

CLERK OF SUPERIOR COURT
RICHMOND COUNTY, GA
JULY 15, 2016

2016 JUL 15 AM 9:29

CLARA G. JOHNSON, CLERK
RICHMOND COUNTY, GA

TO: The Honorable Daniel J. Craig
Judge, Superior Court

FROM: Richmond County Grand Jury
May Term 2016

DATE: July 15, 2016

RE: Grand Jury Presentment

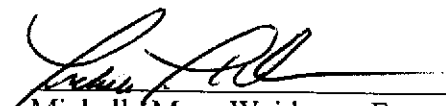
We, the members of the Augusta-Richmond County Grand Jury for the May Term 2016, having been duly sworn by the Honorable Michael N. Annis on the 16th day of May 2016, submit our presentment on the 15th day of July 2016, our last day as an official body of the Grand Jury.

To discharge our sworn duties, as prescribed by the laws of the State of Georgia, we met on ten (10) dates during our term and acted upon Bills of Indictments presented to us by the District Attorney's Office. In addition to the Bills of Indictment considered, the Grand Jury issued the attached Special Presentment.

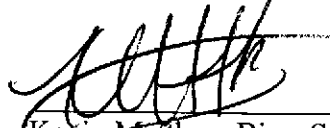
Sub-Committees were formed to inspect the Charles B. Webster Detention Center and the District Attorney's Office; reports are attached.

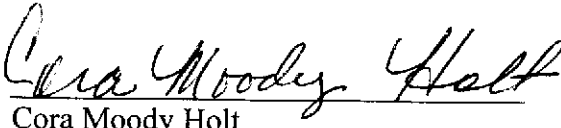
In addition to our assigned duties, this Grand Jury appointed one alternate member to the Board of Equalization; the report is attached.

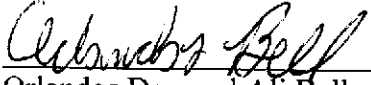
The Grand Jury respectfully submits this presentment on the 15th day of July 2016 and requests that it is published.


Michelle Mora Weidman, Foreperson

Crystal Lorraine Hillman, Asst. Foreperson


Kevin Matthew Biro, Secretary


Cora Moody Holt


Orlando Demond Ali Bell

Sabrina Endora Rowe

Ashton Renea Wilson

William Findley Page IV

Sidney Keith Cawthon

Derrick Rykeem Thurmond

Kwady R. Lightbourne

Tracey Eaton

Shavella Yvette Taylor

Howard Wayne Osborne

Vickie Deann Perkins

Cameron Chance Lanier

Dwayne Patrick Sparks

Zevelyn H. McCladdie

Jovon Irvin Yeldell

Debra Jean Keeter

Phaedra L. Bing

Roberta Daniels

Charles Robert Rodgers

Grand Jury Special Presentment Regarding Death of Tyler James Wicks

The May Term, 2016, of the Grand Jury of Richmond County, Georgia convened on June 14, 2016. We were presented with evidence concerning Tyler Wicks' death by multiple gunshot wounds, which occurred at his residence in Richmond County on June 22, 2015. Richmond County Sheriff's Office deputies were dispatched to the residence in response to a 911 call from that location wherein it was alleged that Mr. Wicks was suicidal and in possession of a weapon and that he had made threats towards anyone who may respond. This 911 call was played in its entirety for our consideration. When the officers responded, a person matching the description of Mr. Wicks could be seen in the front yard. No weapon was apparent on him at that time per the officers. The Sheriff's Office deputies, who prior to their arrival had consulted with other officers about a 2014 call to the same location wherein Mr. Wicks had been in possession of a weapon and refused to drop it in response to commands by law enforcement, decided to approach Mr. Wicks while he was in the yard and seemingly unarmed. By the time they arrived, Mr. Wicks had re-entered the residence. His family directed them to his bedroom and advised that he was in possession of a semi-automatic rifle.

The deputies drew their service weapons; Mr. Wicks was commanded to drop his gun. Mr. Wicks did not let go of his weapon. Instead, he "charged" the weapon. RCSO Dep. Brian Mealing, who was standing in the door and giving verbal commands to Mr. Wicks, fired his service weapon three times. Each shot struck Mr. Wicks, who died as a result of these gunshot wounds. The officers approached Mr. Wicks to disarm him and not only removed the assault rifle from where it fell near his feet, but they also removed a previously unseen Glock handgun from his waistband. Both of Mr. Wicks' weapons were loaded and the safety was not engaged on the assault rifle.

Dep. Brian Mealing's actions are considered a use of deadly force. Richmond County Sheriff Richard Roundtree requested the Georgia Bureau of Investigation ("GBI") to investigate the incident as a criminal matter. Testimony concerning the investigation was presented by GBI Special Agents Woody Boyd, Wendell Goodman, Carl Murray and Michael Petry. In addition, RCSO Dep. Kris Lapham, who was present at the residence during these events also testified. Additional testimony concerning the 2014 incident involving Mr. Wicks was presented by RCSO Inv. Kenneth Daniel. The District Attorney was responsible for and oversaw the presentation of evidence and explanation of Georgia law.

During the investigation of the events leading to his death, the GBI obtained statements and reports from the following witnesses: Ami McKenzie; Michael McKenzie; Hannah Brockwell; Phillip McIntosh; Abigail Skinner; RCSO Lt. David Bourbo; RCSO Dep. Kris Lapham; RCSO Dep. Douglas Kirkland; RCSO Dep. Zachary Chalker; Paramedic Thomas Edwards; EMT Wendy Wallace; EMT Mark Chavous; and RCSO Dep. Brian Mealing. The statements provided by these witnesses, in addition to the firearms testing and autopsy conducted by the Division of Forensic Sciences of the GBI, were provided to the Grand Jury in order to allow us the opportunity to determine whether there should be any criminal charges considered. Further, we were provided with expert testimony about use of force and deadly force. We were provided the opportunity to question each witness who testified. We were provided with photographs of the scene at the residence and crime scene diagrams created by Dep. Mealing, Dep. Lapham and S/A Carl Murray.

Based on the information provided, we make the following findings of fact:

In the time leading up to this event, Mr. Wicks appeared to be intoxicated. He told his family things which caused them to believe that he was suicidal. His family called 911 and requested law enforcement's help. Mr. Wicks was in possession of a weapon and made threats to utilize it that night.

RCSO Dep. Brian Mealing was on duty on Monday, June 22, 2015. He was dressed in his uniform and had arrived at the residence in his marked patrol car. When Dep. Mealing entered the residence, he was advised that Mr. Wicks was in his bedroom with a gun in his hands. Mr. Wicks was visibly in possession of a Windham Weaponry, Inc. AR-15 rifle, which he produced and charged, with this action making an audible noise. Mr. Wicks was also in possession of a Glock 22 Generation 4 .40 caliber handgun which was concealed in his waistband. Mr. Wicks began to raise the weapon after he charged it. In response to this threat to himself, his partner, and anyone else present in the house, Dep. Mealing produced his Department-issued Glock 22 Generation 4 .40 caliber handgun and fired three times, striking Mr. Wicks in the torso each time. Mr. Wicks fell to the ground. The autopsy concluded the cause of death were the gunshot wounds to the torso and the manner of death is homicide, as opposed to suicide, natural causes or an accident. Witnesses who were present at the scene during the shootings noted that Mr. Wicks' behavior that evening was unusual and that they heard Dep. Mealing give commands to Mr. Wicks prior to shots being fired. The witnesses' statements were consistent with each other and with the statement provided by Dep. Mealing and the recorded 911 call. Each of the statements was recorded and preserved.

Dep. Mealing's actions were based on the situation as it unfolded in his presence and based on the information that he received from the dispatcher and other officers who had prior dealings with Mr. Wicks. Dep. Mealing was current with his mandated training and certifications and was functioning as a training officer that evening.

Georgia law provides that any person may use force against another person when and to the extent that he reasonably believes that force is necessary to defend himself or a third person against another's imminent use of unlawful force; however, a person is justified in using force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent death or great bodily injury to himself or herself or a third person or to prevent the commission of a forcible felony. O.C.G.A. §§16-3-20 and -21. A "forcible felony" means any felony which involves the use or threat of physical force or violence against any person. O.C.G.A. § 16-1-3(6). A "reasonable belief" means that the person concerned, acting as a reasonable man, believes that the described facts exist. O.C.G.A. § 16-1-3 (16). Furthermore, justification is not applicable when the person using force (1) initially provokes the use of force against himself with the intent to use such force as an excuse to inflict bodily harm upon the assailant; (2) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or (3) was the aggressor or was engaged in a combat by agreement unless he withdraws from the encounter and effectively communicates to such other person his intent to do so and the other, notwithstanding, continues or threatens to continue the use of unlawful force. O.C.G.A. § 16-3-21 (b).

RCSO Dep. Brian Mealing used appropriate and justifiable force in defense of self and others in response to the immediate threat posed by Mr. Wicks possession and use of a gun. His response was consistent with his training and with his Department's Use of Force Policy. The Use of Force Policy mirrors Georgia law. None of the exceptions enumerated in OCGA § 16-3-21(b) apply to this situation based on the evidence collected and presented.

As a result of the findings of the Grand Jury, we make the following recommendations to the GBI, the RCSO and the District Attorney for the Augusta Judicial Circuit: no further criminal investigation is required. There is no evidence of a crime which would require this investigation to be presented to a Grand Jury for consideration of criminal charges. We recommend to the Superior Court that this presentment be filed with the Clerk of Court, included in our general presentments and request that it be published in the Augusta Chronicle along with the general presentments.

The following members of the grand jury were present:

Michelle Mora Weidman, Foreperson

Crystal Lorraine Hillman

Kevin Matthew Biro

Roberta Daniels

Jovon Irvin Yeldell

Sidney Keith Cawthon

Howard Wayne Osborne

Charles Robert Rodgers

~~Sabrina Endora Rowe~~ @

~~Ashton Renea Wilson~~ @

Cameron Chance Lanier

Derrick Rykeem Thurmond

Shavella Yvette Taylor

Cora Moody Holt

~~Tracey Eaton~~ @

Debra Jean Keffer

~~Vickie Dawn Perkins~~ @

~~Zevelyn H. McCladdie~~ @

~~Dwayne Patrick Sparks~~ @

Orlandos Demond Ali Bell

~~Kwady R. Lightbourne~~ @

Phaedra L. Bing


~~William Findley Page, IV~~ @

CLERK OF SUPERIOR COURT
AND JUVENILE COURT
FILED FOR GENERAL
RICHMOND COUNTY, GA

2016 JUN 15 AM 10:27

CLERK OF SUPERIOR COURT
AND JUVENILE COURT
FILED FOR GENERAL

This 14 day of June, 2016.


Michelle Mora Weidman, Foreperson

**SUB-COMMITTEE OF THE MAY 2016 GRAND JURY
REPORT ON THE CHARLES B. WEBSTER DETENTION CENTER**

CLERK OF SUPERIOR COURT
JUDICIAL BRANCH
FILED FOR

JUN 15 AM 9:29
CLERK OF SUPERIOR COURT
RICHMOND COUNTY, GA

On June 7, 2016, Sub-Committee Members inspected the Charles B. Webster Detention Center.

We were greeted promptly and professionally by Captain Bill Reeves.

Captain Reeves was our tour guide for the duration of the inspection.

A good lunch was provided for us in the staff cafeteria.

Trustee inmates were assisting with the preparation and serving of the food.

We were very impressed with the cleanliness of the entire facility.

All staff acted in a courteous and professional manner.

Captain Reeves gave us a tour of the entire facility and explained the difference in the inmates wearing striped uniforms versus the inmates in solid-colored uniforms.

We were able to tour the new section of the building. Captain Reeves explained the process of booking an inmate and all procedures taking place.

We were able to tour the medical section of the facility and also the visitor's area.

We were all very impressed with the current handling of visitation in the Detention Center. The screen with phone system is a great way to cut down on a lot of contraband.

The Detention Center's accreditation certificate by ACA (American Correctional Association) was significant news.

One Sub-Committee Member mentioned there should be individual offices rather than so many personnel in one area.

Respectfully submitted by
Sub-Committee Members

CLERK OF SUPERIOR COURT
AND JUDICIAL OFFICE
FILED FOR RECORD

BOARD OF EQUALIZATION APPOINTMENT

2016 JUL 15 AM 9:29

BY THE MAY TERM 2016 GRAND JURY

LEAH M. BENTON, CLERK
RICHMOND COUNTY, GA

The May Term 2016 of the Richmond County Grand Jury appoints the following person to a three-year term – from 1/1/2016 to 12/31/2018 – on the Board of Equalization:

Bettye C. Bailey, Alternate Member

**SUB-COMMITTEE OF THE MAY 2016 GRAND JURY
REPORT ON THE DISTRICT ATTORNEY'S OFFICE**

On June 28, 2016, Sub-Committee Members inspected the District Attorney's Office.

The District Attorney greeted us and had a very informative meeting before the tour began.

The District Attorney went over all details of the way their case load is divided and other aspects of the District Attorney's Office.

We noticed that, although things are very organized, their office could use more space for the filing of previous cases.

Everything seemed to flow and everyone was greeted promptly and courteously.

We think it would be good if they could have either higher cubicle areas or more offices to avoid having to use the cubicles. This would be good when maintaining client privacy.

We also think they need more staff (more Assistant District Attorneys) and would like to see more money allocated into their budget to accomplish these goals. There is an overload of cases and a shortage of employees.

The District Attorney made sure that all questions were answered before we left and she was very thorough with every part of the tour.

Respectfully submitted by
Sub-Committee Members

IN THE SUPERIOR COURT OF RICHMOND COUNTY

STATE OF GEORGIA

CLERK OF SUPERIOR COURT
AUGUSTA, GEORGIA
FILED FOR
2016 JUL 15 AM 9:30
CLERK OF SUPERIOR COURT
RICHMOND COUNTY, GA

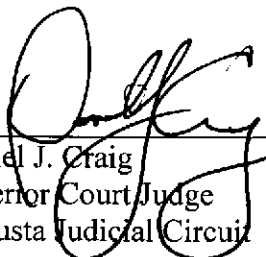
IN RE: GRAND JURY PRESENTMENT FOR THE MAY TERM 2016

The Grand Jury having returned the attached general presentment for the May Term 2016, and the same having been reviewed and accepted by the Court on July 15, 2016, it is now,

ORDERED that the said presentment shall be filed in the Office of the Clerk of Superior Court for Richmond County, and that it shall be published once in the *Augusta Chronicle*, the legal gazette for said County; and

FURTHER ORDERED that the said general presentment shall be posted by the Director of Information Technology on the Augusta-Richmond County website for public access through the Internet (World Wide Web).

It is so ORDERED this 15th day of July 2016.



Daniel J. Craig
Superior Court Judge
Augusta Judicial Circuit