

IN THE SUPERIOR COURT OF TATTNALL COUNTY

STATE OF GEORGIA

DARVELL MCFARLIN,)
 GDC#1000434699)
)
 Petitioner,)
)
 v.)
)
 TREVONZA BOBBITT,)
 WARDEN, GEORGIA STATE PRISON,)
)
 Respondent.)

CIVIL ACTION FILE NO:
 2021-SU-HC-3-JS

COPY

HABEAS CORPUS HEARING
 SEPTEMBER 22, 2021
 TATTNALL COUNTY COURTHOUSE
 REIDSVILLE, GEORGIA
 HONORABLE D. JAY STEWART, PRESIDING

APPEARANCES

FOR THE PETITIONER: Mr. Darvell McFarlin, Pro Se
 GDC#1000434699

FOR THE DEFENDANT: Ms. Parisa Sarfarazi
 Assistant Attorney General
 Georgia State Law Department
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2024 MAY 22 AM 11:36
 TATTNALL COUNTY GA
 FILED IN OFFICE
 Clerk of Court

TRANSCRIPT LEGEND

(sic) - Exactly as said.

(phonetic) - Exact spelling unknown.

-- Indicates break in speech continuity.

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EXHIBITS

NONE.

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P R O C E E D I N G S

THE COURT: Good morning, Mr. McFarlin, how are you?

PETITIONER MCFARLAN: I'm doing all right, sir. Good morning. How are you?

THE COURT: I'm good.

Court's going to call Case Number 2021-HC-3, which is styled as Darvell McFarlin as Petitioner versus Trevonza Bobbitt as the Warden.

And Mr. McFarlin, if you, sir -- are you ready to proceed?

PETITIONER MCFARLIN: Yes, sir.

THE COURT: All right. And Ms. Smith, you're here for the -- actually, I believe Ms. Sarfarazi, I may have mispronounced --

MS. SARFARAZI: I'm here, Your Honor.

THE COURT: All right. Is here for the respondent. Are you ready?

MS. SARFARAZI: (Inaudible.)

THE COURT: Okay. All right. If you would, please give a brief outline of the allegations, Ms. Sarfarazi, contained in the petition.

RESPONDENT'S OUTLINE OF THE CASE

MS. SARFARAZI: So, Petitioner filed the petitions, Your Honor, in his 2007 Fulton County

1 guilty plea conviction for voluntary manslaughter,
2 aggravated assault with a deadly weapon, and
3 aggravated assault, possession of a firearm by a first
4 offender or probationer, and possession of a firearm
5 during the commission of a crime.

6 Petitioner raised in three out of the four
7 grounds. There really is three grounds in this habeas
8 petition. And the third ground looks like it has
9 about eight (inaudible) of counsel. And we have his
10 guilty plea counsel here to testify to that.

11 THE COURT: Okay. All right. Mr. McFarlin, do
12 you have any witnesses that you wish to call?

13 PETITIONER MCFARLIN: No.

14 THE COURT: And you may -- you may have heard
15 that the attorney general's office is going to have
16 your guilty plea counsel testify. And I'm going to
17 give you the opportunity to cross-examine that witness
18 at the appropriate time. But are there any additional
19 witnesses that you have under subpoena for the purpose
20 of this hearing?

21 PETITIONER MCFARLIN: I would wish to subpoena
22 (inaudible) and Evonne Jenkins, and (inaudible).

23 THE COURT: All right. Do you currently have
24 them under subpoena, and did you pay them?

25 PETITIONER MCFARLIN: No, sir.

1 THE COURT: Okay. All right. Well, if they're
2 not subpoenaed, we're not going to continue this
3 hearing, we're going to go forward.

4 What I'm going to do is allow Ms. Sarfarazi
5 the opportunity to call witnesses and conduct a direct
6 examination of her witnesses, and at the conclusion
7 I'll allow you to ask questions on cross-examination.

8 All right?

9 PETITIONER MCFARLIN: Yes, sir.

10 THE COURT: All right. You may proceed. Call
11 your first witness.

12 MS. SARFARAZI: Yes, Your Honor. We call Corey
13 Bowles.

14 THE COURT: All right.

15 WITNESS BOWLES: Good morning, Your Honor.

16 THE COURT: Good morning. How are you?

17 WITNESS BOWLES: I'm well, and yourself?

18 THE COURT: I'm doing good. If you would raise
19 your right hand and be sworn. And I'll administer the
20 oath.

21 NOTE: (Whereupon, the witness was duly
22 sworn by the Court.)

23 THE COURT: All right. Thank you, sir.

24 All right.

25 *****

1 Whereupon,

2 **COREY BOWLES**

3 having first been duly sworn and being called as a witness
4 in behalf of the respondent, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MS. SARFARAZI:

8 Q Mr. Bowles, could you please state your name and
9 business address for the record?

10 A Corey Bowles. Business address is 3350 Riverwood
11 Parkway, Suite 1900, Atlanta, Georgia, 30339.

12 Q What year were you admitted to the Georgia bar?

13 A Two thousand.

14 Q Since becoming a bar member, how have you been
15 employed?

16 A The first eight-and-a-half years I was an
17 assistant district attorney with the Fulton County district
18 attorney's office. Since then, from February 2008 I've
19 been a criminal defense attorney.

20 Q So at the time you represented Petitioner, what
21 was the percentage of your practice that you devoted to
22 criminal work?

23 A Probably about 95 percent.

24 Q And how many felony trials had you handled at
25 that time?

1 A Just as a defense attorney?

2 Q Yes.

3 A Okay. Probably about 10 to 15. Something like

4 that.

5 Q And how many did you handle as a prosecutor?

6 A That was probably another 10 to 15. Somewhere

7 approximately.

8 Q So about 20 trials (inaudible)?

9 A Something like that. Yes.

10 Q Okay. And how many guilty pleas do you think you

11 handled as a defense attorney?

12 A Hundreds.

13 Q And as a prosecutor as well?

14 A Yes.

15 Q Okay. And do you know the appeals,

16 approximately, (inaudible)?

17 A (Inaudible.)

18 Q And at the time -- at what point did you enter

19 Petitioner's criminal case?

20 A It was assigned to me as a C-3, because there was

21 a conflict with the public defender. Off-hand, I couldn't

22 tell you the exact date of my entry, though. But I believe

23 it was sometime in 2017. I couldn't say the date of my

24 entry.

25 Q Was it before the indictment?

1 A No. I believe it was (inaudible).
2 Q And were you appointed or retained?
3 A I was appointed.
4 Q And do you recall the facts of this case?
5 A Of the general facts. Yes, I do.
6 Q Okay. And you -- how did you prepare investigate
7 for it?
8 A I requested and received the discovery. Spoke
9 to Mr. McFarlin about the case. Talked with the
10 prosecutors about the case as well. And basically, went to
11 see, you know, what the strategy would be.
12 Q So you said you received discovery. Did you
13 review all of the discovery?
14 A I did.
15 Q And that include the police report?
16 A Yes. It did.
17 Q And include the photographs?
18 A Yes.
19 Q And you reviewed all those?
20 A Yes.
21 Q Okay. Good. And you said you were able to meet
22 with Petitioner?
23 A Yes.
24 Q And were you able to communicate with him?
25 A Yes.

1 Q And you discussed all the charges, and he was
2 able to understand that?

3 A Yes.

4 Q And you reviewed the discovery with him?

5 A Yes.

6 Q Okay. And did Petitioner provide any defense
7 witnesses?

8 A I believe there was some witnesses that he -- if
9 we went to trial that, yes, he would have had me call.

10 Q You met with them?

11 A I believe I spoke to them about that, but they
12 weren't -- if I remember correctly, there weren't
13 eyewitnesses. They weren't eyewitnesses.

14 Q So would they be helpful for trial or for your
15 defense?

16 A As to the defense, no. That's the one -- that
17 the defense would have do to have been.

18 Q And so in all of this (inaudible), were you able
19 to form a viable defense?

20 A In my discussions with Mr. McFarlin, we talked
21 about what his defense would be.

22 Q What was your defense?

23 A Defense would have had to have been -- according
24 what I was able to find in discovery, you really had to
25 have be accident.

1 Q Okay. And did you discuss accident with him?

2 A Yes.

3 Q Did you discuss self-defense with him?

4 A We discussed that as well.

5 Q Okay. And did you file any pre-trial motions or
6 submit any pre-trial hearing?

7 A I don't remember filing (inaudible). I can't
8 remember. I know there were -- I remember mostly that I
9 was uncomfortable with the defense. And I remember talking
10 to the DA. (Inaudible) Fulton County (inaudible) or there
11 would be sometimes some of the ADAs do that. If you're
12 negotiating a plea that comes before a motion. If you
13 start filing motions, you know, then a plea -- the plea
14 offer -- the best plea offer goes away and gets worse. I
15 remember potential motions as far as question of the
16 lineup. But that would have been an ID issue. And I
17 thought that the State was prepared to counteract that. I
18 didn't see any (inaudible) in pretrial (inaudible) any
19 identification or the amount of motion, anyway. And
20 (inaudible) had been successful, the State had a way to
21 counteract it.

22 Q So you thought (inaudible) to weigh all filing of
23 motion (inaudible)?

24 A Right. The only motion that I can think of would
25 have been identification. There may have been some motion

1 in limine filed, but I don't remember the (inaudible).

2 Q Okay. And did you discuss a (inaudible) separate
3 (inaudible)?

4 A Yes. But he had already been offered -- he was
5 offered a plea, a very (inaudible) deal, so -- he would
6 have been (inaudible) on trial anyway, (inaudible).

7 Q Did you discuss the possibility of trial with
8 Petitioner?

9 A We discussed trial extensively -- I explained to
10 him what would have happened.

11 Q And you discussed the (inaudible)?

12 A Uh-huh (affirmative).

13 Q And I want to go on (inaudible). How did the --
14 I know that you discussed pretrial, and you discussed it
15 fairly on, how did the plea come about?

16 A After discussion with the particular -- with the
17 ADA back and forth, back, and forth for a while. I believe
18 they agreed that it's just not a murder case, that he would
19 be allowed to plead to voluntary manslaughter. Kind of
20 went back and forth about what the sentence would be, and
21 finally, it was set at voluntary manslaughter, I believe 20
22 years on that, and like five on the gun charge. So that's
23 -- that's what I (inaudible).

24 Q So (inaudible)?

25 A Because he was charged with murder.

1 Q Right. And you communicated that plea offer with
2 Petitioner?

3 A Yes.

4 Q Okay. And you discussed the rights that he'd be
5 waiving if he did plead?

6 A Yes.

7 Q And you discussed the right of trial?

8 A Right.

9 Q And to confront witnesses?

10 A Yes.

11 Q And the right to not incriminate himself?

12 A Yes.

13 Q Okay. And did Petitioner have an opportunity to
14 ask you questions?

15 A Yes.

16 Q And did he ask you questions regarding his
17 rights?

18 A He did.

19 Q Whose decision was it to ultimately take the
20 plea?

21 A He has to be the defendant's decision. They're
22 the one that makes the decision. All I can do is give my
23 suggestion what I would think the pros and cons with taking
24 it would be. But the decision is his.

25 Q (Inaudible.)

1 A Yes.

2 Q Okay. So (inaudible) the plea (inaudible), since
3 it's a negotiated plea did the Court follow the State's
4 recommendation?

5 A Yes.

6 Q And was Petitioner (inaudible) of his
7 constitutional rights, (inaudible), confront witnesses, and
8 (inaudible) at the hearing?

9 A Yes. He was. He actually signed the plea deal.

10 Q At the time that he got (inaudible), he entered
11 his plea knowingly and voluntarily?

12 A Yes. It was.

13 Q And following the plea hearing, did Petitioner
14 ever mention that he wanted to withdraw or appeal his
15 (inaudible)?

16 A I don't remember. We didn't talk again that I
17 remember after that. I could be wrong, but I don't
18 remember talking to him. There may have been some
19 correspondence forwarded to my office at some point, maybe
20 a year later, but I really don't remember for sure.

21 Q Okay. (Inaudible) ineffective assistance of
22 counsel claim. One of the claims is that you failed to
23 raise Petitioner's sanity. Did you have any concerns
24 regarding Petitioner's sanity with him?

25 A No. Not at all.

1 Q (Inaudible?)
2 A Not that I saw.
3 Q And did you (inaudible)? That's another one of
4 his claims, that you failed to counsel him on immunity.
5 A As far as self-defense?
6 Q Well, let's talk about (inaudible) and self-
7 defense, just to be clear.
8 A I don't recall any immunity issues that could
9 have been raised, (inaudible) self-defense.
10 Q And you said before that you discussed self-
11 defense with him.
12 A Yes. We did.
13 Q (Inaudible.)
14 A That's correct.
15 Q Okay. So, did you represent Petitioner at his
16 bond hearing?
17 A I believe I did. Yes.
18 Q Was he granted bond?
19 A I don't think he was granted bond. No.
20 Q And one of the other claims is that you
21 (inaudible)
22 A Cause there's no -- I mean, they appoint -- there
23 are times when you go back and forth and things get a
24 little heated, you know, and you both get angry.
25 Q Uh-huh (affirmative).

1 A But I would be going the Court pretty much with
2 any client that I have as some point, especially, with
3 cases like this. But there was nothing where we failed to
4 stop working. It was just -- yeah, there were times where
5 our discussion got heated, but I've never been -- I've
6 never (inaudible) question of that. Something that I need
7 to inform the court. It wasn't -- it didn't get to a point
8 where we could no longer communicate or stop working
9 together.

10 Q And (inaudible) before, just to make sure, you
11 said you (inaudible), but you decided not to (inaudible).

12 A It was already (inaudible). His co-defendant was
13 given a deal totally removing the murder charge. I think
14 he plead to -- something (inaudible). I know it was five
15 years. So, and his deal would have required him to testify
16 if Mr. McFarlin would have went to trial.

17 Q Okay. All right.

18 MS. SARFARAZI: No further questions.

19 THE COURT: All right. Do you have any questions
20 that you want to ask the witness on cross-examination?

21 CROSS-EXAMINATION

22 BY PETITIONER MCFARLIN:

23 Q I would ask Mr. Corey Bowles if it would have
24 been permissible for him to (inaudible) that the
25 identification issue that I raised, and (inaudible) in the

1 court records the (inaudible) was used by (inaudible)
2 identification (inaudible). And (inaudible) explained to
3 him and he told me that I wrong and how did I know that?
4 And he did not go through the (inaudible) identification.
5 And my co-defendant statement, it conflicted with my
6 defense, (inaudible) identification, you know. That could
7 have been a defense. That could have been (inaudible) by
8 the attorney. That's one of the questions I want to ask.

9 Why didn't you file a motion to suppress
10 identification?

11 A I didn't think there was any merit to the
12 identification issue. But again, like you said, or like I
13 said, your co-defendant was offered a plea where he would
14 have had to testify. All he would have had to do was say
15 you with him, and that would have killed any (inaudible)
16 issue. But as far as the witnesses that identified you, I
17 didn't think there was any merit. And I didn't think it
18 was successful, I should say, not that it wasn't any merit.
19 I didn't think it would have be successful at the hearing
20 to suppress identification.

21 Q Did you -- you don't remember me being granted a
22 bond?

23 A I don't. I remember you were in custody during
24 the whole time. I don't remember -- I do not remember you
25 being granted a bond. I just -- I do remember you were in

1 custody from beginning of my representation until you took
2 your plea.

3 Q I was in custody over 90 days, Mr. Bowles, and
4 they granted me a bond. And being (inaudible), (inaudible)
5 and I (inaudible) that I need a bond reduction,
6 (inaudible).

7 A I don't recall us ever talking about a bond.
8 Every time I met with you it was more about the merit of
9 the case. I remember us having extensive discussions
10 (inaudible).

11 Q Do you remember the time where I gave you a full
12 (inaudible) discovery packet, and (inaudible)?

13 A That you gave me? I got discovery from the
14 State, not from you.

15 Q I gave you a copy, Mr. Bowles.

16 A You may have given me a copy of something you
17 had. Okay. I don't remember exactly. But I got discovery
18 from the State.

19 PETITIONER MCFARLIN: I don't have no more
20 questions, Your Honor.

21 THE COURT: Okay. Any redirect?

22 MS. SARFARAZI: No.

23 THE COURT: I'm sorry. I didn't -- couldn't hear
24 you.

25 MS. SARFARAZI: (Inaudible.)

1 THE COURT: Okay. Thank you, ma'am. Any other
2 witnesses?

3 MS. SARFARAZI: No.

4 THE COURT: All right. Any evidence that needs
5 to be tendered at this time?

6 MS. SARFARAZI: I need to tender exhibits.

7 THE COURT: Okay. All right.

8 And Mr. McFarlin, just so -- and I know
9 you're not represented by counsel in this proceeding.
10 The exhibits that are being offered by Petitioner --
11 I'm sorry, by the Respondent, consists of the record
12 of your case. And you've made certain allegations in
13 your petition, and in order for me to determine
14 whether there's any merit to these allegations
15 contained in the petition, it's necessary for me to
16 review the record of your case. And so, the exhibits
17 that she is tendering consist of what makes up the
18 record of your case. Okay.

19 Do you have any objection to the exhibits
20 being offered by the Respondent at this time?

21 PETITIONER MCFARLIN: What would you mean by
22 objection, Your Honor?

23 THE COURT: Do you contest that -- or do you
24 contend that there's any reason that this should not
25 be made a part of the record?

1 PETITIONER MCFARLIN: I can't hear you, Your
2 Honor.

3 THE COURT: All right. Do you have any basis for
4 -- do you object to these exhibits? That's my
5 question to you.

6 PETITIONER MCFARLIN: Do I object to the case
7 file?

8 THE COURT: I'm going to let Ms. Sarfarazi
9 explain what exhibits that she has.

10 MS. SARFARAZI: (Inaudible) to the screen?

11 THE COURT: Yes, ma'am.

12 PETITIONER MCFARLIN: (Inaudible?)

13 MS. SARFARAZI: You object to the exhibits?

14 THE COURT: No.

15 PETITIONER MCFARLIN: No.

16 MS. SARFARAZI: All right. Can you (inaudible)?

17 THE COURT: Yeah. I can see you. You're sharing
18 an exhibit at this point.

19 PETITIONER MCFARLIN: I cannot see it.

20 THE COURT: That appears to be the plea
21 transcript.

22 PETITIONER MCFARLIN: Oh, I have the plea
23 transcript here.

24 JUDICIAL ASSISTANT: The way she's sharing,
25 Judge, it's making it light. It appears on the

1 computer, it does not on the Cisco system. So, I'm
2 not sure if that's the reason that the Petitioner is
3 not able to see it. Because they use the same
4 equipment that we use, and here on the system. As you
5 can see on the monitors, we're not able to see it, so.

6 Is there any way -- previously, you were
7 sharing without your picture on the bottom right. And
8 we could see it here. Is there any way you can just
9 share it without having your video of you included?

10 Ms. Sarfarazi, can you hear me?

11 THE COURT: Looks like Ms. Smith has gone to see
12 if she can help with that. I think we lost Ms.
13 Sarfarazi.

14 All right. Bear with us just a minute, Mr.
15 McFarlin, while we get the technological issues
16 resolved.

17 PETITIONER MCFARLIN: Yes, sir.

18 JUDICIAL ASSISTANT: Ms. Sarfarazi, can you
19 unmute yourself?

20 MS. SARFARAZI: Hello.

21 JUDICIAL ASSISTANT: Yes. We can.

22 MS. SARFARAZI: Can you guys see the exhibits?

23 THE COURT: Yes. I can.

24 Mr. McFarlin, can you see the exhibit at
25 this time?

1 PETITIONER MCFARLIN: Yes, sir, Your Honor. I
2 can see it.

3 THE COURT: Okay. Thank you.

4 MS. SARFARAZI: I'm sorry about that, Your Honor.
5 Technology.

6 THE COURT: That's okay.

7 MS. SARFARAZI: So, this is Respondent's Exhibit
8 One which includes the -- you need to go to the front
9 -- which includes the indictment, and the sentencing
10 sheet as well as the entry of appearance, Mr. Bowles,
11 and the order of bond.

12 THE COURT: All right. Any objection to
13 Respondent's Exhibit One, Mr. McFarlin?

14 PETITIONER MCFARLIN: I want to object to the
15 indictment, Your Honor, because I had no -- I never
16 had no conversation to pleading guilty to these
17 charges, Your Honor. I didn't have any clue of -- any
18 sense of this law or any sense of this defense. I
19 don't recall.

20 THE COURT: All right. Your objection is noted
21 for the record, but it's overruled. The Court's going
22 to admit Exhibit One.

23 Any other exhibits?

24 MS. SARFARAZI: Sorry, Your Honor. We also have
25 Exhibit Two.

1 THE COURT: All right. . And this is the guilty
2 plea transcript?

3 MS. SARFARAZI: Yes, Your Honor. And it should
4 actually be guilty plea transcript and the transcript
5 of voir dire that happened prior to the guilty plea.

6 THE COURT: Okay. All right. Any objection to
7 Respondent's Exhibit Two?

8 PETITIONER MCFARLIN: No, Your Honor.

9 THE COURT: All right. Exhibit Two's admitted.

10 MS. SARFARAZI: Thank you, Your Honor.

11 THE COURT: All right. Anything else? Any other
12 exhibits?

13 MS. SARFARAZI: (No audible response.)

14 THE COURT: All right. Mr. McFarlin, do you have
15 any exhibits that you wish to tender?

16 PETITIONER MCFARLIN: Yes, Your Honor. I have
17 the case summary.

18 THE COURT: All right. Have you previously filed
19 that with the clerk's office or is that something --

20 PETITIONER MCFARLIN: No. This is what was given
21 to me by the Clerk of Court in Fulton County. This is
22 the case summary of all the motions and all the
23 proceedings that went to court, in which I did go
24 through in court in Fulton County.

25 THE COURT: All right. Let me ask, Ms.

1 Sarfarazi, is that included in either Respondent's One
2 or Two?

3 MS. SARFARAZI: No, Your Honor. Not the case
4 summary.

5 THE COURT: Okay.

6 PETITIONER MCFARLIN: I also have photographic
7 line-ups, in which were conducted.

8 THE COURT: All right. Any objection by
9 Respondent as to Petitioner's One, which is the case
10 summary?

11 MS. SARFARAZI: Well, I object because we haven't
12 seen it, so I can't verify that that would be the case
13 summary to note an objection. We've never seen these
14 exhibits.

15 THE COURT: Okay. All right. And then you had
16 -- Mr. McFarlin, you said Petitioner's Two was a
17 photographic lineup?

18 PETITIONER MCFARLIN: Yes, Your Honor. And also,
19 the transcript, Your Honor.

20 THE COURT: Which transcript are you referring
21 to?

22 PETITIONER MCFARLIN: Case Number 17-SC-5018 --
23 5019-82.

24 THE COURT: Is that your guilty plea transcript?

25 PETITIONER MCFARLIN: Yes, sir.

1 THE COURT: Okay. Well, that's already in the
2 record. That -- Respondent has -- we don't need two
3 copies of that, so.

4 Here's what I'm going to do. I'm going to
5 keep the record open. Give you the opportunity to
6 send these exhibits to the attorney general's office
7 so they can review them. And after they've reviewed
8 them, if they have no objection, they can notify me,
9 and we'll add that to the record. If they do have an
10 objection, we'll go back on the record and deal with
11 those objections at that time.

12 Okay?

13 PETITIONER MCFARLIN: I don't understand, Your
14 Honor.

15 THE COURT: All right. You're going -- I'm going
16 to give you 10 days to mail these exhibits to the
17 attorney general's office. All right. And they can
18 tell me whether they have -- because they've not seen
19 them. They don't know whether they object to them or
20 not. They've not seen them before today. I'm going
21 to let them receive these and they can notify me as to
22 whether or not they have an objection. If they don't
23 have an objection, they'll just be entered as your
24 exhibits just as we just admitted the exhibits from
25 counsel for the Respondent.

1 Okay?

2 PETITIONER MCFARLIN: All right, Your Honor.

3 THE COURT: Okay. So, you go ahead and make
4 arrangements to notify or to get that mailed out to
5 the attorney general's office.

6 Do you have their address?

7 PETITIONER MCFARLIN: No, sir.

8 THE COURT: All right. Where can Mr. McFarlin
9 mail these exhibits?

10 MS. SARFARAZI: Your Honor, he could mail it at
11 40 Capitol Square SW, Atlanta, Georgia, 30334.

12 THE COURT: Mr. McFarlin, you writing that down?

13 PETITIONER MCFARLIN: I don't have a pen, Your
14 Honor.

15 UNKNOWN PERSON: Does he have a copy of our
16 answer? That would have the address on it.

17 THE COURT: Do you have that, Mr. McFarlin? Any
18 pleading that has been filed by the attorney general's
19 office? Have you received any communication from
20 them?

21 PETITIONER MCFARLIN: Give me a second, Your
22 Honor.

23 THE COURT: All right. Take your time.

24 PETITIONER MCFARLIN: Is it Georgia Department of
25 Law, 40 Capitol Square SW, Atlanta, GA?

1 THE COURT: That's right. And if you'll mail
2 these exhibits to the attention of Ms. Sarfarazi.

3 MS. SARFARAZI: No, Judge, to the attention of
4 William N. Finger.

5 THE COURT: William N. Finger?

6 MS. SARFARAZI: Yes.

7 THE COURT: Okay. All right. Anything else we
8 need to take up?

9 MS. SARFARAZI: Your Honor, I just wanted to get
10 the court reporter's information, and how they would
11 like us to send our exhibits? By mail?

12 THE COURT: Do you have her email information?

13 MS. SARFARAZI: Whose email?

14 THE COURT: Okay. Our habeas clerk's going to
15 email you and she'll provide you with the court
16 reporter's information.

17 MS. SARFARAZI: Okay.

18 THE COURT: All right. Thank you, Mr. Bowles.
19 We appreciate you testifying. I know this is -- these
20 are -- I guess it's better than driving down to
21 Reidsville this morning, but --

22 WITNESS BOWLES: Yes, it was, Your Honor. I
23 appreciate that. Thank you.

24 THE COURT: I think we're going to try to adopt
25 some of this technology that we have incorporated as a

1 -- I guess that's the silver lining to the dark cloud
2 of COVID. It's made some things easier. I remember
3 when I was practicing, I had to drive down to -- I had
4 one habeas hearing as a defense lawyer, Judge Joe
5 Nevil, the late Judge Joe Nevil. Ms. Smith, you may
6 remember him from Bulloch County. But that was years
7 ago. But even -- I remember the -- I didn't get paid.
8 And it was a long trip, and a lost day to go sit
9 through a habeas hearing, and I understand that. So
10 maybe we can adopt some of this technology going
11 forward. But thank you for appearing virtually with
12 us this morning.

13 WITNESS BOWLES: I think that's a good idea,
14 Judge.

15 THE COURT: All right. Thank you.

16 Mr. McFarlin, after I've -- we've dealt with
17 this issue regarding your exhibits, assuming that
18 there is no objection, I'll get an order out to you.

19 Okay?

20 PETITIONER MCFARLIN: All right, Your Honor.

21 THE COURT: Thank you, sir.

22 That concludes the hearing.

23 PETITIONER MCFARLIN: Thank you, sir.

24 THE COURT: All right.

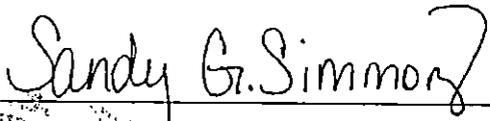
25 (HEARING CONCLUDED AT 10:11 A.M.)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF TATTNALL

I, Sandy G. Simmons, being a certified court reporter, certify that the foregoing 28 pages are a complete record of the habeas corpus hearing taken down in this case on September 22, 2021.

Witness my hand and seal at Tattnall County, Georgia, this the 6th day of February 2022.



Sandy G. Simmons, CCR E-2362



Mc
Newkirk-EJIS

INDICTMENT

16CP164509

Clerk No. 17SCI51982

FULTON SUPERIOR COURT

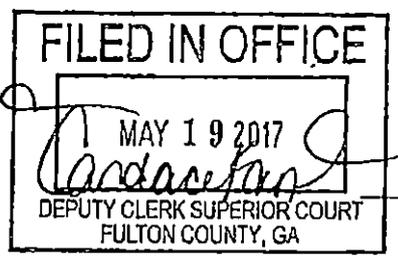
THE STATE OF GEORGIA

V.

STEVEN JUDKINS
A.K.A. "STEVO"
Cts 1, 2, 4, 5, 6 & 8
DA #: 16DA12145

DARVELL MCFARLIN
A.K.A. "LAVELL"
A.K.A. "VITO"
Cts 1, 2, 3, 4, 5, 6 & 7
DA #: 16DA12122

- 1 MURDER O.C.G.A. §16-5-1
- 2 FELONY MURDER O.C.G.A. §16-5-1
- 3 FELONY MURDER O.C.G.A. §16-5-1
- 4 AGGRAVATED ASSAULT WITH A DEADLY WEAPON O.C.G.A. §16-5-21
- 5 AGGRAVATED ASSAULT O.C.G.A. §16-5-21
- 6 POSSESSION OF FIREARM DURING COMMISSION OF A FELONY O.C.G.A. §16-11-106
- 7 POSSESSION OF FIREARM BY FIRST OFFENDER PROBATIONER O.C.G.A. §16-11-131
- 8 HINDERING APPREHENSION OF A CRIMINAL O.C.G.A. §16-10-50



True BILL
May 19, 2017

Mary Mercer
Grand Jury Foreperson

PERSONID: 4052986

PAUL L. HOWARD, JR., District Attorney

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

Defendant

Defendant

Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Assistant District Attorney

Assistant District Attorney

Assistant District Attorney

This _____ day of _____,

This _____ day of _____,

This _____ day of _____,



STATE OF GEORGIA, COUNTY OF FULTON
IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS, selected, chosen and sworn for the County of Fulton, to wit:

- | | |
|-------------------------------------|---|
| 1. Mary Mercer, Foreperson | 14. Horton, James |
| 2. Alicia Murphy, Asst. Foreperson | 15. Patterson, Bridgette |
| 3. Diana Oshifodunrin, Secretary | 16. Randolph, Ashley |
| 4. Barbara Collomb, Asst. Secretary | 17. Ricks, Diane |
| 5. Bennett, Landon | 18. Roberts, La'Shundra |
| 6. Binns, Patricia | 19. Flournoy, Royce |
| 7. Bryan, Andrew | 20. Sampson, Alusani |
| 8. Dharumarajan, Ravikumar | 21. Wagner, Carla |
| 9. Corvajal Diaz, Ana | 22. Watson, George |
| 10. Donnelly, Raymond | 23. Williams, Anthony |
| 11. Hayes, Donald | 24. Dweeta, Teresa - ALT 1 |
| 12. Hudgins, James | 25. Desantis, Cheryl - ALT 2 |
| 13. Johnston, Craig | 26. Lichter, Douglas - ALT 3 |

in the name and behalf of the citizens of Georgia, do charge and accuse STEVON JUDKINS A.K.A. "STEVO" and DARVELL MCFARLIN A.K.A. "LAVELL" A.K.A. "VITO" with the offense of MURDER O.C.G.A. §16-5-1, for the said accused, in the County of Fulton and State of Georgia, on the 3rd day of October, 2016, did unlawfully and with malice aforethought, cause the death of Jamal Malaachi Adams, a human being, by shooting him with a firearm -contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 2 of 8

and the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse STEVON JUDKINS A.K.A. "STEVO" and DARVELL MCFARLIN A.K.A. "LAVELL" A.K.A. "VITO" with the offense of FELONY MURDER O.C.G.A. §16-5-1, for the said accused, in the County of Fulton and State of Georgia, on the 3rd day of October, 2016, did unlawfully during the commission of a felony, to wit: AGGRAVATED ASSAULT WITH A DEADLY WEAPON, cause the death of Jamal Malaachi Adams, a human being, by shooting him with a firearm -contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 3 of 8

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COUNT 4 of 8

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COUNT 5 of 8

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COUNT 6 of 8

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COUNT 7 of 8

and the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DARVELL MCFARLIN A.K.A. "LAVELL" A.K.A. "VITO"** with the offense of **POSSESSION OF FIREARM BY FIRST OFFENDER PROBATIONER O.C.G.A. §16-11-131**, for the said accused, in the County of Fulton and State of Georgia, on the 3rd day of October, 2016, did knowingly and without lawful authority possess a firearm; accused having been sentenced pursuant to Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated to a term of probation as a Felony First Offender on December 6, 2010, by the Superior Court of Fulton County, Indictment Number 10SC91920 -contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 8 of 8

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PAUL L. HOWARD, JR., District Attorney

Related Clerk No: 16CP164509

Complaint #: 16015441

Defendant	DA #	Booking	Race	Sex	Birthdate	OTN	Agency
JUDKINS, STEVON WENDELL	16DA12145	1624354	Black	Male	12/23/1993	88406765263	East Point Police Department
MCFARLIN, DARVELL C	16DA12122	1624154	Black	Male	09/19/1992	88406714351	East Point Police Department

WITNESS LIST

- N. BROUSSARD - East Point Police Department 757
- C. CHANDLER - East Point Police Department 4070
- D. CLICKNER - East Point Police Department 7555
- V. COPELAND - East Point Police Department 1561
- C. DIXON-ROLLINS - East Point Police Department 725
- T. ELLIS - East Point Police Department 4958
- M. FRAGOSO - East Point Police Department 7489
- R. FRAZIER - East Point Police Department 7438
- R. GARCIA - East Point Police Department 7649
- A. GLOVER - East Point Police Department 4076
- R. GOODDINE - East Point Police Department 7185
- R. GRAHAM - East Point Police Department 7716

I. JOHNSON - East Point Police Department 7534

J. JORDAN - East Point Police Department 7606

A. LOVE - East Point Police Department *000

T. MOORE - East Point Police Department 4479

R. POPHAM - East Point Police Department 1562

R. SAULS - East Point Police Department 3970

A. SLAUGHTER - East Point Police Department 4212

A. VILLASENOR - East Point Police Department 7681

W. WATTS - East Point Police Department 7147

D. WILLIAMS - East Point Police Department 4399

E. YOUNG - East Point Police Department 7579

Charles Martin – Fulton County District Attorney's Office

Adam Gardner – Fulton County District Attorney's Office

Jan Gorniak – Fulton County Medical Examiner's Office

Amended Sentence Modified Sentence Revoked 1st Offender Sentence Re-Sentence

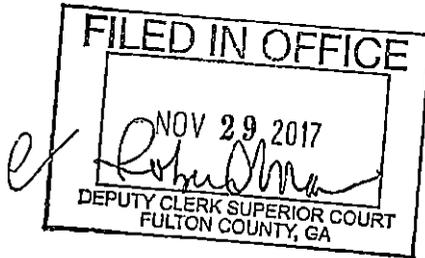
IN THE SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA

STATE OF GEORGIA
vs

DARVELL CHARLES MCFARLIN

CRIMINAL ACTION #:
17SC151982

NOV-DEC Term
of 2017



Clerk to complete if incomplete:

OTN(s):
DOB: 09/19/1992
GA-055448569

Final Disposition:
FELONY CONFINEMENT

First Offender/ Conditional Discharge entered under :

O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2

Repeat Offender as imposed below

Repeat Offender Waived

PLEA:

Negotiated Non-negotiated

VERDICT:

Jury Non-Jury

The Court enters the following judgment:

Count	Charge <u>(as indicted or accused)</u>		Disposition Guilty; Not Guilty; Guilty-Alford Guilty-Lesser Incl; Nol Pros; Nolo Contendere; Dead Docket 1 st Offender; 1 st Offender- Alford; Order	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspende Commute to Time Served
1	Murder	16-5-1	Guilty-Lesser Incl VOLUNTARY MANSLAUGHTER 16-5-2	20 YEARS TO SERVE	0.00	
2	Felony Murder	16-5-1	VACATED BY OPERATION OF LAW			
3	Felony Murder	16-5-1	NOL PROS			
4	Aggravated Assault with a Deadly Weapon	16-5-21	Guilty	MERGE INTO CT 1		
5	Aggravated Assault	16-5-21	Guilty	MERGE INTO CT 1		
6	Possession of Firearm During Commission of a Felony	16-11- 106	Guilty	5 YRS TO SERVE		CONSECUTIVE TO CT 1
7	Possession of Firearm by First Offender Probationer	16-11- 131	Guilty	5 YRS TO SERVE		COGNURRENT W/CT 1

17SC151982

DARVELL CHARLES MCFARLIN

The Defendant is adjudged guilty or sentenced under First Offender for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of: **[25 YRS TO SERVE]**

The Defendant is to receive credit for time served in custody: from **[12-19-16 TO PRESENT]** ; or
 As determined by the custodian.

The Court sentences the Defendant as a recidivist under O.C.G.A.:
 § 17-10-7(a); § 17-10-7(c); § 16-7-1(b); § 16-8-14(b); or § []

The Defendant shall pay restitution in the amount of \$[]
through the Clerk of Court for the benefit of the victim(s), []

FIRST OFFENDER

(If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act, the Court may enter an adjudication of guilty and proceed to sentence the Defendant to the maximum sentence as provided by law.

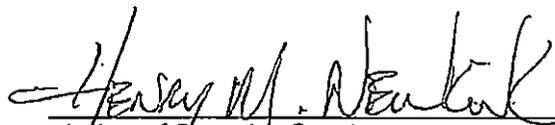
For Court's Use: CONCURRENT W/ANY SENTENCE NOW SERVING

The Hon. **COREY T BOWLES**, Attorney at Law, represented the Defendant by:
 employment; or appointment.

MELANIE FISHER

Court Reporter

SO ORDERED this 28th day of November, 2017



Judge of Superior Court
Atlanta Judicial Circuit

JUDGE HENRY M NEWKIRK

(print or stamp Judge's name)

FIREARMS - If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol or revolver, or ammunition, pursuant to federal law under 18 U.S.C §922(g)(9) and/or applicable state law.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me.

Defendant

MC
Newark-EJIS

INDICTMENT

16CP164509

Clerk No. 17SCI51982

FULTON SUPERIOR COURT

THE STATE OF GEORGIA

V.

STEVEN JUDKINS
A.K.A. "STEVO"
Cts 1, 2, 4, 5, 6 & 8
DA #: 16DA12145

DARVELL MCFARLIN
A.K.A. "LAVELL"
A.K.A. "VITO"
Cts 1, 2, 3, 4, 5, 6 & 7
DA #: 16DA12122

- 1 MURDER O.C.G.A. §16-5-1
- 2 FELONY MURDER O.C.G.A. §16-5-1
- 3 FELONY MURDER O.C.G.A. §16-5-1
- 4 AGGRAVATED ASSAULT WITH A DEADLY WEAPON O.C.G.A. §16-5-21
- 5 AGGRAVATED ASSAULT O.C.G.A. §16-5-21
- 6 POSSESSION OF FIREARM DURING COMMISSION OF A FELONY O.C.G.A. §16-11-106.
- 7 POSSESSION OF FIREARM BY FIRST OFFENDER PROBATIONER O.C.G.A. §16-11-131
- 8 HINDERING APPREHENSION OF A CRIMINAL O.C.G.A. §16-10-50

FILED IN OFFICE
MAY 19 2017
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

True BILL
May 19, 2017
Mary Mercer
Grand Jury Foreperson

PERSONID: 4052986

PAUL L. HOWARD, JR., District Attorney

STEVEN JUDKINS

DARVELL MCFARLIN

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads NOT Guilty.

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads NOT Guilty.

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

[Signature]
Defendant
Attorney for Defendant
(without Prejudice)

[Signature]
Defendant
Attorney for Defendant
(with Prejudice)

[Signature]
Defendant
Attorney for Defendant

[Signature]
Assistant District Attorney
for Debra Griffin

[Signature]
Assistant District Attorney
for Debra Griffin

Assistant District Attorney

This 8 day of JUNE, 2017

This 8 day of June, 2017

This ___ day of _____, 2017

CF-Reduced
to voluntary
manslaughter 16-5-2

DARVELL McFARLIN
waives copy of indictments, lists of witnesses
full panel, formal arraignment and others

GUilty to Voluntary Manslaughter, Possession of a Firearm During Felony
Possession of Firearm by Person Under Probation
Count 3 Nolle Prose

Lauren Harris
District Attorney
[Signature]
Defendant's Attorney
Darvell McFarlin
Defendant

Nov. 28th, 2017

9/8
of 1st

STEVEN JUDKINS
waives copy of indictments, lists of witnesses
full panel, formal arraignment and others

Lauren Harris
District Attorney
[Signature]
Defendant's Attorney
[Signature]
Defendant

Nov. 28th, 2017

Attorney
as to
Count 8
only;
Nolle Prose as to
Counts, 1, 2, 4, 5 & 6

FILED IN OFFICE
NOV 29 2017
[Signature]
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

**STATE OF GEORGIA, COUNTY OF FULTON
IN THE SUPERIOR COURT OF SAID COUNTY**

THE GRAND JURORS, selected, chosen and sworn for the County of Fulton, to wit:

- | | |
|-------------------------------------|--|
| 1. Mary Mercer, Foreperson | 14. Horton, James |
| 2. Alicia Murphy, Asst. Foreperson | 15. Patterson, Bridgette |
| 3. Diana Oshifodunrin, Secretary | 16. Randolph, Ashley |
| 4. Barbara Collomb, Asst. Secretary | 17. Ricks, Diane |
| 5. Bennett, Landon | 18. Roberts, La'Shundra |
| 6. Binns, Patricia | 19. Flournoy, Royce |
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| 8. Dharumarájan, Ravikumar | 21. Wagner, Carla |
| 9. Corvaja Dias, Ana | 22. Watson, George |
| 10. Donnelly, Raymond | 23. Williams, Anthony |
| 11. Hayes, Donald | 24. [unclear], [unclear] |
| 12. Hudgins, James | 25. Desantis, Cheryl- ALT 2 |
| 13. Johnston, Craig | 26. Richter, Douglas- ALT 3 |

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PAUL L. HOWARD, JR., District Attorney

Related Clerk No: 16CP164509

Complaint #: 16015441

Defendant	DA #	Booking	Race	Sex	Birthdate	OTN	Agency
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WITNESS LIST

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- M. FRAGOSO - East Point Police Department 7489
- R. FRAZIER - East Point Police Department 7438
- R. GARCIA - East Point Police Department 7649
- A. GLOVER - East Point Police Department 4076
- R. GOODDINE - East Point Police Department 7185
- R. GRAHAM - East Point Police Department 7716

O
CR.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
v.
DARVEL MCFARLIN

)
) CASE NO. 16CP164509
)

FILED IN OFFICE
MAR 22 2017
[Signature]
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

NOTICE OF APPEARANCE

Pursuant to Rule 4.2 of the Uniform Superior Court Rules, the undersigned hereby enters notice of appearance of counsel for the Defendant in the above styled case. Accordingly, copies of all notices, legal documents, and/or correspondence relating to this matter should be served as follows:

Corey T. Bowles
4421 Sonoran Way
Union City, GA 30291
(404) 254-7978

This 22 day of March, 2017.

[Signature]
Corey T. Bowles
Attorney for Defendant
GA Bar No. 071819

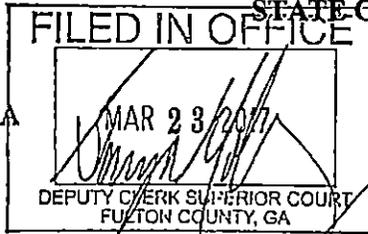
THE ROBERTSON CLERK OF SUPERIOR COURT OF FULTON COUNTY, GEORGIA
ENTERED THAT THE ATTORNEY FOR THE DEFENDANT HAS FILED THIS
AND A RESPECT COPY OF THE APPEARANCE IN THE CLERK'S OFFICE.
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT
OF FULTON COUNTY, GEORGIA, ON MARCH 22, 2017.
WITNESSED MY HAND AND SEAL OF SAID COURT THIS
DAY OF

2 Bond

[Handwritten initials]

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA



STATE OF GEORGIA

VS.

DARVELL CHARLES McFARLIN
Defendant

* ACCUSATION NO. 16CP164509
* BOOKING NO. 1624154
* CHARGE(S): (1) MURDER
(2) Aggravated Assault with a Deadly Weapon
(3) Possession of Firearm
(4) Felony MURDER
(5) _____
(6) _____
(7) _____
(8) _____
(9) _____
(10) _____
(11) _____

[Handwritten: Possession of Firearm, Deputy Commission of Felony]

ORDER FOR BOND

The aforesaid matter having come before this Court for a regularly scheduled Bond Hearing, and it is hereby ORDERED that:

A. Bond is set as follows: (1) \$150,000 (2) \$50,000 (3) \$50,000 (4) \$50,000 (5) _____
(6) _____ (7) _____ (8) _____ (9) _____ (10) _____ (11) _____

That the total bond be set at \$300,000, or, CASH or SURETY

[Handwritten signature]

B. _____ Sign Own Bond (SOB), or,

C. _____ Release to Pretrial Services Supervision in Lieu of Financial Bond or Security, or,

D. _____ Bond be denied for the following reason(s):

- 1) _____ The accused poses a significant risk of fleeing from the jurisdiction of the Court or failing to appear in Court when required.
- 2) _____ The accused poses a significant threat or danger to any person, the community, or to any property in the community.
- 3) _____ The accused poses a significant risk of committing a felony pending trial.
- 4) _____ The accused poses a significant risk of intimidating witnesses or otherwise obstructing the administration of justice.

E. Conditions Imposed on the Defendant:

- 1) You are hereby notified that your case(s) will be set upon an arraignment calendar at 9:00 AM before a presiding Judge of the Superior Court.
- 2) You will be notified by mail of your court date.
- 3) If you change your address, it is your responsibility to immediately notify, in writing: Clerk of Superior Court, Attn.: Court Services, 136 Pryor Street, SW, Atlanta, GA 30303.
- 4) Failure to appear will result in a warrant being issued for your arrest.

5) Other: Stay 1 mile away from incident location, stay away from NO contact with victim's family, no contact with co-defendant, Steven Jenkins, 24 hour curfew except for work, medical, or attending court

[Handwritten: Ankle monitor for the first 3 months + must reside with DAD at 2450 Sylvan Rd., Atlanta GA 30344]

That the defendant have no contact directly or indirectly with the victim, victim's family, professional, personal, or close associates, by phone, mail, e-mail, or through third party, including at victim's work place, church, home, and daycare. If defendant encounters victim, defendant must leave immediately, and must not come within 200 yards of victim.

SO ORDERED this 23rd day of March, 2017.

[Handwritten signature: Jeffery Hall]

JUDGE, Superior Court of Fulton County/
Magistrate, Sitting by Designation for
Superior Court of Fulton County, Georgia

Consented to: *[Handwritten signature]*

[Handwritten: Over 90 days, obstructive to justice for TSOK]

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS.

STEVON JUDKINS AND
DARVELL MCFARLIN,

DEFENDANTS.

CRIMINAL ACTION
FILE NOS. 17SC151982

17SC154087
10SC91920

TRANSCRIPT OF PROCEEDINGS IN THE ABOVE-STYLED CASES,
HEARD BEFORE THE HONORABLE HENRY M. NEWKIRK, COMMENCING ON THE
27TH AND 28TH DAYS OF NOVEMBER, 2017.

APPEARANCES:

ON BEHALF OF THE STATE:

LAUREN TRAVIS
RYAN PIECHOCINSKI
ASSISTANT DISTRICT ATTORNEYS

ON BEHALF OF THE DEFENDANT
STEVON JUDKINS:

DENNIS FRANCIS,
CONFLICT DEFENDER

DARVELL MCFARLIN:

COREY BOWLES,
ATTORNEY AT LAW

MELANIE M. FISHER, RPR, RMR, CRR, CRC
OFFICIAL COURT REPORTER
SUPERIOR COURT OF FULTON COUNTY
185 CENTRAL AVENUE, S. W.
SUITE T-4655
ATLANTA, GEORGIA 30303



PROCEEDINGS

NOVEMBER 27, 2017

THE COURT: ALL RIGHT, FOLKS. WE NEED TO GET GOING.
(WHEREUPON, THE PROSPECTIVE JURORS ENTERED THE
COURTROOM, AFTER WHICH THE FOLLOWING PROCEEDINGS WERE
HAD.)

THE COURT: ALL RIGHT. MY NAME IS HENRY NEWKIRK.
I'M ONE OF THE 20 SUPERIOR COURT JUDGES HERE IN FULTON
COUNTY. AND ON BEHALF OF ALL THE STATE AND SUPERIOR
COURT JUDGES, I DO WANT TO THANK YOU FOR RESPONDING SO
FAVORABLY TO YOUR INVITATION TO JOIN US TODAY AND ALSO
WELCOME YOU DOWN TO YOUR FULTON COUNTY COURTHOUSE.

I APOLOGIZE ON THE FRONT END FOR HAVING YOU STANDING
OR SITTING OUTSIDE FOR SO LONG. WE HAD A COUPLE OF
WARDROBE MALFUNCTIONS HERE IN THE COURTROOM. ONE OF MY
BIG DOORS OVER HERE FELL OFF THE HINGES, AND WE COULDN'T
PROCEED UNTIL WE GOT ENGINEERING UP HERE TO PUT THE DOOR
BACK. FIRST TIME IT'S EVER HAPPENED IN 20 YEARS, BUT IT
HAPPENED TODAY. SO I APOLOGIZE FOR YOUR DELAY.

LADIES AND GENTLEMEN, THE CASE THAT WE HAVE FOR YOUR
CONSIDERATION TODAY IS A CRIMINAL CASE AS OPPOSED TO A
CIVIL CASE OR A CASE INVOLVING DOMESTIC RELATIONS. IT'S
A CASE IN WHICH THE STATE HAS PREFERRED CHARGES AGAINST
MR. MCFARLIN AND MR. JUDKINS, AND TO THESE CHARGES THEY
HAVE ENTERED THEIR PLEA OF NOT GUILTY. AND THIS, IN A

1 VERY BASIC SENSE, FORMS AN ISSUE WHICH MUST BE DECIDED BY
2 THE JURY.

3 LEAD COUNSEL ON BEHALF OF THE STATE OF GEORGIA IS
4 MS. TRAVIS.

5 COUNSEL, PLEASE INTRODUCE YOURSELF AND YOUR PARTNER.

6 MS. TRAVIS: GOOD MORNING. MY NAME IS LAUREN
7 TRAVIS. I WORK FOR THE FULTON COUNTY DISTRICT ATTORNEY'S
8 OFFICE, ASSIGNED TO THE MAJOR CASE UNIT.

9 MY CO-COUNSEL, RYAN PIECHOCINSKI, IS ALSO ASSIGNED
10 TO THE MAJOR CASE UNIT, AND WE'LL BE TRYING THE CASE THIS
11 WEEK.

12 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

13 MR. COREY BOWLES, WILL YOU PLEASE DO LIKEWISE.

14 MR. BOWLES: GOOD MORNING, LADIES AND GENTLEMEN. MY
15 NAME IS COREY BOWLES, AND I'M HERE TO REPRESENT MR.
16 DARVELL MCFARLIN.

17 MR. FRANCIS: DENNIS FRANCIS, AND I REPRESENT STEVON
18 JUDKINS.

19 STAND UP.

20 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

21 LADIES AND GENTLEMEN, HOW MANY OF YOU HAVE GONE
22 THROUGH THIS PROCESS CALLED JURY SELECTION, OR VOIR DIRE,
23 IN THE PAST? JUST A QUICK SHOW OF HANDS.

24 LOOKS LIKE A MINORITY OF YOU HAVE. MAYBE 25
25 PERCENT, MAYBE 20 PERCENT.

VOIR DIRE REMOVED

1 TRIP?

2 THE COURT: NO. NO.

3 MR. FRANCIS: OH, NO OBJECTION.

4 THE COURT: ALL RIGHT. THAT GIVES US 33 QUALIFIED.
5 AND WE NEED 33, SO WE'RE GOOD. SO I'M GOING TO STRIKE
6 NUMBER 31.

7 THE CLERK: AND WE STILL CAN GET ONE ALTERNATE.

8 THE COURT: ALL RIGHT. SHERIFF, IF YOU'LL ASK ALL
9 THE JURORS TO COME BACK IN AND BE SEATED IN THE SAME
10 POSITION THAT THEY WERE SEATED IN THIS MORNING, BESIDE
11 THEIR SAME NEIGHBOR.

12 (WHEREUPON, THE JURY WAS SELECTED.)

13 THE CLERK: JUDGE, WE HAVE OUR JURY.

14 THE COURT: ALL RIGHT. I'M GOING TO ASK MS.
15 YOUNG -- MS. YOUNG, WHERE ARE YOU? IF YOU'LL PLEASE
16 REMAIN SEATED. AND IF EVERYONE ELSE IN THE JURY BOX WILL
17 PLEASE GET UP AND JUST STAND OVER THERE IN THE CORNER,
18 PLEASE. AND, MS. YOUNG, IF YOU WOULD JUST MOVE DOWN TO
19 THE END, THAT WOULD BE GREAT.

20 ALL RIGHT. AS YOUR NAME IS CALLED, PLEASE COME UP
21 AND HAVE A SEAT IN THE JURY BOX.

22 JUROR NUMBER 13, MS. STEWART. JUROR NUMBER 14, MR.
23 WILLIS. NUMBER 23, MS. PAGANO. NUMBER 24, MS. SMITH.

24 NO PARTICULAR SEATING ORDER. JUST FILL UP THOSE
25 ROWS.

1 JUROR NUMBER 27, MS. UNGLO. NUMBER 28, MS. WELLS.
2 NUMBER 30, MR. ROBINSON. NUMBER 32, MS. JACKSON. NUMBER
3 35. IT'S NOT MS. MORALES, IT'S BUCKMAN. JUROR NUMBER
4 39, MS. KIDD. JUROR NUMBER 40, MR. STEUER. JUROR NUMBER
5 42, MR. PONDER.

6 NUMBER 4? NUMBER 4 IS IN THE BOX ALREADY. SHE'S
7 THE ONLY ONE OF THE FIRST 12.

8 ALL RIGHT. THAT APPEARS TO BE THE JURY.

9 MS. TRAVIS, IS THIS YOUR JURY?

10 MS. TRAVIS: YES, YOUR HONOR.

11 THE COURT: ANY OBJECTIONS AS TO THE MANNER IN WHICH
12 THE JURY WAS SELECTED?

13 MS. TRAVIS: NO.

14 THE COURT: DEFENSE COUNSEL, IS THIS YOUR JURY?

15 MR. FRANCIS: YES, YOUR HONOR.

16 MR. BOWLES: YES, JUDGE.

17 THE COURT: ANY OBJECTIONS BEFORE I DISCHARGE THE
18 REMAINING JURORS?

19 MR. FRANCIS: NO, JUDGE.

20 MR. BOWLES: NO, YOUR HONOR.

21 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN,
22 SPEAKING TO YOU FOLKS OUT HERE IN THE GALLERY, I ONCE
23 AGAIN WANT TO THANK YOU FOR GIVING OF YOUR TIME TO COME
24 DOWN HERE AND SERVING AS JURORS. I'VE BEEN INVOLVED WITH
25 THE JUSTICE SYSTEM IN ONE CAPACITY OR ANOTHER FOR THE

1 LAST 40 YEARS, AND I CAN TELL YOU WITH A GREAT DEAL OF
2 CERTAINTY THAT NONE OF US AND NONE OF OUR LOVED ONES ARE
3 IMMUNE FROM SITTING AT EITHER ONE OF THESE TWO TABLES,
4 JUST THROUGH THE COURSE OF OUR ORDINARY LIVES. CIVIL
5 CASE, AUTO WRECKS, CONTRACT DISPUTES. THERE'S LOTS OF
6 WAYS WE CAN FIND OURSELVES IN COURT. ON THE DOMESTIC
7 SIDE, WE HAVE DIVORCES IN OUR SOCIETY, AND SOMETIMES WE
8 NEED JURORS TO HEAR THOSE. AND ON THE CRIMINAL SIDE, AS
9 I SAID EARLIER, WE ALL HAVE FRIENDS OR FAMILY SOMEWHERE
10 ON OUR TREE OF LIFE THAT HAVE BEEN INVOLVED IN THE
11 CRIMINAL JUSTICE SYSTEM, AS SOMEONE WHO HAS BEEN A VICTIM
12 OF A CRIME OR SOMEONE WHO HAS BEEN CHARGED WITH A CRIME.
13 REGARDLESS, IF YOU OR I OR OUR FAMILY MEMBERS ARE SITTING
14 AT EITHER ONE OF THESE TABLES, WE WOULD WANT GOOD PEOPLE
15 LISTENING TO OUR CASE, BECAUSE I GUARANTEE YOU OUR CASE
16 IS GOING TO BE REAL IMPORTANT. AND WE CAN'T DO IT
17 WITHOUT YOU. SO WE DO APPRECIATE YOUR SERVICE.

18 I KNOW THAT NOTICE NEVER COMES AT A GOOD TIME,
19 PARTICULARLY HERE APPROACHING THE HOLIDAY SEASON. THE
20 GOOD NEWS IS YOU'RE NOT GOING TO BE WITH ME IN TWO WEEKS
21 WHEN I'M GOING TO TRY ANOTHER CASE SIMILAR TO THIS WHICH
22 WILL BE EVEN CLOSER TO THE HOLIDAY SEASON. SO, THANK YOU
23 FOR YOUR SERVICE. AT THIS TIME ALL OF THE PREVIOUS
24 INSTRUCTIONS I HAVE GIVEN YOU ARE LIFTED. WHAT LITTLE
25 YOU KNOW ABOUT THIS CASE YOU'RE FREE TO DISCUSS OR NOT

1 DISCUSS, AND YOU FOLKS ARE DISCHARGED UNTIL YOU RECEIVE
2 ANOTHER INVITATION TO JOIN US.

3 THANK YOU VERY MUCH.

4 (WHEREUPON, THE PROSPECTIVE JURORS RETIRED FROM THE
5 COURTROOM, AFTER WHICH THE FOLLOWING PROCEEDINGS WERE
6 HAD.)

7 THE COURT: LADIES AND GENTLEMEN OF THE JURY, HOW
8 MANY OF YOU FOLKS -- IF Y'ALL WILL JUST REMAIN SEATED FOR
9 A SECOND. WE'RE GOING TO BE BRIEF.

10 HOW MANY OF YOU HAVE BEEN JURORS IN THE PAST? JUST
11 A QUICK SHOW OF HANDS.

12 LOOKS LIKE TWO, THREE, FOUR, FIVE OF YOU HAVE.

13 TOMORROW MORNING I'M GOING TO HAVE SOME MORE
14 DETAILED INSTRUCTIONS FOR YOU ABOUT WHAT'S GOING TO
15 TRANSPIRE, BUT I WANT TO GET YOU ON THE ROAD TONIGHT. I
16 DO WANT TO GIVE YOU A COUPLE OF INSTRUCTIONS, AND THIS
17 FIRST INSTRUCTION IS VERY IMPORTANT, AND IT'S
18 COUNTERINTUITIVE TO THE WAY WE'RE USED TO LEADING OUR
19 LIVES, SO PLEASE LISTEN CAREFULLY. THE INSTRUCTION IS
20 PLEASE DO NOT DISCUSS THIS CASE OR ANYTHING ABOUT THIS
21 CASE WITH ANYONE DURING THE ENTIRE PENDENCY OF THIS
22 TRIAL, AND THAT INCLUDES DISCUSSIONS AMONGST THE JURORS,
23 AT ANY TIME. THE REASON FOR THAT IS YOU HAVE BEEN
24 SELECTED AFTER THOROUGH EXAMINATION AND
25 CROSS-EXAMINATION, AND IT WOULD BE SO EASY FOR YOU TO BE

1 TAKING THE HERBIE-CURBIE DOWN TO THE STREET TONIGHT AND
2 YOUR NEIGHBOR SAYS HEY, WHAT YOU DOING, WELL, I'M SITTING
3 ON A MURDER CASE WITH JUDGE NEWKIRK, AND THEN YOUR
4 NEIGHBOR SAYS, WELL, LET ME TELL YOU WHAT HAPPENED TO MY
5 DAUGHTER-IN-LAW, SHE GOT MURDERED, OR MY SON-IN-LAW GOT
6 ARRESTED FOR IT, AND THEN YOU'VE GOT MORE INFORMATION
7 THAN YOU DO RIGHT NOW, AND IT WOULD NOT BE APPROPRIATE.
8 NOBODY IS GOING TO HAVE MORE INFORMATION ABOUT THIS CASE
9 WHEN THIS CASE IS OVER THAN YOU 13 JURORS. SO PLEASE DO
10 NOT DISCUSS THE CASE WITH ANYONE. JUST TELL THEM YOU'RE
11 SITTING ON A CRIMINAL CASE WITH JUDGE NEWKIRK, HE SAID I
12 CAN'T SAY ANYTHING ABOUT IT. WHEN THIS CASE IS OVER
13 LATER IN THE WEEK YOU'LL BE ABLE TO DISCUSS OR NOT
14 DISCUSS THIS CASE WITH WHOMEVER YOU WISH.

15 BUT PLEASE LISTEN CAREFULLY TO THE EVIDENCE. WE'LL
16 HAVE SOME NOTEPADS FOR YOU TOMORROW MORNING SO YOU CAN
17 TAKE SOME NOTES, IF YOU'D LIKE. PLEASE REFRAIN FROM
18 DOING ANY TYPE OF INVESTIGATION CONCERNING ANYTHING IN
19 THIS CASE. DON'T DO ANY GOOGLE SEARCHES ON THE
20 ATTORNEYS, ON THE PARTIES, ON THE COURT, THE COURT
21 REPORTER, NOTHING. JUST GO HOME, FORGET ABOUT THE CASE,
22 COME BACK READY TO PUT IN A GOOD DAY OF LISTENING AND
23 FOLLOWING THE COURT'S INSTRUCTIONS.

24 AND AS I TOLD YOU, INSTRUCTIONS ARE -- IT'S YOUR JOB
25 TO DETERMINE THE FACTS FROM THE EVIDENCE THAT WILL BE

1 PRESENTED DURING THE COURSE OF THE TRIAL, AND YOU GLEAN
2 FROM THE EVIDENCE WHAT FACTS YOU CHOOSE TO BELIEVE AND
3 COUPLE THAT WITH THE LAW THAT I CHARGE YOU AT THE END OF
4 THIS TRIAL AND COMBINE THE TWO TO REACH A VERDICT THAT
5 SPEAKS THE TRUTH IN THIS CASE.

6 SO WE DO APPRECIATE YOUR SERVICE. WE'RE GOING TO
7 TRY TO START AT 9:15 TOMORROW MORNING. BEFORE YOU GO I'M
8 GOING TO ASK THE SHERIFF TO TAKE A WHITE PAD BACK THERE
9 AND GET YOUR NAME AND BEST TELEPHONE NUMBER, WHICH I
10 PRESUME WILL PROBABLY BE A CELL PHONE NUMBER. I HAVE
11 SOME BUSINESS CARDS BACK THERE ON THE TABLE WITH A COUPLE
12 DIFFERENT PHONE NUMBERS. IF ANY OF YOU ARE RUNNING LATE
13 FOR TRAFFIC, MARTA IS BROKEN DOWN, ONE THING OR ANOTHER,
14 PLEASE CALL US AND LET US KNOW, BECAUSE WE CANNOT START
15 UNTIL ALL 13 JURORS ARE PRESENT, AND WE'RE GOING TO TRY
16 TO BE AS TIMELY AS POSSIBLE. SO, SHOOT FOR 9:00, BUT NOT
17 LATER THAN 9:15.

18 HOPE YOU HAVE A NICE EVENING. THE SHERIFF IS GOING
19 TO SHOW YOU THE JURY ROOM RIGHT NOW. HE'S GOING TO WALK
20 YOU OUT. AND HE'S GOING TO SHOW YOU THE SAME WAY I WANT
21 YOU TO COME BACK TOMORROW MORNING. I WANT YOU -- I DO
22 NOT WANT YOU TO COME BACK THROUGH THE COURTROOM BECAUSE
23 THE ATTORNEYS MAY BE OUT HERE DISCUSSING TRIAL STRATEGY
24 WITH EACH OTHER OR WITH THEIR WITNESSES, AND IT WOULD BE
25 INAPPROPRIATE FOR YOU TO OVERHEAR THOSE CONVERSATIONS.

1 BUT THERE'S A VOICE CALL BOX OUT THERE. IT SAYS NEWKIRK.
2 PUSH THE BUTTON AFTER 8:00, SOMEBODY WILL BE IN MY OFFICE
3 AND WILL BUZZ YOU BACK THROUGH THE BACK HALLWAY. I DO
4 HAVE SOME COFFEE BACK HERE IN THE MORNING IF YOU WOULD
5 LIKE TO START UP A POT. AND THERE'S A REFRIGERATOR IF
6 YOU WOULD LIKE TO BRING A SANDWICH INSTEAD OF GOING OUT
7 AT LUNCHTIME. I GENERALLY TAKE ABOUT 65 MINUTES FOR
8 LUNCH, BUT IF YOU WOULD RATHER BRING A SANDWICH AND JUST
9 RELAX AND READ THE NEWSPAPER OR IPAD, THAT'S FINE AS
10 WELL.

11 I BELIEVE THAT WILL DO IT FOR NOW. I'LL HAVE SOME
12 MORE INSTRUCTIONS FOR YOU TOMORROW MORNING, BUT I WANT TO
13 GET YOU OUT OF HERE. AND WE'LL SEE YOU TOMORROW MORNING
14 NOT LATER THAN 9:15. THANK YOU VERY MUCH.

15 WAS THERE A QUESTION?

16 THE PROSPECTIVE JUROR: I JUST WONDERED ABOUT
17 PARKING FOR TOMORROW. SAME?

18 THE COURT: SAME. SAME DEAL.

19 ALL RIGHT. Y'ALL HAVE A NICE EVENING.

20 (WHEREUPON, THE JURY RETIRED FROM THE COURTROOM,
21 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD.)

22 THE COURT: I WOULD LIKE TO HAVE COUNSEL AND THE
23 PARTIES HERE AT 9:00.

24 ANYTHING ELSE WE NEED TO TALK ABOUT BEFORE I LEAVE?

25 MS. TRAVIS: NO, SIR.

1 THE COURT: ALL RIGHT. SEE YOU IN THE MORNING.
2 (WHEREUPON, THE PROCEEDINGS WERE ADJOURNED FOR THE
3 DAY, TO BE RECONVENED AS ORDERED BY THE COURT.)
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PROCEEDINGS CONTINUED

NOVEMBER 28, 2017

THE COURT: OKAY. WE'RE READY TO GO.

MS. TRAVIS: BEGINNING WITH INDICTMENT NUMBER
17SC151982, HAD THIS CASE PROCEEDED TO TRIAL, THE STATE'S
EVIDENCE WOULD HAVE PROVEN --

THE COURT: WELL, YOU NEED TO GO THROUGH THE LITANY.

MS. TRAVIS: OH, I THOUGHT I WASN'T DOING THAT.

THE COURT: YES. IT'S NOT WRITTEN, BUT YOU STILL
NEED TO GO THROUGH IT.

(WHEREUPON, A DISCUSSION WAS HAD OFF THE RECORD.)

MS. TRAVIS: CAN YOU BOTH PLEASE RAISE YOUR RIGHT
HAND.

STEVON JUDKINS AND DARVELL MCFARLIN,
HAVING BEEN DULY SWORN, WERE EXAMINED AND TESTIFIED AS FOLLOWS:

THE COURT: ALL RIGHT. GENTLEMEN, MS. TRAVIS IS
GOING TO ASK YOU A NUMBER OF QUESTIONS, AND I WOULD LIKE
YOU TO REPLY FIRST AND MR. JUDKINS TO REPLY SECOND FOR
THE RECORD. OKAY?

MS. TRAVIS: CAN YOU PLEASE STATE YOUR TRUE,
CORRECT, AND LEGAL NAME.

DEFENDANT JUDKINS: STEVON JUDKINS.

DEFENDANT MCFARLIN: DARVELL MCFARLIN.

THE COURT: OKAY. YOU JUST DID IT IN THE WRONG
ORDER. I WANT STEVON TO RESPOND FIRST.

1 MS. TRAVIS: ARE YOU THE DARVELL MCFARLIN ON
2 INDICTMENT 17SC151982?

3 DEFENDANT MCFARLIN: YES, MA'AM.

4 MS. TRAVIS: AND IS THIS YOUR SIGNATURE?

5 DEFENDANT MCFARLIN: YES, MA'AM.

6 MS. TRAVIS: MR. JUDKINS, ARE YOU THE STEVON JUDKINS
7 ON INDICTMENT 17SC151982?

8 DEFENDANT JUDKINS: YES, MA'AM.

9 MS. TRAVIS: IS THIS YOUR SIGNATURE?

10 DEFENDANT JUDKINS: YES, MA'AM.

11 MS. TRAVIS: ARE EITHER OF YOU AT THIS TIME UNDER
12 THE INFLUENCE OF DRUGS, ALCOHOL, OR MEDICATION?

13 DEFENDANT MCFARLIN: NO, MA'AM.

14 MS. TRAVIS: IF YOU COULD SPEAK INDIVIDUALLY SO THE
15 COURT REPORTER CAN GET EACH RESPONSE.

16 DEFENDANT JUDKINS: NO, MA'AM.

17 MS. TRAVIS: MR. MCFARLIN -- I'M JUST GOING TO CALL
18 YOU OUT BY NAME. MR. MCFARLIN, WHAT IS YOUR RESPONSE?

19 DEFENDANT MCFARLIN: NO, MA'AM.

20 MS. TRAVIS: MR. JUDKINS?

21 DEFENDANT JUDKINS: NO, MA'AM.

22 MS. TRAVIS: HOW OLD ARE YOU?

23 DEFENDANT MCFARLIN: 25.

24 MS. TRAVIS: MR. JUDKINS?

25 DEFENDANT JUDKINS: 23.

1 MS. TRAVIS: HOW FAR DID YOU GO IN SCHOOL, MR.
2 MCFARLIN?

3 DEFENDANT MCFARLIN: 11TH GRADE.

4 MS. TRAVIS: MR. JUDKINS?

5 DEFENDANT JUDKINS: 12TH GRADE.

6 MS. TRAVIS: ARE YOU ABLE TO READ, WRITE, AND
7 UNDERSTAND THE ENGLISH LANGUAGE?

8 DEFENDANT MCFARLIN: YES, MA'AM.

9 DEFENDANT JUDKINS: YES, MA'AM.

10 MS. TRAVIS: MR. MCFARLIN, DO YOU UNDERSTAND THAT
11 YOU HAVE BEEN CHARGED WITH THE FOLLOWING OFFENSES OF
12 MURDER, FELONY MURDER, TWO COUNTS OF FELONY MURDER, TWO
13 COUNTS OF AGGRAVATED ASSAULT, ONE COUNT OF POSSESSION OF
14 A FIREARM DURING COMMISSION OF A FELONY, ONE COUNT OF
15 POSSESSION OF A FIREARM BY FIRST OFFENDER PROBATIONER?

16 DEFENDANT MCFARLIN: YES, MA'AM.

17 MS. TRAVIS: MR. -- AND WE'LL GET INTO WHAT YOU ALL
18 ARE ACTUALLY PLEADING TO TODAY IN JUST A MINUTE.

19 MR. JUDKINS, ARE YOU ALSO AWARE THAT YOU'VE BEEN
20 CHARGED WITH ONE COUNT OF MURDER, TWO COUNTS OF FELONY
21 MURDER, TWO COUNTS OF AGGRAVATED ASSAULT, ONE COUNT OF
22 POSSESSION OF A FIREARM DURING COMMISSION OF A FELONY,
23 AND ONE COUNT OF HINDERING THE APPREHENSION OF A
24 CRIMINAL?

25 DEFENDANT JUDKINS: YES, MA'AM.

1 THE COURT: NOW, I THINK MR. JUDKINS HAS JUST BEEN
2 CHARGED WITH ONE COUNT OF FELONY MURDER. YOU SAID TWO.
3 HE'S JUST BEEN CHARGED WITH ONE.

4 MS. TRAVIS: THAT IS TRUE, COUNT TWO.

5 THE COURT: MR. MCFARLIN IS CHARGED WITH ALL THE
6 CHARGES ON THE BILL OF INDICTMENT EXCEPT FOR COUNT EIGHT,
7 AND MR. JUDKINS IS CHARGED WITH ALL OF THE COUNTS IN THE
8 INDICTMENT EXCEPT FOR FELONY MURDER, COUNT THREE, AND
9 POSSESSION OF FIREARM BY A FIRST OFFENDER, COUNT SEVEN.

10 MS. TRAVIS: MR. MCFARLIN, DO YOU UNDERSTAND THAT
11 FOR PURPOSES OF TODAY'S PLEA COUNT ONE IS GOING TO BE
12 REDUCED TO A VOLUNTARY MANSLAUGHTER, COUNT TWO MERGES
13 INTO COUNT ONE, COUNT THREE HAS BEEN NOL-PROSSED, COUNTS
14 FOUR AND FIVE MERGE INTO COUNT ONE, COUNT SIX IS FIVE
15 YEARS CONSECUTIVE TO COUNT ONE, COUNT SEVEN IS FIVE YEARS
16 CONCURRENT TO COUNT ONE? DO YOU UNDERSTAND THAT?

17 DEFENDANT MCFARLIN: NO, MA'AM. I THOUGHT THE
18 FELONY MURDER WAS VACATED.

19 MR. BOWLES: NO. WHAT SHE'S SAYING IS WHAT YOU'RE
20 PLEADING TO.

21 DEFENDANT MCFARLIN: CAN YOU RESTATE IT AGAIN,
22 MA'AM?

23 MS. TRAVIS: SURE. COUNT ONE, MURDER, IS BEING
24 REDUCED TO VOLUNTARY.

25 COUNT TWO, FELONY MURDER, HAS BEEN VACATED.

1 COUNT THREE, FELONY MURDER PREDICATED ON THE GUN
2 CHARGE, HAS BEEN NOL-PROSSED.

3 DEFENDANT MCFARLIN: WHAT DOES NOL-PROS MEAN?

4 THE COURT: DISMISSED.

5 MS. TRAVIS: COUNTS FOUR AND FIVE, AGGRAVATED
6 ASSAULT, THOSE MERGE INTO COUNT ONE.

7 COUNT SIX, POSSESSION OF A FIREARM DURING COMMISSION
8 OF A FELONY, IS FIVE YEARS TO RUN CONSECUTIVE TO COUNT
9 ONE.

10 COUNT SEVEN, POSSESSION OF A FIREARM BY FIRST
11 OFFENDER PROBATIONER, IS FIVE YEARS TO RUN CONCURRENT,
12 WITH A TOTAL OF 25 YEARS.

13 IS THAT YOUR UNDERSTANDING?

14 DEFENDANT MCFARLIN: YES, MA'AM.

15 MS. TRAVIS: MR. JUDKINS, DO YOU UNDERSTAND THAT YOU
16 ARE ONLY PLEADING TO COUNT EIGHT, HINDERING APPREHENSION
17 OF A CRIMINAL, WHICH CARRIES A SENTENCE RANGE OF ONE TO
18 FIVE, BUT FOR TODAY'S PURPOSES YOU'RE PLEADING TO FIVE
19 YEARS?

20 DEFENDANT JUDKINS: YES, MA'AM.

21 THE CLERK: ALL OTHER COUNTS NOL-PROSSED?

22 MS. TRAVIS: ALL OTHER COUNTS FOR MR. JUDKINS HAVE
23 BEEN NOL-PROSSED.

24 DO YOU BOTH UNDERSTAND THAT YOU HAVE THE RIGHT TO
25 PLEAD EITHER GUILTY OR NOT GUILTY TO THESE CHARGES AND IF

1 YOU PLEAD NOT GUILTY OR REMAIN SILENT YOU MAY RECEIVE A
2 JURY TRIAL.

3 MR. MCFARLIN?

4 DEFENDANT MCFARLIN: YES, MA'AM.

5 DEFENDANT JUDKINS: YES, MA'AM.

6 MS. TRAVIS: HAVE YOU HAD ENOUGH TIME TO SPEAK TO
7 YOUR ATTORNEY, MR. BOWLES, ABOUT THE FACTS AND
8 CIRCUMSTANCES SURROUNDING THE CHARGES IN YOUR INDICTMENT,
9 INCLUDING ANY POTENTIAL DEFENSES, MR. MCFARLIN?

10 DEFENDANT MCFARLIN: YES, MA'AM.

11 MS. TRAVIS: HAVE YOU DONE THE SAME, MR. JUDKINS?

12 DEFENDANT JUDKINS: YES, MA'AM.

13 MS. TRAVIS: DO EITHER ONE OF YOU NEED ANY MORE TIME
14 TO DISCUSS THE CASES WITH YOUR ATTORNEY?

15 MR. MCFARLIN?

16 DEFENDANT MCFARLIN: NO, MA'AM.

17 MS. TRAVIS: MR. JUDKINS?

18 DEFENDANT JUDKINS: NO, MA'AM.

19 MS. TRAVIS: ARE YOU SATISFIED WITH YOUR ATTORNEY'S
20 SERVICES? MR. MCFARLIN?

21 DEFENDANT MCFARLIN: YES, MA'AM.

22 MS. TRAVIS: MR. JUDKINS?

23 DEFENDANT JUDKINS: YES, MA'AM.

24 MS. TRAVIS: DO YOU WAIVE FORMAL READING OF THE
25 INDICTMENT, MR. BOWLES?

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MR. BOWLES: SO WAIVED.

MS. TRAVIS: MA'AM, DO YOU WAIVE FORMAL READING OF THE INDICTMENT?

MS. CABRERA-D'AMOUR: SO WAIVED.

MS. TRAVIS: DO YOU BOTH, ATTORNEY-WISE, WAIVE ANY AND ALL DEFECTS IN THE INDICTMENT? MR. BOWLES?

MR. BOWLES: SO WAIVED ONLY AS IT PERTAINS TO THIS PLEA.

MS. CABRERA-D'AMOUR: SO WAIVED FOR THE PURPOSES OF THIS PLEA.

MS. TRAVIS: MR. MCFARLIN, FOR THE CHARGES THAT YOU ARE PLEADING TO TODAY HAS YOUR ATTORNEY ADVISED YOU OF THE -- OF THE SENTENCE RANGES FOR THOSE CHARGES?

DEFENDANT MCFARLIN: YES, MA'AM.

MS. TRAVIS: HAS HE ALSO ADVISED YOU OF THE NEGOTIATION BETWEEN THE STATE AND YOUR DEFENSE ATTORNEY FOR THOSE CHARGES?

DEFENDANT MCFARLIN: (NODS HEAD AFFIRMATIVELY.)

MS. TRAVIS: MR. JUDKINS, HAS YOUR ATTORNEY ADVISED YOU OF THE SENTENCE RANGE FOR THE CHARGE THAT YOU ARE PLEADING TO TODAY?

DEFENDANT JUDKINS: YES, MA'AM.

MS. TRAVIS: HAVE YOU ALSO BEEN ADVISED OF THE NEGOTIATION THAT HAS TAKEN PLACE BETWEEN THE STATE AND YOUR ATTORNEY REGARDING THE SENTENCE THAT YOU WILL BE

1 PLEADING TO TODAY?

2 DEFENDANT JUDKINS: YES, MA'AM.

3 MS. TRAVIS: SO JUST SO WE'RE ALL ON THE SAME PAGE,
4 MR. MCFARLIN, DO YOU UNDERSTAND THAT THIS IS A NEGOTIATED
5 PLEA OF GUILTY, WHICH MEANS THAT THE STATE WILL RECOMMEND
6 TO THE COURT A SENTENCE OF 20 YEARS TO BE SERVED ON THE
7 VOLUNTARY MANSLAUGHTER, FIVE YEARS TO BE SERVED ON THE
8 POSSESSION OF FIREARM DURING COMMISSION OF A FELONY TO
9 RUN CONSECUTIVE TO THAT, AND FIVE YEARS FOR THE
10 POSSESSION OF A FIREARM BY FIRST OFFENDER PROBATIONER TO
11 RUN CONCURRENT TO THAT, TOTALLING 25 YEARS?

12 DEFENDANT MCFARLIN: YES, MA'AM.

13 MS. TRAVIS: DO YOU ALSO UNDERSTAND THAT THE COURT,
14 IF THE COURT CHOOSES, COULD SENTENCE YOU TO THE MAXIMUM
15 ON EACH CHARGE AND RUN THOSE CHARGES CONSECUTIVELY?

16 DEFENDANT MCFARLIN: YES, MA'AM.

17 MS. TRAVIS: MR. MCFARLIN, DO YOU UNDERSTAND THAT
18 THIS IS A -- I'M SORRY, MR. JUDKINS, DO YOU UNDERSTAND
19 THAT THIS IS A NEGOTIATED PLEA OF GUILTY, WHICH MEANS
20 THAT THE STATE WILL RECOMMEND TO THE COURT A SENTENCE OF
21 FIVE YEARS TO SERVE ON THE HINDERING APPREHENSION OF A
22 CRIMINAL, BUT THAT THE COURT DOES NOT HAVE TO ACCEPT THIS
23 RECOMMENDATION AT ALL?

24 DEFENDANT JUDKINS: YES, MA'AM.

25 MS. TRAVIS: MR. MCFARLIN, YOU ARE CURRENTLY UNDER

1 FIRST OFFENDER PROBATION UNDER INDICTMENT 10SC91920; IS
2 THAT CORRECT?

3 DEFENDANT MCFARLIN: YES, MA'AM.

4 MS. TRAVIS: DO YOU STILL HAVE OPEN PROBATION FOR
5 THAT OFFENSE?

6 DEFENDANT MCFARLIN: YES, MA'AM.

7 MS. TRAVIS: DO YOU UNDERSTAND THAT IF YOU ARE
8 CURRENTLY ON PROBATION YOUR PROBATION COULD BE REVOKED .
9 BASED ON YOUR ENTERING OF A PLEA TODAY?

10 DEFENDANT MCFARLIN: YES, MA'AM.

11 MS. TRAVIS: DO YOU UNDERSTAND THAT IF YOU ARE
12 PLACED ON PROBATION OF ANY KIND YOU CANNOT VIOLATE ANY
13 CRIMINAL LAWS OF ANY GOVERNMENTAL UNIT, YOU MAY NOT
14 POSSESS A FIREARM, NOR VIOLATE ANY SPECIAL CONDITIONS OF
15 PROBATION WITHOUT BEING SUBJECT TO REVOCATION FOR THE
16 BALANCE OF THE SENTENCE?

17 DEFENDANT MCFARLIN: YES, MA'AM.

18 MS. TRAVIS: MR. JUDKINS, DO YOU UNDERSTAND THE
19 SAME?

20 DEFENDANT JUDKINS: YES, MA'AM.

21 MS. TRAVIS: ARE YOU A U. S. CITIZEN, MR. MCFARLIN?

22 DEFENDANT MCFARLIN: YES, MA'AM.

23 MS. TRAVIS: MR. JUDKINS, ARE YOU?

24 DEFENDANT JUDKINS: YES, MA'AM.

25 MS. TRAVIS: DO YOU BOTH UNDERSTAND THAT IF YOU

1 WAIVE -- I'M SORRY, THAT YOU WAIVE ANY AND ALL DEFENSES,
2 INCLUDING ANY MENTAL HEALTH DEFENSES, BY ENTERING A PLEA
3 OF GUILTY? MR. MCFARLIN?

4 DEFENDANT MCFARLIN: EXCUSE ME?

5 MS. TRAVIS: DO YOU UNDERSTAND THAT YOU WAIVE ANY
6 AND ALL DEFENSES BY ENTERING THIS PLEA, INCLUDING ANY
7 MENTAL HEALTH DEFENSES?

8 DEFENDANT MCFARLIN: YES, MA'AM.

9 MS. TRAVIS: MR. JUDKINS?

10 DEFENDANT MCFARLIN: YES, MA'AM.

11 MS. TRAVIS: DO YOU UNDERSTAND THAT IF YOU WENT TO
12 TRIAL YOU WOULD HAVE THE RIGHT TO A TRIAL BY JURY, THE
13 RIGHT TO SEE, HEAR, AND CONFRONT WITNESSES CALLED TO
14 TESTIFY AGAINST YOU, AND THE RIGHT TO TESTIFY OR TO
15 REMAIN SILENT AND NOT INCRIMINATE YOURSELF?

16 DO YOU UNDERSTAND THIS, MR. MCFARLIN?

17 DEFENDANT MCFARLIN: YES, MA'AM.

18 MS. TRAVIS: DO YOU UNDERSTAND THIS, MR. JUDKINS?

19 DEFENDANT JUDKINS: YES, MA'AM.

20 MS. TRAVIS: I WANT TO READ TO YOU A LIST OF RIGHTS
21 THAT YOU ARE GIVING UP BY ENTERING THIS PLEA, AFTER WHICH
22 I WILL ASK YOU IF YOU UNDERSTAND THOSE RIGHTS AND AGREE
23 TO WAIVE THEM.

24 YOU HAVE THE RIGHT TO A TRIAL BY JURY.

25 THE RIGHT TO REMAIN SILENT AND NOT INCRIMINATE

1 YOURSELF.

2 THE RIGHT TO CONFRONT WITNESSES AGAINST YOU.

3 THE RIGHT TO ASSISTANCE OF COUNSEL HIRED BY YOU OR
4 TO COURT-APPOINTED COUNSEL IF YOU CANNOT AFFORD AN
5 ATTORNEY.

6 THE RIGHT TO THE PRESUMPTION OF INNOCENCE.

7 THE RIGHT TO TESTIFY ON YOUR OWN BEHALF AND TO
8 PRESENT OTHER EVIDENCE.

9 THE RIGHT TO SUBPOENA WITNESSES AND COMPEL THE
10 PRODUCTION OF EVIDENCE.

11 THE RIGHT TO HAVE THE CHARGES AGAINST YOU PROVED
12 BEYOND A REASONABLE DOUBT.

13 AND THE RIGHT TO APPEAL IF CONVICTED OF THESE
14 CHARGES AFTER TRIAL.

15 DO YOU UNDERSTAND THAT THOSE ARE THE RIGHTS THAT YOU
16 ARE GIVING UP BY ENTERING THIS PLEA TODAY?

17 DEFENDANT MCFARLIN: YES, MA'AM.

18 DEFENDANT JUDKINS: YES, MA'AM.

19 MS. TRAVIS: HAS ANYONE FORCED, THREATENED, OR
20 PROMISED EITHER OF YOU ANYTHING TO GET YOU TO ENTER A
21 GUILTY PLEA TODAY?

22 DEFENDANT MCFARLIN: NO, MA'AM.

23 DEFENDANT JUDKINS: NO, MA'AM.

24 MS. TRAVIS: IS IT YOUR DECISION TO WAIVE THESE
25 RIGHTS AND ENTER A GUILTY PLEA BECAUSE YOU ARE, IN FACT,

1 GUILTY?

2 DEFENDANT MCFARLIN: EXCUSE ME?

3 MS. TRAVIS: IS IT YOUR DECISION TO WAIVE THESE
4 RIGHTS AND ENTER A GUILTY PLEA TODAY BECAUSE YOU ARE, IN
5 FACT, GUILTY?

6 DEFENDANT MCFARLIN: YES, MA'AM.

7 DEFENDANT JUDKINS: YES, MA'AM.

8 MS. CABRERA-D'AMOUR: HE'LL BE ENTERING HIS PLEA
9 UNDER ALFORD. I BELIEVE I WROTE IT ON THERE, BUT I CAN
10 NOW.

11 MS. TRAVIS: MR. JUDKINS, YOU'RE INTENDING TO TAKE
12 THIS PLEA UNDER ALFORD VERSUS NORTH CAROLINA?

13 DEFENDANT JUDKINS: YES, MA'AM.

14 MS. TRAVIS: WHICH MEANS THAT YOU DON'T NECESSARILY
15 AGREE WITH ALL THE FACTS, BUT YOU BELIEVE IT'S IN YOUR
16 BEST INTEREST TO PLEAD TODAY?

17 DEFENDANT JUDKINS: YES, MA'AM.

18 MS. TRAVIS: DO YOU UNDERSTAND THAT BY PLEADING
19 TODAY, IF IT'S UNDER ALFORD OR ANY OTHER TYPE OF PLEA, IT
20 STANDS FOR ANY -- A CONVICTION OF ANY SORT? YOU
21 UNDERSTAND THE REPERCUSSIONS OF THAT?

22 DEFENDANT JUDKINS: YES, MA'AM.

23 MS. TRAVIS: MR. MCFARLIN, HOW DO YOU PLEAD TO ONE
24 COUNT OF VOLUNTARY MURDER -- I'M SORRY, VOLUNTARY
25 MANSLAUGHTER, ONE COUNT OF POSSESSION OF FIREARM DURING

1 COMMISSION OF A FELONY, AND ONE COUNT OF POSSESSION OF
2 FIREARM BY FIRST OFFENDER PROBATIONER?

3 DEFENDANT MCFARLIN: GUILTY.

4 MS. TRAVIS: THIS IS STILL TO YOU, MR. MCFARLIN. IS
5 THIS GUILTY PLEA FREELY AND VOLUNTARILY GIVEN WITH FULL
6 KNOWLEDGE OF THE CHARGES AGAINST YOU?

7 DEFENDANT MCFARLIN: YES, MA'AM.

8 MS. TRAVIS: DO YOU UNDERSTAND THAT YOU HAVE ONLY A
9 LIMITED RIGHT TO APPEAL THIS GUILTY PLEA CONVICTION?

10 DEFENDANT MCFARLIN: NO, MA'AM.

11 MS. TRAVIS: MR. BOWLES.

12 (DEFENDANT CONFERS WITH COUNSEL.)

13 MR. BOWLES: HE WANTS TO MAKE SURE THAT HE HAS THE
14 OPPORTUNITY TO FILE A HABEAS. AND I'M TELLING HIM THAT'S
15 COMING NEXT. THAT'S WHY YOU'RE SAYING IT'S LIMITED.

16 MS. TRAVIS: OKAY. DO YOU UNDERSTAND THAT YOU HAVE
17 ONLY FOUR YEARS FROM TODAY FOR THE FELONY CHARGES TO FILE
18 A HABEAS CORPUS PETITION CHALLENGING THIS GUILTY PLEA?

19 DEFENDANT MCFARLIN: YES, MA'AM.

20 MS. TRAVIS: SO WHEN I INDICATE THAT YOU HAVE ONLY A
21 LIMITED RIGHT TO APPEAL, THAT'S WHAT I'M REFERRING TO.

22 DEFENDANT MCFARLIN: OKAY.

23 MS. TRAVIS: MR. JUDKINS, HOW DO YOU PLEAD TO ONE
24 COUNT OF HINDERING APPREHENSION OF A CRIMINAL?

25 DEFENDANT JUDKINS: GUILTY.

1 MS. TRAVIS: IS THIS GUILTY PLEA FREELY AND
2 VOLUNTARILY GIVEN WITH FULL KNOWLEDGE OF THE CHARGE
3 AGAINST YOU?

4 DEFENDANT JUDKINS: YES, MA'AM.

5 MS. TRAVIS: DO YOU UNDERSTAND THAT YOU HAVE ONLY A
6 LIMITED RIGHT TO APPEAL THIS GUILTY PLEA CONVICTION?

7 DEFENDANT JUDKINS: YES, MA'AM.

8 MS. TRAVIS: DO YOU UNDERSTAND THAT YOU HAVE ONLY
9 FOUR YEARS FROM TODAY FOR THE FELONY CHARGE TO FILE A
10 HABEAS CORPUS PETITION CHALLENGING THIS GUILTY PLEA?

11 DEFENDANT JUDKINS: YES, MA'AM.

12 MS. TRAVIS: MR. JUDKINS, YOU ALSO HAVE A SECONDARY
13 CASE, 17SC154087. ARE YOU AWARE OF THAT?

14 DEFENDANT JUDKINS: YES, MA'AM.

15 MS. TRAVIS: ARE YOU THE STEVON JUDKINS ON
16 INDICTMENT 17SC154087?

17 DEFENDANT JUDKINS: YES, MA'AM.

18 MS. TRAVIS: IS THIS YOUR SIGNATURE?

19 DEFENDANT JUDKINS: YES, MA'AM.

20 MS. TRAVIS: HAVE YOU HAD AN OPPORTUNITY TO DISCUSS
21 THIS CASE WITH YOUR ATTORNEY?

22 DEFENDANT JUDKINS: SAY AGAIN?

23 MS. TRAVIS: HAVE YOU HAD AN OPPORTUNITY TO DISCUSS
24 THIS CASE WITH YOUR ATTORNEY?

25 DEFENDANT JUDKINS: YES, MA'AM.

1 MS. TRAVIS: HAS YOUR ATTORNEY ADVISED YOU OF THE
2 MINIMUM AND MAXIMUM SENTENCES FOR THE CHARGE THAT YOU ARE
3 PLEADING TO TODAY?

4 DEFENDANT JUDKINS: YES, MA'AM.

5 MS. TRAVIS: DO YOU NEED ANY MORE TIME TO DISCUSS
6 THIS CASE WITH YOUR ATTORNEY?

7 DEFENDANT JUDKINS: NO, MA'AM.

8 MS. TRAVIS: ARE YOU SATISFIED WITH YOUR ATTORNEY'S
9 SERVICES?

10 DEFENDANT JUDKINS: YES, MA'AM.

11 MS. TRAVIS: DO YOU WAIVE FORMAL READING OF THE
12 INDICTMENT?

13 MS. CABRERA-D'AMOUR: SO WAIVED.

14 MS. TRAVIS: DO YOU WAIVE ANY AND ALL DEFECTS?

15 MS. CABRERA-D'AMOUR: SO WAIVED FOR THE PURPOSES OF
16 THIS PLEA.

17 MS. TRAVIS: DO YOU UNDERSTAND THAT THIS IS A
18 NEGOTIATED PLEA OF GUILTY, WHICH MEANS THE STATE WILL
19 RECOMMEND TO THE COURT A SENTENCE OF ONE YEAR TO RUN
20 CONCURRENT WITH THE FIVE YEARS THAT YOU'RE SERVING ON
21 INDICTMENT 17SC151982?

22 DEFENDANT JUDKINS: OH, YES, MA'AM.

23 MS. TRAVIS: DO YOU UNDERSTAND THAT THE COURT DOES
24 NOT HAVE TO ACCEPT THIS RECOMMENDATION BUT CAN SENTENCE
25 YOU TO THE MAXIMUM ON THAT CHARGE ALONE AND RUN IT

1 CONSECUTIVELY TO YOUR OTHER CASE?

2 DEFENDANT JUDKINS: YES, MA'AM.

3 MS. TRAVIS: ALL THE RIGHTS THAT I INDICATED EARLIER
4 THAT YOU WOULD BE GIVING UP AS A RESULT OF THIS PLEA,
5 INCLUDING A RIGHT TO A TRIAL BY JURY.

6 THE RIGHT TO REMAIN SILENT.

7 THE RIGHT TO CONFRONT WITNESSES.

8 THE RIGHT TO ASSISTANCE OF COUNSEL HIRED BY YOU OR A
9 COURT-APPOINTED COUNSEL IF YOU CANNOT AFFORD AN ATTORNEY.

10 THE RIGHT TO THE PRESUMPTION OF INNOCENCE.

11 THE RIGHT TO TESTIFY ON YOUR OWN BEHALF AND TO
12 PRESENT OTHER EVIDENCE.

13 THE RIGHT TO SUBPOENA WITNESSES AND COMPEL THE
14 PRODUCTION OF EVIDENCE.

15 THE RIGHT TO HAVE THE CHARGE AGAINST YOU PROVED
16 BEYOND A REASONABLE DOUBT.

17 AND THE RIGHT TO APPEAL IF CONVICTED OF THESE
18 CHARGES AFTER TRIAL.

19 DO YOU UNDERSTAND THAT THOSE ARE THE RIGHTS THAT YOU
20 ARE GIVING UP BY PLEADING TODAY?

21 DEFENDANT JUDKINS: YES, MA'AM.

22 MS. TRAVIS: HOW DO YOU PLEAD TO THE CHARGE OF
23 POSSESSION OF PROHIBITED ITEMS BY INMATE OR PROVIDING
24 PROHIBITED ITEMS TO INMATE UNDER INDICTMENT 17SC154087?

25 DEFENDANT JUDKINS: GUILTY.

1 MS. TRAVIS: IS THIS GUILTY PLEA FREELY AND
2 VOLUNTARILY GIVEN WITH FULL KNOWLEDGE OF THE CHARGE
3 AGAINST YOU?

4 DEFENDANT JUDKINS: YES, MA'AM.

5 MS. TRAVIS: DO YOU UNDERSTAND THAT YOU HAVE ONLY A
6 LIMITED RIGHT TO APPEAL THIS GUILTY PLEA CONVICTION?

7 DEFENDANT JUDKINS: YES, MA'AM.

8 MS. TRAVIS: DO YOU UNDERSTAND THAT YOU HAVE ONLY
9 FOUR YEARS FROM TODAY FOR THE FELONY CHARGE TO FILE A
10 HABEAS CORPUS PETITION CHALLENGING THIS GUILTY PLEA?

11 DEFENDANT JUDKINS: YES, MA'AM.

12 MS. TRAVIS: DO YOU BOTH UNDERSTAND THE PLEAS THAT
13 YOU ARE ENTERING INTO TODAY WILL BE ON YOUR PERMANENT
14 CRIMINAL HISTORY?

15 DEFENDANT MCFARLIN: YES, MA'AM.

16 DEFENDANT JUDKINS: YES, MA'AM.

17 THE COURT: THANK YOU.

18 MS. TRAVIS: WITH REGARDS TO THE MURDER CASE, HAD
19 THIS CASE GONE TO TRIAL, THE STATE'S EVIDENCE WOULD HAVE
20 PROVEN THAT ON OCTOBER 3RD, 2016, VICTIM JAMAL MALAACHI'
21 ADAMS HAD JUST RETURNED FROM A SHORT STINT OUT-OF-STATE
22 AS A MOVER, AS HE WAS EMPLOYED WITH PEACH MOVERS. WHEN
23 HE RETURNED, HE WAS PICKED UP BY HIS FRIEND TIMARRIUS
24 RAY. THEY GOT A FEW DRINKS AND TURNED BACK TO BROOKFIELD
25 APARTMENTS LOCATED AT 3072 WASHINGTON ROAD, WHICH IS

1 WHERE THE VICTIM LIVED AT THE TIME.

2 WHEN HE WAS OUT THERE HE WAS APPROACHED BY BOTH MR.
3 JUDKINS, TRYING TO SELL SOME SHOES, AS WELL AS MR.
4 MCFARLIN, TRYING TO SELL SOME SHOES. HOWEVER, BOTH MR.
5 RAY AND THE VICTIM BOTH DECLINED BUYING THE SHOES. MR.
6 MCFARLIN THEN TURNED TO THE VICTIM AND REQUESTED A
7 CIGARETTE FROM THE VICTIM. OF COURSE, THE VICTIM
8 INITIALLY AGREED TO, BUT NEEDED TO DO SOME THINGS BEFORE
9 HE ACTUALLY GAVE HIM THE CIGARETTE, WHICH IRRITATED THE
10 DEFENDANT MCFARLIN AND INCREASED HIS IMPATIENCE FOR THE
11 CIGARETTE.

12 WHEN HE REQUESTED A CIGARETTE AGAIN, THE VICTIM SAID
13 SOMETHING TO THE EFFECT OF YOU'RE OUT HERE SELLING ALL OF
14 THIS STUFF, WHY CAN'T YOU GET YOUR OWN CIGARETTE, WHICH
15 ONLY FURTHER AGGRAVATED THE SITUATION.

16 MR. MCFARLIN FELT DISRESPECTED AND LEFT IN A FURY
17 BECAUSE OF THAT DISRESPECT. HE AND MR. JUDKINS LEFT IN
18 MR. JUDKINS' VEHICLE AND WOULD LATER RETURN AROUND 20 TO
19 30 MINUTES LATER. THIS TIME MR. MCFARLIN, EQUIPPED WITH
20 AN ASSAULT RIFLE, AND MR. JUDKINS GOT OUT OF THE VEHICLE
21 WITH SOME MORE SHOES HE INTENDED TO SELL. MR. MCFARLIN
22 APPROACHED THE VICTIM, STILL AGGRAVATED FROM THEIR PRIOR
23 ALTERCATION. APPROACHED THE VICTIM, SAID SOMETHING TO
24 THE EFFECT OF WHAT'S THAT SHIT YOU WERE TALKING, AND THEN
25 PROCEEDED TO HIT THE VICTIM IN THE FACE WITH THE BUTT OF

1 THAT ASSAULT RIFLE.

2 MR. MCFARLIN THEN TURNED THE MUZZLE OF THE GUN
3 TOWARDS THE VICTIM, AT WHICH TIME THE VICTIM GRABBED THE
4 GUN, TRIED TO DIRECT IT AWAY FROM HIS BODY AS TO NOT GET
5 SHOT. THERE WAS A STRUGGLE AND FIGHT OVER THE GUN.
6 HOWEVER, MR. MCFARLIN HAD HIS HAND ON THE TRIGGER AND
7 PROCEEDED TO PULL IT ONE TIME. THAT BULLET ULTIMATELY
8 PENETRATED THE VICTIM'S RIGHT LEG AND SEVERED HIS FEMORAL
9 ARTERY. THEY CONTINUED TO TUSSELE OVER THE GUN UNTIL THEY
10 WENT TO THE GROUND. MR. MCFARLIN PULLED THE TRIGGER
11 AGAIN. HOWEVER, THAT GUNSHOT DID NOT MAKE CONTACT WITH
12 THE VICTIM.

13 AFTER THE TUSSELE HAPPENED, THE VICTIM BEGAN TO BLEED
14 OUT. MR. MCFARLIN FLED THE SCENE. HOWEVER, HE DROPPED
15 THE GUN ON HIS WAY OUT, AND MR. JUDKINS PICKED IT UP,
16 LATER TO THROW IT OVER A FENCE, AND THEY BOTH DEPARTED IN
17 THE SAME VEHICLE THAT HE HAD ARRIVED IN, WHICH WAS MR.
18 JUDKINS' VEHICLE.

19 SEVERAL WITNESSES, INCLUDING MS. NIKI MARTIN,
20 IDENTIFIED MR. JUDKINS AND HIS ROLE IN THIS INCIDENT.
21 MS. TAMIRRIA CADE IDENTIFIED MR. MCFARLIN IN A
22 PHOTOGRAPHIC LINEUP. MR. TIMARRIUS RAY IDENTIFIED MR.
23 MCFARLIN IN A PHOTOGRAPHIC LINEUP. AND MR. ISAIAH
24 SAUNDERS IDENTIFIED MR. MCFARLIN IN A PHOTOGRAPHIC
25 LINEUP. SEVERAL OTHER WITNESSES GAVE OTHER ACCOUNTS

1 WHICH WERE CONSISTENT WITH THE WITNESSES WHO ULTIMATELY
2 WERE ABLE TO IDENTIFY THEM OUT OF THE PHOTOGRAPHIC
3 LINEUP.

4 THEY WERE SUBSEQUENTLY ARRESTED DECEMBER OF 2016.
5 ALL EVENTS TAKING PLACE IN FULTON COUNTY.

6 AS FAR AS THE -- MR. JUDKINS' OTHER CASE, HAD THAT
7 CASE PROCEEDED TO TRIAL, ON AUGUST 18, 2017, SERGEANT
8 MARQUELL, WHO WORKED AT THE FULTON COUNTY SHERIFF'S
9 OFFICE, WAS INFORMED BY ANOTHER OFFICER AT THE FULTON
10 COUNTY JAIL THAT HE HAD FOUND A CELL PHONE IN ONE OF THE
11 JAIL CELLS AND WAS ASKED TO INVESTIGATE.

12 AT THAT TIME SERGEANT LATIMORE STATED WHILE HE WAS
13 DOING A HEAD COUNT HE SAW INMATE JUDKINS, WHICH WAS
14 HOUSED IN 513, PASS TO ANOTHER INMATE BY THE NAME OF
15 TRAVIS WILLIAMS, WHO WAS HOUSED IN 510, AN ENVELOPE.
16 INSIDE OF THAT ENVELOPE HELD A CELL PHONE, WHICH IS
17 PROHIBITED IN THE JAIL.

18 WHEN INTERVIEWED, INMATE JUDKINS INDICATED THAT HE
19 HAD PASSED THE ENVELOPE TO HELP HIM WITH HIS CASE.
20 ALTHOUGH HE DENIED KNOWING THAT A CELL PHONE WAS IN IT,
21 IT WAS VERY OBVIOUS BY THE BULGE IN THE ENVELOPE THAT HE
22 COULDN'T HAVE BUT KNOWN THAT IT WAS IN THERE.

23 THOSE EVENTS TAKING PLACE AT 901 RICE STREET, ALSO
24 IN FULTON COUNTY.

25 THE COURT: ALL RIGHT. GENTLEMEN, DID EACH OF YOU

1 UNDERSTAND ALL THE RIGHTS THAT MS. TRAVIS JUST STATED TO
2 YOU?

3 MR. MCFARLIN?

4 DEFENDANT MCFARLIN: YES, SIR.

5 DEFENDANT JUDKINS: YES, SIR.

6 THE COURT: MR. JUDKINS?

7 DO YOU UNDERSTAND -- OF COURSE, YOU KNOW THAT WE
8 HAVE A JURY SITTING BACK THERE RIGHT NOW. SO YOU HAVE A
9 RIGHT TO TRIAL BY JURY. THE JURY IS READY TO HEAR THIS
10 CASE. AND AT THE JURY TRIAL THE BURDEN OF PROOF WOULD
11 REST WITH THE STATE TO PROVE YOUR GUILT BEYOND A
12 REASONABLE DOUBT. ANY WITNESSES CALLED FOR EXAMINATION
13 WOULD BE SUBJECT TO CROSS-EXAMINATION BY YOUR ATTORNEYS.

14 YOU UNDERSTAND THAT?

15 DEFENDANT MCFARLIN: YES, SIR.

16 DEFENDANT JUDKINS: (NODS HEAD AFFIRMATIVELY.)

17 THE COURT: YOU HAVE AN ABSOLUTE RIGHT TO REMAIN
18 SILENT. AND IF YOU CHOSE NOT TO TESTIFY AT THIS TRIAL, I
19 WOULD INSTRUCT THE JURY THAT THEY SHOULD DRAW NO ADVERSE
20 INFERENCE FROM YOUR FAILURE TO TESTIFY.

21 DO YOU UNDERSTAND?

22 DEFENDANT MCFARLIN: YES, SIR.

23 DEFENDANT JUDKINS: YES.

24 THE COURT: ON THE OTHER HAND, IF YOU DID GO TO
25 TRIAL AND YOU WOULD ALSO HAVE AN ABSOLUTE RIGHT TO

1 TESTIFY, IF YOU WISH TO DO SO, UNDERSTANDING THAT YOU
2 WOULD BE TREATED JUST AS ANY OTHER WITNESS AND SUBJECT TO
3 IMPEACHMENT IF YOU DID SO TESTIFY.

4 DO YOU UNDERSTAND THAT?

5 DEFENDANT MCFARLIN: YES, SIR.

6 DEFENDANT JUDKINS: (NODS HEAD AFFIRMATIVELY.)

7 THE COURT: IS THERE ANYTHING THAT YOU DIDN'T
8 UNDERSTAND THAT MS. TRAVIS READ OUT TO YOU CONCERNING
9 YOUR RIGHTS TODAY?

10 DEFENDANT MCFARLIN: NO, SIR.

11 DEFENDANT JUDKINS: NO, SIR.

12 THE COURT: ARE YOU SATISFIED WITH YOUR LEGAL
13 COUNSEL, MR. MCFARLIN?

14 DEFENDANT MCFARLIN: YES, SIR.

15 THE COURT: HAVE YOU HAD A SUFFICIENT AMOUNT OF TIME
16 TO DISCUSS YOUR CASE WITH MR. BOWLES?

17 DEFENDANT MCFARLIN: NO, SIR.

18 THE COURT: YOU NEED MORE TIME TO SPEAK TO HIM?

19 DEFENDANT MCFARLIN: YES, SIR.

20 THE COURT: YOU DO?

21 DEFENDANT MCFARLIN: YEAH.

22 THE COURT: ALL RIGHT. I'LL GIVE YOU MORE TIME. A
23 LITTLE BIT MORE TIME.

24 (DEFENDANT CONFERS WITH COUNSEL.)

25 MR. BOWLES: WE'RE READY, JUDGE.

1 THE COURT: ALL RIGHT. ARE YOU SATISFIED WITH THE
2 LEGAL COUNSEL MR. BOWLES HAS AFFORDED YOU?

3 DEFENDANT MCFARLIN: YES, SIR.

4 THE COURT: HAVE YOU AT THIS TIME HAD A SUFFICIENT
5 AMOUNT OF TIME TO DISCUSS THIS CASE AND YOUR PLEA WITH
6 YOUR ATTORNEY?

7 DEFENDANT MCFARLIN: YES, SIR.

8 THE COURT: MR. JUDKINS, ARE YOU SATISFIED WITH THE
9 LEGAL COUNSEL THAT YOUR ATTORNEY HAS AFFORDED YOU?

10 DEFENDANT JUDKINS: YES, SIR.

11 THE COURT: COUNSEL, PLEASE TELL ME YOUR NAME AGAIN.

12 MS. CABRERA-D'AMOUR: CABRERA-D'AMOUR.

13 THE COURT: OKAY. THANK YOU VERY MUCH.

14 AND MR. FRANCIS HAS ALSO BEEN REPRESENTING YOU AS
15 WELL; IS THAT CORRECT?

16 DEFENDANT JUDKINS: YES, SIR.

17 THE COURT: YOU'VE HAD -- AND HAVE YOU HAD A
18 SUFFICIENT AMOUNT OF TIME TO DISCUSS YOUR CASE WITH YOUR
19 ATTORNEY?

20 DEFENDANT JUDKINS: YES, SIR.

21 THE COURT: DO YOU LIKEWISE UNDERSTAND ALL THE
22 RIGHTS THAT YOU'RE GIVING UP OR WAIVING BY ENTERING THIS
23 PLEA TODAY?

24 DEFENDANT JUDKINS: YES, SIR.

25 THE COURT: ALL RIGHT. I KNOW THIS CASE HAS BEEN A

1 HARD-FOUGHT PRETRIAL CASE, AND THERE'S BEEN A GREAT DEAL
2 OF DISCUSSION BETWEEN THE PARTIES SINCE WE STARTED
3 STRIKING A JURY TODAY. AND I KNOW THAT BOTH SIDES HAVE
4 GIVEN A LITTLE BIT IN ORDER TO BRING THIS TO A
5 CONCLUSION. AND AS A RESULT OF MY KNOWLEDGE OF THE CASE,
6 I'M GOING TO ACCEPT THE PLEA AGREEMENT THAT THE STATE HAS
7 WORKED OUT WITH YOUR ATTORNEYS AND YOUR ATTORNEYS HAVE
8 CONVEYED TO YOU. SO --

9 MS. TRAVIS: YOUR HONOR, THERE ARE MEMBERS OF THE
10 VICTIM'S FAMILY WHO DO WISH TO ADDRESS THE COURT.

11 THE COURT: IF ANYONE WOULD LIKE TO MAKE A
12 STATEMENT, I'LL BE HAPPY TO HEAR.

13 GOOD MORNING. WILL YOU PLEASE TELL ME YOUR NAME,
14 MA'AM.

15 MS. ADAMS: I'M LEATHA ADAMS, JAMAL'S MOTHER.

16 THE COURT: SPELL YOUR FIRST NAME.

17 MS. ADAMS: L-E-A-T-H-A.

18 THE COURT: OKAY. THANK YOU VERY MUCH. GO RIGHT
19 AHEAD.

20 MS. ADAMS: I JUST WANTED TO SAY OCTOBER THE 3RD,
21 2017 (SIC) --

22 THE COURT: 2016.

23 MS. ADAMS: 2016.

24 THE COURT: RIGHT.

25 MS. ADAMS: WHEN I GOT THE CALL TELLING ME THAT MY

1 SON WAS SHOT, THAT WAS THE WORST DAY OF MY LIFE. GOING
2 TO THE HOSPITAL, WALKING THROUGH THAT DOOR, MEETING
3 DETECTIVE BROUSSARD, GOING INTO THAT ROOM. I NEVER
4 THOUGHT THAT I WOULD NEVER SEE MY BABY AGAIN.

5 THE COURT: HOW OLD WAS YOUR SON AT THE TIME THAT HE
6 PASSED AWAY?

7 MS. ADAMS: HE HAD JUST TURNED 36 AUGUST THE 23RD.
8 HE WAS MY FIRSTBORN. AS I ASKED TO SEE HIM, LAID ON THAT
9 GURNEY IN THE BACK, JUST LAYING THERE, NOT RESPONDING
10 BACK TO ME.

11 THE COURT: MS. ADAMS, I KNOW THE PAIN THAT YOU'RE
12 FEELING AND I KNOW THE VOID THAT'S BEEN LEFT IN YOUR
13 FAMILY AS A RESULT OF IT, AND IF THIS IS TOO HARD FOR
14 YOU, TRUST ME, I AM VERY COGNIZANT OF YOU AND YOUR
15 FAMILY'S LOSS.

16 MS. ADAMS: AND THE DAY THAT I HAD TO BURY HIM, FOR
17 A CIGARETTE, AN ARGUMENT OVER A CIGARETTE CAUSED SOMEONE
18 TO GET SO ANGRY TO COME BACK. YOU ALREADY HIT HIM IN THE
19 HEAD. WHY SHOOT HIM? HE DIDN'T HAVE A WEAPON. YOU CAME
20 BACK WITH AN AKA, .350, .347 MAGNUM. FOR WHAT? AN
21 ARGUMENT OVER A CIGARETTE? YOU KILLED MY BABY OVER A
22 CIGARETTE? WHY WOULD YOU EVEN BE HAVING A GUN LIKE THAT?
23 STEVON JUDKINS?

24 THE COURT: WELL, ACTUALLY, MR. MCFARLIN HAD THE
25 WEAPON AT THAT TIME.

1 MS. ADAMS: EXCUSE ME?

2 THE COURT: MR. MCFARLIN HAD THE WEAPON.

3 MS. ADAMS: IT WAS IN HIS POSSESSION, YES. AND HE
4 PASSED IT TO DARVELL MCFARLIN.

5 THE COURT: WELL, I THINK IT'S THE OTHER WAY AROUND.

6 MS. ADAMS: NO. BUT I JUST WANTED Y'ALL TO KNOW,
7 STEVON JUDKINS AND DARVELL MCFARLIN, Y'ALL HAVE TAKEN MY
8 HEART. THERE'S DAYS I CAN'T EVEN FEEL MY HEART BEATING.
9 THERE'S DAYS I DON'T EVEN WANT TO GET OUT THE BED, BUT I
10 KNOW I GOT OTHER KIDS THAT I GOT TO PUSH. AND I PRAY
11 THAT YOUR MOTHER AND YOUR FATHER WOULD NEVER HAVE TO FEEL
12 WHAT I FEEL ON TODAY. THIS PAIN IS UNBEARABLE SOME DAYS.
13 AND I GO BACK TO SAY A CIGARETTE, AN ARGUMENT OVER A
14 CIGARETTE? I THOUGHT IT WAS GOING TO BE A TRIAL. ON
15 THAT LAST DAY I WAS GOING TO GO BUY YOU A PACK OF
16 CIGARETTES TO GIVE TO YOU --

17 THE COURT: OKAY.

18 MS. ADAMS: -- SINCE YOU JUST WANTED A CIGARETTE.

19 THE COURT: JUST SPEAK TO ME, NOT TO THE DEFENDANTS.
20 PLEASE SPEAK TO ME.

21 MS. ADAMS: SINCE YOU WANTED A CIGARETTE, I WAS
22 GOING TO BRING YOU A PACK. BUT SINCE I DIDN'T GET THAT
23 OPPORTUNITY TO GIVE YOU A PACK OF CIGARETTES, I HOPE YOU
24 HAVE FUN SMOKING A CIGARETTE WHERE YOU GOING.

25 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MS.

1 ADAMS. I'M AWFULLY SORRY FOR YOUR LOSS.
2 MS. TRAVIS: I BELIEVE THERE'S TWO MORE, YOUR HONOR.
3 THE COURT: ANYONE ELSE? BRIEFLY.
4 GOOD MORNING. PLEASE STATE YOUR NAME.
5 MS. BOBCOMB: MY NAME IS TERESA BOBCOMB.
6 THE COURT: CAN YOU PLEASE SPELL YOUR LAST NAME.
7 MS. BOBCOMB: B-O-B-C-O-M-B.
8 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.
9 MS. BOBCOMB: INSIDE ME TODAY TO COME HERE ALL THE
10 WAY FROM PENNSYLVANIA. THAT WAS MY LITTLE COUSIN, YOUR
11 HONOR. OUR FAMILY HAS BEEN TORN APART BECAUSE OF THIS,
12 YOUR HONOR. BABIES ASK ABOUT HIM ALL THE TIME. HIS MOM
13 WAS AT MY HOUSE ON MY BIRTHDAY, ON OCTOBER THE 1ST. SHE
14 CAME BACK OCTOBER THE 3RD JUST TO FIND OUT THAT HER SON
15 WAS TAKEN AWAY FROM HER. I JUST WANT JUSTICE TO BE
16 SERVED. THREE FAMILIES HAVE BEEN TORN APART. MAINLY OUR
17 FAMILY, THESE BOYS' FAMILY. IT'S A TRAGEDY.
18 THE COURT: EVERYBODY OUT IN THE BACK OUT THERE IS A
19 LOSER, NO QUESTION ABOUT IT.
20 MS. BOBCOMB: WE JUST WANT JUSTICE TO BE SERVED,
21 BECAUSE OUR LIFE IS LIKE AN EMPTY SHELL THERE NOW.
22 THANK YOU, YOUR HONOR.
23 THE COURT: ALL RIGHT. THANK YOU. I'M SORRY FOR
24 YOUR LOSS. THANKS FOR COMING DOWN FROM PENNSYLVANIA.
25 GOOD MORNING, SIR. PLEASE TELL ME YOUR NAME.

1 MR. ADAMS: MY NAME IS SHALIQ ADAMS.
2 THE COURT: ALL RIGHT. MR. ADAMS, YOU'RE A BROTHER?
3 MR. ADAMS: THAT'S MY BROTHER, YES, SIR. THAT'S MY
4 BIG BROTHER. FAMILY IS TRYING TO HOLD TOGETHER. JUST
5 TRYING TO FIND PEACE. AND IT'S HARD TO FIND PEACE RIGHT
6 NOW. AND AS SHE SAID, WE JUST WANT JUSTICE SERVED.
7 THAT'S ALL OUR FAMILY WANTED, BECAUSE YOU CAN'T REPLACE
8 HIS LIFE. AND --
9 THE COURT: HOW OLD ARE YOU, SIR? HOW OLD ARE YOU?
10 MR. ADAMS: I'M 25.
11 THE COURT: ALL RIGHT. SO YOUR BROTHER IS ABOUT 10
12 OR 11 YEARS OLDER THAN YOU?
13 MR. ADAMS: YES, SIR. AND HE'S OUR FIRST. MY BIG
14 BROTHER. AND I JUST WANTED JUSTICE SERVED TODAY. WE
15 CAN'T GET HIM BACK.
16 THE COURT: RIGHT. IT'S NO GOOD. THANK YOU FOR
17 COMING DOWN TO BE WITH US TODAY.
18 ALL RIGHT. ANYTHING ELSE, MS. TRAVIS?
19 MS. TRAVIS: NOTHING FURTHER FROM THE STATE.
20 THE COURT: ANYTHING ON BEHALF OF YOUR CLIENT, MR.
21 BOWLES?
22 MR. BOWLES: YOUR HONOR, YOU'VE HEARD THE STATE'S
23 POSITION ON WHAT HAPPENED. OURS DIFFERS A LITTLE BIT.
24 BUT AT THE END OF THE DAY, THIS FAMILY LOST THEIR CHILD,
25 AND THAT'S -- THAT'S WHAT'S MOST IMPORTANT HERE. MY

1 CLIENT MADE A BAD -- VERY BAD MISTAKE IN BRINGING THAT
2 GUN BACK TO THE SITUATION. THE ARGUMENT THAT PRECEDED IT
3 WAS SIGNIFICANTLY MORE AGGRESSIVE THAN THE STATE
4 DESCRIBED, BUT, AT THE END OF THE DAY, IT WAS JUST AN
5 ARGUMENT, AND MY CLIENT COULD HAVE LEFT AND NEVER CAME
6 BACK. BUT INSTEAD HE CHOSE TO COME BACK. AT ONE POINT
7 HE DID FEAR FOR HIS SAFETY BECAUSE OF SOME OF THE THINGS
8 THAT WERE SAID TO HIM, BUT HE WAS GIVEN THE OPPORTUNITY
9 TO LEAVE AND NOT COME BACK, BUT HE INSTEAD CHOSE TO COME
10 BACK, AND, UNFORTUNATELY, CAME BACK WITH A WEAPON. A
11 STRUGGLE ENSUED, AND DURING THAT STRUGGLE MR. ADAMS WAS
12 KILLED.

13 WE WOULD EXPECT THAT -- WE FEEL THAT VOLUNTARY
14 MANSLAUGHTER IS AN APPROPRIATE CHARGE BECAUSE DARVELL
15 MCFARLIN NEVER INTENDED TO COME BACK AND KILL MR. ADAMS.
16 YES, HE CAME BACK WITH A GUN, AND THAT'S VERY SCARY. BUT
17 HE CAME BACK BECAUSE HE FELT HE HAD BEEN DISRESPECTED,
18 BECAUSE HE HAD FELT HE HAD BEEN PUT IN FEAR. AND HE CAME
19 BACK TO RECTIFY THE SITUATION BUT NOT TO KILL MR. ADAMS.
20 AND HE IS EXTREMELY REMORSEFUL. HE KNOWS THAT, AS YOU
21 SAID, EVERYBODY OUT HERE IS A LOSER. OF COURSE, THEY
22 HAVE LOST THEIR CHILD, BROTHER. AND HIS MOTHER IS ABOUT
23 TO LOSE HER SON FOR A SIGNIFICANT AMOUNT OF TIME. AND HE
24 REALIZES THAT IT STARTS -- WHATEVER HAPPENED AFTERWARD,
25 IT STARTS WITH HIM COMING BACK WITH THAT WEAPON. AND

1 HE'S EXTREMELY REMORSEFUL.

2 AND WE JUST ASK THAT THE COURT ACCEPT THE PLEA. AND
3 HE WANTS TO MOVE ON, MAKE HIMSELF A BETTER MAN. I KNOW
4 DARVELL IS AN EXTREMELY INTELLIGENT MAN. I WAS SURPRISED
5 AT HOW HE WAS ABLE TO ASSIST ME IN THE PREPARATION FOR
6 HIS DEFENSE. HE'S VERY INTELLIGENT. AND THIS IS NOT
7 SOMETHING THAT HE SHOULD EVEN BE INVOLVED IN. HE
8 SHOULDN'T EVEN HAVE A WEAPON. HE SHOULD BE DOING WHAT
9 I'M DOING. SO WE JUST ASK THAT THE COURT ACCEPT THE
10 PLEA, JUDGE.

11 THE COURT: ALL RIGHT. COUNSEL, ANYTHING ON BEHALF
12 OF MR. JUDKINS?

13 MS. CABRERA-D'AMOUR: YES, YOUR HONOR. MR. JUDKINS
14 IS 23 YEARS OLD. HE'S SUPPORTED TODAY BY HIS MOTHER AND
15 HIS FIANCÉE. I WOULD ASK THAT YOUR ACCEPT THIS PLEA AS
16 NEGOTIATED AND THAT YOU CONSIDER ALLOWING HIM TO ENTER
17 HIS PLEA ON BOTH CASES, GRANTING HIM FIRST OFFENDER
18 TREATMENT.

19 THE COURT: ALL RIGHT. I'M NOT GOING TO GRANT FIRST
20 OFFENDER TREATMENT. BUT I HAVE LISTENED CAREFULLY TO
21 EVERYTHING THAT'S BEEN SAID TODAY, AND I'VE -- I
22 THOROUGHLY PERUSED THE FILE, I'VE READ THE POLICE
23 REPORTS. I KNOW THAT THE STATE TOOK THIS CASE EXTREMELY
24 SERIOUSLY. THEY'VE WORKED VERY DILIGENTLY ON IT, AND I
25 TRUST THE STATE'S JUDGMENT IN REACHING THIS RESOLUTION OF

1 THE CASE.

2 YOU BOTH ARE GOING TO HAVE LONG LIVES TO LIVE. I
3 HOPE THAT YOU DO SOMETHING TO MAKE YOURSELF BETTER MEN
4 AND YOU COME OUT AND PERHAPS KEEP OTHER YOUTH FROM MAKING
5 THE SAME MISTAKES YOU MADE, BE IT TALKING TO BOYS AND
6 GIRLS CLUBS OR, YOU KNOW, TELLING KIDS THE BAD DECISIONS
7 YOU MADE, BECAUSE EVERYTHING WE DO IS CONTINGENT UPON
8 WHAT WE DID YESTERDAY. AND IF YOU MAKE A BAD DECISION
9 TODAY, IT'S GOING TO AFFECT WHAT YOU'RE ABLE TO DO
10 TOMORROW AND NEXT YEAR AND FIVE YEARS DOWN THE ROAD. SO
11 I HOPE THAT YOU WAKE UP EVERY DAY TRYING TO MAKE GOOD
12 DECISIONS FROM HERE ON OUT.

13 YOU BOTH HAVE VALUE. YOU BOTH ARE GOING TO HAVE
14 LONG LIVES OUTSIDE OF PRISON. EVEN THOUGH, MR. MCFARLIN,
15 IT SEEMS LIKE A LONG WAY AWAY, YOU WILL. YOU WILL HAVE A
16 LIFE. AND YOU'RE VERY FORTUNATE, BECAUSE THESE FOLKS AND
17 THEIR SON WON'T. IT'S A TERRIBLE DEAL. YOU MADE A BAD
18 DECISION. AND, IN MY OPINION, YOU'RE GETTING A SECOND
19 LEASE ON LIFE WITH THIS PLEA, BECAUSE IF THE JURY WERE TO
20 FIND YOU GUILTY -- I DON'T KNOW IF YOU WOULD EVER GET OUT
21 IF THEY FOUND YOU GUILTY OF THE MURDER CHARGE.

22 SO, I WISH YOU BOTH WELL, AND I HOPE THAT YOU MAKE
23 SOMETHING OF YOURSELVES AND MAKE YOUR PARENTS PROUD DOWN
24 THE ROAD. BUT PLEASE REMEMBER THAT WHAT YOU DO IN PRISON
25 IS GOING TO ALSO AFFECT WHEN YOU GET OUT AND WHAT YOU'RE

1 ABLE TO DO DOWN THE ROAD. SO TRY TO GET SOME KIND OF
2 EDUCATION AND BE ABLE TO BE OF SERVICE, WHEN YOU GET OUT,
3 TO SOCIETY AND NOT A DRAIN ON SOCIETY.

4 MR. MCFARLIN, AS TO COUNT ONE, I'M GOING TO SENTENCE
5 YOU TO 20 YEARS TO SERVE TO VOLUNTARY MANSLAUGHTER.

6 COUNT TWO WILL BE VACATED.

7 COUNT THREE WILL BE NOL-PROSSED.

8 COUNT FOUR AND FIVE WOULD BE MERGED INTO COUNT ONE.

9 COUNT FIVE, POSSESSION OF FIREARM DURING COMMISSION
10 OF A FELONY, WILL BE FIVE YEARS TO RUN CONSECUTIVE TO
11 COUNT ONE.

12 COUNT SEVEN, POSSESSION OF FIREARM BY A FIRST
13 OFFENDER, WILL BE FIVE YEARS TO RUN CONCURRENT WITH COUNT
14 SIX.

15 AS TO YOUR OPEN PROBATION, I'M ASSUMING THAT IT'S
16 STILL OPEN. IT WAS A TEN-YEAR-TO-SERVE-FIVE SENTENCE IN
17 2010. I'M GOING TO REVOKE YOUR FIRST OFFENDER TREATMENT
18 AND RESENTENCE YOU TO TEN YEARS TO SERVE TO RUN
19 CONCURRENT WITH COUNT ONE. THAT'S ON INDICTMENT
20 10SC91920, IF I'M NOT MISTAKEN.

21 MR. JUDKINS, AS TO COUNT EIGHT, HINDERING
22 APPREHENSION, I'M GOING TO SENTENCE YOU TO FIVE YEARS TO
23 SERVE. I'LL ALLOW YOUR PLEAS TO BE ENTERED UNDER
24 ALFORD V. NORTH CAROLINA.

25 YOUR SENTENCE AS TO BILL OF INDICTMENT 17SC154087

1 WILL BE ONE YEAR TO RUN CONCURRENT WITH THE PRECEDING
2 INDICTMENT.

3 EACH OF YOU HAVE FOUR YEARS FROM TODAY'S DATE TO
4 FILE A WRIT OF HABEAS CORPUS IF YOU FEEL THAT YOU'RE
5 BEING HELD UNLAWFULLY.

6 GOOD LUCK TO YOU BOTH.

7 GOOD LUCK TO THE FAMILIES AND LOVED ONES YOU LEAVE
8 BEHIND AND THAT ARE LEFT BEHIND.

9 MR. BOWLES: THANK YOU, JUDGE.

10 DEFENDANT MCFARLIN: YOUR HONOR, I CAN'T -- I DON'T
11 FEEL COMFORTABLE WITHOUT, YOU KNOW, SAYING MY PEACE WITH
12 THE FAMILY.

13 THE COURT: YOU SAID YOU WOULD LIKE TO SAY A PIECE
14 FOR THE FAMILY?

15 MR. BOWLES: HE WANTS TO APOLOGIZE.

16 THE COURT: OKAY. IF YOU'D LIKE TO SAY SOMETHING TO
17 THE FAMILY, YOU MAY.

18 DEFENDANT MCFARLIN: I KNOW ALL Y'ALL, YOU KNOW,
19 SUFFERED FROM THE SITUATION. YOU KNOW, I MADE A MISTAKE,
20 A BIG MISTAKE. I DIDN'T COME THERE WITH THAT GUN TO
21 SHOOT HIM. YOU KNOW, IT -- IT WAS NOT INTENTIONAL. YOU
22 KNOW, I KNOW YOU LOST YOUR BABY, AND I'M SORRY, YOU KNOW.
23 YOU'RE RIGHT, YOU CAN'T BRING HIM BACK. I DID A LOT OF
24 STUFF IN MY LIFE, BUT I'M NOT A BAD PERSON. I MADE A LOT
25 OF MISTAKES. I'M YOUNG, BUT, YOU KNOW, I TRIED.

1 AND MY MOM OVER THERE, MY MOM SUFFERING, YOU KNOW.
2 I HAVE, YOU KNOW, THOUGHT ABOUT THIS EVERY DAY THAT I
3 WAKE UP, GO TO SLEEP, I THINK ABOUT IT. IT HAUNTS ME
4 BECAUSE I KNOW I MADE A MISTAKE. BUT AS FAR AS
5 INTENTIONALLY KILLING YOUR SON, I DIDN'T. AS FAR AS
6 INTENTIONALLY KILLING YOUR FAMILY MEMBER, I DID NOT. I
7 DID NOT WANT TO DO THAT. I HAD OPPORTUNITY IF I WANTED
8 TO KILL HIM. I DIDN'T -- I DIDN'T SHOOT AT HIM. MY
9 FINGER WAS NOT ON THAT TRIGGER. IT WAS A BAD MISTAKE.
10 IT WAS BAD. IT WAS BAD ON MY PART. THAT'S WHY I WANT TO
11 TAKE THIS TIME, BECAUSE I CAN'T BRING Y'ALL FAMILY MEMBER
12 BACK.

13 THE COURT: ALL RIGHT. MR. MCFARLIN, THANK YOU, AND
14 GOOD LUCK TO YOU. I HOPE THIS IS A FIRST STEP IN A NEW
15 DIRECTION.

16 MS. ADAMS: YOUR HONOR, CAN I SAY SOMETHING TO
17 DARVELL?

18 I JUST WANT TO SAY TO YOU, YOU SEE YOUR MOTHER, MAKE
19 HER PROUD, BABY, MAKE HER PROUD OF YOU. I CAN'T BRING MY
20 SON BACK, BUT MAKE YOUR MAMA PROUD OF YOU, BABY. DO THAT
21 FOR ME. PLEASE. GET GOD IN YOUR HEART. OKAY? THAT'S
22 THE WAY I MAKE IT, IS HIM. I WANT YOU TO MAKE YOUR MAMA
23 PROUD, BECAUSE I KNOW SHE DIDN'T RAISE YOU LIKE THAT.
24 SHE DON'T WANT TO SEE YOU LIKE THAT, BABY. I DIDN'T
25 THINK I WOULD EVER WANT TO SAY ANYTHING TO YOU, BECAUSE

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YOU DID TAKE MY BABY, BUT SHE'S A MAMA LIKE I AM. TAKE CARE OF YOUR MAMA.

DEFENDANT MCFARLIN: YES, MA'AM.

MS. ADAMS: MAKE YOUR MAMA PROUD OF YOU.

DEFENDANT MCFARLIN: YES, MA'AM.

THE COURT: ALL RIGHT. THANK YOU.

COURT'S IN RECESS.

(PROCEEDINGS CONCLUDED.)

C E R T I F I C A T E

STATE OF GEORGIA,
COUNTY OF FULTON:

I DO HEREBY CERTIFY THAT THE FOREGOING PAGES REPRESENT A TRUE, COMPLETE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN DOWN BY ME IN THE CASE AFORESAID.

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 UNDERSIGNED OFFICIAL COURT REPORTER AND ORIGINAL SIGNATURE AND SEAL IS ATTACHED THERETO.

THIS, THE 15TH DAY OF NOVEMBER, 2018.

/S/MELANIE M. FISHER
RPR, RMR, CRR, CRC
B-727
OFFICIAL COURT REPORTER
FULTON COUNTY SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

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

Paige D. Mulligan
 Paige D. Mulligan, Clerk
 Tattnall County, Georgia

DARVELL MCFARLIN,)
GDC 1000434699,)
)
Petitioner,)
)
vs.)
)
TREVONZA BOBBITT, WARDEN,)
)
Respondent.)

CASE NO. 2021-HC-3-JS

HABEAS CORPUS

FINAL ORDER

Before this Court is a Habeas Corpus action, filed by Petitioner, Darvell McFarlin, (hereinafter "Petitioner"). Petitioner is challenging his Fulton County convictions for Voluntary Manslaughter, Possession of a Firearm During Commission of a Felony, and Possession of a Firearm by First Offender Probationer. Having reviewed the transcript (hereinafter "HT") and evidence presented at the evidentiary hearing held on September 22, 2021, and based on the entire record herein, the Court makes the following findings of fact and conclusions of law:

PROCEDURAL HISTORY

On May 19, 2017, the Fulton County Grand Jury indicted Petitioner and a co-defendant, Stevon Judkins (hereinafter "Judkins"). Petitioner was charged with Murder, two (2) counts of Felony Murder, two (2) counts of Aggravated Assault, Possession of a Firearm During Commission of a Felony, and Possession of a Firearm by a First Offender Probationer. (HT p. 29). On November 28, 2017, while an empaneled jury waited in the back, both defendants elected to accept plea offers and entered negotiated pleas. (HT p. 258). As part of the negotiated plea, the State reduced the Murder charge to Involuntary Manslaughter, to which he received twenty (20) years to serve. (HT p. 35). Petitioner also pled guilty to Possession of a Firearm During

Commission of a Felony, which was a five (5) year sentence running consecutive. Petitioner also received a concurrent five (5) year sentence for Possession of a Firearm by First Offender Probationer, for a total of twenty-five (25) years to serve.¹ These charges stemmed from the shooting death of Jamal Malaachi Adams (hereinafter “Adams”). The evidence before the Court shows that the Petitioner asked Adams for a cigarette. When Adams took too long to give it to him, Petitioner became agitated and the two men exchanged heated words. Petitioner, feeling disrespected, left and came back approximately twenty (20) minutes later with an assault rifle. After striking Adams in the head with the rifle, the two men struggled for possession of the gun. The gun discharged resulting in Adams being shot in the leg and his femoral artery being severed. Despite this, the struggle continued and Petitioner fired a second shot, but missed. As Adams began to bleed out, Petitioner fled the scene, but dropped the rifle. Judkins picked up the rifle and the two men left in a car belonging to Judkins. One eye witness, Ms. Martin, knew Judkins and identified him to law enforcement with other eye witnesses identified Petitioner via a photo lineup.

On February 22, 2021, Petitioner filed a Pro Se Application for Writ of Habeas Corpus asserting four (4) grounds for relief. The Court will address Petitioner’s claims below.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I: Improper lineup/ Suggestive identification

Petitioner claims that the investigating detective used a photo lineup to which the sole picture used was a picture of Petitioner.

¹ Petitioner’s First Offender probation was revoked and he was sentenced to ten (10) years to run concurrent with this sentence. (HT p. 289).

Generally, a valid guilty plea is to be treated as an honest confession of guilt and a waiver of all defenses, known and unknown. Shuler v. State, 306 Ga. App. 820 (2010). This waiver would include any defense against any photo lineup procedures that may have been unduly suggestive.

For these reasons, Petitioner's claim is hereby denied.

II. Prosecutorial Misconduct

Petitioner asserts a claim that the investigating detective tainted the investigation by using an unduly suggestive photo lineup for identification purposes. As provided in the analysis above, Petitioner's guilty plea acts as a waiver to this claim. Therefore, it is denied.

III. Ineffective Assistance of Counsel

Petitioner raises a claim of ineffective assistance of counsel against plea counsel, Corey Bowles (hereinafter "Bowles"). Specifically, Petitioner claims that Bowles failed to investigate, failed to advise about rights to appeal, and failed to identify and raise any possible defenses, including mistaken identity, immunity, and sanity.

The two-prong test of *Strickland* also applies in guilty plea cases. Hill v. Lockhart, 474 U.S. 52 (1985). In order to prevail on a claim of ineffective assistance of counsel under Strickland v. Washington, 466 U.S. 668 (1984), Petitioner must show that counsel's performance was deficient and that there is a probability that the result would have been different if not for the deficient performance. As both prongs need to be met, if Petitioner fails to meet his burden of proving either prong of the Strickland test, the reviewing court does not need to examine the other prong. Yarn v. State, 305 Ga. 421 (2019).

When asked about these claims during the evidentiary hearing, Bowles stated that he investigated the case by going over the discovery with the Petitioner and he also talked to the prosecutors. (HT p. 8). Bowles discussed the possible defenses available to Petitioner, with the

strongest being accident. (HT p. 9). Bowles stated that he did discuss a theory of self-defense. (HT p. 10). Bowles claimed that the issue of Petitioner's sanity was never an issue. (HT p. 13). As for the issue of immunity, Bowles testified that he was unsure what Petitioner meant, but assumed Petitioner was referring to self-defense, which was discussed. (HT p. 14).

There is a strong presumption that counsel's conduct falls within the range of reasonable professional conduct, and petitioner must affirmatively show that the alleged deficiencies in counsel's performance indicate ineffectiveness. Morgan v. State, 275 Ga. 222 (2002). Based on the above, Petitioner has not met that burden.

As for advising on appellate rights, Bowles testified that he did not recall Petitioner ever mentioning that he wanted to withdraw his guilty plea or appeal. Bowles further testified that he didn't recall speaking to the Petitioner after the plea was entered. (HT p. 13).

Counsel has a constitutionally-imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that the client reasonably demonstrated to counsel that he was interested in appealing. Davis v. State, 310 Ga. 547 (2020). Here, there was no reason to believe that Petitioner wanted to appeal or that Petitioner reasonably demonstrated to this Court that he desired to withdraw his guilty plea after it was made. There is no evidence that Petitioner contacted Bowles about an appeal and Petitioner received the plea bargained for.

For the above reasons, Petitioner's claim of ineffective assistance of counsel is denied.

IV. Ineffective Assistance of Counsel

Petitioner makes a secondary claim of ineffective assistance of counsel against Bowles. In this claim, Petitioner avers that Bowles failed to sever the case, failed to move to suppress the

alleged unduly suggestive lineup identification, and failed to request the appointment of another attorney due to an attorney-client breakdown.

In response to these claims, Bowles stated that he did not file a motion to suppress because to do so may have caused the State to withdraw their plea offer or the State may have offered a less favorable plea agreement. (HT p. 10). Further, Bowles provided that while the motion could have been filed, Bowles opined that the State had a way to counteract the motion. (Id.). Lastly, Bowles provided testimony that Judkins, as part of his plea negotiations with the State, had agreed to testify against the Petitioner. (HT p. 16). As the evidence provides that the performance of Bowles is an example of conscious, deliberate strategy, Petitioner has failed to meet his burden in proving that Bowles provided ineffective assistance.

Petitioner claims that Bowles was ineffective for failing to sever the case. However, Petitioner failed to question Bowles about this issue. Therefore, this allegation alone, and with no further evidence to be considered by the Court, is insufficient to support a claim of ineffective assistance of counsel.

Lastly, Petitioner claims that Bowles provided ineffective assistance and should have requested alternate counsel when a breakdown in the attorney-client relationship occurred. In response to this claim, Bowles admitted that he had heated discussions with the Petitioner and that both got angry. (HT p. 14). However, Bowles also testified that it did not get to a point where they could not work together effectively. (HT p. 15). Without more, the Court finds that Petitioner has failed to meet his burden that Bowles should have requested alternate counsel or that Bowles provided ineffective assistance. Wright v. State, 356 Ga. App. 597 (2020) (where tension in the attorney-client relationship, disagreements over trial strategy, and a general loss of confidence or

trust in counsel are insufficient, without more, to demonstrate the type of complete breakdown in communication necessary to mandate the removal of counsel from the case).

For these reasons, Petitioner's claim of ineffective assistance of counsel is denied.

CONCLUSION

Having fully considered all of Petitioner's claims and finding that he has failed to prove that he is entitled to relief, IT IS HEREBY ORDERED that Petitioner's Application for Writ of Habeas Corpus be **DENIED**.

If Petitioner desires to appeal this Order, he must file a written application for a certificate of probable cause to appeal within thirty (30) days from the date of the filing of this Order and also file a Notice of Appeal with the Clerk of the Superior Court of Tattnall County within the same thirty (30) day period. The Clerk of the Superior Court of Tattnall County is hereby directed to mail a copy (by certified mail) of this Order to Petitioner, Respondent, and the office of the Attorney General of Georgia. As well, Petitioner is notified that Supreme Court Rule 26.1 requires the filing of a Certificate of Interested Person which must be filed separately at the time of the initial submission to the Court.

This 5th day of June, 2024.



D. Jay Stewart
Judge, Tattnall County Superior Court
Atlantic Judicial Circuit

IN THE SUPERIOR COURT OF TATTNALL COUNTY
STATE OF GEORGIA

DARVELL MCFARLIN,
Petitioner
1000434699,
Inmate Number

2021-HC-3-JS
Civil Action No. 17 SC151982

vs.
TREMONZA BOBBITT,
Warden
Georgia STATE PRISON,
Respondent
(Name of Institution where you are now located)

Habeas Corpus

Debra M. Williams
CLERK OF COURTS

2021 FEB 22 AM 11:06

TATTNALL COUNTY GA
FILED IN OFFICE

APPLICATION FOR WRIT OF HABEAS CORPUS

PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

1. Name, county, and court which entered the judgment of conviction under attack:

THE SUPERIOR COURT OF FULTON COUNTY

2. Date of conviction: November 28 2017

(Please Note: O.G.C.A. § 9-14-42(c) mandates that applications for writ of habeas corpus must be filed within a certain time. Please see Instructions (7) for more information.)

3. Length of sentence(s): 25 years

4. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes No

5. Name of offense(s). List all counts: Voluntary manslaughter, Felony murder, Felony murder, Agg Assault with Deadly Weapon, Agg Assault, possession of firearm/pos of firearm by 1st offender

6. What was your plea? Please check one:

- Guilty
- Guilty but mentally ill
- Nolo contendere
- Not guilty

If you entered a guilty plea to one count or indictment, and a not guilty or nolo contendere plea to another count or indictment, give details: guilty plea for v. manslaughter / Felony M. Not guilty / Felony M. Vacated by operation of law / Aggravated Assault with deadly weapon / Aggravated Assault with deadly weapon merge with possession of f/a 5 years consecutive / possession of f/a by 1st offender Concurrent w/ ct 1.

7. Kind of trial. Please check one:

- Jury
- Judge only

8. Did you testify at the trial? Yes No

9. Did you appeal from the conviction? Yes No

10. If you did appeal, answer the following:

Name of appellate court to which you appealed: Supreme Court

Result of appeal: _____

Date of result: _____

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this conviction in any state or federal court?
 Yes No

12. If you answer to 11 was "Yes," give the following information: (Note: if more than three petitions, please use a separate sheet of paper and use the same format to list them.)

A. Name of court and case number: Superior Court of Fulton County

What kind of case or action was this? Motion to Reduce Sentence

All grounds raised (attach extra sheet of paper if necessary): Ineffective assistance of counsel. Mistakenly defendant, And Coercing Defendant to Plead guilty.

Did a judge hear the case? Yes No Did witnesses testify? Yes No

Name of Judge: Honorable Judge NEWKIRK

Result: Denied

Date of Result: 1/10/19 Order Denying Motion to Reduce Sentence.

B. As to any second petition, application or motion, give the same information.

Name of court and case number: _____

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? Yes No Did witnesses testify? Yes No

Name of Judge: _____

Result: _____

Date of Result: _____

C. As to any third petition, application or motion, give the same information.

Name of court and case number: _____

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? Yes No Did witnesses testify? Yes No

Name of Judge: _____

Result: _____

Date of Result: _____

D. Did you appeal to the Georgia Supreme Court or the Georgia Court of Appeals from the result taken on any petition, application, or motion listed above?

First petition, application or motion: Yes No

Second petition, application or motion: Yes No

Third petition, application or motion: Yes No

E. If you did not appeal from the denial of relief on any petition, application or motion, explain briefly why you did not: IGNORANCE TO THE LAW

F. If you appealed to the highest state court having jurisdiction, did you file a petition for certiorari in the United States Supreme Court to review the denial of your petition by the Georgia Supreme Court or the Georgia Court of Appeals? Yes No

13. Do you have any petition or appeal now pending in any court, either state or federal, as to the conviction under attack? Yes No

14. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

At preliminary hearing: NOT KNOWN

At arraignment and plea: Bowles, Corey T

At trial: Bowles, Corey, T

At sentencing: Bowles, Corey T

On appeal: N/A

In any post-conviction proceeding: N/A

On appeal from any adverse ruling in a post-conviction proceeding: N/A

15. Do you have any other sentence, either state or federal, to serve after you complete the sentence imposed by the conviction under attack? Yes No

If so, give the name and location of the court(s) which impose any other sentence:

State the date and length of any other sentence to be served: _____

Have you filed, or do you contemplate filing, any petition attacking the judgment(s) which imposed any other sentence? Yes No

PART II: STATEMENT OF YOUR CLAIMS

State concisely every ground on which you now claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.

1.

GROUND ONE: Improper lineups / suggestive identification deprived me due process in violation of 14th amendment,

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): Detective Donna Williams admitted a single photograph into evidence after she illegally gained the identification by way of impermissibly suggestive and irreparable findings, being she obtained said identification by a display of a single photograph, displaying.

2.

GROUND TWO: Malicious intentions of Detective to gain a conviction.

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): Detective Donna Williams admitted a single photograph into evidence after she illegally gained this initial identification by way of displaying a single photo in hopes of gaining positive identification. After the arrest she afforded an impermissibly suggestive / only suggestive photographic lineup further coercing / tainting investigation.

3.

GROUND THREE: Ineffective assistance of counsel violation of due process

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): In general, police reports character witnesses and potentially corroborating defense witnesses, failed to investigate defendant's sanity and possible defenses. Identification defenses failure to advise defendant of inanity; And or Rights to Appeal

4.

GROUND FOUR: Ineffective assistance of counsel, violation of

PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS

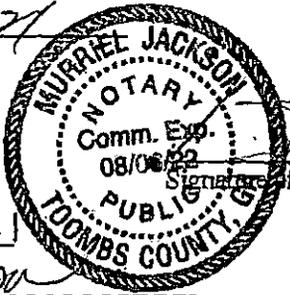
If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.

[Signature] 2/10/21
Date
300 1st Ave SW
Rendsville Ga 30453
Signature and Address of Petitioner's
Attorney (if any attorney)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on 2/10/21
Date



[Signature]
Signature of Petitioner

Sworn to and subscribed before me this 10th day of FEB, 2021
[Signature]
Notary Public or Other Person Authorized to Administer Oaths

Please note that under O.C.G.A. §9-14-45 service of a petition of habeas corpus shall be made upon the person having custody of the petitioner. If you are being detained under the custody of the Georgia Department of Corrections, an additional copy of the petition must be served on the Attorney General of Georgia. If you are being detained under the custody of some authority other than the Georgia Department of Corrections, an additional copy of the petition must be served upon the district attorney of the county in which the petition is filed. Service upon the Attorney General or the district attorney may be had by mailing a copy of the petition and a proper certificate of service.

PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS

If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them:

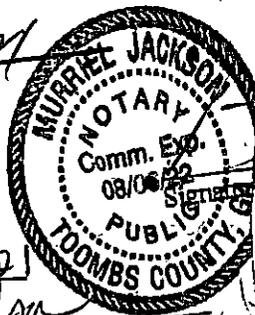
Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.

2/10/21
Date

[Signature]
304 1st Ave South
Roads Mill GA 30453
Signature and Address of Petitioner's
Attorney (if any attorney)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on 2/11/2021
Date



Sworn to and subscribed before me this 10th day of Feb, 2021
[Signature]
Notary Public or Other Person Authorized to Administer Oaths

Please note that under O.C.G.A. §9-14-45 service of a petition of habeas corpus shall be made upon the person having custody of the petitioner. If you are being detained under the custody of the Georgia Department of Corrections, an additional copy of the petition must be served on the Attorney General of Georgia. If you are being detained under the custody of some authority other than the Georgia Department of Corrections, an additional copy of the petition must be served upon the Attorney General of the county in which the petition is filed. Service upon the Attorney General of the county may be had by mailing a copy of the petition and a proper certificate of service.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the within and foregoing Habeas Corpus on the below-named person(s) by placing it in the Prison mailbox in a properly addressed envelope with sufficient first class postage affixed thereto.

This the 10 day of February, 2021. Daniel McFarlin
pro se

Please Serve:

1. Honorable Judge
2. Assistant District Attorney
3. CLERK OF COURT