

DA #: 15219

ACCUSATION

WITNESSES: See last page of Accusation.

CASE NO.  
DOCKET NO.

10-CR-450-X 2010 APR 20 AM 11:53

REGINA B. MCINTYRE, CLERK

SUPERIOR COURT  
BARROW COUNTY, GEORGIA  
FEBRUARY TERM, 2010

THE STATE OF GEORGIA

VS.

FERRIS BROXTON

- 1) BATTERY - FAMILY VIOLENCE (O.C.G.A. § 16-5-23.1)
- 2) SIMPLE BATTERY - FAMILY VIOLENCE (O.C.G.A. § 16-5-23)
- 3) DISORDERLY CONDUCT (O.C.G.A. § 16-11-39)
- 4) DISORDERLY CONDUCT (O.C.G.A. § 16-11-39)

J. BRADLEY SMITH  
DISTRICT ATTORNEY  
Filed in office Clerk Superior Court  
On 4-20-10

*Regina B. McIntyre*  
REGINA B. MCINTYRE  
CLERK SUPERIOR COURT  
*by: Lisa Bernier, Chief Dep. Clerk*

The defendant herein waives copy  
of accusation, list of witnesses,  
formal arraignment, and

The defendant herein waives copy  
of accusation, list of witnesses,  
formal arraignment, and

Pleads \_\_\_\_\_ On Date: \_\_\_\_\_

Pleads \_\_\_\_\_ On Date: \_\_\_\_\_

\_\_\_\_\_  
J. BRADLEY SMITH  
DISTRICT ATTORNEY

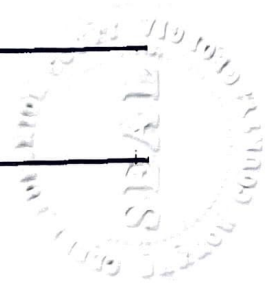
\_\_\_\_\_  
J. BRADLEY SMITH  
DISTRICT ATTORNEY

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT



IN SUPERIOR COURT  
BARROW COUNTY, GEORGIA

COUNT NO. 1

J. BRADLEY SMITH, District Attorney, in the name and behalf of the Citizens of Georgia, does hereby charge and accuse: FERRIS BROXTON with the offense of BATTERY - FAMILY VIOLENCE in that said accused, in the County aforesaid, on or about the 12<sup>th</sup> day of May, 2009, did intentionally cause visible bodily harm to Tabitha Broxton, a person living or formerly living in the same household as the accused, by grabbing her causing bruising, contrary to the laws of said State, the good order, peace and dignity thereof.

J. BRADLEY SMITH  
DISTRICT ATTORNEY

---

COUNT NO. 2

J. BRADLEY SMITH, District Attorney, in the name and behalf of the Citizens of Georgia, does hereby charge and accuse: FERRIS BROXTON with the offense of SIMPLE BATTERY - FAMILY VIOLENCE in that said accused, in the County aforesaid, on or about the 12<sup>th</sup> day of May, 2009, did intentionally make physical contact of an insulting or provoking nature with Tabitha Broxton, a person living or formerly in the same household as the accused, by pushing her, contrary to the laws of said State, the good order, peace and dignity thereof.

J. BRADLEY SMITH  
DISTRICT ATTORNEY

---

COUNT NO. 3

J. BRADLEY SMITH, District Attorney, in the name and behalf of the Citizens of Georgia, does hereby charge and accuse: FERRIS BROXTON with the offense of DISORDERLY CONDUCT in that said accused, in the County aforesaid, on or about the 12<sup>th</sup> day of May, 2009, did act in a violent or tumultuous manner toward Tabitha Broxton by aggressively yelling, whereby she was placed in reasonable fear of the safety of her life, limb, or health, contrary to the laws of said State, the good order, peace and dignity thereof.

J. BRADLEY SMITH  
DISTRICT ATTORNEY

---

COUNT NO. 4

J. BRADLEY SMITH, District Attorney, in the name and behalf of the Citizens of Georgia, does hereby charge and accuse: FERRIS BROXTON with the offense of DISORDERLY CONDUCT in that said accused, in the County aforesaid, on or about the 12<sup>th</sup> day of May, 2009, did act in a violent or tumultuous manner toward Tabitha Broxton during an argument, whereby a mirror and vanity, her property, were placed in danger of being damaged or destroyed, contrary to the laws of said State, the good order, peace and dignity thereof.

J. BRADLEY SMITH  
DISTRICT ATTORNEY



2011 OCT 14 PM 3:03

IN THE SUPERIOR COURT OF BARROW COUNTY

STATE OF GEORGIA

REGINA B. MCINTYRE, CLERK

STATE OF GEORGIA

§

v

§ CASE NO. 10-CR-450-X

FERRIS BROXTON

§

MOTION TO ENFORCE NOLLE PROS ANNOUNCEMENT

COMES NOW, the Defendant in the above-styled case, by and through counsel, and respectfully moves this Court to remove said case from the dead docket and enter an Order of Nolle Prosequi. In support of his Motion, Defendant shows the following:

1.

Defendant was arrested on or about May 12, 2009. An accusation was filed charging him with one count of battery and one count of simple battery, both under the Family Violence Act, and two counts of disorderly conduct. A copy of the accusation is attached as Exhibit "A".

2.

A demand for Speedy Trial was filed prior to the case being accused. Defendant represented himself for some period of time. Upon Defendant's application for appointment of counsel, the Public Defender's Office undertook representation of Defendant on June 21, 2011. See Exhibit "B".

3.

I hereby certify that the following is a true and correct copy as filed in the Office of Clerk of Superior Court of Barrow County Georgia.

This June 23 2015  
Becky H. Heston  
Deputy Clerk

Defendant was placed on several subsequent trial calendars. In the meantime, the District Attorney's Office recused all of the prosecuting attorneys in the Barrow County division of the Piedmont Circuit District Attorney's office. Sam Skelton from the Banks County office of the same circuit was assigned to handle the case by the District Attorney.

4.

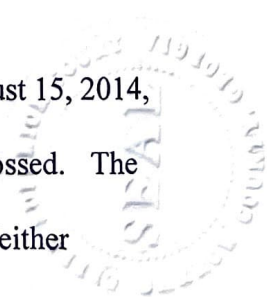
Defendant appeared ready to go to trial on May 12, 2014. At that time, Mr. Skelton was not present but Patricia Brooks, a member of the Barrow County division of the Piedmont Circuit DA's office, announced, *at the direction of Mr. Skelton*, that the case would be nolle prossed. Defendant, who is now residing in Florida, was informed by defense counsel that his case was being dismissed.

5.

Sometime during the week of September 29, 2014, Defendant contacted the Public Defender's Office and informed them that he had been calling the clerk's office periodically attempting to get a copy of his nolle pros Order, and had been told each time he called that it had not been filed yet. However, when he called that week, he was informed that the case had been dead-docketed and not nolle prossed as had been announced at Mr. Skelton's direction on May 12.

6.

Additionally, the Motion for Dead Docket was not made until August 15, 2014, some three months after the announcement that the case would be nolle prossed. The Order granting the Motion was signed the same day. *See Exhibit "C"*. Neither



Defendant nor his counsel was served with the Motion or the Order, in direct violation of OCGA §17-7-1.

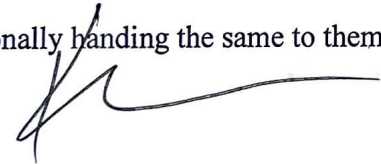
7.

Defendant wishes to have a final disposition of his case and had he been informed in May, or any time prior to the filing of the dead docket that said dead docket would be the disposition of the case, he would have objected to same and stood on his demand for a jury trial. He was entitled to rely on the announcement made at Mr. Skelton's behest on May 12, 2014.

WHEREFORE, for the foregoing reasons and in the interests of justice, Defendant prays that the Court enter an Order of Nolle Prosequi.

Respectfully submitted this 14<sup>th</sup> day of October, 2014.

Undersigned counsel hereby certifies that a true and accurate copy of the foregoing Motion and exhibits have been served upon opposing counsel and the trial court by personally handing the same to them or their duly authorized agents,

  
Katie Anderson  
Attorney for Mr. Broxton  
SBN 017566

652 Barrow Park Dr.  
Suite "C"  
Winder, GA 30680  
(770)307-3006

