

Appendix C
Sample Transcript

THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
)
 -VS-) CASE NO. 2011-CR-0359-5-RWS
)
 JOSE ANTONIO AYVAR-SOBERANIS,)
)
 DEFENDANT.)

TRANSCRIPT OF GUILTY PLEA PROCEEDINGS
BEFORE THE HONORABLE RICHARD W. STILL
SUPERIOR COURT JUDGE
WEDNESDAY, APRIL 20, 2011
8:30 A.M.

APPEARANCES:

ON BEHALF OF THE STATE:
MICHAEL V. HERSKOWITZ, ESQ.
ASSISTANT DISTRICT ATTORNEY
LOWNDES COURTHOUSE
123 ASHLEY STREET
VALDOSTA, GA

ON BEHALF OF DEFENDANT:
CRISPIN J. QUINTANILLA, ESQ.
ATTORNEY AT LAW
3001 DOWNTOWN DRIVE
VALDOSTA, GA

ALSO PRESENT:
DAVID HOOVER, COURT INTERPRETER
312 WEST STREET
VALDOSTA, GA

LISA SMITH, RMR, CRR
OFFICIAL COURT REPORTER
POST OFFICE BOX 2010
VALDOSTA, GEORGIA 3001

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(Guilty Plea)

THE COURTROOM DEPUTY CLERK: Court calls the case of State vs. Ayvar-Soberanis, case 2011-CR-0359-5-RWS.

THE COURT: All right. If counsel and defendant will approach the podium, Mr. Goss will administer the oath to the defendant

JOSE ANTONIO AYVAR-SOBERANIS, having been duly sworn, was examined and testified through the interpreter as follows:

MR. QUINTANILLA: Good afternoon.

THE COURT: Mr. Herskowitz, you may proceed.

MR. HERSKOWITZ: Thank you, Your Honor. Mr. Ayvar-Soberanis, I'm showing you a Guilty Plea and Plea Agreement in this case. Turning your attention to page 13, is that your signature on the right side of the page by the name Jose Antonio Ayvar-Soberanis?

THE DEFENDANT: Yes.

MR. HERSKOWITZ: Mr. Quintanilla, did you sign as his counsel?

MR. QUINTANILLA: I did.

Your Honor, for the record, Crispin Quintanilla. I am his counsel, Your Honor.

THE COURT: Thank you.

MR. HERSKOWITZ: On page 14, sir, is that your signature given over the name Jose Antonio Ayvar-Soberanis?

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)
)
vs.) CASE NO: 2015-CR-0001-Z
)
JOSEPH O. SMITH,)
)
DEFENDANT.) VOLUME 1 OF 6

JURY TRIAL
HEARD BEFORE THE HONORABLE GEORGE JEFFERSON
SUPERIOR COURT JUDGE
JANUARY 13, 14, 15, 16, 17; SENTENCING ON JANUARY 20, 2015
COMMENCING AT 8:30 A.M.

APPEARANCES:

JANE F. SMITH, ASSISTANT DISTRICT ATTORNEY
1000 WEST STREET, SUITE 200
ATLANTA, GEORGIA 30001

FOR THE STATE

JOSEPH F. DOE, ESQUIRE
JENNIFER SMITH, ESQUIRE
ATTORNEYS AT LAW
DOE & DOE, ATTORNEYS AT LAW
100 JONES STREET, ATLANTA, GEORGIA 30001

FOR THE DEFENDANT

BOB SMITH, RPR
COURT REPORTER, ATLANTA JUDICIAL CIRCUIT
100 HOLIDAY DRIVE
ATLANTA, GEORGIA 31000
(770) 000-0000

1 THE COURT: Good morning. And, Mr. Doe.

2 MR. DOE: My expert tells me that people might be more
3 willing to answer completely in writing more than open voice
4 in front of 40 or 50 other people. I've made copies in
5 advance in case you're willing to go along with it and it
6 asks about prior experiences with cases involving
7 molestation.

8 THE COURT: All right. Thank you for letting me know
9 that, and I'll let you know how we'll proceed.

10 (Whereupon, a recess was taken)

11 THE COURT: All right, Mr. Doe, I've looked at your
12 jury questionnaire.

13 Ms. Smith, do you have an objection to that? Don't
14 have an objection?

15 ASSISTANT D.A. DOE: Having just been handed that,
16 your Honor, I haven't had an opportunity to review all five
17 of the ques tions. It looked like these would be similar to
18 what the State would ask in general questioning, so I don't
19 have an objection to this as long as, of course, the State
20 is provided the answers as well as the defense.

21 (Pause in the proceedings)

22 THE COURT: And Kenny, how many jurors are in the jury
23 assembly room?

24 THE CLERK: We have some taken out already. You have
25 45 to come up here for you.

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Mr. HENRY JONES,
was called, and upon being first duly sworn,
was examined and testified as follows on

DIRECT EXAMINATION

BY ASSISTANT D.A. DOE:

Q. Now, I know you're sitting in the chair and you have a microphone in front of you. Can you talk in front of the microphone for everybody? And when you answer a question, if your answer is yes, if you'll say into the microphone "yes" or if it's no, if you'll say "no" because the guy sitting right here has to take everything down. So if you just nod he can't write that, okay?

Can you say it?

A. Yes.

Q. There you go, good job.

All right. Can you tell the jury your name?

A. Henry.

Q. What's your full name?

A. Henry Keith Jones.

Q. How old are you, Henry?

A. Seven.

Q. What school do you go to?

A. I don't know because I'm a new student.

Q. You just started at a new school?

1 (Charge of the Court)

2 THE COURT: And good afternoon, ladies and gentlemen
3 of the jury, we're now ready to move into the legal charge
4 phase of the case. During this phase of the case, the Court
5 will read to you the legal principles of law that you will
6 utilize during the deliberation process. As I've mentioned
7 and will again mention, it is your sole responsibility to
8 determine the facts of this case based upon the evidence
9 that you heard. You then apply the law that I provide to
10 you in these legal principles to the facts of the case as
11 you find the facts of the case to be, and that's the way
12 that you reach your unanimous verdict.

13 In order to do so and for perfection of the record
14 I'm required to read these to you, and I will start to read
15 these to you now.

16 You are considering the case of the State of
17 Georgia versus Joseph Smith as styled in Fulton County
18 Superior Court, Case Number 2015-CR-0001-Z. Mr. Smith in
19 this case has been charged with the offense of child
20 molestation. Mr. Smith is charged as follows: Joseph Smith
21 is charged with the offense of child molestation for that
22 the said accused in the County of Fulton and the State of
23 Georgia on or between August 12, 2014, and August 15, 2014,
24 the exact date being unknown to the State of Georgia, did
25 perform an immoral and indecent act in the presence of Henry

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JORGE EDUARDO ANNASKI

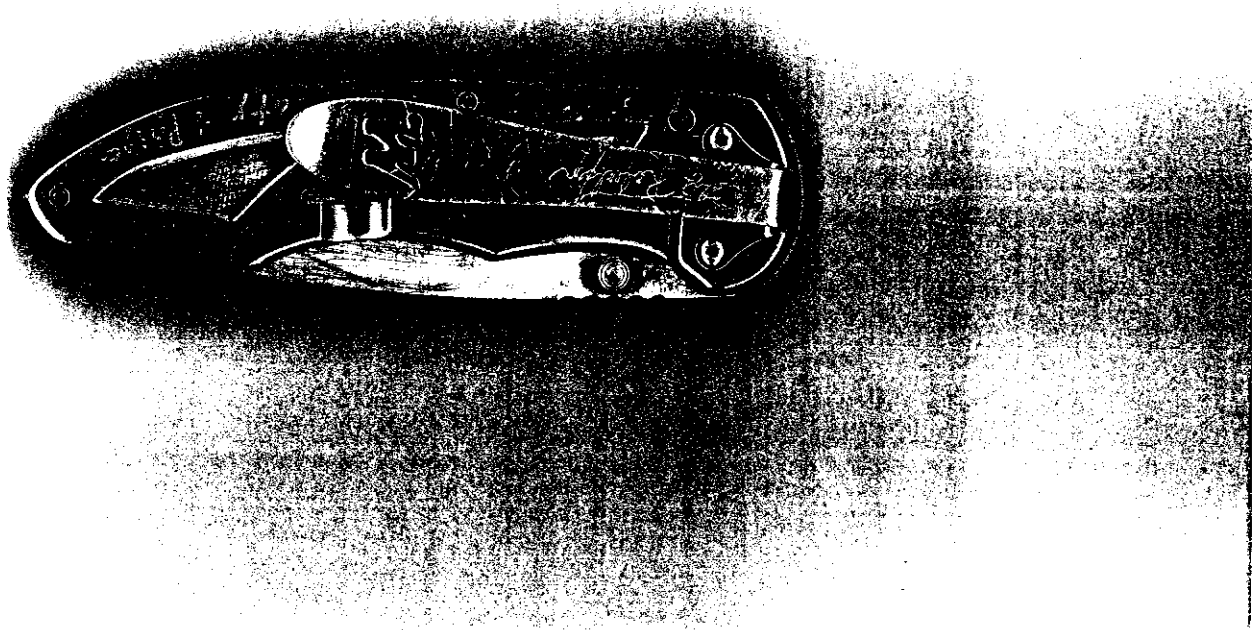
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FOR THE STATE

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1	PHOTOGRAPH OF KNIFE	865	888
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Georgia Bureau of Investigation
Division of Forensic Sciences

Hereby Declares That

is certified to conduct analyses of breath specimens for their alcohol content pursuant to all provisions of the Official Code of Georgia Annotated authorizing the Georgia Bureau of Investigation, Division of Forensic Sciences to approve methods and issue permits to perform judicial analyses. This certification is subject to the rules and regulations of the Georgia Bureau of Investigation. This authorization is applicable to analyses utilizing the Intoxilyzer Model 5000 only.

This permit number, 39361
is effective July 19, 2011.


Christopher S. Tilson, B.S.
Manager
Implied Consent Section

This permit expires July 18, 2015.

Agency # 4200