

IN THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA]
]
 vs.] Case No. SU-19-CR-0823-R2
]
JOHN MATTHEW CLINK,]
]
 Defendant.]

**TRANSCRIPT OF PROCEEDINGS OF SCHEDULED
PROBATION REVOCATION HEARING**

The following proceedings were heard before
the Honorable H. PATRICK HAGGARD, Judge of
the Superior Courts of the Western Judicial Circuit,
on the 22nd day of March, 2023, in Athens, Georgia.

APPEARANCE OF COUNSEL:

For the State: ROBERT WILSON
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For the Defendant: KAITLYN BECK
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Reported by:
Ann E. Evans
Official Court Reporter
Western Judicial Circuit
Certificate No. B-958

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P R O C E E D I N G S

THE COURT: All right. It's just now 1 o'clock. Do you have anyone with you?

INTERN AT STATE'S TABLE: Yes. I just let him know you were here -- Robert Wilson.

THE COURT: Okay.

(Brief pause.)

THE COURT: Hello, Mr. Wilson.

MR. WILSON: Hello, sir.

THE COURT: Glad to have you.

MR. WILSON: Glad to be here, Your Honor. It was very short notice, though, I must say.

THE COURT: Well, I am so sorry.

MR. WILSON: It's not your -- I'm just here. I'm just trying to -- I'm just here, Your Honor.

THE COURT: Listen, I'm not -- Don't worry. I'm not going to --

MR. WILSON: It's okay.

THE COURT: It won't be too bad.

MR. WILSON: Well, we'll see.

THE COURT: Okay. You ready?

MR. WILSON: Yes, sir. Yes, sir. I'm ready for -- It's my understanding, Your Honor, that there are two probation revocations on the calendar for this afternoon.

THE COURT: Yes, sir.

1 MR. WILSON: And on -- I think -- I'm supposed to have
2 an officer here on Mr. Dye.

3 LYNN BRADBERRY: He's coming off the road.

4 MR. WILSON: He's being pulled off the road, so I
5 don't know if he's here yet, but that would be our evidence
6 on Mr. Dye.

7 On Mr. Clink, I do not have a -- I do not have a
8 witness available.

9 THE COURT: Okay.

10 Well, while we are waiting on the matter on Mr. Dye,
11 let's talk about Mr. Clink.

12 MR. WILSON: Yes, sir.

13 THE COURT: Come on up, Mr. Clink.

14 CORPORAL FOREHAND: Mr. Dye is not in jail.

15 THE COURT: Okay.

16 MR. WILSON: Yes.

17 THE COURT: Now, I heard your --

18 This is State versus John Clink, SU-19-CR-0823-R2. I
19 heard your statement, but now that I've called the case, is
20 the State ready?

21 MR. WILSON: Your Honor, the State would not be ready.
22 We do not have a witness to present to the Court.

23 THE COURT: Okay. And do you -- How do you want to
24 proceed?

25 MR. WILSON: Well, Your Honor, I'm going to go ahead

1 and -- I'm going to go ahead and ask for a reset. You
2 know, that's what I'm going to ask for.

3 THE COURT: I understand.

4 MR. WILSON: I'm here asking for a reset.

5 THE COURT: Okay. Ms. Beck.

6 MS. BECK: I strongly object to any rescheduling. Mr.
7 Clink has been in jail now for over nine months waiting for
8 this matter to be resolved, and the State has not put
9 forward any effort into prosecuting him whatsoever, not
10 only not having a witness here today but not responding to
11 my emails about this case, so I just don't think they
12 should be allowed another chance.

13 Yesterday Your Honor granted a dismissal petition
14 under similar circumstances. I would just ask Your Honor
15 to hold the State to their burden and dismiss the petition.

16 THE COURT: I am going to grant the Defense motion.

17 For purposes of the record I will note that the
18 probation warrant was filed on May the 16th of 2022, served
19 on the Defendant July 25th of 2022. We had a first status,
20 which is an opportunity to resolve the matter, on August
21 the 31st of 2022. We had a second status, which is another
22 opportunity to resolve the matter, on October the 14th,
23 2022. I don't have in front of me why, but sometimes we
24 have another second status which would have been at the
25 request of either the State or the Defense, not sure which,

1 but I'm sure the record -- other parts of the record would
2 show that -- on December the 14th of 2022. And at that
3 point it was determined that a hearing would be necessary.
4 So there was an order signed setting the hearing for today,
5 March the 22nd, 2023, three plus months ago, on December
6 the 14th of 2022. For that reason I am --

7 The Court is just now being informed -- Actually,
8 there was what I would call an improper email sent
9 informing me yesterday afternoon -- Did you get a copy of
10 that?

11 MS. BECK: Mr. Donnelly forwarded it to me but I was
12 not given any notice from the State.

13 THE COURT: Okay -- something about witnesses, which
14 was the -- My point is that was the first time we have
15 heard anything about witnesses failing to be subpoenaed.

16 I will tell you that I see a distinction between
17 failure to subpoena witnesses and the witness having a
18 valid reason for not appearing, as we have run into.
19 Family Medical Leave Act would be an example. That's not
20 what we have.

21 So for those reasons I am going to dismiss the
22 petition.

23 It is not lost on me that -- The District Attorney's
24 Office has gone to great pains to stress how important it
25 is for people to be brought into court and have their

1 matter heard at the earliest possible time and the impact
2 incarceration has. I find it more than interesting and
3 concerning that that is exactly the opposite of what I see
4 that we have here. So I'll dismiss it.

5 Has Mr. Clink been in jail all this time?

6 MS. BECK: Yes, Your Honor.

7 THE COURT: Okay. All right. That takes care of
8 Clink.

9
10 (Proceedings concluded.)
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G E O R G I A:

ATHENS-CLARKE COUNTY:

C E R T I F I C A T E

The foregoing proceedings were taken down by me as an Official Court Reporter for the Superior Courts of the Western Judicial Circuit, and the questions and answers, colloquy of counsel, and rulings by the Court were reduced to typewriting by me personally. I hereby certify that pages 2 - 6, inclusive, comprise a complete and correct transcript of said proceedings.

This the 22nd day of March, 2023.



Ann E. Evans
Official Court Reporter
Western Judicial Circuit
Certificate No. B-958

