

IN THE SUPERIOR COURT OF COBB COUNTY, STATE OF GEORGIA

Rebecca Keaton
 Rebecca Keaton
 Clerk of Superior Court Cobb County

STATE OF GEORGIA versus

SPENCER WAYNE HERRON

Clerk to complete if Clerk of Superior Court Cobb County incomplete:

OTN(s): 88413273045
 DOB: 6/28/1969
 Ga. ID#: 4416174E

Final Disposition:
FELONY with PROBATION

CRIMINAL ACTION # : 18-9-03316

WARRANT # : 18W0005162

January **Term of** **2019**

First Offender/Conditional Discharge entered under:

PLEA:

VERDICT:

O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2
 Non-jury

Negotiated Non-negotiated Jury

probation cond. sex offender cond. gang cond.

The Court enters the following judgment:

| Count | Charge (as indicted or accused) | Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nolo Pros) | Sentence | Fine | Concurrent, Consecutive, Merged, Suspended |
|-------|------------------------------------|---|---|------|--|
| 1 | SEXUAL ASSAULT ON A STUDENT | Guilty | (20) Twenty Years with (5) Five Years to be served in Confinement | | |
| 2 | SEXUAL ASSAULT ON A STUDENT | Guilty | (20) Twenty Years with (5) Five Years to be served in Confinement | | |
| 3 | SEXUAL ASSAULT ON A STUDENT | Guilty | (20) Twenty Years with (5) Five Years to be served in Confinement | | |
| 4 | SEXUAL ASSAULT ON A STUDENT | Guilty | (20) Twenty Years with (5) Five Years to be served in Confinement | | |
| 5 | SEXUAL ASSAULT ON A STUDENT | Guilty | (20) Twenty Years with (5) Five Years to be served in Confinement | | |

The Defendant is adjudged guilty OR sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of **(20) Twenty Years.**

- The sentence may be served on probation provided the Defendant shall comply with the attached Conditions of Probation.
- Upon service of **(5) Five Years** in custody, the remainder of the sentence may be served on probation; provided the Defendant shall comply with the attached Conditions of Probation.

The Defendant is to receive credit for time served in custody as determined by the custodian (pursuant to a Jailer's Affidavit, and pursuant to O.C.G.A. §17-10-9 through §17-10-12, unless otherwise specified below).

- credit from **June 1, 2018.**
- Defendant shall be released on time served.

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 Community Supervision Officer as directed and permit the Community Supervision 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 Community Supervision 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.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

RESTITUTION and OTHER FEES:

1. The Defendant shall pay the community supervision fee as required by law; or the community supervision fee is waived.
2. If counsel was provided under the Georgia Indigent Defense Act: the Defendant shall pay the \$50 Public Defender Application Fee; or the Public Defender Application Fee is waived.
3. If counsel was provided at public expense: the Defendant shall pay attorney's fees not to exceed **\$1500.00** to Cobb County; or attorney's fees are waived.
4. Make restitution to the victim as ordered in the amount of \$_____.

Defendant is to pay all fines, surcharges and restitution as a special condition of probation at the rate of \$50.00 per month, beginning (60) Sixty Days from date of release.

FIRST OFFENDER
(If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred, and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of probation to be served in confinement. The Defendant shall comply with all Special Conditions of Probation.

Other special condition(s). The Defendant shall abide by the following additional special condition(s):

Sex Offender Conditions. The Defendant is to comply with all the Special Conditions of Probation for Sex Offender's as listed in the Sex Offender Special Conditions of Probation and hereby incorporated into the Defendant's sentence by reference.

Registration. The Defendant is required to register as an Sex Offender.

*Please Consider this Defendant for the DOC
Transition Center.*


REZ III

The Hon. **Brian Alan Hobbs**, Attorney at Law, represented the Defendant by:
 employment; or appointment

The Hon. **Meredith Florio**, Attorney at Law, represented the State of Georgia in this Proceeding

Alison Jordan, certified court reporter, transcribed these proceedings.

SO ORDERED this ^{18th}~~14~~ of January, 2019.


Robert E. Flournoy III
Superior Court Judge
Cobb Judicial Circuit

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

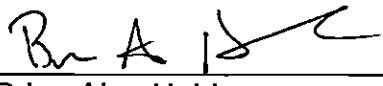
Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation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



Spencer Wayne Herron
Defendant



Meredith Florio 504088
Assistant District Attorney



Brian Alan Hobbs
Defendant's Attorney
Bar #: 358131

STATE OF GEORGIA
VS
SPENCER WAYNE HERRON

REBECCA KEATON
CLERK SUPERIOR COURT
COBB COUNTY, GEORGIA

CASE NO.18-9-3316-40

SEX OFFENDER SPECIAL CONDITIONS OF PROBATION

These conditions are hereby incorporated into the Defendant's sentence by reference.

1. AM **Contact with minors.** You shall have no contact, whether directly in person or indirectly through any means of communication, with any child under the age of eighteen (18), including your own children, nor with any person unable to give consent because of mental or emotional limitations. Neither shall you attempt contact with the aforementioned except under circumstances approved in advance and in writing by the Court. If you have incidental contact with children, you will be civil and courteous to the child and immediately remove yourself from the situation. You will discuss the contact at your next meeting with your Community Supervision Officer/Probation Officer (hereinafter CSO/PO).
2. AM **Residence with a minor.** You shall not reside with any child under the age of eighteen (18), including your own children, unless approved in advance and in writing by the Court.
3. AM **Residence change.** You shall not change your residence without receiving prior approval by your CSO/PO.
4. AM **Victim contact.** You shall have no contact with the victim(s), including correspondence, telephone contact, any form of electronic communication, or communication through a third party except under circumstances approved in advance and in writing by the Court. You shall not enter the premises, travel past, or loiter near where the victim resides.
5. AM **Employment.** Your employment must be approved by your CSO/PO.
6. AM **Images of minors.** Except as authorized by the Court or the CSO/PO, you shall not create, possess, access or control any type of photograph, video, rendering, or digital imagery of any minor.
7. AM **Relationships.** You shall not date or marry anyone who has a child or children under the age of eighteen (18), unless approved in advance and in writing by the

State of Georgia vs **Spencer Herron**

CSO/PO in consultation with the treatment provider or the sentencing Court. You are required to notify any such person of your criminal history.

8. AM **Sexually oriented material.** You shall not possess or subscribe to any sexually oriented or sexually stimulating material to include mail, computer, or television, nor patronize any place where such material or entertainment is available.
9. AM **900 numbers and post office boxes.** You shall not utilize "900" telephone numbers. You shall not rent a post office box or other lock box without permission in advance and in writing from your CSO/PO.
10. AM **Curfews.** You shall abide by any curfew imposed by the CSO/PO.
11. AM **Evaluation and treatment.** You shall attend and actively participate in sex offender evaluation and treatment at a program approved by the CSO/PO. You will abide by the rules of the treatment program and successfully complete the program to the satisfaction of the CSO/PO and the treatment provider. You will be financially responsible for all evaluations and treatment unless other arrangements have been made by your CSO/PO or treatment provider.
12. AM **Polygraph.** You shall submit, at your own expense, to any program of psychological or physiological assessment at the direction of the CSO/PO or treatment provider. This includes the polygraph to assist in treatment, planning, and case monitoring.
13. AM **Release of information.** You shall sign releases of information to allow the CSO/PO to communicate with other professionals involved in your treatment program and to allow all professionals involved to communicate with each other. This will include a release of information to the therapist of the victim.
14. AM **Fourth Amendment waiver.** The Defendant waives all fourth amendment rights and consents to a search of his/her person, papers, personal effects, residence, vehicle, and bodily substances. Defendant further consents that such a search may be conducted by a CSO/PO or by any law enforcement officer. Defendant agrees that such a search may be conducted without a warrant and without probable cause, articulable suspicion, or reasonable grounds. Defendant consents to the use of any evidence seized during such a search in any prosecution that may arise from said search.

State of Georgia v. Spencer Herron

15. All **Avoid alcohol, drug use.** The Defendant shall: not consume alcoholic beverages, and not use narcotics or dangerous drugs unless lawfully prescribed not associate with anyone who uses or possesses illegal drugs not occupy any residence or vehicle where alcohol or illegal drugs are present not go to establishments that serve alcohol. Defendant must submit to **random drug/alcohol screens** at their own expense. Defendant must provide _____ consecutive clean drug screens.

16. All **Driving log.** You shall keep a driving log and make it available to your supervising CSO/PO as requested.

17. All **Driving.** You shall never drive alone through parks, playgrounds, school grounds, or other areas where children are commonly known to be.

18. All **Hitchhiking.** You shall not hitchhike or pick up hitchhikers.

19. **Other special condition(s).** _____

SO ORDERED this 18th day of January, 2019.

Robert E. Flournoy, III
Judge Robert E. Flournoy, III

Cobb Judicial Circuit

[Signature]
Assistant District Attorney
Cobb Judicial Circuit

[Signature]
Defendant

[Signature]