



## **INTRODUCTION**

*This introduction is of **no legal consequence** in terms of the trial and is **not admissible** for impeachment purposes or for any other purpose.*

A common thought exercise in law schools across the country centers on the hypothetical homeowner who confronts an intruder, fearing for their life. To defend themselves and their family, the homeowner confronts the intruder and uses force in that defense; sometimes deadly force. This is commonly referred to as the “Castle Doctrine.” But, what if the intruder is fleeing the home during the homeowner’s use of force? What if the intruder is killed from behind, as they run away? Or even outside the home? Is that use of deadly force now justified?

This is the situation Carli/Carl Holmes found her/himself in this past March. Not in his/her home but on the job. Carli/Carl worked at the Miltonville Mini Market, a revived gas station convenience store in Jenkintown on the south side of Miltonville. Jenkintown had a history of an economically depressed area with a lot of crime and gang activity. But new development has turned that around and the Miltonville Mini Market has been a leader in that change.

The MMM is Carli/Carl’s second job at a gas station like this. Last summer, while working at Leonardo’s, Carli/Carl witnessed a carjacking and tried to intervene. Unfortunately, s/he was injured as the carjacker sped away with a toddler in the backseat. Thankfully, the toddler was recovered quickly but the carjacker got away. This was a life-changing trauma for Carli/Carl and s/he started seeing Dr. Mayse Ceridian for treatment of anxiety, depression, and PTSD. Breckett Pierson, a part-time yoga instructor at the senior center, got to know Carli/Carl when s/he dropped his/her grandmother off for classes. Breckett worked at the MMM and convinced Carli/Carl to leave Leonardo’s and get a job at the MMM. This was a good move for Carli/Carl, who started making progress with his/her mental struggles.

That is until a certain individual started hanging around the MMM. Something about this guy gave Carli/Carl the creeps and s/he couldn’t figure out why, until a chance encounter inside the store triggered a memory in Carli/Carl’s head: This. Was. The. Carjacker.

Carli/Carl decided to watch this guy closely and not let him hurt anyone else again. Not long after, on an early Saturday morning, Carli/Carl was coming off an overnight shift when he saw the guy hanging around the parking lot of the MMM, next to a Dodge Charger. Carli/Carl ran back inside the store and grabbed his/her gun s/he started carrying. The guy followed him/her inside, standing in front of Carli/Carl with his hands in his pockets. But then he started to pull something out. Fight beat flight and Carli/Carl drew first. Shots were fired and the guy ran out. Carli/Carl gave chase and the guy wound up dead in the parking lot.

Norma/Norman Twiggs was in the store and saw the whole thing happen. As an Army veteran, Twiggs felt certain that something must have caused Holmes to take such drastic action. Regan Montero, the driver of the Charger, also happened to be working undercover for the Milton County Sheriff’s Office’s Investigative Unit on gang activity and actually drove the guy to the MMM that morning. Montero said that the guy, Danke Mercado, was trying to get out of the gang and start a new life and s/he was certain that Mercado wasn’t carrying a gun or presenting a threat. Sgt. Danni/Danny Saturday of the Miltonville Police Department was the first officer to respond to the scene and doesn’t believe Holmes’ claim of self-defense.

It seems that in this case, perception, like beauty, is in the eye of the beholder. At what point does one wo/man’s belief of impending danger become strong enough to justify use of deadly force on a fleeing threat?

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## **STIPULATIONS**

1. Any reference to a previous season’s mock trial case is for the edification of mock trial veterans and facts from referred cases may not be used as an unfair extrapolation of fact. Only references specifically contained in the current case materials are relevant and available for trial as presently stated.

2. All exhibits included in the problem are authentic in all respects, and no objections to the authenticity of the exhibits shall be entertained.
3. Stipulations cannot be contradicted or challenged.
4. The signatures on the witness statements and all other documents are authentic.
5. There are **NO** costume options permitted as an exception to Rule 20 this season.
6. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
7. No demurrer to the indictment shall be allowed
8. Chain of custody for evidence is not in dispute.
9. The **Introduction** provided is of **no legal consequence** in terms of the trial and **is not admissible** for impeachment purposes or for any other purpose.
10. Exhibits 1 and 2 fairly and accurately depict the view or scene each purport to depict.
11. Exhibit 5 is a certified copy from the Clerk's Office of the Milton County Superior Court.
12. Exhibit 6 is the excerpt from the employee manual that has been agreed upon by the State and the Defense, and no objection to its admissibility based upon incompleteness shall be entertained.
13. Exhibit 8 was obtained through a search warrant by the Miltonville Police Department. No further foundation as to authenticity is necessary.
14. The autopsy conducted by the Milton County Medical Examiner found that Danke Mercado died as a result of gunshot wounds to his upper torso and neck. The manner of death was ruled a homicide. All documents relied upon by the Milton County Medical Examiner are admissible and require no further foundation.
15. The State previously filed a motion *in limine* to exclude any testimony related to Holmes' PTSD. The Court held a hearing and issued an Order denying the motion. Testimony related to Holmes' PTSD will be admissible and no objection to its admissibility on any basis other than those already included in the Rules of Evidence will be permitted.

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## **WITNESSES**

*The following witnesses are available to be called by the parties. Prosecution witnesses may not testify or be called on behalf of the Defendant. Defense witnesses may not testify or be called on behalf of the Prosecution. All witnesses may be female or male. See Rules 3, 5 and 12(f) for more details on witnesses.*

### **FOR THE PROSECUTION**

Sgt. Danni/Danny Saturday  
 Det. Regan Montero  
 Breckett Pierson

### **FOR THE DEFENSE**

Carli/Carl Holmes, *Defendant*  
 Norma/Norman Twiggs  
 Dr. Mayse Ceridian

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## **EXHIBITS**

*Teams in competition may use the following exhibits. They are pre-numbered and are to be referred to by the assigned number, as follows:*

### **Exhibit Numbers and Title/Descriptions**

- |                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. .... Crime scene photos</li> <li>2. .... Map of Miltonville Mini Market</li> <li>3. .... Police Report</li> <li>4. .... Investigator Report</li> <li>5. .... Disposition of Danke Mercado</li> </ol> | <ol style="list-style-type: none"> <li>6..... Excerpt of Miltonville Mini Market employee manual</li> <li>7..... Mini Market Employee Disciplinary Referral</li> <li>8..... Text messages</li> <li>9..... Session notes from Dr. Mayse Ceridian</li> </ol> |
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# GENERAL BILL OF INDICTMENT

Grand Jury Witnesses:  
Sgt. Danni/Danny Saturday, MPD  
Det. Regan Montero, MCSO

INDICTMENT NO. 22CR-HSMT  
MILTON SUPERIOR COURT  
SEPTEMBER TERM 2021

THE STATE OF GEORGIA


V.

**CARLI/CARL HOLMES**

TRUE BILL

Date: April 7, 2021

  
Grand Jury Foreperson

  
Grand Jury Balliff

Elizabeth Fite, District Attorney

The defendant Carli/Carl Holmes  
waives formal arraignment, a copy of  
the indictment, list of witnesses, and  
pleads Not guilty. This the 12 of  
Apr, 20 21.

Defendant Carli/Carl Holmes

Def. Attorney Edward B. Haynes

DA/ADA Elizabeth Fite

The defendant \_\_\_\_\_  
waives formal arraignment, a copy of  
the indictment, list of witnesses, and  
pleads \_\_\_\_\_ guilty. This the \_\_\_\_ of  
\_\_\_\_, 20 \_\_\_\_.

Defendant \_\_\_\_\_

Def. Attorney \_\_\_\_\_

DA/ADA \_\_\_\_\_

The defendant \_\_\_\_\_  
waives formal arraignment, a copy of  
the indictment, list of witnesses, and  
pleads \_\_\_\_\_ guilty. This the \_\_\_\_ of  
\_\_\_\_, 20 \_\_\_\_.

Defendant \_\_\_\_\_

Def. Attorney \_\_\_\_\_

DA/ADA \_\_\_\_\_

STATE OF GEORGIA, COUNTY OF MILTON  
IN THE SUPERIOR COURT OF MILTON COUNTY

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

1. Jeremy Baker
2. Eric Brewton
3. Craig Call
4. George Carley
5. Kevin Epps
6. Tyler Gaines
7. Nicole Golden
8. Adam Hebbard
9. Christina Jenkins
10. Virginia Josey
11. Sherri Kelley
12. Chaundra Lewis
13. Allen Lightcap
14. Brittany Partridge
15. Bryan Rayburn
16. Adrienne Nash
17. William Ortiz
18. Megan Rittle
19. Margaret Spencer
20. Breana Ware, Foreperson
21. Sandy Wisenbaker

**COUNT ONE: FELONY MURDER (O.C.G.A. 16-5-1)**

In the name and behalf of the citizens of Georgia, charge and accuse **CARLI/CARL HOLMES**, with the offense of **FELONY MURDER**, for that the said accused, in the County of Milton and State of Georgia, on the **20<sup>th</sup>** day of **March, 2021**, **did then and there unlawfully, while in the commission of a felony, to wit: Aggravated Assault, cause the death of Thanke Mercado**, a human being, by shooting said victim with a pistol, contrary to the laws of said State, the good order, peace and dignity thereof.

**COUNT TWO: AGGRAVATED ASSAULT (O.C.G.A. 16-5-21)**

And the jurors aforesaid, In the name and behalf of the citizens of Georgia, charge and accuse **CARLI/CARL HOLMES**, with the offense of **AGGRAVATED ASSAULT**, for that the said accused, in the County of Milton and State of Georgia, on the **20<sup>th</sup>** day of **March, 2021**, **did make an assault upon the person of Thanke Mercado with a deadly weapon, to wit: a firearm, by shooting a pistol at said victim**, contrary to the laws of said State, the good order, peace and dignity thereof.

**COUNT THREE: POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (O.C.G.A. 16-11-106)**

And the jurors aforesaid, In the name and behalf of the citizens of Georgia, charge and accuse **CARLI/CARL HOLMES**, with the offense of **POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (O.C.G.A. 16-11-106)**, for that the said accused, in the County of Milton and State of Georgia, on the **20<sup>th</sup>** day of **March, 2021**, **did unlawfully have on his person a pistol, a firearm, during the commission of the crime of Felony Murder**, a crime involving the person of another, contrary to the laws of said State, the good order, peace and dignity thereof.

Elizabeth Fite, District Attorney  
Special Presentment

IN THE SUPERIOR COURT OF MILTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

v.

CARLI/CARL HOLMES,

Defendant.


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CRIMINAL #: 22CR-HSMT

**ORDER ON STATE’S MOTION TO EXCLUDE TESTIMONY OF DR. MAYSE CERIDIAN**

The State’s Motion to Exclude Testimony of Dr. Mayse Ceridian came regularly before the Court on January 15, 2022, with counsel for the State, counsel for defendant, and defendant present. After hearing evidence and argument of counsel, it is hereby ordered that the State’s motion is DENIED.

SO ORDERED this 18th day of January, 2022.

  
\_\_\_\_\_  
Stephen Louis A. Dillard, Judge  
Superior Court of Milton County

cc: All Parties

# STATEMENT OF SGT. DANI/DANNY SATURDAY

1 1. My name is Danny/Dani Saturday, and I am a sergeant with the Miltonville Police Department.  
2 I'm not originally from Miltonville, but I've been here so long that I might as well be. I moved to  
3 Miltonville about 25 years ago when I was just a baby officer. I started out as just a routine patrol  
4 officer, and I stayed on the road for several years, even initially turning down some promotions to  
5 work in investigative units where I could wear plainclothes. Eventually, though, the Police Department  
6 needed my experience in the Major Crimes Investigative Unit. And so, I went on to spend a large part  
7 of my career investigating robberies, homicides, and other serious crimes.

8  
9 2. In my time on patrol and then with the Unit, I've seen a bit of everything. Miltonville is a typically  
10 quiet place but we do get our share of typical "bigger city" crimes. The Square has seen a lot of action  
11 in this regards in the past several years, from that bank robbery a couple of years ago to that crazy  
12 murder at the Hole in the Wall four years back. I had moved into the Unit by the time both of those  
13 occurred, so was on the investigative team for both. That Addison Dewitt case was one of the more  
14 complicated, big city-type murders we've had in Miltonville, with a hitman no less. I wasn't called to  
15 testify in that case but the work on it was exciting.

16  
17 3. Like I said, Miltonville is typically a quieter town than most. Aside from Bobby Bacalaleri and him  
18 getting tossed over the side of the Miltonville Parking Garage in 2013, the biggest thing we had to  
19 "organized crime" in Miltonville was the hit on R.L. Parker. Being here for 25 years has made me one  
20 of the longest-serving officers in the Department so I'm kind of the "institutional memory" of what  
21 we've dealt with.

22  
23 4. I know some of the officers in the Sheriff's department are worried about gang activity in the  
24 county, but honestly, we haven't seen much of it in the city limits. Like any city, we have petty crime,  
25 underage house parties, car thefts, graffiti, and drug abuse to keep us busy. But none of it has ever  
26 looked like real gang activity. Some of the kids like to call themselves a "gang", like the kids that live  
27 near the high school calling themselves the "Cade Street Soldiers". I'm not sure what army they're  
28 soldiering for but they haven't done anything "organized". But, being in the Unit, we have them on  
29 our radar and try to keep abreast of anything they may get themselves involved with.

30  
31 5. Regan Montero is a part of the Sheriff's Department, though s/he started off with the MPD. S/He  
32 was on patrol, just like I was, and did a good job getting to know the community and building relations.  
33 S/He was a little high strung, always seeing bigger issues in the shadows, feeling like there was a larger  
34 element of some criminal underworld just under the surface. It almost bordered on paranoia and s/he  
35 kept pushing Chief Wiggum to take the rising gang activity seriously. We just weren't seeing it. But,  
36 Montero had an eye for details and seemed to put a big picture together, so Chief Wiggum set up the  
37 first iteration of the Investigation Unit. Its focus was on community-related and quality of life crimes.  
38 Montero seemed happy but never let the shadows go. Eventually, s/he wasn't satisfied with the  
39 department "not hunting the real bad guys" and moved over to the Sheriff's Department. Which was

40 fine. As the county law enforcement agency, they have to look at a broader picture of the county and  
41 is in a better place to connect the dots that may not be focused within the city limits.

42  
43 6. I heard Montero fit right in and started training for undercover work of some sort. We'd run into  
44 each other when our universes overlapped but I always got the feeling s/he looked down his/her nose  
45 at us. I don't know if it was us being too "small town" or what. S/He'd often make comments to me  
46 about the department "having our heads in the sand" and leaving the house unguarded from more  
47 serious elements than DUIs and shoplifters. I think we did all right with the Parker murder and the  
48 bank robbery a couple of years ago on our own. If Montero is happy chasing windmills to "protect and  
49 serve", that's fine.

50  
51 7. Saturday, March 20, got off to a slow start. Which is basically every Saturday. Weekend mornings  
52 in Miltonville are usually quiet, with families heading out of town on some kind of adventure, whether  
53 a baseball or soccer tournament, a fishing or camping expedition, or, in the fall, getting to their favorite  
54 team's tailgate. I'm still amazed at how early some people get started for those tailgates. For those  
55 staying in town, Groothen Kaarlson does a good breakfast business on the Square, which is a good  
56 place to catch up with people and get a sense of what the community is talking about.

57  
58 8. The Miltonville Mini Mart is in Jenkintown, on the south edge of the city limits in an area that has  
59 been down on its luck for a while. However, with interest rates being so low the past few years, and  
60 people from metro Atlanta looking for a quieter existence, that part of town has seen some  
61 redevelopment in the past year and a half. Several of the old houses have been taken down with new  
62 developments put up. Jenkintown has been a higher crime area than most other parts of the city but  
63 nothing out of the ordinary in terms of rates for economically depressed areas.

64  
65 9. The Mini Mart used to be one of those run-down gas stations that advertised more beer and lotto  
66 tickets than gas and soda. It had bars on the windows and a really seedy, run down feel to it. It was  
67 one of the high crime hotspots in Jenkintown with a lot of drug deals happening in the parking lot and  
68 other stuff behind the building. It was an easy target for hold ups too. The area around it was pretty  
69 bad off, so it was a cycle that fed itself. Gangs prospered down there and kept us busy. Then, a few  
70 years ago, the owners were charged with various tax fraud schemes by the US Attorney's office in  
71 Atlanta and it closed for a few months. That stopped the robberies but not anything else. A developer  
72 from Campbell County bought the property, cleaned it up, and has been working on making it  
73 respectable. The redevelopment of the area around it got going at the same time and it's turned a  
74 corner. It still has a way to go but it sees a lot more residents and families than drug pushers and has  
75 a good business from people passing through Milton County. Most of the criminal problems it has are  
76 overnight since it's a 24-hour place and it has been held up a few times in the past couple of months.

77  
78 10. That Saturday morning, just as I was getting my morning coffee at Groothen's before reporting  
79 for my shift that began at 7:00 am, I got a call from dispatch, saying there was a robbery in progress  
80 at the Mini Mart. Before I could get there though, the call was upgraded to shots fired, and then again  
81 to a person down. I sped to the scene, only to find Danke Mercado on the ground in the front parking



82 lot of the store. I immediately knew who it was, because I'd encountered him several times before. He  
83 had clearly been shot multiple times. It was also clear that medical intervention would be fruitless. He  
84 was deceased at the scene.

85  
86 11. Mercado was known to the law enforcement community as a member of the Jenkintown  
87 Blossoms. We kept files on people who either admitted they were in a gang to law enforcement  
88 officers when they got arrested or who were known to associate with those gang members. Not to  
89 mention the fact that I had arrested Mercado before, about a year ago, for robbing another  
90 convenience store on the other side of town - The Dinoco. The Sheriff's Office got all worked up over  
91 me arresting Mercado and went to Chief Wiggum, saying I almost blew a huge gang and drug  
92 investigation because of it. We weren't supposed to take anyone into custody because that would  
93 make the other gang bangers worried they would get ratted out. I contacted the prosecutor on that  
94 case when I heard he posted bond a few days after that robbery, and the prosecutor said a lot of  
95 defendants had been granted bonds during the COVID-19 pandemic to alleviate the risk of exposure  
96 in the Milton County Jail.

97  
98 12. When I first pulled up to the scene, Carli/Carl Holmes was inside the store behind the counter,  
99 sitting on a stool. Breckett Pierson was with him/her, talking quietly. Mercado was face down on the  
100 pavement behind a black older Dodge Charger. The driver of the Charger was Regan Montero, who  
101 was standing in front of the car on the sidewalk. I quietly nodded to Montero but s/he didn't seem to  
102 pay me any attention. In the doorway of the store was a .380 ACP Walther PPK just outside the door  
103 frame, in the middle of a pile of shattered glass. Two more MPD units and a MCSO unit arrived a  
104 minute or two after I did. Once I was sure the danger had passed, I worked with the additional units  
105 to secure the scene and then went into the Mini Mart to start talking to Holmes and Pierson.

106  
107 13. It was nice to have several witnesses to obtain information from. Many times, we have much less  
108 information to work with. Once the crime scene technicians arrived, they photographed the Walther  
109 and bagged it for evidence. They also photographed and bagged four shell casings; two inside the Mart  
110 and two on the sidewalk. Their initial inspection of Mercado's body didn't find anything significant,  
111 including a weapon of any kind. , in particular, looking for the gun that Carli/Carl Holmes said s/he saw  
112 when Mercado purportedly robbed the store.

113  
114 14. First, I talked to Rachel Jackson. She was the night manager of the store, and she let me take a  
115 look at the surveillance system. It was badly out of date, and as hard as I tried, I couldn't get the system  
116 to work. She told me that it might be better to have someone more technologically savvy than either  
117 of us takes a look at it since she wasn't familiar with the settings. I informed her that we would send  
118 someone from our tech unit over to try to access the surveillance footage in the coming days. I don't  
119 know what happened with that request, but I never saw the footage, and I have no idea whether it  
120 was accessible or if my request went unfulfilled. She also said that Holmes had recently been  
121 reprimanded because of a prior incident where Holmes had used excessive force when a juvenile was  
122 accused of shoplifting a couple of bags of Doritos. In fact, Holmes had been moved to the day shift to  
123 avoid the usual nighttime trouble. Unfortunately, Holmes had been working the overnight shift

124 because of staff shortages that Saturday night, March 20, and had been just ending a long shift. So, on  
125 top of the reprimand and shift change, Holmes was exhausted from a long overnight shift dealing with  
126 people that s/he didn't always see eye-to-eye with.

127  
128 15. I tried to talk to Holmes, but s/he didn't say much. S/He looked like s/he was having a nervous  
129 breakdown and kept mumbling, "He had a gun." S/He also said, "I didn't mean to..." and trailed off. I  
130 couldn't get him/her to say much else, except one time, when it looked like a bolt of electricity hit  
131 him/her and s/he suddenly looked me in the eye, and asked, "what about the baby? Is the baby okay?"  
132 I asked him/her "what baby?" and s/he said, "In the back seat. There's a baby in the back seat!" S/He  
133 got really worked up about it all. I radioed another officer who was outside and they said there wasn't  
134 a baby in the Charger. I told Holmes that and s/he just stared at me completely shocked and lost. When  
135 I asked Holmes if s/he had shot Mercado, s/he slowly nodded but didn't say anything. And I knew that  
136 was all I was going to get at that point. Another officer took Holmes to a police car, read him/her  
137 his/her Miranda rights, and took him/her to the station downtown. When an investigator went to talk  
138 to Holmes at the station, s/he asked for his/her lawyer, who didn't let Holmes say anything. The lawyer  
139 got a doctor to visit Holmes in holding. The next day, the lawyer told the judge that Holmes was not  
140 handling the incident well and needed to be granted bond to receive treatment and talk with his/her  
141 doctor.

142  
143 16. I briefly spoke to Breckett Pierson who seemed pretty rattled. I don't think s/he blinked the whole  
144 time that we spoke, which was about five minutes by my guess. Pierson told me that s/he had clocked  
145 in for his/her shift and was standing behind the counter by the window watching Holmes, because  
146 s/he had a funny feeling about Mercado and Holmes. Pierson never said what the "funny feeling" was.  
147 I was interrupted before I could finish my interview with Pierson and when I went to look for her/him  
148 again, s/he was gone. I never was able to get her/him to come down to the station to give a statement.  
149 I'm pretty sure Pierson knows exactly what happened, but does not want to sell out Holmes.

150  
151 17. Last, I talked to Montero. S/He was really cagey and didn't want to say much. S/He looked really  
152 distraught and like s/he was really annoyed that I was trying to talk to him/her. S/He said s/he didn't  
153 know anything had happened until s/he heard the gunshots and saw Holmes standing on the sidewalk  
154 with the gun in his/her hand. S/He didn't see Mercado until s/he got out of the car. I asked why s/he  
155 didn't do anything to secure the scene or anything but Montero didn't really answer. When I got back  
156 to the station to type up my report, I had a note from my supervisor to check in. It turns out that  
157 Montero was working undercover, and that Mercado was part of his/her investigation. Since Montero  
158 was working an investigation undercover, I wasn't able to get a formal statement from him/her. They  
159 had some major drug bust a few days later, taking down several gang-banger types and I haven't seen  
160 him/her since.


161  
162 18. The ballistics on the rounds all matched the Walther PPK found at the doorway. The gun also had  
163 Holmes' fingerprints and a GSR test showed gunpowder on Holmes' hands at the station. Holmes  
164 submitted to a blood draw, which showed no illegal drugs or alcohol but did show s/he was on  
165 medication for anxiety and depression.

166  
167 19. The autopsy on Mercado showed he died of two gunshot wounds, one to the back of his left  
168 shoulder, and another to the right side of his neck. He had \$40 in cash and a cell phone. The phone  
169 had text messages between Mercado and a Christopher McFadden. An investigator from the Sheriff's  
170 Department said that McFadden runs New Path Outreach, a group that helps gang members get out  
171 of the gang lifestyle and a new start. It's part of the Georgia Anti-Gang Network. Apparently, McFadden  
172 had been talking to Mercado about getting out of the Blossoms, and Miltonville, and he was set to  
173 leave for the New Path Outreach services center in Dillardsville that Tuesday.  
174  
175 20. Mercado's prior robbery at the Dinoco had peculiar similarities to this one. But, then again,  
176 Holmes' history of having a short fuse also fit the profile of this investigation.  
177  
178 21. I'm getting ready to retire, and this may very well be my last case. I can't wait to finish up with  
179 this trial so I can start thinking about moving to my lake house.

Sgt. D Saturday  
Sgt. Danni/Danny Saturday

SIGNED AND SWORN to me on April 2, 2021.

C.M. McCormack  
C.M. McCormack, Notary Public



**WITNESS ADDENDUM**

I have reviewed this statement, given by me on the date above, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Sgt. D Saturday  
Sgt. Danni/Danny Saturday

Morning of Trial

# STATEMENT OF REGAN MONTERO

1 1. My name is Regan Montero and I am an investigator with the Milton County Sheriff's Office. I  
2 haven't always been with MCSO. In fact, I started my career with the Miltonville Police Department  
3 right out of the police academy, where I was quickly fast-tracked into investigations. I've always had a  
4 real knack for drug and gang cases. What can I say? People like to open up to me for some reason, so  
5 turning perpetrators into informants just comes natural. And, unlike some of these older veterans like  
6 Danny/Dani Saturday, I understand that you have to get creative if you want results - especially when  
7 it comes to gangs.

8  
9 2. The landscape of gang investigation is always changing. The major gangs of today are essentially  
10 national corporations, concerned more about profits than bandana colors, which has paved the way  
11 for the emergence of these new, hybrid gangs. You often see hybrid gangs spring up when kids from  
12 different neighborhoods are placed in the same school, form friendships outside of their  
13 neighborhood gangs, and form their own groups. These new groups are hungry for recognition with  
14 the end goal being brought in under the umbrella of a larger national gang, typically referred to as a  
15 "set", where they can make more money and have the security and protection of a larger organization.  
16 The most popular examples are the Bloods in Los Angeles. They were formed in the late '60s as a way  
17 to protect kids from the Crips, and small neighborhood sets were established under the Bloods  
18 umbrella.

19  
20 3. The Jenkintown Blossoms is one of these new gangs. The Blossoms are a recent alliance between  
21 the Cade Street Soldiers on the east side of downtown Miltonville, the Creekside Boys, and the  
22 Northside 86ers from the northern part of the county. When they were on their own, they were all  
23 mainly petty-crime stuff and more like social clubs than "gangs", holding loud parties and doing stupid  
24 graffiti. Once they merged about five years ago, they started becoming a problem -. The trouble  
25 started with more aggressive tagging and expanded into marijuana sales. The Miltonville Police  
26 Department should have done something then, but it was clear that both the chief of police and the  
27 now former mayor both didn't know what they were dealing with. Before we knew it, these kids had  
28 graduated to carjacking and armed robbery and the community was at risk like it had never been  
29 before. If we don't get a real handle on it, we leave ourselves open to a bigger outside group using  
30 these kids for drug trafficking, like the Sinaloas moving fentanyl, heroin, and marijuana northward  
31 through Georgia to the Carolinas and up the east coast. A quick source of cash for local gangs is to  
32 serve as stash houses for the traffickers.

33  
34 4. The way the police department handled the whole situation when the Blossoms got started made  
35 me sick. I couldn't take any more of the half measures and mediocre investigations so I reached out to  
36 some of my buddies at the Sheriff's Office. The sheriff was happy to have me come on board. After all,  
37 my record speaks for itself – I get the job done. The crackdown on these gangs didn't start until I got  
38 involved and I made quick progress identifying key members and sources of their money and  
39 connections to other gangs in this part of the state.

40 5. With the help of the GBI Gang Task Force, the Milton County Sheriff's Office started an intense  
41 undercover investigation into the Blossoms in the early months of 2020. Naturally, I was asked to work  
42 my magic and go undercover. I went through training with the GBI and the DEA. I started setting up  
43 my cover as a member of a large drug transport operation out of the Atlanta area, looking for partners  
44 in this part of Georgia to establish safe houses. This has become common recently since the Atlanta  
45 High Intensity Drug Trafficking Area had been identified by the federal government and resources put  
46 into the area. I was able to make contact with Richard Houser, one of the principals of the Blossoms  
47 and started getting ingrained with the gang. I met Danke Mercado about a month into my  
48 investigation and my heart went out to him right away. I've met some bad dudes in my time – guys  
49 that will make you afraid to go to sleep at night or let your kids leave the house, people like Houser  
50 and Ray Merriman. Mercado was nothing like that. He was just a kid in a bad situation, pulled into this  
51 lifestyle by the fat stacks of cash his cousins always seemed to have to blow on fancy shoes and weed.

52  
53 6. If anything, Mercado was a coward. I'll never forget the day I bailed him out after Saturday locked  
54 him up for the robbery of the Dinoco station south of Miltonville on Highway 205 last year. The poor  
55 kid was shaking so bad. I don't think he had ever spent more than a few days in the Youth Detention  
56 Center before, so the county jail must have been a real shock. Honestly, it wouldn't have killed Sgt.  
57 Saturday to give our office a call before locking the kid up. S/He knew we were working something,  
58 but as usual, s/he cared more about punching a time clock than the big picture. Being a part of the GBI  
59 Gang Task Force, we tell all of the local jurisdictions in Milton County to let us know when they arrest  
60 someone that may be involved in a gang, mostly so we can coordinate anything that may mess up a  
61 larger investigation.

62  
63 7. Mercado told me that his cousins had forced him to come along for the robbery, saying that he  
64 needed to "start making himself more useful". I'm not surprised. In order to get recognized by a larger  
65 national gang, the Blossoms had to prove that they could turn a profit and that they wouldn't back  
66 down from doing what was necessary to rake in the cash and establish a "legit" presence. Everyone  
67 had to pull their weight. I don't know if Mercado had a gun during that Dinoco robbery. I had never  
68 seen him with one, but I know from the report that firearms were recovered from some of the  
69 suspects, though everyone was charged with possession of a firearm during a felony. Running with  
70 guns became more commonplace after the Blossoms formed, so I know for a fact the expectation of  
71 holding your own was there.

72  
73 8. For the first time in a while, I was torn between doing my job and doing what my heart knew was  
74 right. Mercado was going down a dark path and I thought that maybe I could do something to stop it.  
75 It was a tough task, keeping my cover as the broker between the Blossoms and the Atlanta  
76 organizations while talking a kid out of the life. But, I'm good enough to sell it. I started to talk to him  
77 about his options, about ways he could get out of this town and do something with his life – and I think  
78 it worked. Mercado started talking less about wanting the latest [Gucci] slides and more about getting  
79 his GED. I was finally getting through to him. I still can't believe he's dead.

80

81 9. I picked Mercado up in my undercover car, an older model Dodge Charger, on the day of the  
82 shooting and drove him to the Miltonville Mini Market. I've never been a big fan of the overpriced  
83 roller dogs or that twitchy clerk Holmes, but Mercado loved it – probably because he didn't actually  
84 have to pay for his hotdogs due to the Safe Haven thing they've got going on over there.

85  
86 10. Mercado was in a good mood. It was nice to see him like that – he had been down recently  
87 because the other Blossoms kept getting on to him about stepping up and doing his part. I'd seen them  
88 messing with him a few times over the past few months. One time he even cried, which obviously  
89 didn't go over well. Honestly, I began to worry about his safety and I could tell he was stressed. His  
90 cousins could only protect him so much and Houser was starting to tighten control over the Blossoms,  
91 trying to get them trained to up their game. Houser even said something to me one time about "these  
92 kids being weak" and coming up with ways to "toughen them up." I was afraid what he might make  
93 Mercado do, even possibly leading a robbery by himself.

94  
95 11. Mercado wasn't upset that Saturday though. In fact, I would say that he was excited. He kept  
96 talking about his "new plan" and how things were finally going to work out in his favor. I hate to admit  
97 it, but I was only half listening. I knew that our big bust was finally coming down the pipes, so my mind  
98 was focused on that instead. I had all of the chess pieces in place and even got Sgt. Saturday on board.  
99 I think s/he wanted to be in on some real action so was happy to help bust some "gang banger punks"  
100 as s/he liked to call them.

101  
102 12. I pulled the Charger up to a gas pump and Mercado popped out. He told me to pull up to the store  
103 when I was done and to keep the car running and doors unlocked. I guess he wasn't planning on staying  
104 long or maybe didn't want to risk being seen out with me. I watched Mercado go into the Market. I  
105 couldn't tell where he went inside but it seemed like he went towards the middle where the rollers  
106 were. I finished with the pump, grabbed my receipt for the accounting clerks, and pulled up to a spot  
107 by the front door. I slumped in my seat and pulled out my phone and started going through messages.  
108 The Blossoms were coordinating a smash and grab burglary the next week, so I had to do my job and  
109 play the part. I was really hoping Houser wasn't going to put Mercado in the hot seat, as I know he  
110 wouldn't be able to handle it. I was playing the next few days out in my head when the next thing I  
111 knew – gunfire.

112  
113 13. I looked up and saw Holmes standing in front of my car holding a pistol in his hand. I hadn't seen  
114 anyone go in or out of the store until I heard the shots and saw Holmes standing there, this panicked  
115 look on his/her face. I reacted as fast as I could, but Mercado was dead. Holmes kept saying, "he had  
116 a gun, he had a gun" over and over. I can't believe that is true. Mercado didn't have a gun and I would  
117 like to think I would have noticed if he was carrying. Even though I was distracted all morning, I've  
118 been trained to spot that sort of thing. Of course, I couldn't do anything that would blow my cover. I  
119 had to act like a shocked civilian, which wasn't hard, and wait for Miltonville PD to get there. I texted  
120 my manager, Sgt. Foley, to let him know what had happened and he told me to sit tight and try to talk  
121 to Saturday when s/he got there.


122

123 14. Waiting for the Miltonville PD to get to the scene was one of the toughest things I've had to do in  
124 this job. I hate that this is a city case. Call me jaded, but if you want an investigation done right, you  
125 need the Milton County Sheriff's Office on it. Sgt. Saturday didn't even recognize me, and that should  
126 tell you all you need to know about the kind of work they do at the PD. I hung around a bit to see if  
127 Saturday wanted to talk and s/he finally got my attention to come inside. While I couldn't say much  
128 since this was in the middle of one of our investigations, I just told him/her what I saw; Holmes  
129 shooting Mercado. Saturday said Holmes claimed self-defense, that Mercado came in with his hands  
130 in his jacket pocket like he had a gun and was pulling it out. I was shocked that Saturday just up and  
131 said this to a witness, but bit my tongue and didn't say anything about it. I just hope the jury can see  
132 past all of that and get justice for Mercado.

Regan Montero  
**Regan Montero**

SIGNED AND SWORN to me on March 25, 2021.

C. M. McCormack  
C.M. McCormack, Notary Public



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**WITNESS ADDENDUM**

I have reviewed this statement, given by me on the date above, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

R Montero  
**Regan Montero**

Morning of Trial

# STATEMENT OF BRECKETT PIERSON

1 1. My name is Breckett Pierson. I guess I'm here because I was there the morning that poor kid died.  
2 I really do not want to be involved in this. Being here is interfering with my achievement of nirodha,  
3 the third truth. I became a Buddhist a few years back after I realized that all my suffering was the result  
4 of my desires rooted in consumerism.  
5

6 2. I met Carli/Carl about two years ago. I volunteer at the senior center in Miltonville teaching yoga  
7 classes. Carli/Carl's grandmother used to take my yoga class three days a week and Carli/Carl would  
8 drop her off. She was one of my best students – she had an amazing journey to find her absolute self.  
9 I guess there is some peace and clarity that comes with getting to the end of one's life. I did not really  
10 know Carli/Carl that well until a year ago when Grandma Holmes passed away. She was 95, but  
11 Carli/Carl took it pretty hard. I saw Carli/Carl at the funeral and s/he was in bad shape. I took her/him  
12 out for an herbal tea afterward, and I explained to her/him that Grandma Holmes was at peace, having  
13 already reached magga and obtained enlightenment. Grandma Holmes and I had shared many cups  
14 of green tea over a conversation about her path to enlightenment. She was a bit of a mentor for me  
15 in that sense. Carli/Carl became really interested in obtaining enlightenment after s/he heard my story.  
16

17 3. My journey to understanding the source of my suffering was an ugly one. I grew up in West Oaks  
18 Estate. I was a trust fund baby. Both of my parents come from money, and their parents came from  
19 money, and their parents came from money – and so on. If I wanted it, I got it. I was never denied a  
20 single thing I wanted – well, not until the accident. You see, the more I got, the more I wanted. Nothing  
21 made me happy. So, I turned to augmenting "happiness" with drugs and alcohol. One night, leaving a  
22 wild party at 4 a.m., I wrecked my Lamborghini. Wrapped it around a streetlight in the middle of town,  
23 at the corner of Cumberland Ave and Rome Street. I spent a week in the hospital in a medically induced  
24 coma. I broke my collarbone, my right arm and three ribs, one of which punctured my lung. Thankfully,  
25 I was wearing my seatbelt; otherwise, I might have been dead. Still, that wasn't quite my wake up call.  
26 After the wreck, my parents paid a DUI lawyer to get my charge reduced to reckless driving, bought  
27 me a four-door sedan, kicked me out, and cut me off. I didn't have a job, but I still wanted the life that  
28 I had before. Doing odd jobs for Mr./Ms. Twiggs was not bringing in the kind of cash that I needed to  
29 sustain my habit, so I started spending time with my drug dealer who then hooked me up with his  
30 boss. I was pretty good with computers in high school, so he thought I could help his boss with some  
31 credit card scheme he had going. He set me up with an apartment and paid me in drugs and alcohol,  
32 so I was pretty easy to convince. I spent the next nine months being every adult's worst nightmare –  
33 an identity thief. One day, I kind of went crazy. I broke down, went to the cops, and confessed  
34 everything. They really wanted to go after my boss, so in exchange for my testimony they gave me five  
35 years' probation and restitution.  
36

37 4. It was after that whole ordeal that I finally saw the light. I got a job at Miltonville Mini Market (the  
38 owner knows my dad and I grew up with her kids), and I started paying my debt to society. I had  
39 already been going to yoga class back when I was a trust fund baby, and before I discovered drugs. So



40 after I started living clean, I started actually practicing yoga, which led me to the path of  
41 enlightenment. Volunteering at the senior center was a part of my probation, but I also feel like it is a  
42 part of my debt to my community that I harmed. I also started eating vegan because I don't believe in  
43 causing suffering to any living animal. Working at Mini Market helped me with that because there are  
44 several vegan options for me there.

45  
46 5. After I told Carli/Carl my story, s/he became really interested in the practice of Buddhism. I even  
47 had her/him meditating with me, but that all changed after s/he was involved in that carjacking at  
48 Leonardo's, a skeezy gas station just south of downtown. I think that really increased her/his suffering.  
49 The news coverage was pretty bad though – they interviewed Carli/Carl right after it happened. Still  
50 soaked in gasoline. And that baby being in the backseat of the car, being taken. They hadn't found the  
51 baby at that point; you could just see on Carli/Carl's face that something had shifted. I did convince  
52 Carli/Carl to come work with me at the Mini Market because it's in a better neighborhood and it's just  
53 a better company to work for. I think that helped for a while. But then Carli/Carl stopped coming to  
54 meditation and started going to the gun range all the time.

55  
56 6. When Carli/Carl first started at Mini Market, s/he was a little timid and reluctant to say too much  
57 or make a fuss about her/himself. However, s/he made it clear that s/he did not want to work outside.  
58 When s/he interviewed for the job with Rachel, one of the managers, s/he was sitting in the picnic  
59 area right outside the store. I was emptying the trash nearby and I heard Carli/Carl say to Rachel, "I do  
60 not want to be on the night shift and I do not want to be assigned any duties outside because I am still  
61 trying to work through what happened with the carjacking." Carli/Carl handed Rachel some piece of  
62 paper then, but I'm not sure what it was. I knew from my conversations with Carli/Carl that "work  
63 through' meant meditation and therapy. Carli/Carl went to see a psychologist after the carjacking.  
64 Carli/Carl told me that the therapist recommended that s/he come in for a session every week, but  
65 Carli/Carl's insurance from Leonardo's did not cover it and Carli/Carl could not afford it on \$10 an hour.  
66 However, when s/he came to Mini Mart, s/he got a bump in pay and the health insurance benefits are  
67 a little better, so I think Carli/Carl got two sessions at no cost to her/him per month.

68  
69 7. Carli/Carl was a great fit to the Mini Mart team after s/he warmed up and got more comfortable.  
70 S/He has such a great work ethic. S/He is not a clock puncher. Carli/Carl always wanted to pitch in and  
71 help wherever work needed to be done. Need a spill at the fro-yo machine cleaned up? Carli/Carl was  
72 right there. Need a nasty bathroom situation handled? Carli/Carl would be on the job without  
73 hesitation. Carli/Carl was also really great with the customers. S/He really took pride in the hot dog  
74 roller and took the time out to explain the ingredients in all of the hot dogs, sausages and even the  
75 vegan hot dogs to the customers. S/He also helped folks pick the best condiments to enhance the  
76 flavor of the meat that they chose. Being a Safe Haven, we did get quite a few transient young people  
77 coming in looking for a safe place to stay while they waited on their social worker to make contact.  
78 Carli/Carl was always super compassionate with them and treated them just like any other customer.  
79 Sometimes, we'd have to keep an eye out for people that wandered around the store, not really buying  
80 anything but also not having a reason to be there. Even though things have improved around the Mini  
81 Mart, we have been held up a few times, though always in the middle of the night.

82  
83 8. There was this one kid though that we saw a few times – the kid who died. The kid never said  
84 much except to ask for food and to use the facilities to wash up. Although, one day there was this  
85 Vette outside revving its engine. I was standing at the register and the kid and Carli/Carl were standing  
86 by the hot dogs. The kid looked at Carli/Carl and said, “Zoom! Zoom!” And smiled and walked outside.  
87 Carli/Carl did mention a little frustration with thinking the kid was casing the place. I told her/him that  
88 s/he was just being paranoid, though I don’t know if I ever saw the kid meet with anyone from Safe  
89 Haven.

90  
91 9. On the morning the kid died, I had just clocked in for my shift, which started at 7. I was working  
92 the front counter that shift and was starting the shift change process for the cash registers. The  
93 counter runs perpendicular to the front window, so from the register you can see out the 12-foot  
94 window. There’s a shelf that runs about four feet up the window, so from the register you can’t see  
95 the ground outside until you walk over to the shelf. I know Carli/Carl had worked the previous shift  
96 overnight and that was against his/her doctor’s orders. When I got there, I didn’t see Carli/Carl  
97 inside. For some reason, Carli/Carl was out in the parking lot, pulling trash bags from between the  
98 pumps, though Rachel told me that s/he is not supposed to be doing outside tasks until s/he is  
99 cleared by her/his doctor. I’m not sure whether Rachel told her/him to pull the trash or if Carli/Carl  
100 was doing it on his/her own.

101  
102 10. To be honest, Carli/Carl looked terrible. S/He had been looking a little worse for wear lately, as if  
103 s/he had spent every night for two weeks binge-watching horror movies on Webpics. I had finished  
104 reconciling the register drawers and went to the office to complete and file the paperwork. I walked  
105 down behind the counter near the window when Carli/Carl came running back inside looking like s/he  
106 had seen a ghost. I looked outside and didn’t see anything. I looked back down the counter and saw  
107 Carli/Carl digging through his/her backpack, clearly not centered. A customer came up to check out,  
108 so I turned towards him to ring up his gas and breakfast burrito. Once the customer was done, I looked  
109 back across the counter and saw the kid standing there, looking between Carli/Carl and me. I didn’t  
110 see him come in or holding anything, but it seemed like he was waiting to check out. Suddenly,  
111 Carli/Carl yells “This ends right here!” and reaches towards the kid with a gun. A gun! I can’t believe  
112 Carli/Carl had a gun- at work! It goes against everything we believe in Buddhism, but it is also against  
113 company policy.

114  
115 11. Before I could say anything, or even move, the gun exploded. The kid jumped like I did, scared by  
116 the sound, and started to run towards the front door. I tried to yell at Carli/Carl to stop but s/he didn’t  
117 seem to hear me. S/He sprinted around the end of the counter and started towards the door when  
118 the gun exploded again, this time, almost right in front of me. The front door itself exploded and  
119 Carli/Carl ran straight through it. S/He yelled “Stop!” and the gun exploded three more times, right  
120 outside the door. People outside started screaming and customers inside fell down flat to the floor.

121  
122 12. From where I was behind the counter, I could see out the door to the right half of the pumps and  
123 parking spaces. A guy/lady in a Camaro parked in the handicap spot by the front door jumped out of

124 his/her car and yelled at Carli/Carl to stop shooting and drop the gun. S/He looked like the drug dealers  
125 from my darker days. I don't know why s/he wasn't the only one not running scared. Carli/Carl walked  
126 back into the store a few feet and looked at me, with this lost fear in his/her eyes. I ran around the  
127 counter and got him/her to walk with me back towards the office. S/He kept saying, "He had a gun,  
128 didn't he? He had a gun." I didn't know what to do, so I did my best to soothe him/her by talking softly  
129 and trying my best to help him/her find his/her center, with deep breathing. I asked him/her why s/he  
130 had a gun and where s/he got it from, but Carli/Carl wouldn't say anything.

131  
132 13. The Miltonville Police Department got there pretty quick and an officer had me go to the office  
133 while s/he talked to Carli/Carl behind the counter. I couldn't hear what they said or anything but  
134 Carli/Carl looked like s/he was barely there, staring off into space while looking at the floor. When  
135 another officer took Carli/Carl out, I called out to him/her to keep breathing and call his doctor and  
136 lawyer when s/he got to the station.

137  
138 14. Then, the officer started talking to me about what happened. S/He asked if I knew the dead kid  
139 and told him/her that we had seen him around but he looked harmless. I told him/her that Carli/Carl  
140 always seemed rattled by the kid and the kid gave him/her a funny feeling, like uncomfortable or on  
141 edge. The officer asked if I saw the kid with a gun and I said that I didn't but really couldn't see the  
142 kid's hands behind the counter and register. The guy/lady from the Camaro came in and the officer  
143 left to go talk to him/her down one of the aisles. S/He never came back and Rachel told me to go home  
144 for the day since the store would be closed for a while.

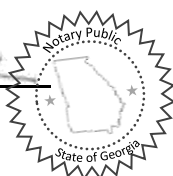
145  
146 15. I've spent a lot of time in meditation over this whole thing. I don't want to hurt anybody, least of  
147 all my friend, Carli/Carl. I don't really know what happened with the kid, and I don't know what was  
148 on Carli/Carl's mind that day. I do know that s/he was not supposed to be outside in the parking lot,  
149 but I'm not sure why s/he was. I do know that the loss of Grandma Holmes and seeing that baby  
150 kidnapped did a number on her/him. I just wish that I could have helped her/him see the path to  
151 enlightenment. But, as I now know, want is the source of all suffering.

*Breckett Pierson*

**Breckett Pierson**

SIGNED AND SWORN to me on March 30, 2021.

*C.M. McCormack*  
C.M. McCormack, Notary Public

A circular notary seal for the State of Georgia. The seal features a map of Georgia in the center, surrounded by the words "Notary Public" at the top and "State of Georgia" at the bottom. The seal is surrounded by a decorative, starburst-like border.

**WITNESS ADDENDUM**

I have reviewed this statement, given by me on the date above, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Breckett Pierson  
**Breckett Pierson**

Morning of Trial

# STATEMENT OF CARLI/CARL HOLMES

1 1. My name is Carli/Carl Holmes, and I want to tell you that I really thought I was taking a step up  
2 when I went to work for the Miltonville Mini Market.

3  
4 2. The Miltonville Mini Market bills itself as the local alternative to big chain convenience stores,  
5 such as FastTrak out on the interstate. With a focus on serving the folks in town, the Miltonville Mini  
6 Market boasts high quality food and beverages, as well as provides sparkling clean private restrooms  
7 with luxury hand soap dispensers at fully automated no-touch faucet sinks.

8  
9 3. The Miltonville Mini Market's biggest draw, besides its restrooms, is the MMM™ Gourmet Roller  
10 Dog. The key is quality ingredients. In addition to all beef and vegan franks spinning on separate roller  
11 grills, the Miltonville Mini Market offers high-end Italian sausage and Spanish chorizo. With a variety  
12 of toppings for customization, it's a place that kids love.

13  
14 4. Unfortunately, during the COVID-19 pandemic, health department restrictions on self-serve food  
15 put brakes on the roller grills. The limitations were lifted if COVID-19 compliant plastic windows were  
16 installed. Upon reopening the roller grills, the Miltonville Mini Market launched a billboard campaign,  
17 with close ups of its hot dogs and sausages on fresh baked buns: "MMM™, we are on a roll-er!" one  
18 ad said. Another focusing on the wieners cooking on the roller grills announced: "Keep those doggies  
19 rolling. MMM™."

20  
21 5. There was so much pent-up demand for the MMM™ Gourmet Roller Dog when the pandemic  
22 eased that the Miltonville Mini Market hired additional staff to keep up with demand, and at higher  
23 wages. They were paying \$13 an hour, just for starters. My friend Breckett Pierson worked there. S/He  
24 was always looking out for me, and thought it would be a good fit. S/He had been my Grandma Holmes'  
25 yoga instructor at the senior center. Breckett knew how close I was to Grandma Holmes, who raised  
26 me after my parents died, so s/he was helping me work through my grief with meditation.

27  
28 6. That was only part of why I thought I was heading in the right direction when I quit my job at  
29 Leonardo's Quickie Stop to take a \$3 per hour increase at the Miltonville Mini Market. The other  
30 reason was that I thought I would finally be able to get some sleep.

31  
32 7. Despite practicing meditation as Beckett had taught me, and ramping up therapy sessions with  
33 my counselor, Dr. Mayse Ceridian, I'd been having trouble sleeping ever since I was injured thwarting  
34 a carjacking at Leonardo's Quickie Stop. I'd been seeing Dr. Ceridian since my Grandma was given her  
35 Parkinson's sentence. It brought back long repressed memories of my parents' murders, which I  
36 witnessed when I was just eight years old.

37  
38 8. Leonardo's is a convenience store in my neighborhood that looks more like something out of  
39 Gotham City than the Miltonville Mini Market. Leonardo's has bulletproof glass at the counter, and an

40 ice cream freezer in front of it, not only to encourage an impulse purchase, but also to keep the  
41 customer from getting too close. It's in that kind of neighborhood. The Miltonville Mini Mart used to  
42 be that kind of place too before Mr. Farnsworth bought it and turned it into what it is today.  
43 Jenkintown used to be a rough place, like where Leonardo's is, but it's gotten a lot better lately.

44  
45 9. When I was at Leonardo's, every so often, a customer would have a problem at the gas pumps  
46 out in front of the store. Most of the time, I could reset the pump from inside. But if that didn't work,  
47 I needed to clear the store, lock up, and go out to the pump to reset it manually. The owner was too  
48 cheap to hire more than one person per shift, so I had to do it all. Thankfully, this didn't happen often,  
49 but I really used to enjoy getting out for a breath of air, even if it reeked of high-octane fuel. It was  
50 also an opportunity to go ahead and empty the trashcans out by the pumps instead of doing that at  
51 the end of my shift.

52  
53 10. One night last September, when I was outside emptying trashcans after resetting a pump, I  
54 noticed a creeper slipping into the passenger seat of a Mazda6. The driver had left the key in the car,  
55 along with a child who appeared to be about three years old strapped in back in a car seat, while  
56 pumping gasoline. I had seen this guy hanging around the parking lot before and knew it wasn't his  
57 car. I raced toward the vehicle, a fresh plastic bag for the trashcan flapping in my hand. Before the  
58 creeper was able to pull away from the pump, I grabbed the passenger side door handle, and yelled,  
59 "Stop! Stop!!" at the carjacker. Just as I was getting the door open, the carjacker hit the push-button  
60 ignition, and popped the car into gear. I was dragged by the vehicle, before breaking away and twisting  
61 an ankle in the process. The fuel nozzle, which the driver had set on automatic fill, was pulled out of  
62 the gas tank, sending fuel flying all over the driver and myself, though I tried to use the plastic bag as  
63 a shield. Another customer saw what had happened and hit the emergency fuel cutoff switch by the  
64 front door. As the car sped off, I could hear the baby in the backseat howling in fear. It freaked me out.  
65 It sounded almost like the screams I made when my parents were being gunned down. Fortunately,  
66 the carjacker set the child out at a nearby shopping center, and he was quickly reunited with his parent  
67 by the police

68  
69 11. The police told me there was nothing more that I could have done to stop the carjacking. Still, I  
70 could not get the image—and sound—of the crying three year old out of my brain. Nor could I get the  
71 smell of the spewing gasoline out of my nose. What made it worse was the local news station, WMTV,  
72 got ahold of the story, and kept playing the surveillance footage over and over again of me dragged  
73 by the Mazda, and being sprayed with gasoline from the spewing pump.

74  
75 12. I told my next-door neighbor, David Biddle, about what had happened, and how it made me feel  
76 as helpless as I had been when I saw my parents gunned down. David told me I was crazy to be working  
77 in a convenience store, because it was probably the most dangerous job around except being a taxi  
78 driver. He told me I was welcome to borrow his Walther PPK, the very protection that James Bond was  
79 issued in *Dr. No*.

80

81 13. The Walther PPK is compact—just the right size to slip into the back of my pants in a slim holster.  
82 I started carrying it to my job at Leonardo’s, where I kept an eye out for that creeper. If he returned  
83 again, I’d be ready to protect any little kid left in a car seat while his mom or dad pumped gas. But  
84 even with that secret pistol of protection in my pocket, I didn’t feel safe. Though police found the  
85 Mazda6 down by the railroad tracks a few hours after the kid was left at the shopping center, the  
86 carjacker hadn’t been caught. Almost every night, I’d dream about being out there at the gas pumps,  
87 being dragged by that Mazda, being sprayed with gasoline, then seeing my parents shot. My dreams  
88 had conflated these two horrible events. Dr. Ceridian told me I needed to work on mindfulness  
89 meditation.

90  
91 14. Still, it was getting harder and harder to drag myself in to work at Leonardo’s. So I decided  
92 Breckett was right; I needed to apply for a job at the Miltonville Mini Market. The smell of those rolling  
93 dogs surely would get rid of the phantom smell of gasoline in my nose. And how much better to be  
94 tending to a grill, and chopping up toppings, and replenishing condiments and napkins, than standing  
95 behind a bullet-proof shield at the counter at Leonardo’s waiting for another carjacking.

96  
97 15. Even though it’s locally owned and the only one, the Miltonville Mini Market had a real corporate  
98 vibe. I had an actual job interview with the manager, who asked me when I would be available to work.  
99 I said I did not want to work the night shift, and did not want to work outdoors because I was still  
100 processing what had happened to me at Leonardo’s. The manager said that was not a problem if I  
101 could provide a doctor’s note. The manager gave me an employee manual to read, before signing a  
102 paper that said I had read and understood the materials. I skipped through it before signing. I definitely  
103 keyed in on its explanation of the health benefits, because it meant that my counseling with Dr.  
104 Ceridian would be covered. It said that employees get a free meal each shift and a discount on food  
105 and drink items when we’re not on shift.

106  
107 16. Still, I brought the Walther PPK with me in the holster. After what had happened at Leonardo’s, I  
108 figured you never could be too careful. Also, the COVID-19 plastic shields they had around the roller  
109 dogs didn’t seem nearly as protective as the bulletproof glass they had at the counter at Leonardo’s.

110  
111 17. My insecurity heightened when I started seeing this guy who looked just like the creeper at  
112 Leonardo’s hanging around the Miltonville Mini Market. Unlike Leonardo’s, there weren’t any signs  
113 outside saying “No Loitering”. Instead, there were Safe Haven signs, indicating that runaways and at-  
114 risk youth could come inside for food and drink, while they waited for a volunteer to come connect  
115 them with professional help. The creepy guy kept coming in and washing clothes with the luxury soap  
116 in the restroom sink. Then on his way out to the Safe Haven area, he’d ask for a complimentary roller  
117 dog, with all the toppings, and a large soda. He’d hang his wet clothes to dry on the Safe Haven sign. I  
118 don’t think I ever saw a volunteer or professional come to render aid. And he looked a lot older than  
119 my vision of a runaway or an at-risk youth. I bet he was at least 25! He was there all the time and I was  
120 sure he was trying to case the store or find some weakness to exploit. He was just like all those others  
121 at Leonardo’s that I left behind. I didn’t want the Mini Market to fall victim like that.

122

123 18. I told my manager about my suspicion that the creepy guy was no runaway, and was just taking  
124 advantage of the Safe Haven policy. I told him/her that if we weren't careful, the creepy guy would be  
125 sliding into a car the first time a customer was foolish enough to leave the keys inside. All s/he did was  
126 write up an incident report for corporate, and the creepy guy kept hanging around. He was always  
127 watching me too, typing on his cell phone.

128  
129 19. So, I really had no choice but to keep an eye on him. I started off by trying to do the Extra Mile  
130 thing by politely telling him to quit using the Safe Haven sign like a laundry line. "You're taking  
131 advantage of the Mini Market's Safe Haven policy," I told him, adding, "You need to be gone when I  
132 get back to work tomorrow." He gave me a side-eye look that I definitely remembered from the  
133 carjacking of the Mazda6, and just said "Zoom, zoom!" while waving me away with his fingers. It was  
134 the most real and chilling case of Deja-vu. That's when I realized he was the same guy, and he  
135 recognized me from Leonardo's. Then I remembered they never caught the carjacker. I almost had a  
136 panic attack.

137  
138 20. I didn't know what to do with myself. Instead of going straight home, I decided to stop off at the  
139 Good Guy Firing Range out on the Miltonville Parkway. I needed to make sure the PPK was in good  
140 working order. I also thought firing a few rounds at a target would be cathartic, but all it did was set  
141 up a ringing in my ears, despite the ear muffers I was wearing. It made it impossible to meditate or go  
142 to sleep.

143  
144 21. When I got to work the next day just a minute or two late for my shift, I was already exhausted.  
145 There had been a scheduling glitch; they overscheduled the day shift and they were short a person on  
146 the night shift, which is from 11 pm to 7 am. So the manager told me to go home, and come back for  
147 the night shift. This wasn't what I thought our agreement would be, especially with the note from Dr.  
148 Ceridian. But I didn't want to do anything to jeopardize my health benefits. I came back that night and  
149 worked a full shift. Thankfully, it was pretty easy and quiet but I was a nervous wreck all night. At the  
150 end of the shift, around 7, I went outside to empty the trash at the gas pumps and sweep up. It was  
151 morning and the sun was up, so I made myself do it, trying to get myself past that hump. I had  
152 flashbacks like being back at Leonardo's, walking out through the door, but like Dr. Ceridian told me,  
153 unless I push myself, I'll never move on. So I did. The sun felt good but the smell of gasoline made my  
154 mind race.

155  
156 22. I was glad to see that there no longer was any laundry hanging on the Safe Haven sign. But as I  
157 went out to the gas pumps, there was the creepy guy sidling up to the passenger side of a Dodge  
158 Charger at pump 3, looking around nervously. I don't know where the driver was. Maybe inside the  
159 Mini Market to use the restroom, or to get a breakfast egg and chorizo sandwich with extra salsa?  
160 What if the keys were in the ignition?

161  
162 23. I reached behind me for my PPK but remembered I put it in my backpack when I went to the  
163 bathroom before going outside. I made eye contact with the guy and he froze, looking guilty as sin. I  
164 turned around and quietly hustled back into the store, not wanting to cause a scene, and grabbed my



165 backpack from behind the counter. When I looked back outside, he was gone. I looked around the  
166 inside of the store and he was standing at the register, right in front of me. I froze, panic taking my  
167 breath away. We locked eyes and I yelled "Hey, not you again! You stop right there!" As I was pulling  
168 out the PPK, he reached into his pocket with a grin on his face. I just knew he was reaching for a gun.  
169 So I did what any good guy does when a bad guy is reaching for a gun, I fired. I don't think I hit him  
170 because one of the roller dog sneeze guards exploded. The guy took off towards the front door, first  
171 with his hand in his pocket and then pulled it out. I jumped around the end of the counter and started  
172 chasing him. I knew he was going to try to jump into someone's car and get away and I had to stop  
173 him. When he slammed through the door, he looked over his shoulder at me and put his hand up  
174 towards me. I fired again, splintering the glass like a massive spider web. Someone in the store  
175 screamed but I didn't hear it; I just kept going. He wasn't going to get away this time. I couldn't see  
176 him through the shattered glass until I got outside. When I ran through the door, the splintered glass  
177 fell out of the frame and hit the sidewalk, scaring the crap out of me. I looked up and he was trying to  
178 open the door of the Charger. I could hear the engine running. He was stealing this one. I tried to yell  
179 at him to stop but couldn't, I was starting to hyperventilate. I just pushed the gun out in front of me  
180 and pulled the trigger. This was my last chance at stopping him. He wasn't going to hurt anyone else  
181 again. I must have hit him because he pitched sideways, away from me, and landed by the rear tire of  
182 the Charger. He yelped and was moaning, sounding like he was saying something. People at the pumps  
183 screamed and started running in all directions. All of a sudden, the driver door of the Charger flies  
184 open and this guy jumps out of the car. I might have spun and pointed the gun at him. He yells at me  
185 to not shoot and drop the gun. All of a sudden, the gun felt like it weighed twenty pounds and it fell  
186 from my hands. I don't know how I got back inside but the next thing I really remember is sitting behind  
187 the counter with Breckett standing next to me, telling me it was all right, that "it wasn't your fault."  
188 Breckett told me, "He had a gun and you didn't know where it came from." S/He kept an arm around  
189 my shoulders and was trying to get me to take deep breaths. I was numb.

190  
191 24. I remember talking to some police officers but not saying much. One officer asked, "Why did you  
192 shoot that kid?" and I told them the kid had a gun and was going to rob the store or steal a car. They  
193 asked if that was my gun and I think I said "Yes." They took me to the police station. I sat in a jail cell  
194 for a bit and asked to call someone. An investigator asked if I wanted to call my lawyer and I said yes.  
195 Ms. Haynes got there quickly and said I didn't have to talk to the police any more. Dr. Ceridian came  
196 to the station and talked to me too. The next day, the judge let me go on bail and I went to Dr.  
197 Ceridian's office.

198  
199 25. How was I supposed to know that he had just turned 23 years old, had been in the foster care  
200 system, and was trying to get out of a gang? Geez! I was in foster care for a while after my parents  
201 were killed, while the Division of Family and Children Services was trying to track down Grandma  
202 Holmes to come get me. I would have been totally sympathetic to that. But I knew he was the carjacker  
203 from Leonardo's and was pulling a gun on me for recognizing him. I'm sorry that this kid is dead, but I  
204 believe the shooting was justified. I wasn't just protecting myself. There could have been a toddler in  
205 the back of that Charger. How was I supposed to know?

Carli/Carl Holmes  
Carli/Carl Holmes

SIGNED AND SWORN to me on June 1, 2021.

C. M. McCormack

C.M. McCormack, Notary Public

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**WITNESS ADDENDUM**

I have reviewed this statement, given by me on the date above, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Carli/Carl Holmes

Carli/Carl Holmes

Morning of Trial

# STATEMENT OF NORMA/NORMAN TWIGGS

1 1. My Name is Norma/Norman Twiggs and I live in the Jenkintown neighborhood of Miltonville. I  
2 was born in the northern part of the county and went to Farnsworth Academy, a magnet school for  
3 arts and music. When it came time to graduate in 2000, I had aspirations to go into the service –the  
4 military can be a fine surrogate parent for kids, like me, who need one – so I was looking at military  
5 school, figuring that ROTC might also pay for what I couldn't afford on my own. I couldn't get an  
6 appointment from my Congressman; I'm not sure I could've handled academics at one of the  
7 Academies if I had. So, that left VMI and the Citadel (both fine, of course, and both out-of-state), and  
8 North Georgia College & State University in Dahlonega.

9  
10 2. Naturally, when I began, I didn't anticipate that 9/11 would land me in the middle of not one, but  
11 two "shooting wars" upon graduation. The military was glad to have me for several tours in the Army  
12 Corps of Engineers Transatlantic Expeditionary District, headquartered in Kuwait. I was part of the  
13 teams building FOBs and other military sites in Iraq. An IED sent me home involuntarily. After  
14 rehabilitation at Walter Reed, I tried to come back, but couldn't meet the standards for returning to  
15 the field. I loved the field so rather than becoming a desk jockey at HQ in Winchester, Virginia, I retired  
16 as a Captain, and moved back to Milton County, settling in Miltonville.

17  
18 3. My training in the USACE gave me a strong background in starting a wide-ranging handyman  
19 business: everything from random household repairs to commercial installs, electrical work, light  
20 construction, etc. I'll also take on larger projects like consulting with the city and county on public  
21 works improvements. We're a small community and the public works departments do a great job with  
22 the small staff they have. Since retiring from active service, I've joined the Georgia State Defense  
23 Force, 1st Battalion, 76<sup>th</sup> Support Brigade. It is the volunteer auxiliary unit of the Georgia National  
24 Guard that provides homeland support for the Guard and fills in gaps when they are deployed  
25 overseas. The 1<sup>st</sup> Battalion is the engineering component of the GSDF, so I'm able to put my military  
26 civil engineering hat on every now and then. That I've also done as an occasional "volunteer" disaster  
27 coordinator for FEMA.

28  
29 4. I've lived in the Jenkintown neighborhood long enough to see it transform from the depressed,  
30 run-down area to a more economically sustainable area of town. I live about a block from the  
31 Miltonville Mini Mart and would hear the gunshots and sirens coming from that way all the time.  
32 Unfortunately, the crime didn't stick to that one spot; a number of houses in the blocks around me  
33 wound up being used by drug dealers, gangs, and others. The police were overwhelmed and couldn't  
34 do much in this area. It felt a bit abandoned but never bothered me too much. I was pretty much left  
35 alone, though my car was broken into once. I installed cameras and added a US Army flag to my  
36 flagpole. That sent a projection of strength out that seemed to make my place not worth bothering.  
37 What they don't see is my SIG Sauer M18 I keep in a hip holster at all times. It's a carryover from our  
38 issue in the military. I may be an engineer, but was also a forward deployed soldier in the US Army.  
39 Those habits and training don't go away when you retire.

40  
41 5. Miltonville isn't so large and my business gives me the opportunity to meet a wide cross-section  
42 of people and businesses, including public safety personnel. In fact, I have a few Milton County Fire  
43 Department personnel on my payroll; they work part-time on their off-days to earn some extra cash.  
44 I've also done some work for both the Milton County Sheriff's Office and the Miltonville Police  
45 Department through the city and county. I've talked to Sgt. Saturday a number of times and even  
46 helped him/her out with some repairs on his/her deck. S/He's a good officer but seems to be looking  
47 a bit too far down the road at retirement. Almost like s/he's just putting in these final months to get  
48 there and not much interest in the work. I understand how 25 years of the grind can wear you down,  
49 so I get it. S/He just seemed to have too much of a 15 thousand-foot view of things going on and wasn't  
50 interested in many of the ground-level details.

51  
52 6. Working with the emergency services gives me contact with businesses and residents who might  
53 need help after something happens. I've helped folks out with fire damage or repairs after a burglary.  
54 The Leonardo's convenience store on the west side of downtown has used me to help harden their  
55 store after several robberies. I installed security cameras for them as well. They weren't much help  
56 with that carjacking that involved the toddler seven months ago since the kid who stole the car kept  
57 his face hidden. Due to my work there, I'm familiar with Carli/Carl Holmes. S/He was a clerk at the  
58 store while I was doing work and was the one who tried to stop the carjacking. That wasn't a smart  
59 move, in my opinion. I completely get where s/he was coming from but you never know what drastic  
60 measures someone would do to avoid being caught. I saw the constant news coverage of the  
61 carjacking on both the local and national news and felt for the kid. I'm sure it was as close to a near-  
62 death experience as s/he's ever going to have.

63  
64 7. After the carjacking, I didn't see Holmes at Leonardo's when I was doing work there. I did hear  
65 from Annie at Oakley's Gun Range that Holmes had started coming in more after that, though I never  
66 saw him there. Annie said that Holmes had asked about how to get a concealed carry permit and  
67 wanted some training on carrying and shooting. I was a bit worried that his/her PTSD was driving this  
68 and it was an emotional reaction, not logic. I told Annie to be careful in what she suggested to him and  
69 help guide him the right way. She understood.

70  
71 8. What is now the Miltonville Mini Market used to be seedier and rougher than Leonardo's. I never  
72 went there, Army shirt or not. When it was bought and remodeled, the criminal element found they  
73 weren't as welcome there anymore. The county started a master land use development overlay for  
74 Jenkintown, which brought in new developers, both residential and commercial. They created the  
75 Jenkintown Tax Allocation District, which kept all of the sales tax within the District's boundaries for  
76 improvement. A new subdivision broke ground, some of the rundown store fronts were bought out  
77 and redeveloped, and the area got a lot better. A lot of the new businesses were started by locals,  
78 which got property tax breaks from the county. It was good. I have no problem going to the Market  
79 now. It has the feel of a small business but they put a lot of work and pride in providing a clean space.  
80 That's where I saw Holmes again, a few weeks after the carjacking. It was good to see him/her again  
81 and s/he seemed happy to see me as a customer and not a security installer. I also saw that Breckett

82 Pierson works there now. Breckett worked for me a while back as a gofer, picking up and delivering  
83 small items we worked on. S/He seemed short on cash and desperate for a job when s/he started with  
84 me but was not reliable at all. S/He was often late or missed jobs. I suspect s/he was dealing with some  
85 drug demons or other issues. Unfortunately, I don't put up with those issues and need to protect my  
86 name and investment, so I had to let him/her go. Apparently, s/he was able to keep things turned  
87 around long enough to get a job at the Market. I'm sure s/he thinks I'm a bit of a grouch with my no-  
88 nonsense attitude.

89  
90 9. On the morning in question, I'd gone into Miltonville Mini Market for a MMM Gourmet Roller  
91 Dog. It was seven in the morning, but I needed something substantial after working overnight doing  
92 an emergency roof patch on a house that had a tree come through it. Under normal conditions, I  
93 wouldn't do something like a Roller Dog for breakfast but occasionally, you're willing to pay for  
94 convenience, especially these days with COVID. But, I will admit, I've developed something of an  
95 appetite for the Roller Dog. It oddly pairs quite well with a heavy roast coffee.

96  
97 10. After having installed the security shields in Leonardo's, I was contacted by the Miltonville Mini  
98 Market to put shields on their roller machines "PDQ" so they could get Health Department permission  
99 to go back to selling self-serve items. By the way, I told them they ought to let me install security plastic  
100 like Leo's, but since they were newly opened and the neighborhood wasn't as rough, they just wanted  
101 what they wanted. The owners had spent a ton on the remodel, and with COVID limiting sales, they  
102 didn't have a lot of expendable cash. In order to get the MMM Gourmet machine to function properly  
103 – cook and serve within the separate (and slightly conflicting) guidelines – I had to adjust, sample, and  
104 adjust. Previously, I'd focused on their other sausages, like some I'd learned to like while I went  
105 through NSA Naples for a stint on the way to Iraq. But, by the time I'd finished work, all those Roller  
106 Dogs had become addictive! So now, I drop by occasionally to get one...or several, topped with  
107 ketchup, raw onions and pickled chilies.

108  
109 11. I was working up my Roller Dog and was about to head towards the coffee bar , when I saw  
110 through the plate glass to the parking lot that there was a scruffy character gazing a bit too intently at  
111 a dirty Dodge Charger in the lot outside. My "Spidey-sense" started tingling and I watched him intently.  
112 Having lost my innocence even before I lost my foot's original joints, I know how quickly "nothing" can  
113 turn into "urgent." The Safe Haven signs, inviting runaways and "at-risk" youth to hangout, don't help  
114 matters. Like that car insurance commercial showed, I learned that you don't feed the bears (not even  
115 picnic baskets) unless you're asking for trouble. Let the troubled youth go hang out with their Army  
116 recruiter or drill instructor. That will straighten them out, sure-enough.

117  
118 12. After looking at this suspect for a minute, I realized I had seen him in the area before, mainly  
119 around the Market. Looking back at those instances, he looked to be one of the gang members that  
120 hung around the lot before the Market was the Market. Young folks, all the time on their hands,  
121 nothing better to do than do nothing but hang around and look for the next hustle. After living where  
122 your life depends on your attentiveness, my peripheral vision is pretty good. As the suspect started to  
123 head towards the door, I moved towards the back of the store to keep an eye on him from a distance

124 and started watching him in my periphery as I “worked” on my coffee. I sensed more than watched  
125 Holmes puttering around inside, appearing unconcerned with what was going on outside. I could see  
126 Pierson working the cash register by the window, oblivious to the suspect breaching the perimeter of  
127 the storefront. I glanced at Holmes and sensed a bit of tension, or fear. At this point, the trash bag  
128 Holmes had in his/her hand was on the counter and the suspect was standing right in front of him/her.  
129

130 13. Now, I was in a full-on security posture. I slowly put the creamer bottle and coffee cup down to  
131 clear my hands, just in case I needed to jump into action. The suspect was facing away from me and  
132 had his hands in his jacket pockets. Over the register sounds and conversation coming from Pierson  
133 and his/her customer, I could only hear Holmes vaguely– something about “stopping... again”– and  
134 then the suspicious guy, a little hunched, began to pull his hands from his pocket. Since he was facing  
135 away from me, I didn’t hear if the suspect said anything. Momentarily focused on the back of the  
136 suspect’s head, I missed Holmes removing a pistol until it was in his/her hand. Holmes leveled the gun  
137 at the suspect and paused, a look of determination and fear in his/her eye. As the suspect’s right hand  
138 cleared his pocket, Holmes fired a round. I’m sure Holmes didn’t fire until the suspect gave him/her a  
139 reason. After that, the atmosphere inside the convenience store went wild. The suspect lurched to his  
140 right, hit the floor, and started pumping his legs as fast as he could get move. Pierson flinched and  
141 dove behind the counter. Then, as the suspect gained his feet and ran towards the front door, Holmes  
142 fired again. Pierson, wisely, stayed down for a moment, but then– I guess curiosity overwhelms healthy  
143 fear for those young enough to feel invulnerable– peered over the counter, out the storefront, as  
144 Holmes burst through the front door like a SpecOps door kicker, firing the gun twice again. Then, as  
145 suddenly as it had started, it stopped. Once it was quiet, I did a quick self-assessment and moved  
146 forward, down the side aisle of the store, in a combat crouch with my pistol drawn. I made eye contact  
147 with Pierson and s/he nodded. I then saw that my hard work with the Roller Dog guards had been  
148 destroyed by Holmes’ first round. Holmes slowly wandered back into the store and went behind the  
149 counter into the office. S/He didn’t have the gun in his/her hand at that point.  
150

151 14. Intuitively, I recognized the distinctive report of a 9 mm Walther PPK. I hadn’t realized that Holmes  
152 had actually gotten one. I suppose Annie had talked him through his/her options at Oakley’s. However,  
153 his fire control was non-existent, firing his/her weapon with others in the field of fire. Adrenaline will  
154 dull your self-control; that’s why it’s imperative that those taking on the responsibility of a CCP must  
155 train themselves to overcome the dump of endorphins in a situation where the use of force might be  
156 possible, even in a self-defense situation.  
157

158 15. Sgt. Saturday was one of the first responders. I silently hoped that s/he would come down to the  
159 ground level to investigate the details of what happened here. Holmes’ PTSD may not be under  
160 control, and I am sure something triggered it that s/he wasn’t expecting. For me, a strong sense of  
161 diesel exhaust can take me back to the IED explosion. Sgt. Saturday did interview me about what I saw  
162 and I told him/her how it happened, including my suspicions of the suspect. After talking to me, Sgt.  
163 Saturday talked to this middle-aged man/woman in a leather jacket who wasn’t in the Market during  
164 any of this. Sgt. Saturday didn’t seem to get a lot out of him/her and the man/woman seemed to be  
165 mad about something. It was a tense conversation. As I was leaving, I saw this person sitting on the


166 hood of the dirty Charger almost brooding.

167

168 16. Holmes is going to have a hard time bouncing back from this. This is obviously much worse than  
169 what s/he went through with that carjacking. I never heard if the police found a gun on the suspect or  
170 what he was pulling out of his pocket that caused Holmes to shoot him, but I'm sure it was justified in  
171 Holmes' mind. Despite the fact that crime has gone down around here, even the nicest areas still suffer  
172 from a criminal element and you can't be too careful. I hate that the suspect lost his life in this situation  
173 and hope this doesn't ruin Holmes' forever.

*Norma/Norman Twigg*  
Norma/Norman Twigg

SIGNED AND SWORN to me on March 30, 2021.

*C. M. McCormack*  
C.M. McCormack, Notary Public 

**WITNESS ADDENDUM**

I have reviewed this statement, given by me on the date above, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

*Norma/Norman Twigg*  
Norma/Norman Twigg

*Morning of Trial*

# STATEMENT OF DR. MAYSE CERIDIAN, PHD.

1 1. I have been a licensed clinical psychologist, in private practice, since 2006. I received my doctorate  
2 in clinical psychology from Georgia State University, training with some of the most revered clinicians  
3 in the field. I completed my post-doctoral training at Emory University, and have experience working,  
4 teaching, and supervising in a variety of mental health settings, including hospitals and university  
5 counseling centers. My passion, however, is private practice where I can offer my clients the most  
6 flexibility and creativity in the way we work together. I offer individual therapy, working primarily with  
7 adults. I also offer supervision and consultation services to other mental health trainees and  
8 colleagues, and often serve as a consultant or guest for media, television, and podcasts.

9  
10 2. As a generalist, I am able to treat most concerns people bring to therapy. However, my specific  
11 areas of interest and experience include: mood disorders; anxiety; trauma & PTSD/complex PTSD;  
12 general life stress (life transitions, grief, loss, shame and sleep problems); and, personal growth.

13  
14 3. I am classically trained in interpersonal and humanistic psychotherapy, but I also utilize  
15 contemporary treatment paradigms including Acceptance and Commitment Therapy (ACT). ACT works  
16 effectively for clients “stuck in their heads” and unable to move forward with value-driven choices. In  
17 session, we learn to recognize and invite the protective “Parts” of ourselves that often “step in” when  
18 we feel vulnerable, but sometimes get in the way of greater connection and fulfillment. I explore with  
19 my clients how to get “Self” back in the driver’s seat, so that the client’s values are honored and life  
20 goals can be reached with optimal emotional resilience. I often utilize and teach “body-focused”  
21 practices (e.g., mindfulness), and may even suggest the use of natural supplements, yoga, and  
22 meditation to augment the work we do in session.

23  
24 4. I began seeing Carli/Carl Holmes as a patient a few years ago when his/her elderly grandmother  
25 fell ill. I learned through our sessions that although Carli/Carl had grown up in a loving home with  
26 his/her mother and father, they were both killed during an armed robbery outside of a movie theater  
27 when Carli/Carl was about eight or nine years old. Unfortunately, Carli/Carl saw the whole ordeal.  
28 However, s/he only knows that s/he saw it. Carli/Carl cannot recall the actual events of what  
29 happened. S/He was asked by law enforcement to identify a potential suspect, but was never able to  
30 do so. It is my understanding that no one was ever apprehended for her/his parents’ murders. My  
31 professional opinion is that Carli/Carl has never fully processed the incident and as a result, its effects  
32 have had a life-long impact on her/him.

33  
34 5. Following the death of her/his parents, a family member could not be located for many months.  
35 Carli/Carl’s grandmother was apparently living in Tibet at a Buddhist Temple studying the way of the  
36 Buddha. Carli/Carl spent about nine months in foster care until her/his grandmother could be reached.  
37 The death of a person’s parents at such a young age can cause significant mental and emotional  
38 trauma. Compound that with being placed in a stranger’s home for nine months, and the long-term  
39 effects can be catastrophic. A person who experiences that kind of upheaval is likely to experience



40 extreme feelings of abandonment, which can create anxiety toward future relationships, and a fear  
41 that any relationship will ultimately end in loss. I believe that Carli/Carl has developed an extreme fear  
42 of abandonment, which causes her/him to avoid connections that may result in abandonment.  
43

44 6. Carli/Carl did, however, eventually, develop a very strong relationship with her/his grandmother.  
45 Although a bit eccentric, her/his grandmother, from everything that I can gather from Carli/Carl, was  
46 a nurturer. She also, as a follower of the teachings of the Buddha, practiced mindfulness meditation,  
47 which is one of my top recommendations for clients who have trouble controlling their thoughts, or  
48 put differently, let their thoughts control their actions.  
49

50 7. As I mentioned before, I began seeing Carli/Carl after her/his grandmother was diagnosed with  
51 Parkinson's. S/He originally came to me about once a month to work on coping strategies for her/his  
52 grief and to work on ACT to combat her/his feelings of abandonment, which were compounded by  
53 her/his grandmother's death a year ago. Through our limited work together, I had already  
54 hypothesized that Carli/Carl may have been suffering from a psychological construct which makes a  
55 person feel the need to save other people. This is colloquially known as a hero or savior complex.  
56 Carli/Carl exhibited a tendency to seek people who desperately need help and to assist them, often  
57 sacrificing her/his own needs. For example, although I learned through Carli/Carl that s/he only had a  
58 small, efficiency apartment, s/he always seemed to have someone sleeping on her/his couch.  
59 Carli/Carl's limited romantic relationships also exhibit the traits of a savior complex – s/he always  
60 seemed to be dating someone who was in the middle of a tragedy or major life crisis. It is important  
61 to know that a person who suffers from a savior complex is highly unlikely to cause harm to another  
62 living being. The underlying belief of this type of individual is to do the "noble" thing. They see  
63 themselves as morally superior because they help others often without receiving anything in return.  
64

65 8. Carli/Carl anecdotally revealed to me the situation with the carjacking during one of our regular  
66 sessions about two months after it happened. Given what I know of Carli/Carl's history, I was alarmed  
67 by this incident. I was concerned that this new trauma would only compound the trauma that  
68 Carli/Carl had already experienced with her/his parents and never worked through. However, I was  
69 encouraged knowing that the infant was recovered. That one fact was a positive foundation for us to  
70 build upon.  
71

72 9. After I learned about this new trauma, Carli/Carl and I worked together to determine an  
73 appropriate, and more intensive treatment plan. I recommended twice-weekly sessions with  
74 homework for Carli/Carl in between. During our sessions, we worked on mindfulness meditation.  
75 Mindfulness meditation requires a person to focus on their breathing. The ultimate goal is to slow  
76 racing thoughts, let go of negative thoughts and calm the mind and body. Together, we worked on  
77 cultivating awareness, giving attention to what is occurring in the present – which is essentially  
78 observing thoughts or sensations as they arise, and viewing her/himself with an attitude that is non-  
79 judgmental.  
80

81 10. At first Carli/Carl was a little apprehensive about the plan, mostly because of the twice-weekly  
82 visits and the financial component. However, I set her/him up with a payment plan so that s/he could  
83 pay later for the care that s/he desperately needed now. However, once s/he started her new job,  
84 insurance fully covered two sessions a month and covered 66% of any other recommended therapies.  
85

86 11. We worked together through the plan for about four months. Carli/Carl diligently attended  
87 sessions and gave full effort to improving her/his cognitive processing. We even got to a break through  
88 point when Carli/Carl was able to forgive and look with empathy and compassion to the person who  
89 killed her/his parents and the carjacker. My professional opinion is that Carli/Carl did reach a point  
90 where s/he understood that those individuals' pain did not have to be her/his pain too.  
91

92 12. During this time, I recommended that Carli/Carl seek other employment that would be less likely  
93 to trigger her/him. The Mini Market was not exactly what I had in mind, but it was a better opportunity.  
94 When I learned that Carli/Carl had accepted the job there, I provided a written order that s/he not  
95 work the night shift or the parking lot because both of those variables could end up triggering her/him  
96 in a form of post-traumatic stress. A trigger is an automatic response to specific stimuli, such as smells,  
97 words, sounds, colors – anything really. Triggers are connected with our thoughts, experiences, and  
98 memories. A huge part of mindfulness therapy is to identify triggers and coping mechanisms. Early in  
99 therapy, however, it is best to avoid triggers until appropriate coping mechanisms have been  
100 established. This theory was the basis for my recommendation for Carli/Carl's job related  
101 responsibilities. Gasoline was a trigger for Carli/Carl after the incident. Strangers in the dark were also  
102 a trigger.  
103

104 13. Although we did reach a breakthrough after four months of this intensive therapy, I still  
105 recommended at least six more months of continued work because I had not quite seen the progress  
106 that I needed to see to recommend scaling back. However, about a month or two before the incident,  
107 Carli/Carl started cancelling every appointment because of conflicts in her/his work schedule.  
108

109 14. When I was contacted by the Miltonville Police Department about the incident at the Mini Market,  
110 I went to the police station to meet with Carli/Carl. S/He looked as despondent as I had ever seen  
111 him/her, even more so than when s/he first started seeing me. S/He was barely lucid, almost catatonic,  
112 and went through fits of sobbing. Ms. Elissa Haynes, Carli/Carl's attorney, was there as well and told  
113 me the details that s/he knew of what happened. When I learned that Carli/Carl had confronted  
114 someone they thought was responsible for the earlier carjacking, and that that person may have been  
115 attempting to do it again under Carli/Carl's nose, I was afraid that all of the progress we had made had  
116 been erased. Once I was able to talk to Carli/Carl, I knew my fears were true. Carli/Carl was convinced  
117 that s/he saw the carjacker from before about to steal another car and it was up to Carli/Carl to stop  
118 it. After speaking with Ms. Haynes, we agreed that the best place for Carli/Carl was in a mental  
119 treatment center nearby where s/he could be monitored and we could start working on reestablishing  
120 the neural and mental connections that were shattered by the incident.  
121

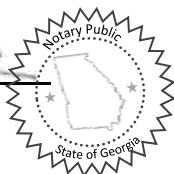
122 15. The judge thankfully agreed and Carli/Carl was released on bond the next day. I worked with  
123 him/her for several weeks in the inpatient residence setting before feeling comfortable with  
124 discharging him/her to his/her own residence. When Carli/Carl wanted to make a formal statement  
125 about the incident, his/her attorney didn't want him/her to do so, fearing it may implicate him/her in  
126 the case. However, Carli/Carl honestly felt s/he did nothing wrong and was trying to do what was right  
127 in the moment. Ms. Haynes agreed if I agreed to accompany Carli/Carl to the station with her to help  
128 Carli/Carl work through the process of the statement. This was about eight weeks after the incident  
129 and Carli/Carl was lucid and mindful, completing the statement on his/her own. It seemed to be a  
130 breakthrough moment for him/her. When a client of mine needs me to testify, I always execute a  
131 waiver of doctor/patient privilege, which Carli/Carl and I did in this case.

132  
133 16. I do not believe that Carli/Carl harbored any premeditated intent with the incident at Mini  
134 Market. From all of our work, I can only conclude that Carli/Carl had developed appropriate coping  
135 mechanisms for her/his triggers and was appropriately trying to process her/his past and present  
136 traumas. While I can concede that the defense of one person, even one's self, could result in harm to  
137 another person, given Carli/Carl's savior complex, I cannot conclude that s/he would have intentionally  
138 taken action that would harm another person without a perceived justified cause.

*Mayse Ceridian*  
**Dr. Mayse Ceridian**

SIGNED AND SWORN to me on April 30, 2021.

*C.M. McCormack*  
C.M. McCormack, Notary Public



**WITNESS ADDENDUM**

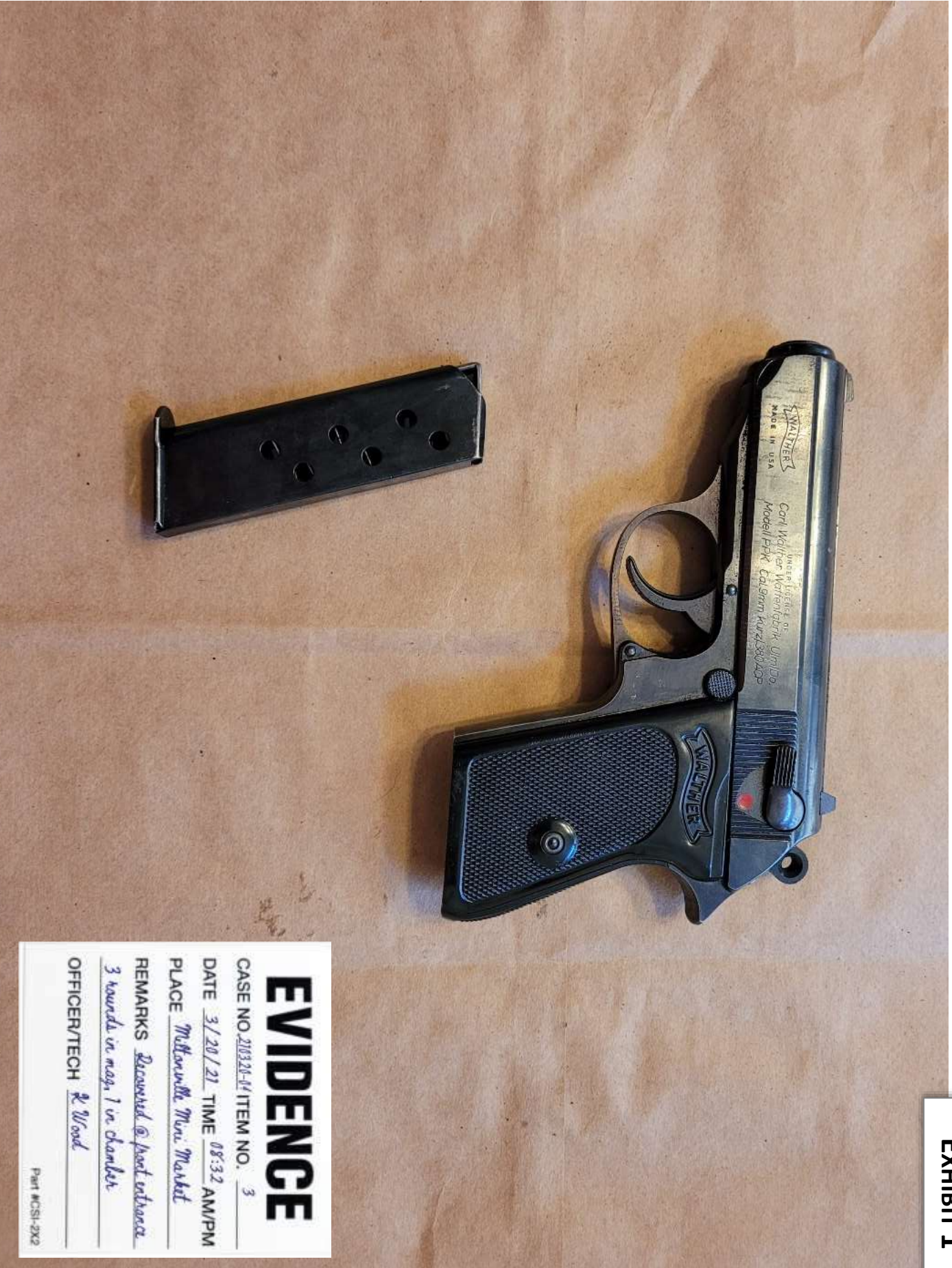
I have reviewed this statement, given by me on the date above, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

*Mayse Ceridian*  
**Dr. Mayse Ceridian**

*Morning of Trial*

EXHIBIT 1



**EVIDENCE**

CASE NO. 20321-14 ITEM NO. 3

DATE 3/20/21 TIME 08:32 AM/PM

PLACE Mulholland Mtn. Market

REMARKS Recovered @ front entrance  
3 rounds in mag, 1 in chamber

OFFICER/TECH R Wood

Print #CSI-2X2



# EVIDENCE

CASE NO. 2022M-04TEM NO. 8

DATE 3/20/22 TIME 08:32 AM/PM

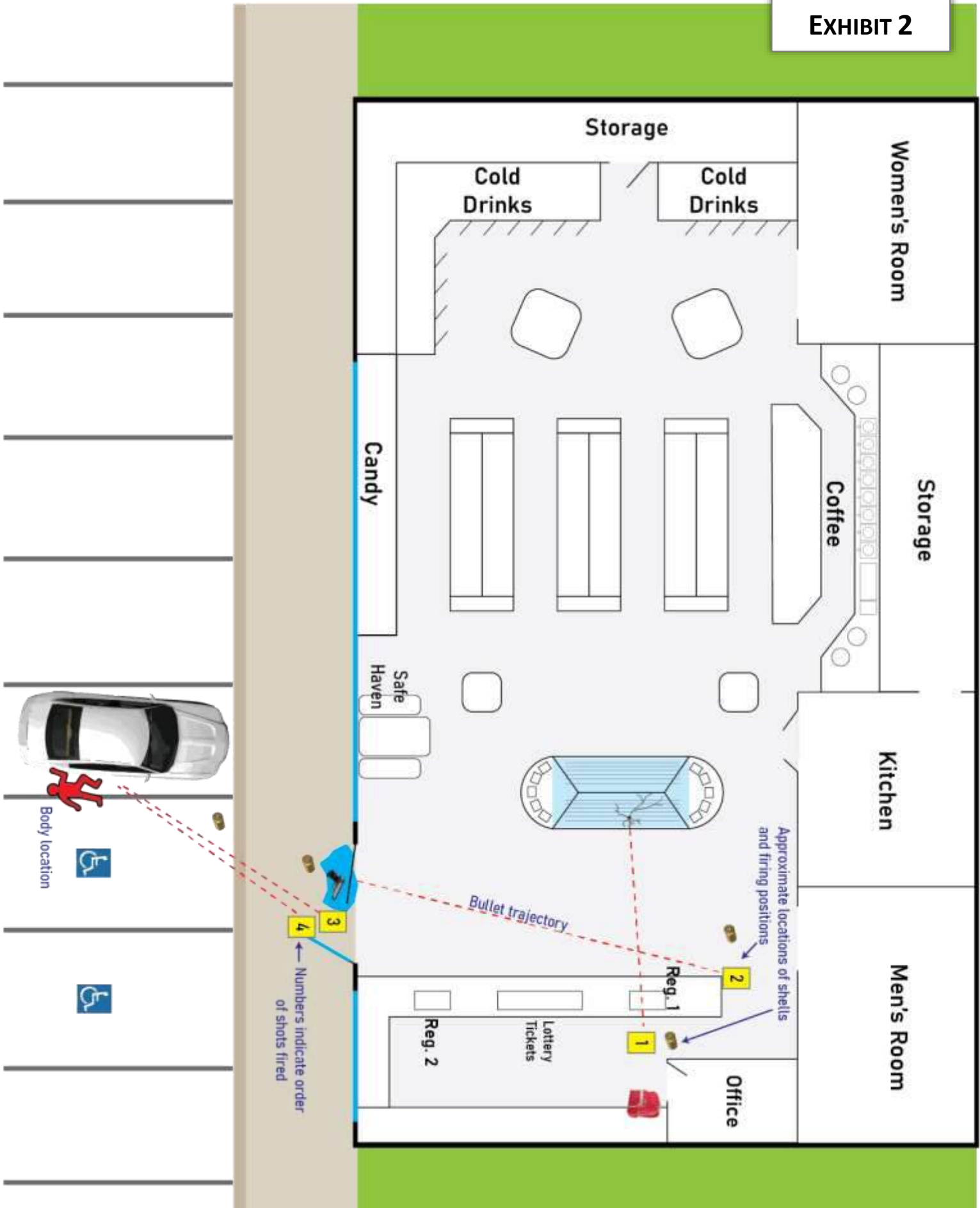
PLACE Mt. Pleasant, Maine Market

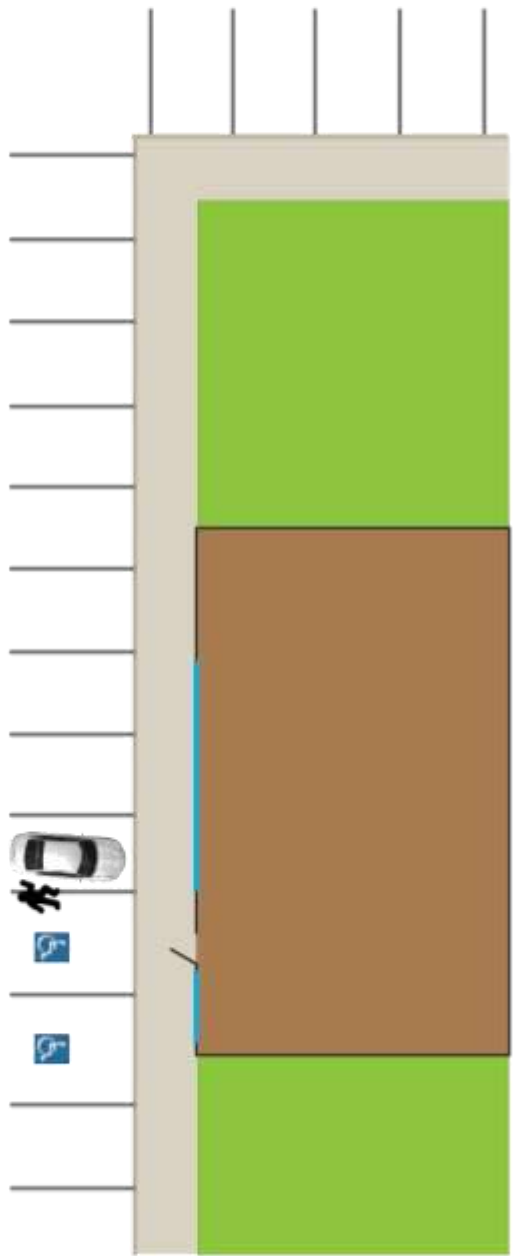
REMARKS On floor next to red backpack behind cash register!

OFFICER/TECH R Wood

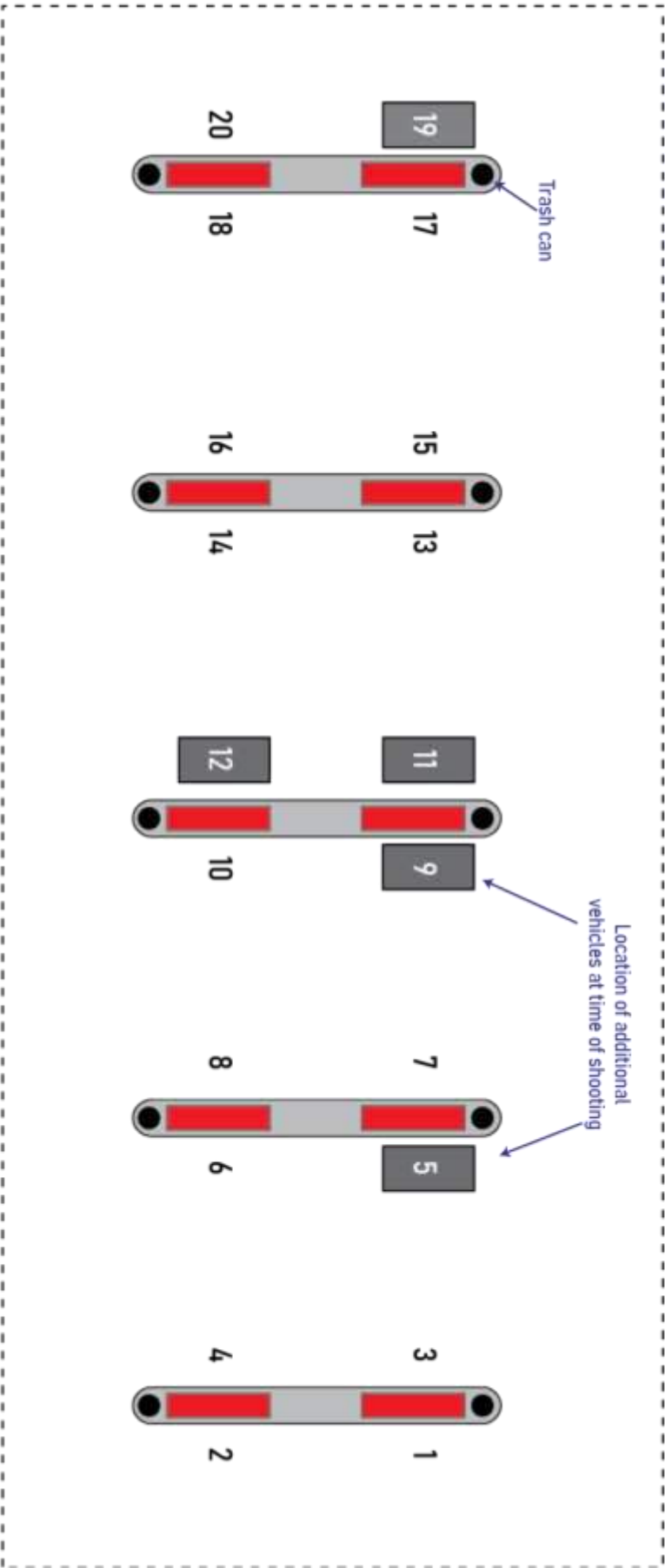
Part #CSI-2K2

# EXHIBIT 2





Outline of roof over fuel island





**MILTONVILLE POLICE DEPARTMENT**

**INCIDENT REPORT**

<b>CASE NUMBER:</b> 210320-04		<b>DATE OF REPORT:</b> 3/22/2021 <b>TIME:</b> 09:15		<input checked="" type="checkbox"/> <b>ORIGINAL REPORT</b> <input type="checkbox"/> <b>SUPPLEMENTAL REPORT</b>	
<b>DATE OF OCCURRENCE:</b> 3/20/2021		<b>TIME OF OCCURRENCE:</b> 06:58		<b>DOW:</b> <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input checked="" type="checkbox"/> Sat <input type="checkbox"/> Unk	
<b>INCIDENT LOCATION:</b> 963 Hwy 371., Miltonville, GA 30488					
<b>COMMON/BUSINESS NAME:</b> Miltonville Mini Mart		<b>ALCOHOL:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		<b>DRUG:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
<b>CASE STATUS:</b> <input checked="" type="checkbox"/> cleared by arrest <input type="checkbox"/> exceptionally cleared <input type="checkbox"/> unfounded <input type="checkbox"/> inactive <input type="checkbox"/> pending arrest <input type="checkbox"/> pending inv. results <input type="checkbox"/> informational only <input type="checkbox"/> administratively cleared					<b>DATE:</b> 3/21/2021
<b>ATTEMPTED/COMMITTED:</b> <input type="checkbox"/> Committed <input type="checkbox"/> Accessory After <input type="checkbox"/> Accessory Before <input type="checkbox"/> Aid/Abet <input checked="" type="checkbox"/> Assault To <input type="checkbox"/> Attempt to <input type="checkbox"/> Conspiracy To <input checked="" type="checkbox"/> Facilitation Of <input type="checkbox"/> Solicitation To <input checked="" type="checkbox"/> Threat To <input type="checkbox"/> Unfounded					
<b>ATTACK REASON:</b> <input checked="" type="checkbox"/> Assault <input type="checkbox"/> Theft <input checked="" type="checkbox"/> Menace <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Mental			<b>WEAPON TYPE:</b> <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife/Cutting Instrument <input type="checkbox"/> Hands/Fists/Feet, etc. <input type="checkbox"/> Other Weapon		
<b># ENTERED:</b> 2	<b>STRUCTURE OCCUPANCY:</b> 4		<b>EVIDENCE OBTAINED:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		<b>LOCATION TYPE:</b> Gas station
<b>JUVENILE DISPOSITION:</b> <input type="checkbox"/> Handled w/in Dept. <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Welfare Agency <input type="checkbox"/> Referred to Other Police <input type="checkbox"/> Referred to Adult Court					
<b>UCR DISPOSITION:</b> <input checked="" type="checkbox"/> Cleared by Arrest – Adult <input type="checkbox"/> Cleared by Arrest - JUV <input type="checkbox"/> Exceptionally Cleared – Adult <input type="checkbox"/> Exception Cleared – JUV <input type="checkbox"/> Unfounded <input type="checkbox"/> Active					
<b>EX CLEARED TYPE:</b> <input type="checkbox"/> Extradition Declined <input checked="" type="checkbox"/> Arrest on Primary Offense <input type="checkbox"/> Death of Offender <input type="checkbox"/> Vict/Witn Refused Cooperate <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Juvenile/No Custody					
<b>THEFT BY COMPUTER?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		<b>FORCED ENTRY?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		<b>DATE CLEARED:</b> 3/20/2021 <b># ARRESTED:</b> 1	
<b>DRUG ACTIVITY:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Buy <input type="checkbox"/> Deliver <input type="checkbox"/> Use <input type="checkbox"/> Distribute <input type="checkbox"/> Manufacture <input type="checkbox"/> Produce <input type="checkbox"/> Cultivate <input type="checkbox"/> Possess <input type="checkbox"/> Smuggle <input type="checkbox"/> Sell <input type="checkbox"/> Traffic <input type="checkbox"/> Other					
<b>DRUG TYPE:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Amphetamine <input type="checkbox"/> Barbiturate <input type="checkbox"/> Cocaine <input type="checkbox"/> Heroin <input type="checkbox"/> Hallucinogen <input type="checkbox"/> Marijuana <input type="checkbox"/> Opium/Derivative <input type="checkbox"/> Paraphernalia <input type="checkbox"/> Synthetic					
<b>QUANTITY:</b> N/A		<b>UNITS:</b> <input type="checkbox"/> Gram <input type="checkbox"/> Milligram <input type="checkbox"/> Kilogram <input type="checkbox"/> Ounce <input type="checkbox"/> Pound <input type="checkbox"/> Ton <input type="checkbox"/> Liter <input type="checkbox"/> Milliliter <input type="checkbox"/> Dose			<b>VALUE</b> \$ _____
<b>VICTIM/OFFENDER RELATIONSHIP:</b> None					
<b>ASSAULT/HOMICIDE CIRCUMSTANCES:</b> Victim shot by offender unprovoked.					
<b>CHILDREN WERE...</b> <input type="checkbox"/> Involved <input type="checkbox"/> Present <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Both			<b>OFFICER ACTION:</b> <input type="checkbox"/> Arrest Family Violence <input type="checkbox"/> Arrest Other Offence <input type="checkbox"/> Summons <input type="checkbox"/> Separation <input type="checkbox"/> Unfounded <input type="checkbox"/> Referred to Social		



<b>CASE NUMBER:</b> 210320-04	<b>DATE OF REPORT:</b> 3/22/2021 <b>TIME:</b> 09:15	<input checked="" type="checkbox"/> <b>ORIGINAL REPORT</b> <input type="checkbox"/> <b>SUPPLEMENTAL REPORT</b>
<b>PRIOR COURT ORDERS:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	<b>ALCOHOL USED BY:</b> <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input checked="" type="checkbox"/> Neither Used	<b>DRUGS USED BY:</b> <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input checked="" type="checkbox"/> Neither Used
<b>PREVIOUS COMPLAINTS:</b> <input checked="" type="checkbox"/> None <input type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input type="checkbox"/> More than 10 <input type="checkbox"/> Unknown	<b>SERVICES:</b> <input type="checkbox"/> Advised <input checked="" type="checkbox"/> Not Advised	<b>AGGRESSOR IDENTIFIED BY:</b> <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input checked="" type="checkbox"/> Both
<b>BRIEF DESCRIPTION:</b>		
<p>I received a call from dispatch at 7:04 am, reporting shots fired at the Miltonville Mini Mart on Highway 371. I arrived on scene at 7:08 am. Upon arrival, there were four or five cars in the front lot of the gas station, with four at pumps and one in the handicap space against the front of the building. All drivers at the pumps were either in their cars or hiding behind them. The driver of the parked car was standing at the rear of the car. No obvious threats were present outside. Upon exiting my vehicle, I drew my sidearm and ordered the driver standing at the rear to show his hands and step away from the car. I recognized the driver as [REDACTED] and had him/her move to the sidewalk in front of the car. The male victim was face down on the pavement at the rear of the parked vehicle, with a visible gunshot wound to the left rear shoulder and the right side of his neck. The driver said that the victim was dead.</p> <p>The store's left front door was shattered and all of the glass was on the sidewalk. A Walther PPK was located on the sidewalk. It was retrieved by CSU with four rounds in the magazine. One .380 ACP shell casing was found on the sidewalk and one on the pavement.</p> <p>I entered the store through the open right door and cleared the store. Four individuals were inside, identified as Norma/Norman Twiggs, Carli/Carl Holmes, Rachel Jackson, and Breckett Pierson. Pierson and Holmes were in the store's office. Once cleared, I asked Jackson what had happened and she said that Holmes had fired multiple rounds inside the store and in the parking lot, apparently aiming at the deceased. Jackson wasn't aware of any obvious reason for the shooting.</p> <p>At this point, Lt. Barnett and Officer Worley arrived, along with Officer Gaines from the Sheriff's office. Barnett and Worley secured the immediate scene outside and started collecting information from witnesses outside. Gaines called in assistance from the MCSO for traffic control. I instructed Barnett to call CSU and homicide. I then went into the office to detain Holmes and removed Pierson to the storefront. Holmes was compliant and said, "I don't know why I shot him. He had a gun." I radioed Worley to check the deceased for a gun. Worley reported that no gun was found on the victim's body and told Holmes that there wasn't a gun. Holmes asked me, "He didn't have a gun? You need to find it."</p> <p>Before Barnett took Holmes into custody, Holmes asked if the "baby was okay." I told him/her there wasn't a baby involved and confirmed this with Gaines outside. Barnett placed Holmes in cuffs and removed him/her from the store. Holmes was processed at the department.</p> <p>I asked Jackson for any more information she had and she said that Holmes had been written up a month earlier for violating store policy on interacting with customers. She didn't want to provide details but did say it was for getting physical with a minor Holmes thought was shoplifting. Jackson also said that Holmes had a doctor's order to only work daytime shifts and work inside duties. I asked why Holmes was coming off the night shift and Jackson said there was a scheduling mix up but Holmes wanted to "give it a try" to see if s/he could handle it.</p> <p>I asked Jackson if there was any video surveillance in the parking lot and inside the store. She said that the system was new and they hadn't been trained on the settings. I glanced at it but wasn't able to figure it out. She said she would get with the owner to have someone more tech savvy to work on getting us a copy of any footage.</p> <p>I talked to Breckett Pierson who was starting a shift at the time of the shooting. Pierson was behind the counter and had a view of the parking lot and front of the store. Pierson said s/he tried to get Holmes to stop shooting after the first shot but Holmes wouldn't listen. I asked if Pierson recognized the victim and s/he said that Mercado had been at the store a number of times before, using the store's Safe Haven program. I asked when the most recent time had been and Pierson said the day before. Pierson said something during this visit bothered Holmes but s/he didn't know why. I asked Pierson to stay around a little bit longer in case we needed to ask more questions.</p> <p>I next spoke to Norma/Norman Twiggs who had been in the store purchasing a hot dog and coffee when the shooting took place. Twiggs first noticed the victim outside and felt something was "off" about him. Twiggs is an Army veteran and took a defensive posture at the back of the store in anticipation of "something happening." Twiggs said that the victim had his hands in his pockets and was pulling them out when Holmes fired the first shot. Holmes chased the victim out of the store, shooting once inside and twice outside. Twiggs informed me that s/he was carrying a Sig Sauer M17 with a CCP. S/He allowed me to check and clear his/her weapon and confirm that it had not been fired.</p> <p>I talked to [REDACTED]. S/He didn't tell me much about what had happened except the first thing s/he knew something happened was when s/he heard the gunfire outside the store and saw Holmes standing in front of the car with the gun in hand. I asked why s/he didn't react or do anything to stop Holmes and s/he said s/he didn't want to talk any more. Lt. Foley told me at the station that [REDACTED] was working [REDACTED].</p> <p>CSU collected the gun and four shell casings and took photos. CSU retrieved a gunshot residue wipe on Holmes before being taken to the station. CSU will run ballistics on the bullets in the victim to compare with the PPK. The ME removed the body and inventoried the victim's contents: Apple iPhone 11, \$40 cash: (1) \$20 and (2) \$10.</p>		

<b>ATTACHMENTS:</b> <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative	<b>GCIC ENTRY</b> <input checked="" type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input checked="" type="checkbox"/> Gun	
<b>REPORTING OFFICER:</b> <i>Sgt. D Saturday</i>	<b>BADGE:</b> 5590	<b>DATE:</b> 3/21/2021
<b>SUPERVISOR:</b> <i>Capt. Jayden Gordon</i>	<b>BADGE:</b> 4322	<b>DATE:</b> 3/23/2021

## Milton County Sheriff's Office

Controlling Agent: Regan Montero

CI Case Number: 14-5776F

Contact Date: 3/20/21 Contact Time: 06:45

Contact Location: [REDACTED]

### Information:

CI had information about upcoming org action. Met at [REDACTED] and went to Mini Market on Hwy 371. CI went inside MM for breakfast. CI ran out of MM being chased by clerk, was shot twice and killed. MPD responded. CI cell phone being processed by MCSO. Will get text and call history.

Will make contact with [REDACTED] in org and assure this was isolated. Won't impact timeline of expected action. Will tell [REDACTED] MPD didn't find CI cell phone.

Controlling Agent Signature: Regan Montero



The Defendant shall have no contact whatsoever with Mavis Hebbard.

### GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

**Acknowledgment:** I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of special condition of probation could result in revocation of all time remaining on the period of probation.

Thanke Mercado  
Defendant

I certify that the Defendant has read the terms of this sentence or had them read and explained to him/her. If all or any part of this sentence is probated, I certify that the Defendant has acknowledged understanding of the meaning of the order of probation and the conditions of probation.

FRANK SMITH  
Probation Officer

Steven L. Pruitt IV, Attorney at Law, represented the Defendant by:  employment; or  appointment.

**SO ORDERED** this 7th day of June, 2020

Michael Barker  
Judge, Superior Court  
Milton Judicial Circuit  
Judge Michael Barker

Prosecutor: Elizabeth Fite

State of Georgia v. Thanke Mercado  
Criminal Action #20CR-HSMT  
SC-6.2 Final Disposition Felony Sent. with Probation

- Empty trash receptacles between pumps and restock with empty bag
- Refill window washer stations as needed
- Refill hand sanitizer pumps as needed
- Sweep loose debris and trash in lot and sidewalk

### 3.9 – Shifts

Employees will be assigned to shifts by week by the store supervisor. Each week's shift assignments run from Saturday to Friday. Employees will have the opportunity to request specific shift assignments provided they be requested by 5 p.m. Wednesday.

#### Full Shifts:

- A: 7 a.m. – 3 p.m.
- B: 10 a.m. – 6 p.m.
- C: 3 p.m. – 11 p.m.
- D: 11 p.m. – 7 a.m.

#### Partial Shifts:

- E: 4 a.m. – 7 a.m.
- F: 7 a.m. – 12 p.m.
- G: 12 p.m. – 3 p.m.
- H: 3 p.m. – 6 p.m.
- I: 6 p.m. – 9 p.m.

Employees should arrive 15 minutes prior to the start of shift in order to be on station at the start of the shift. Employee shifts will be registered by clocking in up to 15 minutes before the start of the shift.

### 3.10 – Max Out

At the end of a shift, employees are expected to “Max Out” the following items to ensure the next shift will start smoothly and customers will find a complete Market:

- Roller items
- Roller condiments and napkins
- MMM cups and lids

## Store Safety

### 4.1 – Safety Expectations

Shift managers are responsible for the safe operation of the Market. Employees are expected to contribute to the safe operation of the Market in their personal actions and in the maintenance of the Market for its customers.

### 4.2 – Market Maintenance

A clean Market is a safe Market. Employees are expected to maintain their immediate station throughout their shift and help to maintain clean environment throughout the Market property.

### 4.3 – Reporting and Addressing Safety Concerns

Employees should report any safety concerns to their shift supervisor immediately. Simple concerns should be remedied by the employee as soon as possible:

- Spills
- Obstruction in aisles
- Entrance rugs
- Merchandise falling off shelves/displays
- Displaced furnishings
- Trash/debris outdoors

## Miltonville Mini Market

---

Complex concerns will be addressed by supervisors and management:

- Lighting
- Malfunction of building systems (AC, doors, refrigeration/freezers, running water)
- Malfunction of store fixtures (Roller machines, fountains, smoothie machines, frozen yogurt machines, permanent displays/fixtures/furnishings)
- Gas pump malfunctions

### 4.4 – Reporting Criminal Activity

Supervisors and employees are prohibited from confronting or attempting to stop suspected criminal activity. Any suspicion of criminal activity must immediately be reported to the shift supervisor. Any employee who witnesses suspected criminal activity should attempt to observe the activity from a safe distance and make record of any details about the activity to provide to the authorities: descriptions, license plate numbers, overheard statements, identification of individuals involved and other witnesses, time, etc.

The shift supervisor will contact local authorities for assistance. Market personnel will assist local authorities as much as possible in resolving the situation without endangering themselves or our customers.

### 4.5 – Incident Reports

Employees must report all safety incidents and accidents to the shift supervisor as soon possible. A Market Incident Report must be completed by the employee and supervisor, detailing nature of accident, injuries sustained, and actions taken to remedy the situation.

### 4.6 – Prohibited Items

The following items are prohibited on all Market property:

- Illegal drugs
- Weapons, unless allowed by state issued license
- Possession of alcohol and tobacco by minors

The following items are prohibited from inside Market:

- Propane gas canisters
- Animals (certified service animals excepted)
- Motorized vehicles
- Cleats/golf shoes
- Skateboards, roller blades/skates

## Safe Haven

The Miltonville Mini Market is a partner in the Safe Haven Program, administered by the Georgia Division of Family and Children Services. As a Safe Haven location, the Market strives to be a safe refuge for individuals under 21 years old who need assistance from DFCS programs. Individuals seeking assistance are to be provided a meal, drink, restroom access, and contact with the DFCS Safe Haven coordinating center.

Employees are expected to extend the Market's Extra Mile Service to individuals seeking Safe Haven assistance. A supervisor should be notified when an individual seeks assistance.

## EMPLOYEE DISCIPLINARY ACTION FORM

Employee: Carli/Carl HolmesDate of Warning: January 15, 2021Department: ClerkSupervisor: Theo Barnett

### Type of Warning

 - First Warning - Second Warning - Third Warning

### Reason for Warning

 - Attendance - Carelessness - Disobedience - Safety - Tardiness - Work Quality - Other (explain) \_\_\_\_\_Violation Date: Jan 14 Time: 4:12 pm

### Description of Infraction:

During his/her shift at the registers, Carli/Carl confronted a 14-year-old customer, accusing her of stealing a bag of Doritos. The customer said she was still looking and was going to pay. Carli/Carl grabbed the girl's wrist and tried to pull her to the office and called for someone to call the police. I heard the yelling and intervened. Carli/Carl was sent home for the rest of the shift.

### Plan for Improvement

Carli/Carl was required to review the employee manual regarding customer safety and protocols set up regarding suspected theft. I discussed with him/her what needed to be done next time.

### Signatures

Further misconduct or violation(s) will result in disciplinary action, up to and including immediate suspension or termination. I have read this Warning Notice and understand it.

Employee's Signature: Carli/Carl Holmes Date: 1/15Employer's/Supervisor's Signature: Theo Barnett Date: Jan 15, 21



**Milton County Sheriff's Office**

Text message log

Requested by: Sgt. Danni/Danny Saturday, MPD

Case No: MPD 210320-04

Log created by: Caleb Evans, MCSO

Date: 3/26/21, 10:15

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Account phone number: 678-138-7092

Account holder: Danke Mercado | Horizon Wireless

*To 404-195-4556**3/18/21, 9:48*

I got your number from Regan Montero. S/He said you could help me get out of a gang.

...

*From 404-195-4556**3/18/21, 9:56*

Yes. My name is Christopher McFadden and I run New Path Outreach. We help individuals like you make a safe transition out of gangs into a more sustainable lifestyle. I would be happy to talk about the program and how to apply. Are you able to talk?

...

*To 404-195-4556**3/18/21, 9:56*

K. Can I call you on Saturday?

...

*From 404-195-4556**3/18/21, 9:56*

Yes. I will be available after 9 am. We have open spots.

...

**Dr. Mayse Ceridian, Ph.D.**

104 W. Woodstock Ave.  
Miltonville, GA 30488  
(478) 165-4665

Licensed Clinical Psychologist  
Member AMHCA, APA, and Society of Clinical Psychology  
Board Certified in Georgia and Iowa

Name: Carli/Carl Holmes  
Therapist: Dr. Mayse Ceridian  
No. of sessions: 52 to date

Summary Date: July 20, 2021  
Date of first session: April 9, 2019  
Date of last session: July 15, 2021

**Introduction**

Pursuant to a court order, I completed an evaluation report for Carli/Carl Holmes. The report was requested by Ms./Mr. Holmes' counsel, Elissa Haynes, for purposes of presentation at trial. Ms./Mr. Holmes was notified of her/his rights, and that the report would be shared with the Court, his attorney, and the prosecuting attorney. I also had Ms./Mr. Holmes sign a waiver that I kept in my file.

**Sources of Information**

Most of my observations noted here came from my personal therapy sessions with Ms./Mr. Holmes from April, 2019 to the present. I have also reviewed the police reports from the carjacking in September 2020 and the shooting incident in March 2021. I have also included observations from discussions with Ms. Haynes after Ms./Mr. Holmes' arrest in the shooting.

**Relevant Background Information**

Ms./Mr. Holmes is a 26 year old male/female with a history of emotional trauma. Ms./Mr. Holmes started therapy in April, 2019 when his/her grandmother was diagnosed with Stage 2 Parkinson's. Ms./Mr. Holmes initially presented with deep anxiety and stress. Ms./Mr. Holmes was orphaned at 8 years old when his/her parents were murdered. Ms./Mr. Holmes was a witness to the murder and was placed in foster care for nine months until being placed with his/her grandmother. Throughout subsequent sessions, Ms./Mr. Holmes slowly opened up about his/her parents' murder, showing a deep distrust of people and felt that the "world was against him/her". Ms./Mr. Holmes' biggest fear was being alone and vulnerable. It took a while before being able to trust his/her grandmother and feel connected, but by age 11, the family unit was established.

The grandmother's diagnosis shook Ms./Mr. Holmes' sense of self, forcing a change in care taking, feeling the burden of taking care of his/her grandmother. Early sessions revealed Ms./Mr. Holmes' sense of obligation to "save" his/her grandmother in a way s/he couldn't save his/her parents. S/He understood that Parkinson's is incurable but felt s/he must do everything possible to not lose her too. The grandmother's worldview of the disease differed from Ms./Mr. Holmes', in that she was at peace with the diagnosis, leaning on her Buddhist teachings and practicing deep meditation. I suggested Ms./Mr. Holmes joining his/her grandmother in these sessions to create a strong connection with her with the hope that it would alleviate his/her concerns and potential loss.

Ms./Mr. Holmes' grandmother died in late May, 2020, leaving Ms./Mr. Holmes "alone", except for having to care for his/her grandmother's dog Rags. The dog gave Ms./Mr. Holmes comfort, sensing that his/her grandmother's essence was transferred to the dog. However, the dog's sudden death a week after the grandmother's pushed Ms./Mr. Holmes into a state of deep depression.

At this point, I suggested that Ms./Mr. Holmes start working on deep meditation him/herself, in the way that his/her grandmother utilized it to find inner peace. Ms./Mr. Holmes says s/he tried but it was difficult. I discussed

starting a moderate dose of duloxetine to help regulate serotonin levels. Ms./Mr. Holmes was reluctant to “get hooked” on a medication to have to be “normal” but was considering it.

In late October of 2020, Ms./Mr. Holmes mentioned the carjacking incident at work. S/He had seemed more anxious in the sessions prior to this session but wouldn't reveal anything that happened. Once I pressed him/her on the effects of the incident, it was obvious that Ms./Mr. Holmes was repressing the anxiety and trying to force him/herself to deal with it on his/her own. An infant was involved in the carjacking and Ms./Mr. Holmes felt that s/he was responsible for not stopping the kidnapping of the infant when s/he was the only one who saw it happen and was in the position to prevent it. This was having a detrimental effect on his/her mental stability and s/he had indicated suicidal ideations on a self-assessment questionnaire I have him/her complete before each session. The loss of the child in the carjacking represented the fifth individual s/he had “failed to save” and amplified the sense of helplessness and failure exponentially. Repressed feelings of aloneness and isolation came back, similar to the first sessions we held. In essence, it was as if Ms./Mr. Holmes reverted back to square one.

After revealing the carjacking, I devised a plan of intense therapy, meeting weekly, to help cope with the feelings and work on a healthy sense-of-self. I strongly suggested that Ms./Mr. Holmes seeks new employment to remove him/herself from the environment of the trauma. A few weeks later, Ms./Mr. Holmes started his/her new job at the Miltonville Mini Market. While it was a new job, it was a similar environment as the previous job and I was concerned with triggers associated with the carjacking being present ongoing. Ms./Mr. Holmes said that the Mini Market was a different environment than the previous location, in that it was a lot safer, in a better neighborhood, and had much more supportive management. I suggested that s/he not work overnight shifts and attempt to work inside, trying to avoid triggers that I had identified caused debilitating anxiety. S/He said that his/her manager would accommodate provided I supplied a letter for his/her files. I did so.

During one of these session, Ms./Mr. Holmes noted that s/he had obtained a handgun from a friend and that its ownership made him/her feel safer from those seeking to “do harm”. I counseled him/her on the legal aspects of owning a firearm and warned him/her from carrying it in public without having proper licensing. S/He assured me that s/he had talked to a customer at the store who had a permit and was in the process of completing the application, but was worried about the state finding out about our therapy sessions and the detrimental impact that may have. I assured him/her that our sessions were confidential. I encouraged him to follow the store's policy on employees not carrying firearms on the premises.

We completed the initial four-month intense therapy plan in February 2021. I suggested that since s/he had the insurance to cover the sessions, we continue the plan for another six months. Ms./Mr. Holmes was receptive to it, noting the benefits from the program. S/He presented as much more confident and less anxious in general. However, his/her trust in others was still lagging. S/He had made friends with another employee at the station, which showed good progress. However, s/he was distrustful of anyone who s/he deemed “shady” or could be “up to no good.”

A week after starting the second leg of the therapy, Ms./Mr. Holmes started cancelling the weekly sessions, stating conflicts with his/her work schedule. I encouraged him/her to make time for our visits and s/he said s/he would get it worked out. However, Ms./Mr. Holmes did not have another session before the shooting incident at the station in March.

### **Educational and Occupational History**

Ms./Mr. Holmes struggled with school and attended one semester at Miltonville Tech. S/He has indicated no desire for future formal education.

Ms./Mr. Holmes worked at a shipping fulfillment center for Nile in Macon from May 2013 to November 2016, sorting orders and boxing shipments for delivery. In December 2016, Ms./Mr. Holmes started work at Leonardo's gas station until November 2020. Ms./Mr. Holmes started at the Miltonville Mini Market in November 2020.

### **Substance Abuse History**

None.

## Criminal History

None.

## Current Mental Health Status and Behavioral Observations

Ms./Mr. Holmes suffers from deep anxiety and moderate depression, with associated dependency of acceptance by others in both action and worth. S/He has increased suicidal ideations and struggles with accepting the value of his/her personal existence. S/He feels like s/he has failed at protecting those around him/her that need protecting. After his/her arrest, Ms./Mr. Holmes discussed Mr. Mercado for the first time with me and the history s/he has had with the deceased at the station. Ms./Mr. Holmes developed a narrative surrounding Mr. Mercado as acting in a criminally-normative way and behaving in a distrustful manner, including the morning of the shooting. Ms./Mr. Holmes firmly believed that Mr. Mercado was the individual who kidnapped the infant in the carjacking in September, 2020, and was a threat to him/herself being a witness.

## Diagnosis and Opinion

Based on these factors, it is my opinion that, at the time of the shooting, Ms./Mr. Holmes suffered from moderate to severe anxiety along with uncomplicated post-traumatic stress disorder. While Ms./Mr. Holmes was able to maintain normal daily functioning with the assistance of self-help strategies and his/her current dosage of duloxetine and buspirone, s/he constantly struggled with anxiety in most daily interactions. Associated with the anxiety was the distrust of others who fit a perceived format of “undesirable” and overly heightened belief of negative uncertainty in these individuals’ actions, often based on limited information, stemming from his/her traumatic experience with the carjacking. Despite this, Ms./Mr. Holmes felt the need to act on these beliefs to protect him/herself and those around him. Due to Ms./Mr. Holmes’ level of anxiety, triggers associated with his/her PTSD, and his/her committed beliefs around Mr. Mercado’s actions, Ms./Mr. Holmes felt that his/her shooting of the deceased was justified as self-defense.

*Dr. Mayse Ceridian*

# Legal Authorities

## **Statutes**

### **OCGA § 16-3-20. Justification**

The fact that a person's conduct is justified is a defense to prosecution for any crime based on that conduct. The defense of justification can be claimed:

- (1) When the person's conduct is justified under Code Section 16-3-21, 16-3-23, 16-3-24, 16-3-25, or 16-3-26;...

### **OCGA § 16-3-21. Use of force in defense of self or others; evidence of belief that force was necessary in murder or manslaughter prosecution**

- (a) A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself or herself or a third person against such other's imminent use of unlawful force; however, except as provided in Code Section 16-3-23, a person is justified in using force which is intended or likely to cause death or great bodily harm only if he or she 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.
- (b) A person is not justified in using force under the circumstances specified in subsection (a) of this Code section if he:
  - (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.
- (c) Any rule, regulation, or policy of any agency of the state or any ordinance, resolution, rule, regulation, or policy of any county, municipality, or other political subdivision of the state which is in conflict with this Code section shall be null, void, and of no force and effect.
- (d) In a prosecution for murder or manslaughter, if a defendant raises as a defense a justification provided by subsection (a) of this Code section, the defendant, in order to establish the defendant's reasonable belief that the use of force or deadly force was immediately necessary, may be permitted to offer:
  - (1) Relevant evidence that the defendant had been the victim of acts of family violence or child abuse committed by the deceased, as such acts are described in Code Sections 19-13-1 and 19-15-1, respectively; and
  - (2) Relevant expert testimony regarding the condition of the mind of the defendant at the time of the offense, including those relevant facts and circumstances relating to the family violence or child abuse that are the bases of the expert's opinion.

### **OCGA § 16-3-23. Use of force in defense of habitation**

A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to prevent or terminate such other's unlawful entry into or attack upon a habitation; however, such person is justified in the use of force which is intended or likely to cause death or great bodily harm only if:

- (1) The entry is made or attempted in a violent and tumultuous manner and he or she reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person dwelling or being therein and that such force is necessary to prevent the assault or offer of personal violence;
- (2) That force is used against another person who is not a member of the family or household and who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using such force knew or had reason to believe that an unlawful and forcible entry occurred; or
- (3) The person using such force reasonably believes that the entry is made or attempted for the purpose of committing a felony therein and that such force is necessary to prevent the commission of the felony.

**OCGA § 16-3-23.1. No duty to retreat prior to use of force in self-defense**

A person who uses threats or force in accordance with Code Section 16-3-21, relating to the use of force in defense of self or others, Code Section 16-3-23, relating to the use of force in defense of a habitation, or Code Section 16-3-24, relating to the use of force in defense of property other than a habitation, has no duty to retreat and has the right to stand his or her ground and use force as provided in said Code sections, including deadly force.

**OCGA § 16-3-24. Use of force in defense of property other than a habitation**

- (a) A person is justified in threatening or using force against another when and to the extent that he reasonably believes that such threat or force is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with real property other than a habitation or personal property:
  - (1) Lawfully in his possession;
  - (2) Lawfully in the possession of a member of his immediate family; or
  - (3) Belonging to a person whose property he has a legal duty to protect.
- (b) The use of force which is intended or likely to cause death or great bodily harm to prevent trespass on or other tortious or criminal interference with real property other than a habitation or personal property is not justified unless the person using such force reasonably believes that it is necessary to prevent the commission of a forcible felony.

**OCGA § 16-3-24.1. Habitation and personal property defined**

As used in Code Sections 16-3-23 and 16-3-24, the term "habitation" means any dwelling, motor vehicle, or place of business, and "personal property" means personal property other than a motor vehicle.

**OCGA § 16-5-1. Murder; felony murder**

- (a) A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being.
- (b) Express malice is that deliberate intention unlawfully to take the life of another human being which is manifested by external circumstances capable of proof. Malice shall be implied where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart.
- (c) A person also commits the offense of murder when, in the commission of a felony, he causes the death of another human being irrespective of malice.

### **OCGA § 16-5-20. Simple assault**

- (a) A person commits the offense of simple assault when he or she either:
- (1) Attempts to commit a violent injury to the person of another; or
  - (2) Commits an act which places another in reasonable apprehension of immediately receiving a violent injury.

### **OCGA § 16-5-21. Aggravated assault**

- (a) A person commits the offense of aggravated assault when he or she assaults:
- (1) With intent to murder, to rape, or to rob; or
  - (2) With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury

### **OCGA § 16-11-106. Possession of firearm or knife during commission of or attempt to commit certain crimes**

- (b) Any person who shall have on or within arm's reach of his or her person a firearm or a knife having a blade of three or more inches in length during the commission of, or the attempt to commit:
- (1) Any crime against or involving the person of another;...

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## **Case Law**

*The following excerpts are from Case Law concerning the legal issues raised in this mock trial case. Only portions of the opinions are provided, and only those portions may be used in the course of the trial. Citations and internal quotation marks are omitted in the excerpts of the cases that follow.*

[The defendant] argues that the trial court erred by excluding evidence of a violent robbery committed by [the victim] against a third party, despite the fact that prior to the murder, [the defendant] had no knowledge of the robbery. We disagree. [The defendant] bases his contention on *Chandler v. State*, 261 Ga. 402, 407(3)(c) (1991), in which this Court created an evidentiary exception ‘permit[ting] a defendant claiming justification to introduce evidence of specific act of violence by the victim against third persons.’ *Chandler*, however, was decided under Georgia’s old evidence code, and, it related specifically to the application of that old code. – ***Mohamud v. State*, 297 Ga. 532, 535 (2015).**

Even though OCGA § 16–3–21(d)(2) provides for the admissibility of relevant expert testimony regarding the condition of the mind of a defendant in a situation of abuse, it has “not otherwise changed the rule in homicides where justification is raised as a defense, namely, that justification is based upon the fears of a reasonable person, not upon the reasonable fears of the defendant. – ***Selman v. State*, 267 Ga. 198, 200 (1996) (citing *Johnson v. State*, 266 Ga. 624, 627(2) (1996)).**

The critical factor in a justification defense is whether a defendant acted with the fear of a reasonable person under the circumstances... Because justification is based on the fears of a *reasonable* person, the *subjective* fears of a particular defendant are irrelevant in the evaluation of this defense. For this reason, we have on numerous occasions found inadmissible to support a justification defense evidence of violent acts or abuse committed against a defendant by someone other than the victim. Even if it can be said the trial court erred in excluding the proffered evidence of childhood abuse, we would find no harm because appellant's experts were permitted to testify that she suffered from PTSD and battered person syndrome as a result of her childhood experiences... This testimony was sufficient to allow the jury to give full consideration to appellant's justification defense. – ***O’Connell v. State*, 294 Ga. 379 (2014) (citations omitted).**





doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant.

If the state fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

### **Grave Suspicion**

Facts and circumstances that merely place upon the defendant a grave suspicion of the crime charged or that merely raise a speculation or conjecture of the defendant's guilt are not sufficient to authorize a conviction of the defendant.

### **Jury; Judges of Law and Facts**

Members of the jury, it is my duty and responsibility to determine the law that applies to this case and to instruct you on that law. You are bound by these instructions. It is your responsibility to determine the facts of the case from all of the evidence presented. Then you must apply the law I give you in the charge to the facts as you find them to be.

### **Evidence; Generally**

Your oath requires that you will decide this case based on evidence. Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and any exhibits admitted during the trial. Evidence does not include the indictment, the plea of not guilty, opening, or closing remarks of the attorneys, or questions asked by the attorneys.

### **Stipulations**

The parties have entered into certain stipulations that have been approved by the court. Where parties stipulate facts, this is in the nature of evidence. You may take that fact or those facts as a given without the necessity of further proof. However, you are not required to do so, and even such matters may be contradicted by other evidence. You make all decisions based on the evidence in this case.

### **Direct and Circumstantial Evidence**

Evidence may be either direct or circumstantial or both. In considering the evidence, you may use reasoning and common sense to make deductions and reach conclusions. You should not be concerned about whether the evidence is direct or circumstantial.

Direct evidence is that which may be seen or heard or otherwise directly sensed, such as by smell or taste or touch. It may be brought into court in the form of exhibits or the testimony of direct witnesses to such matters. It is evidence that points immediately to the issue in question.

When direct evidence, by inference, points to an obvious, likely, or reasonable conclusion—even though that conclusion was not directly seen, heard, smelled, tasted, or touched—that is said to be circumstantial evidence. Circumstantial evidence is the proof of facts or circumstances, by direct evidence, from which you may infer other related or connected facts that are reasonable and justified in light of your experience. It is evidence that only tends to establish a conclusion in question by its consistency with such conclusion or elimination of other conclusions. Sometimes circumstantial evidence may point to more than one conclusion.

To authorize a conviction on circumstantial evidence, the proved facts must not only be consistent with the theory of guilt but also exclude every other reasonable theory other than the guilt of the accused.

The law does not require a higher or greater degree of certainty on the part of the jury to return a verdict based upon circumstantial evidence than upon direct evidence.

Whether dependent upon direct evidence or circumstantial evidence or both, the true test is whether there is sufficient evidence or whether the evidence is sufficiently convincing to satisfy you beyond a reasonable doubt. If not, you must acquit; if so, you may convict.

There is no rule that either circumstantial or direct evidence is stronger than the other if conflicting. The comparative weight of circumstantial evidence and direct evidence on any given issue is a question of fact for the jury to decide.

### **Credibility of Witness**

The jury must determine the credibility of the witnesses. In deciding this, you may consider all of the facts and circumstances of the case, including the witnesses' manner of testifying, their means and opportunity of knowing the facts about which they testify, the probability or improbability of their testimony, their interest or lack of interest in the outcome of the case, and their personal credibility as you observe it.

### **Witness, Attacked**

In determining the credibility of witnesses and any testimony by them in court, you may consider, where applicable, evidence offered to attack the credibility or believability of any such witness. This would include evidence of:

- a. *Character for untruthfulness.* Shown by opinion of other witnesses, reputation, or "Bad Acts" – specific instances of conduct of the witness in question, brought out on cross-examination of that or another witness that may relate to that witness's character for untruthfulness.
- b. *Bias toward a party.* Shown by "Bad Acts" – specific instances of conduct of the witness in question that may relate to the witness's bias toward a party.
- c. *Felony conviction.* Proof that the witness has been convicted of the offense of Armed Robbery, Aggravated Assault, or Possession of Firearm by Convicted Felon.
- d. *Crime of dishonesty conviction.* Proof that the witness has been convicted of a crime involving dishonesty or making a false statement.

### **Witness, Impeached by**

To impeach a witness is to prove the witness is unworthy of belief. A witness may be impeached by:

- a. Disproving the facts to which the witness testified;
- b. Proof of general bad character;
- c. Proof that the witness has been convicted of a crime involving dishonesty or false statement; or
- d. Proof of contradictory statements, previously made by the witness, as to matters relevant to the witness's testimony and to the case.

If it is sought to impeach a witness by "b," "c," or "d," above, proof of the general good character of the witness may be shown. The effect of the evidence is to be determined by the jury.

If any attempt has been made in this case to impeach any witness by proof of contradictory statements previously made, you must determine from the evidence:

- a. First, whether any such statements were made;
- b. Second, whether they were contradictory to any statements the witness made on the witness stand; and
- c. Third, whether it was material to the witness's testimony and to the case.

If you find that a witness has been successfully impeached by proof of previous, contradictory statements, you may disregard that testimony, unless it is corroborated by other credible testimony, and the credit to be given to the balance of the testimony of the witness would be for you to determine.

It is for you to determine whether or not a witness has been impeached and to determine the credibility of such witness and the weight the witness's testimony shall receive in the consideration of the case.

### **Witness, Supported**

In determining the credibility of any witness whose credibility has been attacked, cast doubt upon, or challenged as I have described above and any testimony by him or her in court, you may consider, where applicable, evidence offered to support the credibility or believability of any such witness.

### **Good Character of Defendant**

You have heard evidence of the character of the defendant in an effort to show that the defendant likely acted in keeping with such character or trait at pertinent times or with reference to issues in this case. This evidence has been offered in the form of opinion of other witnesses, reputation, and specific instances of conduct of the defendant showing such trait. You should consider any such evidence along with all the other evidence in deciding whether or not you have a reasonable doubt about the guilt of the defendant.

### **Prior Statements**

Your assessment of a trial witness's credibility may be affected by comparing or contrasting that testimony to statements or testimony of that same witness before the trial started. It is for you to decide whether there is a reasonable explanation for any inconsistency in a witness's pre-trial statements and testimony when compared to the same witness's trial testimony. As with all issues of witness credibility, you the jury must apply your common sense and reason to decide what testimony you believe or do not believe.

### **Single Witness; Corroboration**

The testimony of a single witness, if believed, is sufficient to establish a fact. Generally, there is no legal requirement of corroboration of a witness, provided you find the evidence to be sufficient.

### **Intent**

Intent is an essential element of any crime and must be proved by the State beyond a reasonable doubt. Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

### **No Presumption of Criminal Intent**

This defendant will not be presumed to have acted with criminal intent, but you may find such intention (or the absence of it) upon a consideration of words, conduct, demeanor, motive, and other circumstances connected with the act for which the accused is being prosecuted.

### **Definition of Crime**

This defendant is charged with a crime against the laws of this state. A crime is a violation of a statute of this state in which there is a joint operation of an act and intention.

### **Felony Murder; Defined**

A person also commits the crime of murder when, in the commission of a felony, that person causes the death of another human being irrespective of malice. Under our law, aggravated assault is a felony, and is defined as follows:

An assault is an attempt to commit a violent injury to the person of another. A person commits the offense of aggravated assault when that person assaults another person with a deadly weapon, or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury.

### **Murder; Felony, during Commission of**

In order for a homicide to have been done in the commission of this particular felony, there must be some connection between the felony and the homicide. The homicide must have been done in carrying out the unlawful act and not collateral to it. It is not enough that the homicide occurred soon or presently after the felony was attempted or committed. There must be such a legal relationship between the homicide and the felony so as to cause you to find that the homicide occurred before the felony was at an end or before any attempt to avoid conviction or arrest for the felony. The felony must have a legal relationship to the homicide, be at least concurrent with it in part, and be a part of it in an actual and material sense. A homicide is committed in the carrying out of a felony when it is committed by the accused while engaged in the performance of any act required for the full execution of the felony.

### **Motive**

Proof of particular motive is not essential to constitute the crime of murder. Evidence of motive, if any, is admitted for your determination as to whether or not it establishes the state of the defendant's mind at the time of the alleged homicide.

### **Assault, Simple; Generally**

A person commits simple assault when that person attempts to commit a violent injury to the person of another or commits an act that places another in reasonable apprehension of immediately receiving violent injury.

### **Aggravated Assault**

A person commits the offense of aggravated assault when that person assaults another person with a deadly weapon that when used offensively against a person, is likely to or actually does result in serious bodily injury.

The State must also prove as a material element of aggravated assault, as alleged in this case, that the assault was made with a deadly weapon that, when used offensively against a person, is likely to or actually does result in serious bodily injury.

A firearm, when used as such, is a deadly weapon as a matter of law.

### **Firearm During Commission of Crime; Possession of**

A person commits the offense of possession of a firearm during commission of a crime when the person has on or within arm's reach of his/her person a firearm during the commission of or any attempt to commit a felony, which is:

1. any crime against or involving the person of another.

The offense of Felony Murder is a felony under the laws of this state and is defined as previously stated.

### **Intent**

Intent is an essential element of any crime and must be proved by the state beyond a reasonable doubt.

Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

### **Affirmative Defense; Definition; Burden of Proof**

An affirmative defense is a defense that admits the doing of the act charged but seeks to justify, excuse, or mitigate it. Once an affirmative defense (other than that of insanity) is raised, the burden is on the State to disprove it beyond a reasonable doubt.

### **Justification; Generally**

If you find that the defendant's conduct was justified, this is a defense to prosecution for any crime based on that conduct, provided the defendant's conduct is justified under O.C.G.A. §§16-3-21, 16-3-23, 16-3-24, 16-3-25, 16-3-26.

### **Use of Force in Defense of Self**

A person is justified in threatening or using force against another person when, and to the extent that, he/she reasonably believes that such threat or force is necessary to defend himself/herself against the other's imminent use of unlawful force. A person is justified in using force which is intended or likely to cause death or great bodily harm only if that person reasonably believes that such force is necessary to prevent death or great bodily injury to himself/herself or to prevent the commission of a forcible felony.

The state has the burden of proving beyond a reasonable doubt that the defendant was not justified.

A person is not justified in using force, if that person:

- a. Initially provokes the use of force against himself/herself with the intent to use such force as an excuse to inflict bodily harm upon the assailant; or
- b. Is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or

- c. Was the aggressor or was engaged in a combat by agreement, unless the person withdraws from the encounter and effectively communicates his/her intent to withdraw to the other person, and the other person still continues or threatens to continue the use of unlawful force.

### **Forcible Felony, Definition**

A forcible felony means any felony which involves the use or threat of physical force or violence against any person.

Aggravated assault is a felony, and I have previously defined it for you.

### **Doctrine of Reasonable Beliefs**

In applying the law of self-defense, a defendant is justified to kill another person in defense of self. The standard is whether the circumstances were such that they would excite not merely the fears of the defendant but the fears of a reasonable person. For the killing to be justified under the law, the accused must have really acted under the influence of these fears and not in a spirit of revenge.

What the facts are in this case is a matter solely for you, the jury, to determine under all the facts and circumstances of this case.

### **Retreat (No Duty to Retreat to Be Justified)**

One who is not the aggressor is not required to retreat before being justified in using such force as is necessary for personal defense, or in using force which is likely to cause death or great bodily harm, if one reasonably believes such force is necessary to prevent death or great bodily injury to himself/herself or to prevent the commission of a forcible felony.

### **Reasonable Beliefs Explained**

For the Defendant's threat or use of force to be justified:

1. the Defendant must believe that his/her threat or use of force is necessary;
2. that belief must be reasonable, that is, a reasonable person would also believe that the threat or use of force is necessary; and
3. the Defendant's reasonable belief must be what prompts him/her to threaten or use force.

### **Justification; Threats, Menaces Causing Reasonable Beliefs of Danger**

It is not essential, to justify a homicide, that there should be an actual assault made upon the defendant.

Threats, accompanied by menaces, though the menaces do not amount to an actual assault, may, in some instances, be sufficient to arouse a reasonable belief that one's life is in imminent danger, or that one is in imminent danger of great bodily injury, or that a forcible felony is about to be committed upon one's person.

Provocation by threats or words alone will in no case justify the homicide or be sufficient to free the accused from the crime of murder when the killing is done solely in resentment of the provoking words.

Whether or not the killing, if there was a killing, was done under circumstances which would be justifiable or was done solely as a result of, and in resentment of, threats or provoking words alone is a matter for you, the jury, to determine.

If you believe that the defendant was justified under the instructions which the court has given you, then it would be your duty to acquit the defendant.

### **Excessive Force**

The use of excessive force or unlawful force, while acting in self-defense, is not justifiable, and the defendant's conduct in this case would not be justified if you find that the force used exceeded that which the defendant reasonably believed was necessary to defend against the victim's use of unlawful force, if any.

### **Venue**

The law provides that criminal actions shall be tried and indicted in the county in which the crime was committed.

Venue, that is, the crime was committed in Milton County, Georgia is a jurisdictional fact that must be proved by the State beyond a reasonable doubt as to each crime charged in the indictment just as any element of the offense(s). Venue must be proved by direct or circumstantial evidence, or both.

### **Verdict; Generally**

As to each count of the indictment, you should deliberate as follows. If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Milton County, Georgia, did on or about the date alleged commit the offense as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty."

If you do not believe that the defendant is guilty, or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

### **Court Has No Interest in Case**

By no ruling or comment that the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the guilt or innocence of the defendant.

### **Sympathy**

Your verdict should be a true verdict based upon your opinion of the evidence according to the laws given you in this charge. You are not to show favor or sympathy to one party or the other. It is your duty to consider the facts objectively without favor, affection, or sympathy to either party.

### **Sentencing; Responsibility for**

You are only concerned with the guilt or innocence of the defendant. You are not to concern yourselves with punishment.

### **Deliberations**

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if you are convinced that it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

**Unanimous Verdict**

Whatever your verdict is, it must be unanimous, that is, agreed to by all. The verdict must be in writing and signed by one of your members as foreperson, dated, and returned to be published in open court.

**Retire to Jury Room**

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence that has been admitted in the case.

Bailiff, please escort the jury to the jury room.