

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

STANLEY ANDREWS,

Defendant.

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Case No. SU-15-CR-3080
GEORGIA, MUSCOGEE COUNTY
SUPERIOR / STATE COURT
FILED IN OFFICE

JAN 22 2019
10:33A
DEPUTY CLERK

ORDER

The Defendant is being held in the Muscogee County jail on charges of Aggravated Sodomy, Obstruction of a Law Enforcement Officer, and Battery with Physical Harm. His current bonds total \$16,600.00. He has been unable to make bond and therefore sits in jail awaiting his fate. Those facts, standing alone, are not unusual. There are many more incarcerated individuals in this County and throughout the State who, like the Defendant, await the final disposition of their cases. But, there is more to the story that, at least to this judge, is problematic and cause for concern. What is disturbing and, to any objective observer, unacceptable is that the Defendant has been incarcerated for 1,377 days without indictment. For nearly four years, the Defendant has been confined by the State of Georgia with no formal criminal charge being asserted against him. According to information provided at a recent bond hearing, 11 months of that time was spent at West Central Georgia Regional Hospital in connection with a psychological evaluation. That leaves over 1,000 days of incarceration at our local jail—at local taxpayer expense—awaiting not just trial but a formal criminal charge being asserted. How this can happen is difficult, if not impossible, to comprehend, and it calls for action from this Court.

Like the Defendant, this Court is powerless to bring this case to trial without a formal charging instrument being filed by the State of Georgia. Like the Defendant, the Court cannot

present the case to the grand jury and cannot prepare and file the indictment. That is the State's responsibility, and until that has been done, the Court cannot schedule this case for trial. Thus, until the State indicts the Defendant or chooses not to indict him and dismisses this case, the rest of the participants in the process simply must wait. As long as this process moves forward in a reasonably expeditious manner, there is no undue harm to the accused, and the goal of efficient administration of justice can be achieved. However, when cases are not efficiently and timely pursued, innumerable problems ensue. Not just for individuals like the Defendant who must await their fate behind bars for prolonged and indefinite periods of time but also for many others involved in the case. Victims of crime must wait for interminably long periods of time for their day in court and the closure they desperately seek. The caseloads of the District Attorney and the Public Defender expand unnecessarily, and the Court's docket swells to the point of backlog. The failure to indict these cases presents a significant problem for the Sheriff and her staff as the jail population grows to levels that become increasingly difficult to manage and enormously expensive for our local taxpayers. Perhaps most fundamentally of all, this situation presents a problem for our society that prides itself on fair play and the worthy ideals of due process and justice for all. In short, these delays are good for no one and harmful to many.

When an individual is locked up by our government for years with no formal criminal charge being asserted, justice is compromised and public trust is eroded. This is not what our Constitution contemplates and not the way our system is supposed to work. The founders of our great nation had much loftier ideals and expectations for our government, and it is up to us—the beneficiaries of their wisdom and sacrifice—to put those ideals into action. Long term incarceration without a formal criminal charge and with no trial in sight simply cannot be tolerated in a free society.

The Muscogee County jail is not designed to be the first and last stop for individuals who are guilty of crimes. It is designed to be a temporary housing facility for those individuals who are awaiting their trial dates. If individuals accused of crimes are in fact guilty and deserve long term incarceration, they should be promptly indicted, tried, and sentenced to prison upon conviction. If they are not in fact guilty, they should be released and returned to society as free citizens. That is a fundamental tenet of our criminal justice system, and it is one that is greatly compromised when defendants charged with crimes are left to languish at the local jail—at local taxpayer expense—with no trial, no indictment, and very little ability to do anything about it. Any objective observer would view this situation as unacceptable, not just for the accused but for our society as a whole and for all who believe in our Constitution and the basic notions of fair play it embodies.

It is against this backdrop and with these thoughts in mind that the Court has been called upon to rule on Defendant's motion for a reduction of his bonds. When viewed in this light, the answer is apparent. Given the State's failure to indict the Defendant for nearly four years without any justifiable reason being given for the delay, justice and basic fairness require a reduction of the bonds in this case. While the Court is not persuaded that eliminating the bonds entirely is the answer (at least not yet), it is convinced that a significant reduction is in order. Accordingly, the bonds are reduced as follows:

Aggravated Sodomy: \$7,500

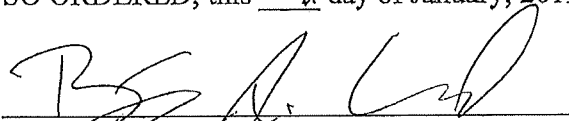
Obstruction of a Law Enforcement Officer: \$500

Battery with Physical Harm: \$300

TOTAL BOND: \$8,300

If this case remains unindicted for another 30 days, the Court will consider a further reduction of Defendant's bonds, including the possibility of releasing him on his own recognizance with any necessary conditions to protect the public and ensure his appearance at trial.

SO ORDERED, this 22nd day of January, 2019.

A handwritten signature in black ink, appearing to read "B. A. Land", written over a horizontal line.

Benjamin A. Land
Judge, Superior Court of Muscogee County

This is to certify that I have on this date served a copy of the above and foregoing Order upon the following persons by placing a copy of the same in the United States mail, in an envelope with adequate postage affixed, addressed to the following:

Veronica Hansis
100 10th Street, 3rd Floor-Tower
Columbus, Georgia 31901
hansis.veronica@columbusga.org

Julia Slater
100 10th Street, 3rd Floor-Tower
Columbus, Georgia 31901
jslater@columbusga.org

Nancy B. Miller
420 East 10th Street
Government Center Annex
Columbus, Georgia 31901
nmiller@columbusga.org

Moffett Flournoy
420 East 10th Street
Government Center Annex
Columbus, Georgia 31901
mflournoy@columbusga.org

This 22nd day January, 2019.

MARCIE ALAINA GAVENS

Marcie Gavens, Judicial Assistant to
Benjamin A. Land, Judge of the Superior
Court Chattahoochee Judicial circuit

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA


v.

JAVON MCCLENDON,

Defendant.

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Case No. S11-17-CR-3505
GEORGIA, MUSCOGEE COUNTY
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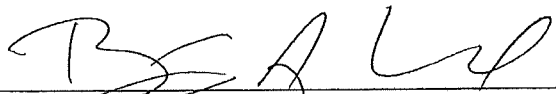
ORDER

The Defendant is being held in the Muscogee County jail on a Murder charge. His bond, originally set on May 22, 2018, is \$150,000.00. Defendant previously moved for a reduction of that bond which was denied based, in part, on the seriousness of the charge and the Court's understanding that this case would move forward in a reasonably expeditious manner. Due to the State's failure to indict the Defendant, the case has not moved forward in the manner the Court envisioned. To date, the Defendant remains unindicted, which means he has no formal criminal charge pending against him which the Court can set for trial. The Defendant has been incarcerated for more than 13 months, and upon inquiry at a recent bond hearing, the State was unable to provide the Court with any realistic assessment of when the case would be indicted, much less tried. As a result, not only must the Defendant wait for his day in court but so must everyone else—the victims of the alleged crime who long for justice and closure, the local taxpayers who must pay for the costs of the continued incarceration in our local jail, the Sheriff who must manage the growing jail population, the lawyers and their staffs, the Court, and the public that deserves justice to be done in each and every case.

With these thoughts in mind, the Court GRANTS the Defendant's Motion For Bond Reduction and sets the Defendant's bond at \$100,000.00. If this case remains unindicted for

another 60 days, the Court will consider a further reduction of the bond, with any conditions that are deemed necessary to protect the public and ensure Defendant's appearance at trial.

SO ORDERED, this 22nd day of January, 2019.

A handwritten signature in black ink, appearing to read "B. A. Land", written over a horizontal line.

Benjamin A. Land
Judge, Superior Court of Muscogee County

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nmiller@columbusga.org

Moffett Flournoy
420 East 10th Street
Government Center Annex
Columbus, Georgia 31901
mflournoy@columbusga.org

This 22nd day January, 2019.

MARCIE ALAINA GAVENS

Marcie Gavens, Judicial Assistant to
Benjamin A. Land, Judge of the Superior
Court Chattahoochee Judicial circuit