAMARA L. MADDOX
OFFICIAL COURT REPORTER
OCMULGEE JUDICIAL CIRCUIT
P.O. BOX 83388
CONYERS, GA 30013

1 had the documents with him that would work.

2 THE COURT: Apparently he's got the photographs that
3 were requested; is that right, Chief?

4 MR. WALTON: Actually, I don't, sir. I haven't
5 worked at the sheriff's office in about three years, and
6 normally for requests like this I would contact the
7 district attorney's office and the sheriff's office. They
8 are currently in trials in Cairo, Georgia, and just none
9 of them were available, so.

10 THE COURT: There you go, all right. So does that
11 give you the guidance you need, Mr. Hahn? It doesn't
12 sound like you're seeking to have Chief Walton testify; am
13 I understanding you correctly?

14 MR. HAHN: That is correct. I just knew since he was
15 the investigator in the case that he probably would have
16 been the one to have had the photos that were taken by the
17 sheriff's office.

18 THE COURT: Well, he has given you his best resource,
19 the way he would go about getting them.

20 MR. HAHN: Okay.

21 THE COURT: All right. So we can excuse Chief
22 Walton?

23 MR. HAHN: Yes, sir.

24 THE COURT: Mr. Crowder, did you have any reason to
25 call Chief Walton?

Tamara L. Hudson, CCR

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1 MR. CROWDER: No, Your Honor.

2 THE COURT: Any reason he can be -- he cannot be
3 excused?

4 MR. CROWDER: Well, again, obviously he's not here
5 under my subpoena, but I don't have any -- I was not --
6 I'm not seeking his testimony.

7 THE COURT: Chief Walton, you are excused with the
8 thanks of the Court.

9 MR. WALTON: Thank you very much.

10 THE COURT: Sure, take care.

11 MR. WALTON: Yes, sir.

12 THE COURT: All right, Mr. Hahn, any other witnesses
13 that you've got today?

14 MR. HAHN: I had sent the subpoenas out after we
15 spoke from the hearing right before Thanksgiving, and --

16 THE COURT: And you sent a request to the Clerk of
17 Baldwin County? I asked that they issue those subpoenas.

18 MR. HAHN: Yes, sir, I did. I requested for my trial
19 attorney, Patrick Chisholm, I requested for the Clerk of
20 Court, and -- Cecilia Willis, and I requested Frank
21 Horkan, the judge in the case.

22 THE COURT: I don't know that you're gonna be able to
23 subpoena a judge, but in terms of the court reporter gave
24 a Florida address, and -- and so if she does not come
25 willingly, you're gonna have to go through the Interstate

Tamara L. Hudson, CCR

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1 Act to secure the attendance of an out-of-state witness,
2 which will be your obligation, but I do not see her on the
3 Webex this morning, and I don't know anything about
4 subpoenaing a judge. I don't think that was in the
5 motion, but that would -- that would cause a different set
6 of concerns, but in terms of the trial counsel, you said
7 Mr. Chisholm?

8 MR. HAHN: Yes, sir, Patrick Chisholm and Cecilia
9 Willis, who is the Clerk of Court.

10 THE COURT: No, sir. Ms. Smith, can you hear me?
11 Ms. Smith from the Clerk's Office, can you hear me? There
12 you are. Ms. Smith, were subpoenas issued in Mr. Hahn's
13 case? You're muted, Ms. Smith. We've got some
14 interesting technology troubles today.

15 All right, well, I guess we're not gonna be able to
16 hear Ms. Smith, but regardless, at this stage do you have
17 any witnesses that you would like to present today, Mr.
18 Hahn?

19 MR. HAHN: Apparently my witnesses aren't here today
20 if they're not logged in.

21 THE COURT: All right. I am receiving notice that
22 one of the court reporters has received a subpoena in the
23 mail last night for a habeas hearing, they are in court in
24 Grady County today, and she is unable to join us, and the
25 Chief Judge of the Superior Court of South Georgia

Tamara L. Hudson, CCR

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1 Judicial Circuit says, affirmatively, that the petitioner
2 is Jamie Hahn, that's you, we do not transcribe grand jury
3 proceedings, which is apparently what he wants. All
4 right. That is Judge Kevin Chase. Does that answer your
5 question, Mr. Hahn?

6 MR. HAHN: Yes, sir, it does.

7 THE COURT: Okay, all right. Accordingly, is there
8 any other evidence that you would like to present?

9 MR. HAHN: I was gonna see if the Court had received
10 the brief I had submitted.

11 THE COURT: Submitted December 9th of this year; is
12 that right, Mr. Hahn?

13 MR. HAHN: I sent it before Thanksgiving, if that's
14 when it arrived. It should be about a 32 pages with
15 attachments.

16 THE COURT: Typed, and it's styled Habeas Corpus
17 Brief, is that right?

18 MR. HAHN: Yes, sir.

19 THE COURT: Yeah, I am in receipt thereof, yes, sir.

20 MR. HAHN: Okay.

21 THE COURT: Is there any other evidence that you
22 would like to present, Mr. Hahn?

23 MR. HAHN: The only thing I wanna get into, since I
24 wasn't able to complete the -- the last argument because I
25 didn't have the information I needed, which is dealing

Tamara L. Hudson, CCR

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INDEX OF EXHIBITS

Exhibit No.	Page
<u>Tendered/Admitted</u>	
None tendered	--

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TAMARA L. MADSON, CCR

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PROCEEDINGS

THE COURT: All right, next is Jamie Patrick Hahn versus Angela Reeves, who I presume to be a warden; is that right, Mr. Crowder?

MR. CROWDER: I believe so.

THE COURT: Okay. And the commissioner, Commissioner Ward. All right, are you Mr. Hahn?

MR. HAHN: Yes, Your Honor, I am.

THE COURT: All right. Are you ready to proceed, Mr. Hahn?

MR. HAHN: Yes, sir.

THE COURT: I believe we have at least one witness here on your case.

MR. HAHN: Yes, sir.

THE COURT: Mr. Walton, you're here for this matter; correct?

MR. WALTON: That's correct.

THE COURT: Call for hearing Jamie Patrick Hahn versus the Warden and the Commissioner, Baldwin County Civil Action 2021-SU-CV-50177.

All right. Mr. Crowder, you wanna give us a procedural history of how we got here?

MR. CROWDER: Your Honor, Mr. Hahn is challenging his Decatur County jury trial conviction for child molestation. It was -- again, a jury trial went up on

TAMARA L. MADSON, CCR

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appeal, citation on the appeal is Hahn versus State, 256 Ga. App. 79. In that case, I believe it was generally affirmed that there was some sentencing corrections made by the Court of Appeals. I think, as the Court has hinted at, we were here on this case on November 24th, at which we had a witness, Mr. Hahn's former appellate attorney, who testified at that hearing, and also at the hearing Mr. Hahn represented that he had sent a brief in support of his petition, which had not been received at the time of the November 24th hearing, and the Court continued the remainder of the hearing at that point to allow us to see that brief and see if there was anything further that we needed to do upon receiving that, in terms of evidentiary development. We do have documents for Mr. Hahn's underlying criminal case to tender at the end of this hearing and, as the Court has also stated, it's my understanding that Mr. Hahn has a witness here that he has subpoenaed, as well.

THE COURT: Okay. Investigator Walton, please tell me your rank and your agency. I believe you're muted.

MR. WALTON: Redell Walton, Chief of Police, Bainbridge Public Safety.

THE COURT: Thank you, Chief, and spell your first name for us.

MR. WALTON: R-e-d-e-l-l.

TAMARA L. MADSON, CCR

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THE COURT: Last name W-a-l-t-o-n?

MR. WALTON: Yes, sir.

THE COURT: All right. Mr. Hahn, did you wish to call Chief Walton as a witness?

MR. HAHN: No, sir. He wasn't one of the ones I sent the subpoenas in for.

THE COURT: Chief Walton, did you receive a subpoena in this case?

MR. WALTON: Yes, sir, I did.

THE COURT: And who -- where -- from whom did it arrive, Chief?

MR. WALTON: Handwritten by, I assume, Mr. Hahn, and it was requesting some photos, but also attached was an order where -- basically saying that this motion, State of Georgia versus Jamie Hahn on defendant's motion to produce records and transcripts, and at the bottom it says this motion is dismissed. I wasn't certain, but if I -- I needed to be here, but I'd rather err on the side of caution than, you know.

THE COURT: Absolutely, sure. You received a subpoena.

Mr. Hahn, are you saying you didn't issue a subpoena to Chief Walton?

MR. HAHN: I was issuing -- that one was for just documents, I wasn't needing himself to appear, but if he

TAMARA L. MADSON, CCR

5

APPENDIX - E
TRIAL TRANSCRIPTS

IN THE SUPERIOR COURT OF DECATUR COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

CASE NUMBER: 17-CR-00029

VOLUME 1

vs.

PAGES 1 - 183

JAMIE PATRICK HAHN,

CHARGES: Child Molestation
(5 Counts)

Defendant.
_____ /

FIRST DAY OF JURY TRIAL
BEFORE THE HONORABLE FRANK D. HORKAN, SENIOR JUDGE
ON MONDAY, MAY 14, 2018
AT THE DECATUR COUNTY COURTHOUSE

APPEARANCES

FOR THE STATE:

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FOR THE DEFENDANT:

PATRICK E. CHISHOLM, ASSISTANT PUBLIC DEFENDER
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REPORTED BY:

PATRICIA MURPHY BREWER, CCR
Certificate Number B-832

PATRICIA MURPHY BREWER, CCR
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TALLAHASSEE, FLORIDA 32317-5171

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1 at the YMCA here in Bainbridge with swimming. Apparently,
2 she's a pretty good swimmer and she was taking lessons at
3 the Y and that's where Jamie Hahn is introduced. He was
4 giving her swimming lessons, he became her swim coach, and
5 they did competitive swimming. Jeannie Cox got to know
6 Jamie and eventually they were married.

7 After they were married, he went to work over in
8 Eufala, Alabama. They moved over there for a period of
9 time. After a short period of time, they moved back to
10 Bainbridge. It was when they moved back to Bainbridge and
11 Emily Sullivan was about eight years old that this
12 started.

13 And what happened according to the evidence that
14 you'll hear is that Emily, being eight years old, in the
15 middle of the night one night gets scared and she goes in
16 and gets in the bed with her mother and Jamie Hahn. And
17 during the course of that evening, Jamie Hahn touches her
18 on her vagina with his hand.

19 At no time after that did she ever sleep in the bed
20 with him, according to the evidence, but that she would
21 sleep in her own bed but at various times over the next
22 eight or ten months, Jamie Hahn would come into the
23 bedroom where she slept and get in bed with her. And when
24 he got in there, he'd pull her pants down. He would
25 either be naked or take his clothes off and he would put

1 her on top of him or he would get on top of her, but he
2 would rub his penis on the outside of her vagina and he
3 would do that to the point where he ejaculated.

4 This went on, like I said, from October of 2010 to
5 around July of 2011.

6 And at some point, she told her grandmother about
7 what was happening. And her grandmother's name is
8 Catherine Cox. And Catherine Cox will tell about the
9 disclosure that she made to her. Jeannie Cox, of course,
10 also was made aware of it as the mother. And everybody is
11 shocked, never dreamed Jamie Hahn would do such a thing.
12 Okay. But based on Emily Sullivan's statement and
13 interviews afterwards with her, the Defendant was
14 arrested. Okay.

15 After his arrest, the police department or the
16 sheriff's department, they went in and with a search
17 warrant or actually a consent to search on Emily
18 Sullivan's bed and got her bedclothes, got her sheets and
19 her mattress cover and took them back to the sheriff's
20 department to do a forensic evaluation on the bedding.

21 And you will hear from Gale Bowyer who is a crime
22 scene technology guy. He took the sheets and they used
23 light sources, like ultraviolet light sources, that sort
24 of thing, just like you see on TV. And things like semen
25 stains will light up under these lights. He looked

1 two.

2 Q Did you tell your grandmother about it?

3 A No, sir.

4 Q Then you come back home?

5 A Yes, sir.

6 Q Were you still spending time between your
7 grandmother's and there?

8 A Yes, sir.

9 Q All right. What happens next?

10 A Some time passes and then he starts coming into my
11 room at night.

12 Q Do you know how much time passed?

13 A No, sir, I don't.

14 Q Are you talking days, week, months?

15 A I don't remember.

16 Q You don't remember? But you were still eight?

17 A Yes, sir.

18 Q Was your brother born yet?

19 A No, sir, not quite yet.

20 Q So what happens the next time he comes to your room?
21 Or I guess the first time he came to your room?

22 A He didn't do much the first time he came in.

23 Q Do you have your own room?

24 A Yes, sir.

25 Q And do you know what -- where was your mother working

1 at that time?

2 A She was working for the Clinton Nurseries in Havana,
3 Florida.

4 Q So she was working days?

5 A Yes, sir.

6 Q And when was Jamie working?

7 A He would work from early in the morning until late at
8 night because either he was commuting to Eufala or Fort Rucker.

9 Q He eventually went to Fort Rucker, or excuse me,
10 Eufala and went to work in Fort Rucker?

11 A Yes, sir.

12 Q And he was commuting from Bainbridge?

13 A Yes, sir.

14 Q So he would come home late?

15 A Yes, sir.

16 Q So the first time that he came into your bedroom, was
17 it nighttime or daytime?

18 A It was nighttime.

19 Q Late night?

20 A Yes, sir.

21 Q Were you asleep?

22 A Yes, sir.

23 Q What happened when he comes in there?

24 A He would come in there and he would take my pants
25 off. And if he wasn't already undressed, he would undress

1 Q Did you start staying with your grandmother more
2 after that?

3 A Yes, sir.

4 Q And when you said, the next summer, that would have
5 been months later?

6 A Yes, sir.

7 Q And from that incident that you just described until
8 you told your grandmother about it, do you have any idea how
9 many times this happened?

10 A More than five.

11 Q A lot more than five?

12 A Yes, sir.

13 Q And was it always at night?

14 A Yes, sir.

15 Q Always in your bed?

16 A Yes, sir.

17 Q Did it ever stop?

18 A No, sir, not until I moved down to Nanny's for a
19 couple of nights after I told her.

20 Q Is that when law enforcement got involved?

21 A Yes, sir.

22 Q And you told law enforcement the same thing?

23 A Yes, sir.

24 Q You had to have an examination, too; is that right?

25 A Yes, sir.

1 Q Where did you go get that done?
2 A I don't remember.
3 Q Was it a little building called the Oak House?
4 A No, sir, it was somewhere out of town.
5 Q Okay. And they did what they call a rape kit or a
6 SANE examination on you?
7 A Yes, sir.
8 Q All right. And certainly at this point, it stopped?
9 A Yes, sir.
10 Q Because he is no longer around; correct?
11 A (Nods head.)
12 Q I know this may sound strange but it has to do with
13 the Code section. Did you ever want him to do this?
14 A No, sir.
15 Q Did you ever give him permission to do this?
16 A No, sir.
17 Q He did this against your will?
18 A Yes, sir.
19 Q And this home that you lived in and the bed where
20 this occurred, is it in Decatur County, Georgia?
21 A Yes, sir.
22 MR. ATWELL: That's all I have of this witness.
23 THE COURT: Mr. Chisholm?
24 MR. CHISHOLM: Thank you, Your Honor.
25 CROSS-EXAMINATION

1 Q And you were inside at that time so you became
2 immediately aware of it?

3 A Yes, sir.

4 Q You said you were inside with the baby. That would
5 be Patrick?

6 A Yes, sir.

7 Q And that's Jamie Hahn's child as well; correct?

8 A Yes, sir.

9 Q How old was Patrick at that time?

10 A Like eight-and-a-half, nine months.

11 Q And this disclosure she made, did she tell you of
12 things that happened before Patrick was born?

13 A When she tried to tell me the first time that I
14 didn't understand was two weeks prior, around two weeks prior
15 to Patrick's birth.

16 Q And after this disclosure in July of 2011, she was
17 taken to the sheriff's department?

18 A Yes, sir.

19 Q And did anybody from the sheriff's office come out to
20 your home?

21 A Yes, sir.

22 Q Who was that?

23 A I think it was Mr. Phillips.

24 Q Terry Phillips?

25 A Yes.

1 Q What did he come out there for?

2 A He came out to get some evidence. He came and took
3 some things from the house.

4 Q And you gave him permission to do that?

5 A I did.

6 Q Were the things that he got the bedding from Emily's
7 room?

8 A Yes, he took the bedding from Emily's room.

9 Q In fact, let me show what you I will mark as State's
10 Exhibit 1. Do you recognize this form?

11 A Yes, sir.

12 Q What is that, if you know?

13 A That's when I gave him consent to come into the house
14 and get the things that he needed.

15 Q So you signed that allowing him to take the bedding
16 from Emily's room?

17 A Yes, sir.

18 MR. ATWELL: Move to admit State's Exhibit 1.

19 MR. CHISHOLM: No objection.

20 THE COURT: Admitted.

21 (THEREUPON, State's Exhibit Number 1 was received in
22 evidence.)

23 BY MR. ATWELL:

24 Q Did Terry in fact take the bedding?

25 A He did.

1 Q Did you -- did he ask you anything about the bedding?
2 A I don't recall.
3 Q Do you recall, were there sheets on there, a mattress
4 pad?
5 A Oh, yes, sir. I do know that we had just bought her
6 a brand new bed and put a brand new mattress pad, sheets, and
7 comforter.
8 Q Okay. And you said, just bought, how old was it?
9 A I mean, it was my mom bought her the bed set, the
10 bedding, the sheets and stuff, probably within the last six to
11 eight weeks prior to that.
12 Q And the sheets, had they been washed since the
13 initial setup of the bed?
14 A Yes, sir.
15 Q What about the mattress cover?
16 A The mattress cover, probably not washed from the
17 initial setup, no, sir.
18 Q Did you not tell them that it had not been washed,
19 the mattress cover?
20 A I don't remember.
21 Q But they took the sheets and the mattress cover?
22 A Yes, sir.
23 Q I say, they, Terry Phillips?
24 A Yes, sir.
25 MR. ATWELL: That's all I have.

CROSS-EXAMINATION

BY MR. CHISHOLM:

Q Ms. Cox, good afternoon. I have some questions for you as well. So you married Jamie Hahn, was that back in 2009?

A No, sir, we were married August 1st, 2008.

Q Thank you. Now you met here in Bainbridge; is that right?

A Correct.

Q You met when he was Emily's swim coach?

A Correct.

Q So Emily, of course, knew Jamie before you two get married?

A Yes, sir.

Q And he coached her?

A Yes, sir.

Q During the time that you guys had been married -- or had been dating and then when you got married, had they been close as stepfather, stepdaughter? Did they have a connection?

A I would say so, yes.

Q Now, at some point, the family moved to Eufala, Alabama; is that right?

A Correct.

Q That was so that Mr. Hahn could work in a swim coaching capacity at Fort Rucker up there; is that right?

A No, sir.

1 A Yes, sir.

2 Q Let me show what's been marked as State's Exhibit 1
3 and ask if you recognize that document.

4 A Yes, sir, I do.

5 Q What do you recognize that as?

6 A That's a waiver of consent to conduct a search form
7 from the Decatur County Sheriff's Office signed by
8 Ms. Jeannie Hahn and dated on 7/25, 2011 at 19:47 hours
9 regarding 178 Mills Road, Bainbridge, Georgia.

10 Q Did you go out there and in fact collect some
11 bedding?

12 A Yes, sir, I did.

13 Q Let me show you what I have marked as State's
14 Exhibit 2 and ask if you recognize that.

15 A Yes, sir, I do recognize this document.

16 Q What is that?

17 A This is a Decatur County Sheriff's Office receipt for
18 property.

19 Q Does it show that you received some property?

20 A Yes, sir. It shows that on 7/25, 2011 at
21 approximately 20:05 hours, which would be 8:05 p.m., I received
22 all bedding from the juvenile victim's bedroom located at
23 178 Mills Road.

24 Q That would be Emily Sullivan's bed?

25 A Yes, sir.

1 Q And what did you do with that bedding?

2 A I went -- well, I utilized latex gloves and I
3 collected all that bedding and I placed it in several evidence
4 bags. And as I was transporting it out the door, to the best
5 of my memory, Investigator Gale Bowyer drove up on the scene
6 and I turned it over to him.

7 Q Okay. So you put it in a bag, it wasn't a sealed
8 bag, you just put in a bag and handed it to him?

9 A That's correct. It was in a bag like Officer Walton
10 is holding there, basically a grocery bag, evidence bag.

11 Q So you got it off the bed and gave it to Gale Bowyer?

12 A Yes, sir.

13 Q All right. And you were through with it at that
14 point; correct?

15 A Yes, sir.

16 MR. ATWELL: All right. That's all I have of this
17 witness.

18 MR. CHISHOLM: Very quickly.

19 CROSS-EXAMINATION

20 BY MR. CHISHOLM:

21 Q Good afternoon, Investigator Phillips.

22 A Yes, sir.

23 Q So on July 25th, you went out to the home of
24 Jeannie Cox, then Jeannie Hahn; is that right?

25 A 178 Mills Road, yes, sir.

1 A That's correct.

2 Q How long have you been doing that full time?

3 A Since probably 2007, 2008.

4 Q Did you have any training and experience or any
5 training other than the experience that qualified you for that?

6 A I do. I'm a certified crime scene technician with
7 the State of Georgia. I went through a course of training
8 several hours for that. In June of 2007, I went to a two-week
9 homicide school at the Southern Police Institute in Louisville,
10 Kentucky.

11 At that point, it was a good introduction. We had a
12 DNA specialist came in and taught part of the course there, a
13 Dr. Lucy Howkes, who was from West Virginia. As I said, she
14 was a DNA consultant and instructor at the homicide school.

15 And then in 2008, I was fortunate enough to go to the
16 National Forensic Academy at the University of Tennessee in
17 Knoxville, and that was 400 hours of training there.

18 Q Have you ever been qualified in the courts of Georgia
19 as an expert in forensic examination or crime scene
20 investigation?

21 A Crime scene investigation, I have.

22 MR. ATWELL: I would tender Gale Bowyer as an expert
23 in crime scene investigation.

24 MR. CHISHOLM: I have no objection to the tender,
25 Your Honor.

1 THE COURT: Very well.

2 BY MR. ATWELL:

3 Q All right. Back on the 25th day of July, 2011, did
4 you receive some evidence from Terry Phillips with regard to
5 this case you're here on today?

6 A Yes, sir, I did.

7 Q All right. Let me -- how did you receive it? Let me
8 show you State's Exhibit 2, if you don't have this with you.

9 A Yes. Mr. Phillips or Investigator Phillips gave me,
10 it's all listed as bedding on this property receipt here. But
11 on the 25th, he turned it over to me for examination. As I
12 recall it was several grocery-style bags that the bedding was
13 in.

14 Q And what did you do with that bedding?

15 A That day, after receiving and I secured it into the
16 crime scene lab, which is a building that we have that's
17 dedicated to crime scene work or examination. And then the
18 next day on the 26th, the morning, I withdrew that bedding and
19 we began to examine it under an alternate light source.

20 Q And was it your understanding this bedding came from
21 the address on that sheet?

22 A That's correct, 178 Mills Road. That was my
23 understanding.

24 Q And was it told to you also that it came off the bed
25 of Emily Sullivan?

1 A That is correct, I was informed.

2 Q So tell the Jury, if you would, what is this
3 alternative light source that you're talking about?

4 A In this, an case alternate light source is a blue
5 light that is set at about 430 to 470 nanometers. What the
6 blue light does is certain biological fluids, especially semen
7 retains and fluoresces very well under the blue light. If --
8 and you also have to use a set of orange goggles with that.
9 It's a crazy combination but that's what it takes to be able to
10 see.

11 And you can look at this on an item and not even see
12 it in regular daylight, so to speak, but the alternate light
13 source can highlight those types of things.

14 Q So in this bedding, did you have bedsheets?

15 A I had bedsheets.

16 Q Anything else?

17 A I think there was a comforter or a spread. I think
18 maybe a pillowcase and there was basically also a mattress
19 cover.

20 Q Okay. And did you use the alternative light source
21 on all of that bedding?

22 A I did.

23 Q Did you find anything of significance on any of the
24 bedding?

25 A I did.

1 Q What was it that you found?

2 A On the mattress cover, which would be, you know, on
3 top of the bed, the closest thing to the bed, I picked up a
4 fluorescing pattern that looked like to me a biological
5 emission and it fluoresced very, very well. And it was in kind
6 of the approximate center of the bed mattress cover, excuse me,
7 the bed mattress cover.

8 Q All right. And when the light lights this up, you --
9 I mean is that dispositive? Are you sure of what you're
10 looking at or could it be other things?

11 A It could be other things, other things do fluoresce
12 under the light. A lot of washing powders and stuff will
13 fluoresce under the ALS light, the blue light. But I'm not
14 looking for fluorescence, I'm also looking at a pattern and the
15 pattern looked to me consistent with, as I said, a biological
16 emission.

17 Q All right. Let me show you what I have marked as
18 State's Exhibits 3 through 10 and ask if you recognize that.

19 A Yes, sir.

20 Q What do you recognize that as?

21 A Those are the photos I took of when we were
22 processing the bed mattress cover and the stain under the ALS
23 and I also have an orange lens on the camera. That's set up on
24 a tripod and for these types of shots where you're looking at
25 the stain, it has to be a very slow shutter speed and you have

1 and/or few partially intact spermatozoa. Then it states,
2 sample will be submitted for DNA analysis upon receipt of
3 adequate known reference samples from the victim and the
4 subject.

5 MR. ATWELL: Move to admit State's Exhibit 14.

6 MR. CHISHOLM: No objection.

7 THE COURT: It is admitted.

8 (THEREUPON, State's Exhibit Number 14 was received in
9 evidence.)

10 BY MR. ATWELL:

11 Q Let me ask you another question. Do you recall if
12 there were multiple locations from the seven stains that you
13 lifted?

14 A I do have my notes that has pictures. They're not
15 very good. It's really hard to see in this printout. But what
16 do you mean by, multiple locations?

17 Q We're talking about a mattress cover; right?

18 A Yes.

19 Q Was it a queen bed size; do you recall?

20 A It was twin.

21 Q Twin size. So you're talking several square feet
22 there. Do you know if you pulled the stains from one
23 particular location or were there several? When you said that
24 there were seven that you lifted?

25 A There was seven so there was seven different spots in

1 different places and if the picture was better, you could see
2 them better. But they can -- can I show this now? You can't
3 really see.

4 Q Well, if you can't see anything, it doesn't really
5 matter?

6 A But they are all here. This (indicating) is where
7 they are.

8 Q But they're in different locations.

9 A Yes, they're distinctly separate stains.

10 Q And let me ask again, you said there were seven
11 separate stains that you tested and three of them revealed --

12 A There was seven separate stains. Six of them
13 positive with the chemicals with the purple color. And of
14 those six, three revealed the presence of spermatozoa.

15 Q Okay. The ones that were just purple, would that be
16 a semen stain or what would it be?

17 A Those would be considered chemical indications of the
18 presence of semen.

19 Q So you have semen stains and then you have
20 spermatozoa?

21 A That's correct.

22 Q So six of them showed the presence of semen in six
23 different locations?

24 A Yes.

25 Q Three of them had actual spermatozoa?

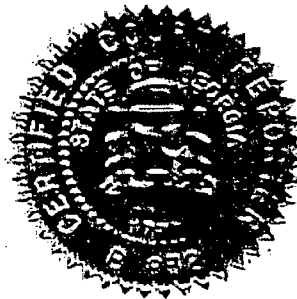
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CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF LEON :

I, PATRICIA MURPHY BREWER, Court Reporter,
certify that the foregoing is a true and correct transcript of
the proceedings taken down by me in the case aforesaid. The
exhibits attached hereto, if any, are copies of documentary
evidence only and the physical evidence remains in the custody
of the Clerk. This certification is expressly withdrawn and
denied upon the disassembly or photocopying of the foregoing
transcript or any part thereof, including exhibits, unless said
disassembly or photocopying is done by the official undersigned
court reporter and original seal and signature attached hereto.

Dated this 27th day of August, 2018.



Patricia M. Brewer

PATRICIA M. BREWER, CCR
Certificate Number B-832

GEORGIA, DECATUR COUNTY

I, CECILIA WILLIS, CLERK OF DECATUR COUNTY SUPERIOR
COURT, do hereby certify that the within and foregoing
TRANSCRIPT is the original copy filed in this office.

Given under my hand and official seal this ____ day
of _____, 20____.

CECILIA WILLIS, CLERK
DECATUR COUNTY SUPERIOR COURT

APPENDIX - F
PRE-TRIAL TRANSCRIPTS

IN THE SUPERIOR COURT OF DECATUR COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

CASE NO. 17-CR-00029

vs.

JAMIE PATRICK HAHN.

_____/

MOTIONS HEARING
BEFORE HONORABLE FRANK D. HORKAN, SENIOR SUPERIOR COURT JUDGE
ON TUESDAY, AUGUST 15, 2017
AT THE DECATUR COUNTY COURTHOUSE

APPEARANCES:

FOR THE STATE:

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Post Office Box 1870
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FOR THE DEFENDANT:

PATRICK E. CHISHOLM, ASSISTANT PUBLIC DEFENDER
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REPORTED BY:

LORI DEZELL, RPR, CCR
Certificate Number B-1013

LORI DEZELL, CCR, RPR
5170 Grandview Court
Tallahassee, Florida 32303

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PROCEEDINGS COMMENCED

WITNESS:

REDELL WALTON

Direct Examination by Mr. Chisholm
Cross-Examination by Mr. Atwell

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CERTIFICATE OF REPORTER

51

1 Mr. Hahn and his wife had a child; is that right?

2 A Yes.

3 Q A younger half-brother to the alleged victim,
4 Emily Sullivan?

5 A That's correct.

6 Q I believe his name is Patrick.

7 A I believe so.

8 Q Patrick was born November of 2010.

9 A I'm not sure about the date, but I remember him as a
10 smaller child.

11 Q You had -- certainly back in 2011 you had some
12 acquaintance with his age roughly?

13 A Yes.

14 Q You had contact with his mother?

15 A Yes.

16 Q She was not uncooperative in your investigation,
17 correct?

18 A That's correct.

19 Q If you had -- you had the ability to ask her, hey,
20 how old is your son Patrick?

21 A Yes.

22 Q Okay. And given your familiarity of his rough age,
23 when I say that he was born November 2010, does that sound
24 about right to you?

25 A That sounds about right, yes.

1 Q In the course of her interview with Dr. Shank, Emily
2 refers to certain incidents happening. I think she said this
3 began when her mother was pregnant; is that right?

4 A That's correct.

5 Q She also I believe -- and this may have been in
6 her -- not her -- in a statement to a child advocate -- I'm
7 sorry, but did she also refer to acts of molestation that she
8 said happened in a queen size bed, that it was easier for Jamie
9 to mess with her once she got into the queen size bed?

10 A (Reviewing document.) Yes. She made that statement
11 to Captain Croley.

12 Q And that she referred to getting the queen size bed
13 over the course of this, that she had not always had that queen
14 size bed, when they got the queen size bed, then she said that
15 the acts of molestation were -- I don't think more frequent,
16 but I think she said it was easier for her to get in the bed
17 with him; is that right?

18 A Yes.

19 Q Indicating that at some point during this range a
20 queen size bed was acquired?

21 A Yes.

22 Q And are you aware when that bed was acquired?

23 A No, sir.

24 Q Emily's mother would be aware?

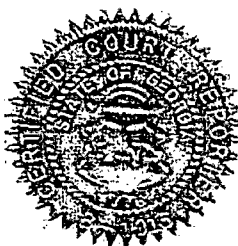
25 A I would think so.

CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF LEON :

I, LORI DEZELL, Court Reporter, certify that the foregoing is a true and correct transcript of the proceedings taken down by me in the case aforesaid. The exhibits attached hereto, if any, are copies of documentary evidence only and the physical evidence remains in the custody of the Clerk. This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript or any part thereof, including exhibits, unless said disassembly or photocopying is done by the official undersigned court reporter and original seal and signature attached hereto.

Dated this 31st day of May, 2019.



Lori Dezell
LORI DEZELL, RPR, CCR
Certificate Number B-1013

GEORGIA, DECATUR COUNTY

I, CECILIA WILLIS, CLERK OF DECATUR COUNTY SUPERIOR COURT, do hereby certify that the foregoing transcript is the original copy filed in this office.

Given under my hand and official seal this ____ day
of _____, 2017.

CECILIA WILLIS, CLERK
DECATUR COUNTY SUPERIOR COURT

APPENDIX - G
STATE'S TRIAL EXHIBIT 2

DECATUR COUNTY SHERIFF'S OFFICE
RECEIPT FOR PROPERTY

RP- 9832

INCIDENT CASE NUMBER 116700D 7188	CID CASE NUMBER
--------------------------------------	-----------------

LOCATION PROPERTY WAS OBTAINED FROM 178 Mills Rd.	DATE 7/25/2011	TIME 2005 AM
--	-------------------	-----------------

NAME OF PERSON FROM WHOM PROPERTY WAS OBTAINED OWNER SUSPECT OTHER NONE Jeanie Hahn	ADDRESS 178 Mills Rd.
---	--------------------------

NAME OF CASE FILE

ITEM NO.	QUANTITY	DESCRIPTION OF PROPERTY (Include model, serial number, identifying marks, condition, and value when appropriate)
1	1	All Bedding From Juvenile Victim Room
		Last Item

OFFICER OBTAINING PROPERTY T. Phillips	SIGNATURE T. Phillips	BADGE NUMBER 388
---	--------------------------	---------------------

CHAIN OF CUSTODY

ITEM NO.	DATE/TIME	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY (INCLUDE LAB CASE#)
1	7/25/2011	T. Phillips	G. Bowyer	Examination
1	7/25/2011 0800	Bowyer	C.S. Lab	Secure Storage
1	7/26/2011 0900	C.S. Lab	Bowyer	Examination
1	7/26/2011 1012	Bowyer	C.S. Lab	Secure Storage
1	7/29/11 0800	C.S. Lab	Bowyer	to Crime Lab
1	7/29/11 09123	Bowyer	Lock Box	C.S. Lab
1	8-23-11	GRI/Fed Ex	Bowyer	Lab R3/114 Secure Storage

STATE'S EXHIBIT

2

17-CA-029

00-0110-27-RP- 9832

APPENDIX - H
DECATUR COUNTY SHERIFF'S OFFICE
WAIVER FORMS

DECATUR COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATION DIVISION
WAIVER OF RIGHTS FORM

DATE: 7-25-11 TIME: 8:03pm PLACE: CID #2
MY NAME IS: Jamie Patrick Hahn PHONE: 229-416-9330
MY ADDRESS IS: 178 Mills Rd

Q: WHAT IS YOUR DATE OF BIRTH? 10-10-84 Q: WHAT IS YOUR AGE? 26

Q: WHAT IS YOUR SOCIAL SECURITY NUMBER? 076-72-8218

Q: CAN YOU READ AND WRITE THE ENGLISH LANGUAGE? Yes

Q: WHAT IS THE HIGHEST GRADE YOU COMPLETED IN SCHOOL? 2003

Q: WHERE DID YOU OBTAIN YOUR EDUCATION? Carroll High, Ozark AL

Q: ARE YOU UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AT THIS TIME? No

Kedell L. Harty, Julian Swann (IS/ARE) AN INVESTIGATOR(S) OF THE DECATUR COUNTY
SHERIFF'S OFFICE, HE/SHE TOLD ME THAT:

Before we ask you any questions you must understand your rights.

- Yes H 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
Yes H 2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A COURT OF LAW.
Yes H 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU
ANY QUESTIONS, AND HAVE HIM WITH YOU DURING QUESTIONING.
Yes H 4. IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE
ANY QUESTIONING IF YOU WISH.
Yes H 5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT YOU
WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME.

WAIVER OF RIGHTS

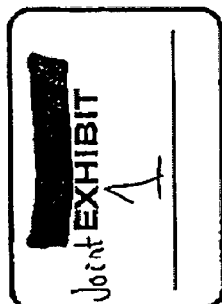
I UNDERSTAND MY RIGHTS. I WAIVE THESE RIGHTS. I AM WILLING NOW TO TALK ABOUT
Child Molestation

I HAVE NOT BEEN THREATENED. I HAVE NOT BEEN PROMISED ANYTHING. I HAVE NOT BEEN FORCED IN
ANYWAY TO ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

START TIME: 8:14 pm

END TIME: _____

CID FORM 002
REVISED JUNE 2007



NAME: _____
INVESTIGATOR'S NAME: _____
WITNESS' NAME: _____

00-0110-27-11

DECATUR COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATION DIVISION
WAIVER OF RIGHTS FORM

DATE: July 25, 2011 TIME: 8:55 PLACE: DSSO ROOM #: 2

MY NAME IS: Jamie Patrick Hahn PHONE: 229-416-9330

MY ADDRESS IS: 178 Mills Rd Bain, GA

Q: WHAT IS YOUR DATE OF BIRTH? 10-10-84 Q: WHAT IS YOUR AGE? 26

Q: WHAT IS YOUR SOCIAL SECURITY NUMBER? 076-72-8218

Q: CAN YOU READ AND WRITE THE ENGLISH LANGUAGE? Yes

Q: WHAT IS THE HIGHEST GRADE YOU COMPLETED IN SCHOOL? 12th / JR

Q: WHERE DID YOU OBTAIN YOUR EDUCATION? Carroll H.S. / Bain College

Q: ARE YOU UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AT THIS TIME? NO

T. CROWDER (IS/ARE) AN INVESTIGATOR(S) OF THE DECATUR COUNTY SHERIFF'S OFFICE, HE/SHE TOLD ME THAT:

Before we ask you any questions you must understand your rights.

- Yes 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- Yes 2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A COURT OF LAW.
- Yes 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS, AND HAVE HIM WITH YOU DURING QUESTIONING.
- Yes 4. IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING IF YOU WISH.
- Yes 5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME.

WAIVER OF RIGHTS

I UNDERSTAND MY RIGHTS. I WAIVE THESE RIGHTS. I AM WILLING NOW TO TALK ABOUT

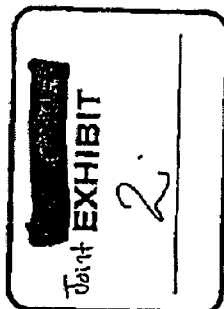
Accusation of Child Molestation of Emily

I HAVE NOT BEEN THREATENED. I HAVE NOT BEEN PROMISED ANYTHING. I HAVE NOT BEEN FORCED IN ANYWAY TO ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

START TIME 9pm

END TIME 1:00 Am

CID FORM 002
REVISED JULY 2011



[Signature]
NAME

[Signature]
INVESTIGATOR'S NAME

WITNESS' NAME

00-0110-27-11

APPENDIX - I

TRANSCRIPT OF 4-7-12 INTERVIEW

Phelps: All right man, my name is Lt. Phelps and of course you know you're here and you know why you're here right?

Jamie: Yes sir.

Phelps: You're wanted out of Georgia for Aggravated Child Molestation. I'm not saying you did it, I'm just saying that's what you're wanted for. I'm going to have to read you something, because some things have come up here.

You have the right to remain silent. Anything you say can and will be used against you in court. You have the right to an attorney and to have one present during questioning. If you cannot afford an attorney but desire one, the court will appoint one for you. You may stop the questioning at any time by refusing to answer further or by requesting to consult with your attorney. Do you understand these rights I've explained to you?

Jamie: Yes sir.

Phelps: With these rights in mind will you speak to me now?

Jamie: Yes sir.

Phelps: Okay. I'm going to circle me. because I'm the only one that's going to be talking to you. What I want you to do, these are your rights. These are the two questions that I asked you. What I would like for you to do is initial in your real name.

Jamie: I understand.

Phelps: What is your full name?

Jamie: Jamie Patrick Hahn.

Phelps: Just print or, I'm sorry, initial by 1-5 and then 1 and 2. By you doing that that just states that you had your Miranda rights read to you. By you signing that that states that you're waiving your right to an attorney at this time. I'm going to witness it. By me doing that that just states that I'm the detective that read you your rights.

How long have you lived in Alaska?

Jamie: January... few months.

Phelps: Did you come up here because you were wanted out of Georgia?

Jamie: I was scared.

Phelps: Well let me tell you this. Good people do bad things. Good people make mistakes Does that mean you're a criminal, a piece of shit and all that? No, it means you're human and you made a bad choice. But the reason that we're her is... who's your roommate?

Jamie: He's not really...

Phelps: Well, he's been staying with you. I mean, the light bills in his name right?

Jamie: Yes sir.

Phelps: What's his name?

Jamie: Justin Nichols.

Phelps: That's right. How long have you known Justin?

Jamie: A couple of years.

Phelps: Okay. What is your full name again?

Jamie: Jamie Patrick Hahn.

Phelps: All right. This is how I work. Lie to me I can't help you. I can't do anything for you. Tell me the truth then I can work with you.

Jamie: I understand.

Phelps: We got the call tonight to come to your house, that your roommate had got on your computer and he was looking on the Internet and he noticed that you had downloaded some videos. And you know what videos I'm talking about, okay? So, I'm going to ask you, how long have you had a problem with that? How long have you had a problem with child pornography? Because I know, we have your computer okay. We're going to keep your computer.

Now, this can go down one of two ways. You can cooperate and it'll look better on ya, or you can cross your arms, put back your chest, get all mad and say I don't know nothing and I can get a search warrant first thing Monday morning and then go down that road. But, how long have you had a problem with child porn? I mean it's a simple question just answer it.

Jamie: I don't know maybe a year tops.

Phelps: How many child porn videos are on your laptop?

Jamie: Two.

Phelps: Just two? Okay. How long have you been attracted to... are you attracted to boys, girls, doesn't matter?

Jamie: I'll say it doesn't matter, because I've been driving... I don't know.

Phelps: It doesn't make you a bad person. I want you to understand that and I truly mean that, I'm not just sitting here blowing smoke up your ass. When was the last time you viewed child porn on your computer?

Jamie: Probably the other day. Today's what?

Phelps: Today is Saturday, the 7th.

Jamie: Like maybe two days ago.

Phelps: Two days ago, okay. From your home?

Jamie: Hmm...Hmm.

Phelps: On that laptop?

Jamie: Yes sir.

Phelps: Okay. And you saw the laptop that we had upstairs right?

Jamie: Yes sir.

Phelps: Okay. Give me just a second. Do you want something to drink?

Jamie: I gotta use the restroom.

Phelps: You gotta pee?

Jamie: Yes sir. I didn't get to go at work at all today.

Phelps: Pee right here. The light switch is on the right side.

[Moments break]

Unk: If you want to have a seat right there, he's got to go print off some paperwork. If you want to just have a seat right there. I'm going to go ahead and shut this door for you okay?

Jamie: Okay.

Unk: Do you want anything to drink or anything?

Jamie: Something to drink would be nice.

Unk: Would you like some water?

Jamie: Yes sir, thank you.

Phelps: All right. Jamie that is your laptop right?

Jamie: Yes sir.

Phelps: And these are yours?

Jamie: Those were his.

Phelps: Those are his. His whose?

Jamie: Jesse's.

Phelps: Okay, is there any child porn on those?

Jamie: No sir, I had some information from work, documents, family photos.

Phelps: Is this the only laptop you have?

Jamie: Yes sir.

Phelps: Do you have any...

Jamie: Thank you.

Phelps: There you go, Bud. All right, do you have any flash drives of your own?

Jamie: There's a CD with the documents and photos are on the flash drive.

Phelps: Do you have any child porn at home? If you do tell me, I mean, I've got enough to get a search warrant for your house.

Jamie: No, this is it.

Phelps: I don't want to go back there and tear everything up.

Jamie: There isn't.

Phelps: How many videos, child porn videos are on your...?

Jamie: Two.

Phelps: Just two?

Jamie: Right. They're in the download folder.

Phelps: Okay. What this is, is a consent to search electronic media, which means I don't need your consent, I can get a search warrant. But I was going to request that you sign this. All it is, is it says, I, and then you'll print your name, have been informed of the following. I have not been promised anything in exchange for consent to search. I have not been threatened in any way to force or compel me to give this voluntary consent to search. I have a right to refuse to consent to search and may stop the search at any time. I understand that anything found in the search may be used against me in court.

I am sober, competent and sufficiently intelligent enough to understand this form and my rights. I hereby authorize, and I'll put my name, Lt. Jeremy Phelps, and evidence tech, Amanda Miller, officers of the Glasgow Police Department and any other persons, including but not limited to a computer forensics examiner, he/she, may designate to assist him/her to prove, take possession of and/or conduct a complete search of the following... computer systems, electronic data storage devices, computer data storage, diskettes, CD-ROMs or other electronic equipment capable of storing, retrieving, processing and/or accessing data, which also includes but not limited to... PDs (personal/digital) assistance, cell phones, digital cameras and other digital video cameras.

The aforementioned equipment will be subject to data duplication, imaging and forensic analysis for any data pertinent to the incident.

So, what I'd like for you to do is print your name right there if you're willing to give me consent. It's 2012 and the time is 8:27. Person authorizing consent to search signature, I need you to sign right there. Also put your... it asks for a phone number and a cell phone.

Jamie: All I have is the cell.

Phelps: That's fine.

Jamie: What's the area code here?

Phelps: 270. I'm going to sign here, stating that I witnessed this. Okay. How often do you visit child porn sites? Would you say that you've got a problem with child porn?

Jamie: Uh huh. Just the fact that I view it is a problem.

Phelps: Well...

Jamie: I've done... I don't even know how I just... it's never what I wanted. I mean, I don't even know what to...

Phelps: Well, good people do bad things and this stuff that's gone on in Georgia I don't know anything about, but it's some serious stuff as well. You know, if you did that you need to tell them. You need to be honest with them about that.

Jamie: Yeah. I think that my attorney just scared the hell out of me. He just scared the hell out of me.

Phelps: Who your attorney.

Jamie: Yeah.

Phelps: Well, you know, the hardest part for us to do as human beings is admit when we do something wrong, you know?

Jamie: Yeah.

Phelps: It's hard as hell to sit there and tell somebody, you know what I screwed up. She was over here, she was sitting in my lap and the next thing I know I'm doing whatever. Hell, I screwed up. I made a mistake, I'm sorry. Learn from those mistakes and don't make the same ones over and over and over. So you said you viewed child porn about two days ago?

Jamie: Yes sir.

Phelps: Okay. Um, do you have any more at home, via CDs, you don't own nothing?

Jamie: No.

Phelps: Do you have any guns at home?

Jamie: No sir. There's a knife there though. It's a Swarrick that I'm restoring. (16:45)

Phelps: Okay. Would you be willing to give us consent to search your house to make sure you don't have any more child pornography?

Jamie: Yes sir, that's not a problem.

Phelps: What we'll do is...

Jamie: The only 16:57...

Phelps: This is an authorized consent to search. What it is, is I'll put the date and time is. It's basically the same as that other one. It says I have been informed of the following. I have not been promised anything in exchange for consent to search. I have not been threatened in any way to force or compel me to give this voluntary consent to search. I have a right to refuse to consent to search and may stop the search at any time. I understand that anything found in the search may be used against me in court.

I am sober, competent and sufficiently intelligent enough to understand this form and my rights. I hereby authorize, Lt. Phelps, and GPD officers, to search my, and then put your home and your home's address. Print your name first. These are your buddy's right, they're not yours?

Jamie: All that's on this are documents that I used in my previous job and family photos.

Phelps: Now, you're not from here you're from Georgia?

Jamie: Not originally. I was born in Honolulu.

Phelps: Honolulu.

Jamie: My dad was Special Forces Army.

Phelps: Just put my home, located at and then put the address. I'll be right back.

Jamie, if there's anything there go ahead and tell me, so we can find it.

Jamie: The only photos I have there are of friends and family.

Phelps: All right.

Jamie: Also, I left a backpack at work, which has some clothes in it, my wallet and everything in it.

Phelps: Okay, all right. Does your manager know where it is?

Jamie: Yeah, they would know where it is.

Phelps: Okay, I'll send a patrol unit over to get that.

Jamie: Do they know what I was brought in for?

Phelps: No, I didn't tell them. Only thing I told them was that you were wanted out of Georgia.

Jamie: I was just trying to save money to send back to them. All I ever wanted to do was take care of my family.

Phelps: Are you married?

Jamie: Yes sir and have two kids.

Phelps: You're married and have two kids.

Jamie: My wife kicked me out or had me taken out of our house back in August.

Phelps: After...?

Jamie: I haven't seen her or my kids since then.

Phelps: After what went down in Georgia?

Jamie: Yes sir. I even missed my son's first birthday, his first steps

Phelps: How long have you been addicted to child porn?

Jamie: I don't know, maybe it started about a year or so ago and I couldn't fight it.

Phelps: What first got your attention to that?

Jamie: I honestly don't know. I mean, I grew up as a swimmer. I was like a fitness swimmer for years. I mean, you're always running everything and nothing ever hit me, nothing dawned on me. I had coached swimming but nothing ever. Then it's just like, I don't know, all of a sudden I can't explain it...

Phelps: Well, you know, I'll tell you this...

Jamie: When it first... before anything... I asked my sister after everything started down there, if I'd asked for help would anything have changed? Neither of us could come up with a good answer, because I was here to ask for help. At that point I didn't want to lose everything.

Phelps: You're afraid to ask for help with your addiction or with what took place in Georgia?

Jamie: When the thoughts first hit I was scared. I've always... growing up my dad was... we were always taught to be strong. It wasn't fun growing up, but we were taught you look to yourself you don't look to other people for help. Maybe that's what I did wrong. I've been trying to figure it out.

Phelps: You know, they say an addiction is hard to kick on your own and a lot of people can't deal with it on their own, they can't quit on their own. But I'll tell you this, you need to cooperate with the guys in Georgia like you're cooperating with me. Because, I don't know what went on down there but whatever it was, just be honest with them.

Jamie: I did the worst thing you could do to your family.

Phelps: Was this a family matter?

Jamie: Yeah. God, it gets me every day. (Sniffing)

Phelps: Give me just a second...

Jamie: [Crying]

Phelps: Nature hit me... well crap I forgot my notebook...you all right?

Jamie: Not really.

Phelps: Well Jamie it's like this, it's like I told ya. I mean... do me a favor and initial right where you scribbled that at.

Jamie: Sorry.

Phelps: That's okay. It just shows that you did that not me. How old are you, Jamie?

Jamie: Twenty eight.

Phelps: Twenty eight. How old are your kids?

Jamie: My son is, it's what April now. He'd be about 18 months. My step daughter is 10.

Phelps: Eighteen months... Ten.

Jamie: Great kids.

Phelps: Well you know, it's like I told you and I read your rights and you understand them and you're still willing to talk to me right?

Jamie: Yeah, I'll talk to you.

Phelps: Well, I mean, you know Jamie, it's like I said, people do things that they don't know why they do them they just do them. They make mistakes. But it's like this, you're not going to get anywhere unless you admit that you've got a problem and you've got to get some help, because my goal isn't to put you in prison for the next 25 years. If you've got a problem with child porn, there's programs out there. It's kind of like AA. It's kind of like NA, you know.

Jamie: Yeah.

Phelps: But running from what went on in Georgia, you know, it's not going to help your case.

Jamie: I know. (Emotional)

Phelps: I know.

Jamie: The one thing I kept thinking is if...

Phelps: Well, let me ask you this Jamie, let me ask you this. And I don't mean to cut you off... you know you said you talked to your sister right?

Jamie: Yeah I told her.

Phelps: And you told her you were having these thoughts.

Jamie: Afterwards, after everything happened. I talked to her and my dad and my mom as well.

Phelps: Well, you do know Jamie, that... I mean you know what you did okay, there ain't no two ways about it. You know what you did.

Jamie: Yeah.

Phelps: If you want help, like I said there's programs out there where you can get help, but nobody's going to be able to help you if you're not willing to admit that you've got a problem. And I don't think you've just got a problem with child porn. You're not a bad guy, you're not a bad guy.

Jamie: I feel like it.

Phelps: Well, you know...

Jamie: It's just the standards that I set just myself... what did I do to become it? It just... I'm like the bottom of the barrel for society is how I see myself. Am I worth redeeming? That's how I see myself.

Phelps: Well that's sad because that's not how I see ya. I don't know you, Jamie.

Jamie: Because of my actions, I was in the process of starting... I was about to start my own business 30:40... swim team. I let down almost 100 kids. The whole program folded after this started.

Phelps: In Georgia you said that your wife kicked you out.

Jamie: Yeah.

Phelps: Was this your step daughter?

Jamie: Yeah.

Phelps: And how old is she?

Jamie: She's 10. I love her more than anything... [Crying]... God!

Phelps: What happened?

Jamie: She's the greatest kid.

Phelps: What happened? You can tell me. What happened?

Jamie: I don't know. When I do, I know all this can be used in court, but there's no point in even a trial anymore. There's no point in that.

Phelps: Then what happened?

Jamie: I never meant to hurt her.

Phelps: I'm not saying that you didn't. Just tell me what happened? Tell me what happened?

Jamie: It took me forever to even tell my sister. She was...

Phelps: Did you tell your sister what you did?

Jamie: Yeah. She asked a couple of times.

Phelps: Did you touch her?

Jamie: Yeah.

Phelps: Huh?

Jamie: Yeah.

Phelps: What... just... what happened Jamie? If you've had this inside you all this time, let it out man.

Jamie: [Crying] How it started out... it confused the hell out of me.

Phelps: I can't understand you.

Jamie: I'm sorry.

Phelps: That's okay.

Jamie: I said it confused the hell out of me when it started. As I said before, I never saw her that way ever and then... it just, I don't know. When she would have bad dreams or get upset or get scared in the night, she'd just climb in with us. I never thought anything of it, but it was easier to just do that, roll over and go back to sleep because it'd be three or four times a night and it was just easier.

Then this one night, I sort of flipped out. I guess it sort of went... I guess something happened in my brain I don't know and she came in, had a bad dream or a storm or something, I don't remember and she just wanted to crawl in with us. I told her to get on in and rolled over and went back to sleep. I woke up later because she smacked me in the head or something and that's when I realized that the way we ended up laying, she was like... if you knew how she slept it's funny. She's sort of half-cocked sideways and had one arm slammed over my head, I guess when she rolled or what not or just happened to move her arm right.

I had her arm over my face and she had one leg throwed over me and I think the other half of her is almost hanging off the bed and it was like... and I was sprawled out as well. I realized that my hand was on the bottom of her leg or... I can't even really say where it was, where it shouldn't have been.

Phelps: Was it on her butt?

Jamie: No.

Phelps: Was it on her vagina?

Jamie: Yeah. As soon as I... I rolled her back over and I turned and went back to sleep not thinking anything of it. I guess that's when it sort of started. That's the only thing I can think of.

Phelps: Okay, so...

Jamie: I mean, it's...

Phelps: So she come in there and got in the bed with ya and you woke up...

Jamie: She was out cold and I actually woke up to her hitting me. At that point I just rolled her over and went back to sleep...

Phelps: But from that point on is when you started touching her?

Jamie: Not immediately.

Phelps: Well, no I mean...

Jamie: It just...

Phelps: How many times would you say you have touched her in a sexual manner?

Jamie: I honestly don't know.

Phelps: More than five?

Jamie: Its 36:31... I don't know.

Phelps: You're going to have to get it out there, Jamie?

Jamie: I just can't give you a number. I honestly don't know.

Phelps: A lot, would you say?

Jamie: Probably yeah.

Phelps: Have you just touched her with your fingers or what?

Jamie: No.

Phelps: What else? Have you ever had sex with her?

Jamie: No.

Phelps: Have you ever stuck your penis inside of her?

Jamie: No.

Phelps: Did you ever rub your penis against her vagina?

Jamie: Yeah.

Phelps: Yes!? How many times have you done that?

Jamie: I don't know.

Phelps: Was it just skin on skin?

Jamie: Yeah.

Phelps: Did you ever do it to the point where she bled?

Jamie: No.

Phelps: Did you ever tongue her or ejaculate on her?

Jamie: Yeah.

Phelps: How many times would you say that you've done that?

Jamie: I don't know.

Phelps: A lot?

Jamie: I don't know. [Crying]

Phelps: I'll be right back...

Jamie: She um... God she's a great kid. She is. She deserves better. I mean... she deserves so much better than me.

Phelps: You know she loves you right?

Jamie: I know. I'd do anything for her. I'd do anything for any, for all three of them. That's the whole reason why we even went back to Georgia is my wife wanted to go back so bad. We wanted to go back so bad and that's why we went back. We got our house just down the road from her parents and she was... she 38:31 to swimming. I taught her swimming lessons and she enjoyed the swim team that I coached. She was state champion last year too. God that's 38:44 of her. She was young. She was in the 9-10 age group girls and she's the only 9 year old. She was 6 inches or so shorter than all the others.

Phelps: Wow.

Jamie: You'd see this whole row and then at the end you'd just drop down and she's right there. She got out there and gave them hell. She should have gone to the Georgia State meet with swimming and won.

Phelps: Give me a second, I gotta check on something. All right, now Jamie I need to ask you a few more things.

Jamie: I know. That's all Georgia needed.

Phelps: Hmm...?

Jamie: That's what Georgia needed and it's fine.

Phelps: Well, it's like this Jamie. You know what you did was wrong.

Jamie: Yeah, I know.

Phelps: And I think... look at me...

Jamie: Yes sir.

Phelps: There's no doubt in my mind you love her. What's her name?

Jamie: Emily Grace.

Phelps: There's no doubt in my mind you love her. When you would touch her or when you would rub your penis against her vagina, were you both naked usually?

Jamie: No.

Phelps: No. Where did it take place most of the time? Was it always in the same spot?

Jamie: Yeah.

Phelps: Where was that?

Jamie: Our house.

Phelps: Huh?

Jamie: Our house.

Phelps: Your house? In like the kitchen, bedroom, living room?

Jamie: Her room.

Phelps: I'm sorry?

Jamie: Her bedroom.

Phelps: Is that where it happened the last time?

Jamie: Yeah.

Phelps: Did she ever say it hurt or cry or...?

Jamie: She never said anything.

Phelps: Hmm.

Jamie: She never said anything.

Phelps: And I may have asked you this I'm not sure, but did you ever ejaculate in her?

Jamie: No.

Phelps: Or on her?

Jamie: Pause

Phelps: On her, yes or no?

Jamie: Yeah.

Phelps: Yeah. Okay. When was the last time that that happened? How long have you been here?

Jamie: Three months.

Phelps: Three months.

Jamie: Three or four months, probably.

Phelps: When did you arrive in Glasgow?

Jamie: January 1st.

Phelps: How long prior to you getting here did this take place?

Jamie: I was removed from the house at the end of July.

Phelps: So you haven't been around her since July?

Jamie: Mm...hmm.

Phelps: So the last time would have been around July or end of June?

Jamie: Maybe May.

Phelps: If you had to guess at a number, at an amount of times that you've touched her in a sexual way or rubbed your penis against her vagina and ejaculated on her, how many times would you say that that's taken place?

Jamie: I can't give a number.

Phelps: More than two?

Jamie: Yeah.

Phelps: More than five?

Jamie: Yeah.

Phelps: Now, are we talking... how old was she when it first started?

Jamie: Uh, she was nine. It was just during last year.

Phelps: So it went on for about a year off and on?

Jamie: Maybe about eight months.

Phelps: Eight months.

Jamie: It could have been... yeah, maybe eight months. It wasn't a year.

Phelps: It wasn't a year.

Jamie: No. She's a great kid. If you ever get a chance to meet her you should. If you talk to her you would swear you were talking to an adult.

Phelps: Really?

Jamie: Her vocabulary is, God it's out there. I always told her she'd be smarter than me by the time she's 12. She will be.

Phelps: Well, I don't know how the school systems are down in Georgia, but my daughter, she can do more on a computer than I can.

Jamie: She's not so much computer smart, she's got books down. Oh my God, she's a book worm. We pulled out of the school system a little over a year ago, not this past fall but the previous fall. Maybe it was this past fall we pulled her out of the school system so that she's been out for almost two years. She's been homeschooled, because she would get so bored in class, she was getting in trouble. We put her in the gifted program and her teacher, she hated her teacher over there. We told her she had to deal with it because you have to deal with people you don't like.

I went 45:33 and oh my God! Her grandmother's a retired teacher and so is her grandfather and they homeschool her. She's brilliant. If she sat down... I think she could read, we taught her to read *Where the Red Fern Grows* and she read the entire book in a couple hours.

Phelps: Good Lord!

Jamie: And understood the whole thing.

Phelps: That is amazing.

Jamie: She got to the point where the first 46:08 hit and she started balling, she was so upset. Then we convinced her to read and finish the book. We were like oh, you're almost at the end. She lost it after the second 46:22. She got so mad at us.

Phelps: She couldn't handle it could she?

Jamie: She was so mad at us for it.

Phelps: I've got a couple more things I need to talk to you about, okay? Then we're going to go over to your house and we're going to look through there, real quick. We're not going to tear anything apart. We aren't going to leave your furniture turned over or anything like that, okay?

Jamie: Okay.

Phelps: I want to make sure that...

Jamie: There's nothing there.

Phelps: Right.

Jamie: I understand.

Phelps: When it comes to Emily you know what you did and you know...

Jamie: It was wrong.

Phelps: And you've admitted that right?

Jamie: Yeah. And I think even being scared, what scared me most is the fact I won't be able to support them and that's all I was trying to do, to be able to get money to send to them.

Phelps: Well, when you had Emily in her bedroom, you said that you did not stick your penis in her vagina, did you?

Jamie: No.

Phelps: Did you stick your fingers in there?

Jamie: No.

Phelps: What did you stick in there?

Jamie: I didn't stick anything in there.

Phelps: Okay, you just rubbed it?

Jamie: Yeah.

Phelps: Okay. When you ejaculated, where would you normally ejaculate?

Jamie:

Phelps: Huh?

Jamie: Between the two of us.

Phelps: I mean like on a towel on paper towels, on her, a dirty rag?

Jamie: Usually it'd be on me for the most part.

Phelps: Would any ever get on her?

Jamie: Probably, yeah.

Phelps: Did she ever say anything while you were doing it?

Jamie: No.

Phelps: Was she looking at you?

Jamie: No.

Phelps: Did you have her on her stomach or what?

Jamie: Nah, she was on top of me. She never opened her eyes.

Phelps: Did you rub her vagina with your hand?

Jamie: Yeah.

Phelps: What I want you to do is pray.

Jamie: I do every day.

Phelps: Because I'm going to pray for ya, I'll just tell ya.

Jamie: I pray.

Phelps: I'm gonna pray for you. I'm gonna pray for Emily and I'm gonna pray that you get the help that you need, because you need help. You've gotta talk to somebody.

All right. Give me just a minute. I got everything I need. Go ahead and finish your water and I'll go out. I've got the consent to search. All right, I'll be right back with you. Go ahead and take a couple more drinks of your water and I'll be right back and then we'll head over to your house, okay?

Jamie: Yeah.

Phelps: All right, the time is 9:05 p.m., same date, same day— April 7, 2012 and this will conclude the interview.

Give me just a second and I'll stop the tape. I'm going to back up and say one more thing.

Jamie: Yes sir.

Phelps: If there was one thing that you could say to Emily and your wife right now, what would that be?

Jamie: I love them and I never wanted to hurt her. I never did, I wanted only the best. I love them so much.

Phelps: I'll be right back

APPENDIX - J

4-7-2012 MIRANDA WARNING FORM



GLASGOW POLICE DEPARTMENT
201 SOUTH BROADWAY
GLASGOW KY 42141
270-651-5151
Fax: 270-6516166



MIRANDA WARNING

DEFENDANT RIGHT

- 1/1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- 1/2. ANYTHING YOU SAY, CAN AND WILL BE USED AGAINST YOU IN COURT.
- 1/3. YOU HAVE THE RIGHT TO AN ATTORNEY AND HAVE ONE PRESENT WITH YOU DURING QUESTIONING.
- 1/4. IF YOU CAN'T AFFORD AN ATTORNEY AND DESIRE ONE, THE COURT WILL APPOINT ONE FOR YOU.
- 1/5. YOU MAY STOP THE QUESTIONING AT ANY TIME BY REFUSING TO ANSWER FURTHER OR BY REQUESTING TO CONSULT WITH YOUR ATTORNEY.

WAIVER

- 1/1. DO YOU UNDERSTAND EACH OF THE RIGHTS I'VE EXPLAINED TO YOU?
- 1/2. WITH THESE RIGHTS IN MIND, WILL YOU SPEAK TO ME/ USE NOW?

SIGNATURE: _____

WITNESS: _____

DATE: _____

00-0110-27-11

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APPENDIX - K

TRANSCRIPT OF 04-07-12 INTERVIEW

Page 1

Phelps: Today's date is the 12th of April. The time is approximately 10-12 minutes after 9:00 a.m. Present is Lt. ?? from Glasgow Kentucky Police Department and Jamie Patrick Hahn, who are at the Barren County Detention Center.

Jamie, before we get started I'm going to read you your rights okay? I don't have a rights waiver for you to sign, but I am going to read them to you. It says you have the right to remain silent. Anything you say can and will be used against you in court. You have the right to an attorney and to have one present during questioning. If you cannot afford an attorney but desire one, the court will appoint one for you. You may stop the questioning at any time by refusing to answer further or by requesting to consult with your attorney.

Do you understand these rights I've explained to you?

Jamie: Yes sir.

Phelps: With these rights amount will you speak to me now?

Jamie: Yes sir.

Lt.: Okay. So, for the record you are verbally waiving your right to an attorney at this time, correct?

Jamie: Yes sir.

Phelps: Okay. Jamie, you've been using the alias, Brody Austin Zalunka, is that right?

Jamie: Yes

Phelps: How did you come up with that name?

Jamie: It was a previous employee of mine.

Phelps: Of yours, okay. Well, your landlord brought some things up to me yesterday. I meant to get up here yesterday and talk to you about it, but... how did you obtain copies of his birth certificate?

Jamie: I contacted the state of Colorado.

Phelps: Posing as him?

Jamie: Yes sir.

Phelps: Okay. All right. So, what all have you done in that name? Just obtained a job...?

Jamie: Just a job.

Phelps: Have you gotten credit cards or anything like that in his name?

Jamie: Just a job and a prepaid card.

Phelps: A prepay card. From the bank?

Jamie: From Walmart.

Phelps: From Walmart, okay.

Jamie: Yes sir.

Phelps: Uh, so these are actually original birth certificates?

Jamie: Yes sir.

Phelps: So, what did you do? How did you come about getting these? Just tell me what you did?

Jamie: I went online to their website and put in the form.

Phelps: Did you do that on your laptop?

Jamie: No sir.

Phelps: Okay. Did you do that at the library?

Jamie: Yes sir.

Phelps: You went to the library a lot didn't you?

Jamie: Yes sir.

Phelps: Okay. Did you ever look at child porn on those computers at the library?

Jamie: No sir.

Phelps: Did you ever approach any kids or try to get them to talk to you at the library?

Jamie: No sir. I sat there and I just read.

Phelps: The only reason I'm asking... well, I know that you know you've been in here for four days now.

Jamie: Believe so.

Phelps: Um, are you sleeping?

Jamie: Off and on. I wasn't sleeping much before anyways, so.

Phelps: Okay. Well, I've been on the phone with the detectives down there in Georgia. What was the name of the detective that you wanted to come and get you? To be honest with you I've forgotten her name.

Jamie: His name's Julian Crowder.

Phelps: Julian?

Jamie: Yes sir.

Phelps: Julian... J-u-l-i-a-n?

Jamie: I think so.

Phelps: Crowder?

Jamie: Yes sir.

Phelps: And he's with the Decatur County Sheriff's Office?

Jamie: Yes sir.

Phelps: All right. I will call him today. Actually I'll call... the only contact number I've got is for a detective named Walton. Do you know him?

Jamie: Yes sir.

Phelps: He said you don't like him very much.

Jamie: I just didn't have much respect... it was his demeanor, his attitude just...

Phelps: The way he treated you.

Jamie: Yeah. I had more respect for that investigator.

Phelps: Well, I can understand that, I can. But I'll call Julian and I will tell him you want him to be the one that comes and gets you, okay. And they'll drive down, or drive up rather. I doubt very seriously they'll fly, but they're actually working on getting you sent out. You do have charges here, you know that.

Jamie: Yes sir.

Phelps: What are these?

Jamie: Instructor cards.

Phelps: For?

Jamie: American Red Cross lifeguarding and water safety instructor.

Phelps: Okay, so you were trying to get your... or did you get your lifeguard certificate?

Jamie: I've been an instructor...

Phelps: Okay.

Jamie: I've been one for years.

Phelps: Oh okay. So, were these actually ones that he filled out or did you fill these out?

Jamie: I filled them out.

Phelps: But then you signed your name. Didn't realize that did you, until you noticed over here that you signed it?

Jamie: Yeah.

Phelps: I mean, I'm going to be honest with you. I could charge you with identity theft okay. That is another felony. You got bigger problems than this. I do need to know and I need you to be honest with me though, have you taken credit cards out in this kids' name?

Jamie: No.

Phelps: Just, you just used it to obtain what, a job here?

Jamie: Just a job.

Phelps: And then, you got a prepaid card at Walmart?

Jamie: Yes sir.

Phelps: What's that?

Jamie: It's, you go ahead and put money on it and...

Phelps: Kind of like a credit card.

Jamie: It could be similar to one.

Phelps: You put like \$600 on it and then you can go and buy whatever.

Jamie: Yes sir.

Phelps: Okay. All right. Well, what I do have to do is I do have to get you to write me a written statement saying that you did this so I can... in case anything comes up we can clear it. Okay.

Jamie: Yes sir.

Phelps: We can clear it by saying, I talked to this gentleman, you know he's...

Jamie: I never wanted to mess everything at all, he's a good guy.

Phelps: Well, why did you get two or did they just send you two?

Jamie: Honestly, I don't know why I did two.

Phelps: Okay. But these are actual, genuine, real birth certificates?

Jamie: Yes sir.

Phelps: Okay. Uh, have they given you an attorney yet?

Jamie: I got appointed one on Monday. I haven't talked to them yet or anything.

Phelps: Do you know who he is? Daniel Boles.

Jamie: That's him.

Phelps: He's a good guy. Daniel's a good guy. Well, you know, I'm taking your computer to Bowling Green okay. I'll know in a few days what all's on there. Is there anything on there that you didn't tell me about?

Jamie: I told you those videos were.

Phelps: The two videos... hmm. And then you said you had been downloading child porn through Torrent?

Jamie: Yeah.

Phelps: Okay.

Jamie: It's called U Torrent.

Phelps: U Torrent. When you would look at it what would you type in? What keywords would you type in?

Jamie: Um

Phelps: I know it's hard to talk about it, Jamie. I know it is.

Jamie: I'd use pedo.

Phelps: Pedo. Here, it's going to be easier for you to write it down than it is for you to say it.

Jamie: Probably.

Phelps: Because it's hard for us to talk about stuff like this, and I understand that. So, would you be willing instead of verbally telling me, would you be willing to give me a written statement as to what you would do and what you would write?

Jamie: Yeah.

Phelps: I'll understand if that'd be easier for you. I'm willing to let you do that. I'm going to give you an ink pen and just your name, address, fill all that out... your name and your social and all that. Now, you had a knife and some other stuff, some other property at the home.

Jamie: Yes sir.

Phelps: They supposedly had bagged that up and brought it up here.

Jamie: They came and told me they just brought a bag up.

Phelps: There you go. Now it had like a hunting knife or something like that in it.

Jamie: Yes sir.

Phelps: So, George will probably turn it over to... do your parents still live in Georgia?

Jamie: My parents don't live in Georgia. They both live in Alabama. My sister lives in Georgia.

Phelps: Well, they may turn it over to your sister for you, because they're not going to let you have the knife.

Jamie: Yeah. What address?

Phelps: What was your address in Georgia? Do you remember?

Jamie: I remember my address there.

Phelps: Just put... oh shit... just put Barren County Detention Center because that's where you're at currently.

Jamie: Okay. [Writing]

Phelps: So you were in the military is that right? What branch of the service were you?

Jamie: I was Army.

Phelps: Army... how many years?

Jamie: I was discharged before I completed basic. They found I had fused bones in my spine.

Phelps: So you went out on medical?

Jamie: Yes sir.

Phelps: And your dad was military is that right?

Jamie: He was Special Forces intelligence. He let up before he retired intelligence through the Pacific.

Phelps: Have you talked to him?

Jamie: Not lately.

Phelps: Have you talked to anybody from Georgia?

Jamie: I talked to my sister, finally got a hold of her.

Phelps: So she knows that you're in here? Does she know why?

Jamie: Yeah.

Phelps: Did she know why?

Jamie: She didn't...

Phelps: Get some help.

Jamie: She said she'd stand by me whatever I did.

Phelps: Well it's like I told you Jamie, what you've done doesn't make you a bad person, it means you've made bad choices.

Jamie: It makes me feel like a bad person though.

Phelps: I know it does. I know it does.

Jamie: What's the date?

Phelps: Today is the 12th.

Jamie: Just list uh...

Phelps: Just put in there, you know, when you would look at child porn on your computer I would type in these key words or these key phrases blah, blah, blah, blah, blah... whatever that was. Now put that in your words, I don't want you to use mine exactly. I want you to use your own words.

Jamie: I know.

Phelps: I want you to use your own words as far as what you did and what you looked at and what keywords and how many videos you downloaded.

Phelps: Today's date is still Thursday, April 12, 2012. The time is probably around 9:25. Present in the room is Lt. Jimmy Phelps of the Glasgow Police Department and Jamie Hahn, an inmate here at the Barren Co. Detention Center.

Jamie, we've already started off with an interview and I read you your rights. You waived your right to an attorney, correct?

Jamie: Yes sir.

Phelps: Verbally.

Jamie: Yes sir.

Phelps: I have printed out a rights waiver that I'm going to read to you and have you sign again if that's okay.

Jamie: yes sir.

Phelps: Is that all right?

Jamie: Yes sir.

Phelps: I'm going to read them to you again just because I left the room for a period of time and I want to make sure that you understand. You have the right to remain silent. Anything you say can and will be used against you in court. You have the right to an attorney, and talk to him. Hang on... you have the right to talk to a lawyer and have him present while you are being questioned. If you cannot afford a lawyer one will be appointed to represent you before any questioning if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Do you understand each of these rights I've explained to you?

Jamie: Yes sir.

Phelps: With these rights in mind will you talk to us now?

Jamie: Yes sir.

Phelps: It says us, I'm gonna put me because I'm the only one that's asking you any questions. What I would like for you to do is like you did the other night. Initial one through five and then that and then sign down there at the bottom.

Why you're initially that that just states that you've had your rights read to you.

Jamie: Okay.

Phelps: By you signing it, Jamie that states... put a date there if you don't mind... I'm going to witness it. By me doing that, Jamie, it just states that I'm the detective and I've read you your rights.

Jamie, before the tape had kicked off I had asked you to give me a written statement as to the types of words that you would use while searching for child porn and you put in your statement, 'when searching the internet I would use words such as: pedo, kiddy and porn for the search. Is that what you wrote?

Jamie: Yes sir.

Phelps: Okay. All right. Was there any other words that you would use?

Jamie: Mm... mmm.

Phelps: How would you... or what would you use, Limewire?

Jamie: I don't know what that is.

Phelps: What web... would you use YouTube, Limewire, uh, Kaza, Pornhug, Porn2.

Jamie: U-Torrent was a search engine as well, it was all in one.

Phelps: U Torrent. If you don't mind put that in there, how you would search.

Jamie: [Writing]

Phelps: I would use the program U Torrent to search. And just put in there what you were searching for and then that'll conclude your statement if you wish.

Jamie: Okay.

Phelps: Do you always write that little?

Jamie: Yes sir.

Phelps: Okay. Is this the end of your statement, Jamie? Is this all you would wish to write in reference to the child pornography?

Jamie: For searching it?

Phelps: Yeah.

Jamie: Yeah.

Phelps: Would you want to put in here how long that... how long have you been addicted to it?

Jamie: I really don't know.

Phelps: When did you first... when did whatever happened, whatever switch was turned in your head, when it clicked, how long ago was that?

Jamie: Maybe a year ago.

Phelps: Do you remember where you were when that first clicked?

Jamie: No. I don't.

Phelps: Just, something happened one day and...?

Jamie: Yeah.

Phelps: I mean, it's apparent you've got some issues. And there are programs out there that can help you. Yeah, what you did was wrong and you're gonna pay for that but, use this opportunity to get help.

Jamie: I need help.

Phelps: Because you're not gonna be able to kick this on your own.

Jamie: I know. I've tried.

Phelps: Would you say that you're addicted to child porn? Would you say you have a problem with child porn?

Jamie: Yeah.

Phelps: I'm sorry.

Jamie: I'd say there's a problem.

Phelps: Have you talked to your ex-wife or your wife, rather?

Jamie: No. She probably won't even speak to me. When I talk to my sister she won't even let my parents see my son or even, my sister, Kaywani, isn't even able to see them.

Phelps: Well, I mean...

Jamie: It's just... I'd do anything for those three.

Phelps: I believe that. I do.

Jamie: Whatever Jenny wanted I made sure she had. I'd still do it... I'd just like to get back in their lives again.

Phelps: Well, Jamie, I mean you know what you did was wrong.

Jamie: Yeah.

Phelps: Not only... the child porn that, that's nothing compared to what went on in Georgia.

Jamie: I know.

Phelps: And this right here, yeah you've got a problem with child porn, but you need help with these urges that you have. You know what urges I'm talking about, the urges to touch children or your step daughter. I mean that was an urge that you couldn't control.

Jamie: I tried. It's hard. That's the sweetest little girl you'd ever want to meet. She deserved better than me.

Phelps: Write in this statement of that in big letters.

Jamie: [Writing]

Phelps: And I'll witness it. Now Jamie, is your real name Jamie Patrick Hahn?

Jamie: Yes sir.

Phelps: For the record your name is not, Bernie Austin Zalonka?

Jamie: Yes sir.

Phelps: It is not?

Jamie: It is not.

Phelps: And for the record, you told me that you went onto... what website did you go to, to print those off or to get those ordered to you?

Jamie: Virtual Records.

Phelps: Virtual Records. Did you do that on your laptop?

Jamie: No sir.

Phelps: Did you do that at the library?

Jamie: Yes sir.

Phelps: Okay. So you went to the library here in Glasgow, got on Virtual Records and went to what?

Jamie: You just pick the state you're looking for.

Phelps: Was he from Colorado?

Jamie: Mm...hmm.

Phelps: Okay. Is there anything you want to talk about while I'm here? Anything you want to get off your chest?

Jamie: I just...

Phelps: I've got all day.

Jamie: I know.

Phelps: And I'm sure you'd much rather spend your day sitting in here talking to me than you had sitting back there in that cell.

Jamie: Yeah. Because there's not many people I talk to anymore.

Phelps: Hmm?

Jamie: There's not many people I talk to anymore. I miss my family so much. I know if I can explain it.

Phelps: Would you want me to try to contact your dad?

Jamie: I don't have his number.

Phelps: Where does he live?

Jamie: Ozark.

Phelps: Where?

Jamie: Ozark, Alabama.

Phelps: Ozark, Alabama. What's his name?

Jamie: Lyle.

Phelps: Lyle?

Jamie: L-y-l-e George Hahn.

Phelps: What's your mother's name?

Jamie: Pamela Sid Hahn and she lives in Enterprise.

Phelps: Enterprise, are they not married anymore?

Jamie: No. It was a good marriage.

Phelps: Enterprise, Alabama and he lives where, Ozark?

Jamie: Ozark.

Phelps: Okay. Do you know your mom's number?

Jamie: Yeah, I reached her the other day.

Phelps: Did you tell her what you're in jail for?

Jamie: No.

Phelps: Does she know about what's going on in Georgia?

Jamie: Yeah.

Phelps: So she knows you've been picked up on that?

Jamie: Yeah, she knows about that. Is there any chance of getting help?

Phelps: Okay. Oh yeah.

Jamie: you think there's any chance of ever seeing my son again?

Phelps: Yes. I do. It's gonna take time. You gotta understand that Jamie, because a lot of people have been hurt.

Jamie: I know.

Phelps: And they're mad. They're hurt. They don't know what to do. They're trying to deal with all this. Emily is trying to deal with all this. I mean, you understand that right?

Jamie: I do.

Phelps: I mean, you understand what you did to her was wrong?

Jamie: Yeah.

Phelps: The way I look at this, I mean, you have to understand it this way Jamie. You gotta look at it from this point of view. How long were you her step father? Or how long have you been in her life, let me ask you that?

Jamie: Six years.

Phelps: Okay, so you've basically been around her since she was three?

Jamie: No, she was four.

Phelps: Okay. Now, did she ever have any contact with her real father?

Jamie: Not really.

Phelps: So guess what? You're her dad to her. She probably even called you daddy didn't she? What'd she call ya?

Jamie: She always called me coach.

Phelps: Coach.

Jamie: I started off just as her coach. She talked my ear off, Christ.

Phelps: I imagine. You gotta look at it like this too Jamie. Somebody that she loved and trusted, hurt her.

Jamie: Yeah.

Phelps: And she doesn't know how to deal with that right now. And her mama didn't know how to deal with it right now. And it's going to take time. Do I think you'll ever get to see your son? Yeah. I think you will. Is it going to be a while? Yeah.

Jamie: Yeah.

Phelps: It's gonna take time.

Jamie: I'd like to see those two as well, but I doubt they'll ever want to talk to me.

Phelps: Well, I mean I don't know. I can't say she will or she won't. When did you first start doing stuff like that to her?

Jamie: I honestly don't remember. I just know it wasn't...

Phelps: Was it like two years ago, three years ago?

Jamie: No.

Phelps: A year ago? Eight, nine, ten months ago?

Jamie: Eight.

Phelps: In your first statement we talked...

Jamie: I said May, I said probably around spring now. Probably, it'd be a year give or take.

Phelps: Spring, spring of last year?

Jamie: Yeah.

Phelps: Spring of 2011.

Jamie: Give or take a little bit.

Phelps: And you said that it started whenever she got in the bed with ya'll one night.

Jamie: Yeah.

Phelps: Here's the thing about getting help, and I'm all about you getting help because you need help. Now you might have to start getting that help while you're in jail down there, but here's the deal. Here's what it's about. It's about you being honest. And I don't mean partially, you've got to be 100% honest.

Jamie: I know.

Phelps: Not just with me, Jamie, you've gotta be honest with the guys down there. You gotta be honest with your therapist. If they ask you everything that you did you need to tell them everything, as horrible as it sounds and as horrible as it is, you've gotta tell them everything. Because, you're not going to get the help that you truly need unless you're 100% honest, Jamie. You gotta tell them everything, and it's going to be bad. It's going to be horrible. It's gonna be awful. The things you did to her, you know what you did to her and you know how bad they are. But you've got to be honest and you've got to tell them.

You're going down there. You're gonna go to court down there, you know, you're gonna get a lawyer and you need to be honest with your lawyer. And you need to tell him everything that you did. And you need to tell him, I want help. I know what I did was wrong. I'm going to cooperate with the authorities. I know what I did's wrong. I need help. I may have to get that help while I'm in jail for a little while but you know what, at least you're getting it.

Jamie: I need it.

Phelps: You do need it. There's no doubt in my mind that you need help.

Jamie: I wanna get it. I want it. I want the help. [Crying]

Phelps: I'm gonna ask you a question and it's gonna be hard for you to answer this question, but I need to know. And the authorities in Georgia are going to ask you the same question, and I need you to be honest with you.

Now, I asked you the other night whenever I interviewed you, had you ever had sex with her. Now, I'm gonna tell ya, you need to be honest with me. Have you ever stuck your penis in her vagina? Did you, yes or no because they can't see on here?

Jamie: No. No sir.

Phelps: When you rubbed your penis against her vagina, did you rub it between her lips of her vagina?

Jamie: Yes, sir.

Phelps: Did she ever bleed?

Jamie: No sir.

Phelps: That you saw?

Jamie: Never.

Phelps: How many times did you do that, Jamie?

Jamie: I really don't know. I really don't.

Phelps: A lot?

Jamie: I don't know. [Crying]

Phelps: I mean, you know if it was more than two or three times, right? I mean you know that, you're not stupid, Jamie?

Jamie: Yeah. I know.

Phelps: You made a mistake? Yes. And I told you it's going to be hard to admit when you're wrong, because it's hard for anyone to admit when they've screwed up. It's hard. It's human nature. It's hard to admit when you're wrong, but people who are truly sorry, Jamie, who are truly sorry about the things that they've done, especially something this serious; they tell the truth. The people who are truly sorry, and I believe that you're truly sorry.

Jamie: I've tried to remember it's a mistake and...

Phelps: Would you say that it was more than five? The other night when I asked you if it was more than five you said yes. I mean, we're looking...

Jamie: Yes. I said I know it was more than five I just don't know a number. I don't know. I just don't know.

Phelps: Did you ever keep a journal about what you did? Did you ever write it down, what you did? Did you ever keep anything like any of her panties or any of her clothing or anything like that?

Jamie: No.

Phelps: Is there anything you want to talk about?

Jamie: I just...

Phelps: Would you be willing to write Emily a letter of apology?

Jamie: Yeah.

Phelps: To her and your wife?

Jamie: Yeah.

Phelps: I'm gonna give you that opportunity Jamie. But you need to be honest in this letter too and you need to tell her that you're sorry for what you did. I'm not gonna put words in your mouth, you need to put it in your own words.

Jamie: I know.

Phelps: I promise you, I will make sure the detectives in Georgia get this letter and I will ask them if they would give it to your wife. Okay?

Jamie: Okay.

Phelps: I'm gonna step out here. I'm gonna leave the recorder here all right. I'm gonna step out for a minute I gotta go use the restroom and I'll be right back.

Jamie: Okay.

Phelps: [Left the room... Gave about 15 minutes for Jamie to write his letter, came back in just prior to his being finished.]

Might want to put your name up there. Just at the top. Go ahead and put the date, you don't have to put all that other stuff, just your name and the date. I will get these to Georgia.

Jamie: Thank you.

Phelps: You're welcome. Okay, I'm gonna ask you. Now it's been a while, what it's probably been about 20 minutes since we talked. You remember I read you your rights.

Jamie: Yes sir.

Phelps: Okay, and you're still willing to speak to me?

Jamie: Yes sir.

Phelps: Okay. Now, I'm gonna ask you a question and I need you to be honest with me. Are there any other kids out there, who you have touched?

Jamie: No sir.

Phelps: Okay. Is Emily the only one you've ever sexually abused?

Jamie: Yes sir.

Phelps: Okay. There's no other children out there, because if there are, listen to me, if there are I need to know. Not to put more charges on you but to let these parents know so they can get their kids into therapy because if they don't they're gonna turn around and they're probably gonna be, they're probably going to be child molesters or child sex offenders. I need to know if there's any at all. You need to tell me right now.

Jamie: There's not.

Phelps: Okay. Were you ever sexually abused?

Jamie: No sir.

Phelps: Why do you think that you chose to do what you did to Emily?

Jamie: [Pause] I don't know. I've thought about it. I've thought about trying to reason it. I guess, sometimes I forget she was a kid. I could sit there and talk to her and hell, she'd be more adult than most adults she knew. I just... I don't know.

Phelps: Is there anything else about what went on in Georgia? Is there anything that you want to tell me?

Jamie: Yes. I never went out and stalked anybody. I never went looking for it, it just...

Phelps: Would you say that it was a crime of opportunity more than it was you stalking her? I mean, she's your step daughter right, it's not like... you know people think of child sex offenders as a dirty old man on the street corner behind the trash can in a raincoat, but statistically that's not the case, it's usually a family member or someone that they know and that's what's happened in this case. I mean you know what you done is wrong, right?

Jamie: I do.

Phelps: You know that you're gonna have to go down to Georgia and you're gonna have to face those charges and you understand that?

Jamie: I do.

Phelps: And you've admitted that what you did was wrong, right or wrong?

Jamie: Right.

Phelps: go down there, be as cooperative with them as you have me.

Jamie: I've tried. I tried to be as cooperative as I could with them. I turned myself in when they asked me. Every time they called I showed up. Up till I was just getting scared beyond belief.

Phelps: And I understand. I understand you being scared, because you were accused... at that time you were accused of some pretty heinous stuff. And I don't know why you've chose to talk to me and admit what you did down there and not them. Personally, I think you were just tired of running, tired of looking over your shoulder. I mean, you know what you did was wrong. You've admitted to me that you have done what you're accused of in Georgia, right or wrong?

Jamie: Right. I think.. it wasn't so much the running, knowing if I stayed gone there'd be no chance of ever redeeming myself.

Phelps: Well you're right there.

Jamie: And I just can't... I think that's why I even left myself open for it here.

Phelps: Well...

Jamie: I really think that might be why.

Phelps: Why that you confessed? Because why, again?

Jamie: I just didn't want to be alive. I wanted to go back. I guess I just couldn't bring myself to go on back.

Phelps: Well, they're going to get you back to Georgia as soon as they can. We'll have to deal with these child porn charges first. Chances are... I don't know what's gonna happen. I know, depending on what we find on your computer down in Bowling Green, but what you need to focus on more than anything is what went on in Georgia.

What went on here is bad enough okay.

Jamie: Yeah.

Phelps: But what you did down there is worse than what we've got you on here.

Jamie: I know.

Phelps: The main thing is that you cooperate with the authorities down here like you have with me. Not only is it going to expedite things substantially, but you're going to be able to get into some program to where you can start getting help for the issues that you've got.

One, you're addicted to child pornography right or wrong? I mean would you call it an addiction or would you just call it something that, a hobby...?

Jamie: It's a problem.

Phelps: Just... you have a problem with child porn.

Jamie: Yeah.

Phelps: Okay. And you have a problem with, apparently, with urges to touch children. I mean, was it urges to touch kids in general or just something about Emily?

Jamie: I guess, just something about her

Phelps: Is there anything else you want to tell me?

Jamie: Uh, I said yeah I just found myself... I was around the kids more than Jeannie and I were ever around each other lately. She'd be off leaving for work around 6:00 or 6:30 and I'd be, so we

might see each other in passing first thing in the morning and then by the time I got home at night it was 11:00 or Midnight and they was already in bed.

Phelps: Where did you work?

Jamie: At that time I was working at Ft. Rucker in Alabama. I was a DOA civilian.

Phelps: What'd you do there?

Jamie: I was an assistant aquatics manager. We averaged staff during the summer of between 60-75 people and during the winter during 30. I trained lifeguards and taught First Aid/CPR. I trained instructors. I managed the pools. I managed the lake front we used, all the events; trained pilots, trained the SERE instructors for their jobs. You couldn't ask for a better job. I doubled as a swim coach there as well, for the parent organization. I'd get off work at 7, work the swim team until 9:00-9:30, Alabama's time which is 10:00-10:30 for Georgia and it was an hour and a half drive home. It sucked, but I did it.

I did it so Jeannie could have the house and we could have somewhere that she could call home. We had Patrick there. The money was all right, I took a pay cut to get that job.

Phelps: Did you ever have a desire to touch any other children while you were down there?

Jamie: No. Never.

Phelps: Just something clicked one day and Emily was there?

Jamie: I guess, I don't know I just...

Phelps: You really don't know why you did it?

Jamie: I really don't know. I wish I did. I mean, I don't even remember the first... after the incident I just don't remember it. It was there.

Phelps: But you remember doing what you did to her?

Jamie: Yes, I just don't remember why or any of that.

Phelps: But you remember what you did to her?

Jamie: Yes sir.

Phelps: You just don't know why you did it, is that right?

Jamie: I just don't know why.

Phelps: Well hopefully, when you get down there and you get in the court and plead guilty or whatever you do down there, once you get where you're going, whether it's a detention center like this or whatever, you can get some help, get some classes. Talk to your therapist. Work that out with

them, because I'm no therapist. I'm no doctor. I'm just a mere spec in the universe. I'm just a policeman, okay. I can't tell you why you did what you did. I don't know why you did what you did. But that's something you've got to figure out so you don't do it again.

Jamie: I've been trying to figure it out.

Phelps: We don't need any more children out there, there's enough out there as it is.

Jamie: I know. I never wanted to hurt her, she was already hurting enough. She was probably going through, I guess, abandonment issues from her real dad. That was bad enough.

Phelps: I can tell you're sorry for what you did right?

Jamie: Yeah. I just don't know if anyone down there will believe me.

Phelps: Well, I believe you, for what that's worth.

Jamie: A lot. Honestly. The one thing that scares me down there is my wife's friends with the sheriff and as most of the people down there, her brother's law enforcement.

Phelps: Is that right. Where does he work?

Jamie: He's a DNR Ranger. He knows most of the SO.

Phelps: Is that a park ranger?

Jamie: He's a state ranger, game warden.

Phelps: Game warden.

Jamie: He knows most of the deputies and police officers down there. She has a best friend in corrections.

Phelps: Well, here's the deal.

Jamie: I guess that sort of scared me too. Just the stories of the judges down there and it just scared the hell out of me.

Phelps: And I'm sure it did, but you've got a big chunk of this behind you now, because you've admitted what you did to Emily

Jamie: Yeah.

Phelps: And you know what you did was wrong, so I mean, the hardest part is admitting that you done something wrong and you've done that.

Jamie: Yeah.

Phelps: I mean yeah you're gonna go back to Georgia. You're gonna face the judge and you're gonna have to tell him what you did. You're gonna have to.

Jamie: I know.

Phelps: And you're gonna have to talk to your therapist and you're gonna have to tell him what you did or her what you did and hopefully ya'll can figure out why you did what you did.

Jamie: Yeah.

Phelps: The main thing is you've confessed that what you did to Emily sexually and you know it was wrong, right?

Jamie: I do.

Phelps: That's a big part of starting to get where you need to be.

Jamie: Yeah. I guess what scared me down there was with Georgia it's pretty much a life sentence and that just scared the hell out of me.

Phelps: Well, you know, I don't know Georgia's laws.

Jamie: I studied a lot of them.

Phelps: I know it's serious and you know it's serious.

Jamie: Yeah. I guess the thought of not being able to redeem myself didn't help anything, because if I could get the help I get everything and then I might have the chance to prove that any of it was worth anything.

Phelps: Well you know this, running ain't gonna get you nothing.

Jamie: No.

Phelps: Nothing but gray hair, loss of sleep, low weight; you're gonna lose weight. I mean it's a good diet plan, but other than that it ain't worth a shit.

Jamie: No. Not in my first two months here, no water, no electricity and freezing my ass off.

Phelps: Where'd you live?

Jamie: On Lewis St 310.

Phelps: South Lewis?

Jamie: Hmm.

Phelps: Ain't much of an apartment is it?

Jamie: No.

Phelps: Who'd you live there with?

Jamie: Myself.

Phelps: how much was your rent?

Jamie: Nothing, the guy that was taking care of it, Justin, he just said oh you can stay here and that was about the gist of it.

Phelps: Well, I'm gonna give you my card. It's got my name on it. It's got my email and it's got the phone number to the police department there. If you think of anything else you wanna tell me, call that number. Have them call that number and ask for me and I'll come back up here and talk to you.

Jamie: Okay.

Phelps: Do you know when you go to court?

Jamie: Monday.

Phelps: What time?

Jamie: What time?

Phelps: Is that for an arraignment?

Jamie: I went last Monday for them to...

Phelps: For the arraignment.

Jamie: Yeah. This Monday was supposed to be for going over the charges and all.

Phelps: It's where they'll arraign you. Do you know what time you're supposed to be there?

Jamie: He just said Monday.

Phelps: Judge Alexander?

Jamie: I believe so.

Phelps: Okay.

Jamie: I think he said the process was that the grand jury and then...

Phelps: Now, you'll have... well, your attorney will explain all that to you. Dane's a good attorney. He's a good guy, I know Dane. But, you've gotta be honest with him too. Tell him, this is what I did. This is what I told them.

Jamie: I guess my big thing is I just want to get help.

Phelps: And I want to make sure that you get that help, because I don't want any more kids out here being victims. I'm not saying that you're this horrible monster. Good people do bad things. Good people do horrible things. And sometimes maybe in this case as well, you don't know why you did what you did to Emily.

Jamie: I wish I did.

Phelps: Maybe hopefully, you can find that out. Okay.

I'm gonna stop the time. Stop the tape... hang on just a second... [talking to guard] what time you got?

Guard: 10:25

Phelps: Stopping the tape at 10:25 a.m.

APPENDIX - L
MIRANDA WARNING CARD

MIRANDA WARNING

- 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
- 4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
- 5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

MC

ENGLISH
(FRONT)

12 April 2012

C. J. P. D. H. Glasgow Police Dept
@ B.C.D.C.

00-0110-27-11

APPENDIX - M
DECISION OF THE GEORGIA SUPREME
COURT