



B. ALISON SOSEBEE

District Attorney
Appalachian Judicial Circuit

Please Respond To:

Fannin

July 7, 2016

TO: Steve Reilly, Party Requesting Information Under the OPEN RECORDS ACT

FROM: B. Alison Sosebee, District Attorney, Appalachian Judicial Circuit

RE: Open Records Act request dated July 4, 2016
(A copy of your request is attached hereto.)

We have received your request pursuant to the Open Records Act, O.C.G.A. Section 50-18-70 et. seq, for access to and inspection of information in our office. The information requested being as follows:

- Copies of any and all emails, or other forms of electronic written communication, exchanged between Appalachian Judicial Circuit District Attorney B. Alison Sosebee and Appalachian Judicial Circuit District Chief Judge Hon. Brenda S. Weaver between March 16, 2016 and present containing the term "Thomason" or otherwise making reference to Mark Brannon Thomason.

The information you request is a part of an open or pending criminal investigation or criminal prosecution. Therefore, this information is exempt from disclosure under the Open Records Act and is not presently available for public inspection. See O.C.G.A. Section 50-18-72(a)(4).

Notwithstanding the foregoing, a Motion to Nolle Prosequi has been filed by the State in this pending case. Upon the Court granting the State's Motion this matter would no longer be a pending criminal prosecution and the foregoing exemption would not be applicable. A copy of said filed Motion is attached with this communication for your reference.

If you have any questions, please call my office at (706) 632-2496.

Sincerely,

B. Alison Sosebee

Pickens County Office
Pickens County Courthouse
50 North Main Street
Jasper, GA 30143
(706) 253-3511
(706) 253-6736 (fax)

Gilmer County Office
Gilmer County Courthouse
1 Broad Street • Suite 101
Ellijay, GA 30540
(706) 635-5381
(678) 454-3600
(706) 635-6303 (fax)

Fannin County Office
Fannin County Courthouse
400 West Main Street
Suite 200
Blue Ridge, GA 30513
(706) 632-2496
(706) 632-4416 (fax)

**Victim /Witness Assistance
Program, Director's Office**
Gilmer County Courthouse
1 Broad Street • Suite 101
Ellijay, GA 30540
Fannin Office
(706) 946-2496
Gilmer Office
(706) 635-5122
(fax) (706) 635-6303

IN THE SUPERIOR COURT OF PICKENS COUNTY

2016 JUL - 7 AM 8:58
FILED IN OFFICE
CLERK
MARK BRANNON THOMASON
RUSSELL STOOKEY
PICKENS COUNTY, GEORGIA

STATE OF GEORGIA

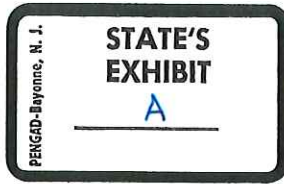
STATE OF GEORGIA)
) Indictment No. 2016SUCR274
 V.)
)
 MARK BRANNON THOMASON AND)
)
 RUSSELL STOOKEY)
 Defendants.)

MOTION TO NOLLE PROSEQUI

COMES NOW the State of Georgia and moves that a nolle prosequi be entered in the above captioned case as follows: The victim set forth in the Indictment has made a written request that this case be dismissed and a copy of said request is attached hereto as Exhibit A. Based upon the foregoing, the State has determined that in the interest of justice a nolle prosequi should be entered in this case.

This 7th day of July, 2016.

B. Alison Sosebee
District Attorney
Appalachian Judicial Circuit
Georgia Bar No: 667175



BRENDA S. WEAVER
CHIEF JUDGE

SUPERIOR COURTS
APPALACHIAN JUDICIAL CIRCUIT
POST OFFICE BOX 545
JASPER, GEORGIA 30143

(706) 253-8729
FAX (706) 253-8734



PICKENS
GILMER
AND FANNIN COUNTIES

Ms. B. Alison Sosebee
District Attorney
50 North Main Street
Suite 101
Jasper, Georgia 30143

July 6, 2016

Re: State of Georgia v. Mark Brannon Thomason and Russell Stookey, Pickens County Superior Court, Indictment Number 2016 SUCR274

Dear Ms. Sosebee,

As the named victim in the above-referenced Indictment, I would like to request that you consider dismissing the indictment against Mark Thomason and Russell Stookey, Pickens County Indictment Number 2016 SUCR 274.

You have many other cases with victims who have been harmed much more, and they need your full attention and time.

I have conferred about this matter with individuals for whom I have great respect and admiration. As to Count 3, they reminded me that as a public official, I must expect not only false reporting in newspaper articles and television (which I have always understood), but I should ignore even blatant false allegations made in written emails to county commissioners because to protect the integrity of our system of government, our citizens should never be discouraged in any way from reporting perceived wrongs committed by public-officials to other branches of government.

As a citizen and certainly as a Judge, I in no way want to diminish or infringe upon the First Amendment Rights we have under the Constitution of the United States or the Constitution of the State of Georgia. That certainly was never my intent in testifying as a witness before the grand jury in this matter.

As to Counts 1 and 2, the experts with whom I spoke certainly understood my grave concerns as to Thomason's, and particularly his attorney's, attempt to obtain office banking records without providing the required notice to me as a non-party in a separate civil case. Subsequently, Thomason posted a copy of the subpoena on the internet with the account number and routing number still visible. At the bank's recommendation, I have placed restrictions on the account until a new account is opened. Hopefully, this will eliminate any issues concerning the security of the account.

Ms. Alison Sosebee

July 6, 2016

Page 2 of 2

Re: State v. Thomason and Stookey

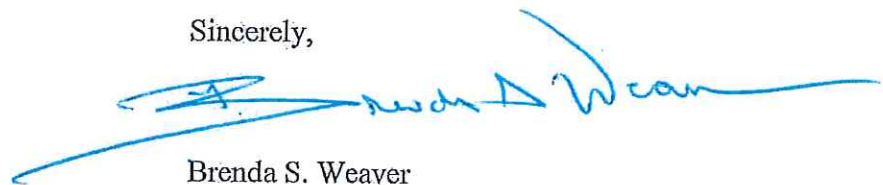
Based on the above analysis, I am requesting you to consider dismissing this Indictment at this time.

I appreciate your patience in answering my many questions during this process. In performing my due diligence as Chief Judge in investigating the allegations contained in the email from Thomason to Commissioner Jones, I am sure this caused much confusion as your staff was attempting to objectively investigate the case and interview some of the same witnesses I had already spoken to concerning the allegation that quarterly operating checks had been illegally cashed.

I am preparing a final report to present to the commissioners of each county in the Appalachian Judicial Circuit that summarizes the results of my interviews with the Financial Officer for each county, bank employees, a review of documentation from all relevant banks, and the banking records of each Superior Court Judge in the circuit. The records show that all quarterly office operating checks were properly deposited. The commissioners may also have questions concerning the investigation conducted by your office.

Although I have appeared many times before grand juries to discuss court programs and give updates on all of our accountability courts, I had never had the experience of appearing as a witness testifying before a grand jury. I have new respect for the anxiety individuals must feel in moving through the criminal justice system.

Sincerely,



Brenda S. Weaver
Chief Judge

IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)
)
 VS.)
)
 MARK BRANNON THOMASON AND)
 RUSSELL STOOKEY,)
 Defendants.)

CASE NUMBER: 2016SUCR274

CERTIFICATE OF SERVICE

This is to certify that I, on today's date, served the Defendants in the above-styled case with a copy of the foregoing MOTION TO NOLLE PROSEQUI by United States Mail with sufficient postage affixed thereto and properly addressed to:

Mark Brannon Thomason
2680 East First St.
Blue Ridge, GA 30513

Russell Stookey
P.O. Box 310
Hiawassee, GA 30546

This 7th day of July, 2016.

2016 JUL -7 AM 8:58
FILED IN OFFICE
GAIL BROWN, CLERK
PICKENS COUNTY, GA

Respectfully submitted,



B. Alison Sosebee
District Attorney
Appalachian Judicial Circuit
Georgia Bar No. 667175