

CRIME

Many angered by plea deal Athens DA's office negotiated with man accused of sex crimes

Hogan Pendergraph got a 'slap on the wrist' for secretly videoing women and posting their images to porn sites

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A recent plea deal negotiated by Athens prosecutors for a man investigators said collected child pornography, and victimized women by secretly videoing them and posting their images on pornographic sites, has created a furor among people directly involved in the case.

Avery Hogan Pendergraph pleaded guilty in August. Though initially charged with multiple sex crimes, through his attorney he negotiated a plea deal with the Western Circuit District Attorney's Office.

Victim terrified: Angry victims speak out about 'slap on the wrist' for man who secretly posted their images

Sex crimes: Athens man charged with possessing and distributing child pornography

More on sex crimes: Ex-Oconee County teacher sentenced to federal prison for possessing child pornography

In the agreement, Pendergraph, 34, of LaGrange pleaded guilty to three counts of invasion of privacy and received a sentence of 10 years in prison and five on probation. That sentence is to run concurrent with a 50-year sentence imposed earlier on Pendergraph in Troup County. That means Pendergraph need not serve any added prison time.

Pendergraph could possibly be eligible for parole in seven years, according to a response from the Georgia Pardons and Parole Board.

As a result of the plea, another indictment charging Pendergraph with rape and two counts of aggravated sodomy in Athens were dismissed.

“As part of the Troup plea deal, it was agreed that plea sentencing in Clarke County would run concurrently with the Troup County sentence,” Jenna Vaisvil, director of external affairs for the DA's office, noted in an e-mail to the Athens Banner-Herald as a response from District Attorney Deborah Gonzalez.

“Both Athens victims were consulted prior to our office’s acceptance of the plea deal,” she noted. “... Our office believes the outcome of this case serves to protect the safety of our community.

"... Rarely will there be an outcome that appeases all parties, so our office must prioritize individual and community safety as well as the interests of victims in all cases."

Not what prosecutors were expecting

But prosecutors in Troup County said the concurrent deal they anticipated relied on Athens obtaining a guilty plea to the rape and sodomy charges that would ensure a mandatory sentence of 25 years in prison without a possibility of parole.

Troup prosecutors said if Pendergraph would not plead to rape and aggravate sodomy then they were assured Athens would pursue convictions on the charges and seek a life sentence.

Coweta Judicial Circuit District Attorney Herb Cranford noted in an e-mail that “our goal in working together with the Athens DA’s Office to prosecute Pendergraph was to obtain as much prison time as possible without eligibility for parole because we believe the evidence shows Pendergraph is an irredeemable sexual predator of women and children.”

Prosecutors in Troup agreed to resolve their case with 50 years “in part because we knew the Athens office would be able to use our conviction in the prosecution of Pendergraph.”

Cranford said if his office had anticipated that Athens planned to resolve its case as it did, then his office would have introduced more charges against Pendergraph in an effort to obtain an 80-year prison sentence that it considered before it began coordinating with the Athens office.

Surprised and shocked

The sentence in Athens, according to documents obtained from Troup County through open records requests, show the plea agreement surprised and shocked Troup County Assistant

District Attorney David McLaughlin, who prosecuted the case, and Athens-Clarke police Sgt. Scott Prah, one of the primary investigators.

The investigation into Pendergraph's conduct stretched between LaGrange, the defendant's hometown, and Athens, where he graduated from the University of Georgia and continued to live afterward.

In Troup County, Pendergraph had pleaded guilty in March to an 18-count indictment that included two counts of the RICO Act (racketeering), five counts of sexual exploitation of children, nine counts of invasion of privacy, trespassing and possession of eavesdropping devices.

During that plea, six women testified as to the emotional impact Pendergraph's conduct had and continues to have on their lives.

"I've prosecuted rapists and child molesters my whole career and this is the most dangerous sexual predator I have ever encountered and they (Athens) gave him a slap on the wrist," McLaughlin said about the sentence in Athens.

E-mails between McLaughlin and Western Circuit Assistant District Attorney Gerald Henderson showed they were cooperating on the case in regards to the prosecution as McLaughlin felt the Athens case was key to keeping Pendergraph in prison for longer than he would with just the Troup conviction.

When the plea was finalized in Troup County, McLaughlin sent Henderson an e-mail reiterating an earlier offer to assist Henderson with the prosecution in Athens and how the Athens case could affect Pendergraph's future parole possibilities.

"I will be in touch down the road in regard to the parole package I have been referring to. And I will continue to support the efforts of the Athens DA in the prosecution of Pendergraph on the related charges," McLaughlin wrote to Henderson on March 10.

In an e-mail to Henderson just six days before the Troup plea, McLaughlin wrote, "I am 100 percent committed to working with that office in any fashion necessary to get those charges resolved there."

On an earlier Oct. 27, 2021, e-mail, Henderson sent a message to McLaughlin regarding possible sentencing by saying in part that, "We would agree to life sentences concurrent on the rape and aggravated sodomies."

But the records show Henderson never notified McLaughlin that he was having the rape and sodomy charges dismissed and that he was accepting a plea deal to give the defendant prison time that would run concurrent with the Troup case and not add any more time behind bars.

Three weeks after the sentence was imposed in Athens, McLaughlin sent an email to Prah and others explaining he had learned what happened in Athens through a telephone call from a reporter.

A history of disturbing behavior

Pendergraph's known history of secretly recording his victims then placing the images on various pornography sites dates back to 2012, according to police records. His first engagement with law enforcement occurred in 2015, when an investigation led to his indictment on 21 counts of felony invasion of privacy charges, according to court documents.

But those charges were dropped in 2016 by a previous district attorney. Instead, Pendergraph pleaded guilty to misdemeanor reckless conduct and was given a first-offender sentence and a year on probation.

But police and court documents would allege that even while on probation Pendergraph was continuing to record women in private moments and posting their images and actual names on porn sites.

Sting: Caught in sting, Winterville man gets 10-year prison sentence for child enticement

Mistrials: After 2 mistrials, Athens man acquitted in third trial of raping woman in 2018

Pendergraph successfully completed his probation from the 2016 case, according to his probation officer in Athens. As a result, the court discharged his criminal record.

In 2019, Pendergraph was arrested again in Athens on charges of secretly taking nude photos of his female roommate. Then the following year, he was arrested on child porn charges after the Georgia Bureau of Investigation became involved.

In 2021, more complaints were filed and police in Troup County indicted him for numerous crimes and child porn allegations. The next year he was indicted in Athens on the rape and sodomy charges.

The Athens Banner-Herald filed open records requests for the Troup County files and e-mails between the two prosecutor offices. The files also included Athens-Clarke police files.

The investigation

Athens-Clarke police detective Prah had compiled a voluminous file on Pendergraph as he worked alongside LaGrange police detective John Slonaker and GBI Agent Haylee Peacock.

Prah traced how images of victims had been posted on more than a dozen porn websites, including one in Russia. With the assistance of Homeland Security he was able to access and secure evidence from that site.

The detective gathered the evidence from several sources including Google, multiple cloud accounts, various websites and from devices seized from Pendergraph including cameras, cell phones, iPad, thumb drives, and SIM cards.

Prah's records show he discovered where Pendergraph's activities had delved heavily into child porn, including videos of an adult raping a child with text stating "I am 5." Prah reported finding an e-mail on how to keep a "little girl" for sex.

Prah was privy to McLaughlin's intentions to assist with the prosecution in Athens, but when he discovered that Pendergraph had entered a plea to lesser charges in Athens and received no more prison time, the detective became upset. He sent a scathing e-mail to Henderson and his supervisor, District Attorney Deborah Gonzalez.

'Disgraceful and abhorrent'

"I am writing this e-mail to express my absolute disgust with the handling of this case. There was no justice whatsoever for the victims in this case due to your lack of any effort," he wrote to the prosecutors. "The fact that you put forward no effort to try the case or even come to see any of the evidence is disgraceful and abhorrent."

Prah noted there were more than a dozen "verified" victims in the case. He berated prosecutors for not meeting with him to examine the evidence and consider the "depravity and breadth of these crimes."

"There are many sad things to come from this case, but one of the most disheartening is that your office did not even try," the veteran officer wrote.

In Troup County, McLaughlin expressed his feelings in an e-mail to those who investigated the case.

“To be candid with you, I did not expect the Athens case to resolve this way and I am very disappointed with it,” McLaughlin wrote.

The extended investigation into Pendergraph’s activities began in 2014 when he was 29 years old. Police charged him with invading the privacy of three women after he placed images of them on porn sites without their knowledge, according to court documents.

During the course of the investigation, documents show investigators found images secretly made at Creswell Hall on the UGA campus. In LaGrange he made secret videos at a church and in a restroom of a Starbucks where he recorded numerous images of boys, men and girls.

A disturbing progression

During Pendergraph’s sentencing in May, McLaughlin told the judge that the “evolution of the defendant’s conduct was moving towards a realm involving children” as the materials he downloaded were “the worse of the worst.”

The progression into child porn was “very dark and very horrifying,” McLaughlin said.

During his Troup County sentencing, Pendergraph stood alongside his 72-year-old father and said he was taking responsibility for the crimes. He also expressed that he was remorseful. He admitted to an addiction to drugs and pornography, but said during his 18 months in jail that reading the Bible has become a daily ritual.

Pendergraph’s father also noted how his son’s intelligence “exceeds imagination” and that he developed an affinity toward computers.

The court record shows that Pendergraph underwent a psychosexual evaluation that determined he had a voyeuristic disorder, an undetermined paraphilia disorder (covering a wide range of sexual behavior) and an antisocial personality disorder.

The document also asserted that Pendergraph “needs a sex offender program.”

One of the Troup County victims was in the courtroom when Pendergraph gave a statement taking responsibility for his conduct, but she told the Banner-Herald she was not moved by his words.

"I know it's his strategy of saying that 'I'm converted. I'm now a Christian.' That is a strategy to get points for good behavior to get more privileges," she said.

Pendergraph is currently serving his time at the Wilcox State Prison in Abbeville, Georgia.

