



Fwd: Luke Waldrop SU-23-CR-0477-S

5 messages

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From: **Deborah Gonzalez** <Deborah.Gonzalez@accgov.com>

Date: Tue, Sep 26, 2023 at 3:14 PM

Subject: Luke Waldrop SU-23-CR-0477-S

To: susan.wilson1998@gmail.com <susan.wilson1998@gmail.com>

Cc: Simona Arroyo <Simona.Arroyo@accgov.com>, Robert Wilson <Robert.Wilson@accgov.com>, Deborah Gonzalez <Deborah.Gonzalez@accgov.com>, Lynn Bradberry <Lynn.Bradberry@accgov.com>

Good afternoon Ms. Wilson:

My victim advocate gave me your name and contact information, as well as a list of questions you had regarding the resolution of the Luke Waldrop case.

First let me say how sorry we are for your loss. These tragedies are difficult on so many levels. Vehicular Homicide cases are always hard because the sentence never measures up to the loss of a life.

My team helped me to understand the case and the plea. Here are some answers. Let Simona know if you have any additional questions.

Question #1 – below is all the contact that has been made to you since the case came into the office. This case was arraigned in June 2022 but it was never placed on a trial calendar until this one.

Question #2 – Our system does not note who initiated the plea. Our judges do request that a plea offer is made in each case. We do have a note that our Victim Advocate attempted to notify you and the victim's sister the day of the plea based on notes that we received the night before.

Question #3 – Yes – our victim advocate personally gave the ADAs in the courtroom the information that the victims were not happy with the plea offer and that they wanted jail time. This was conveyed to the judge. The judge thought about it for a little bit before deciding to accept the plea.

Question #4 – The newspaper does not always print things correctly nor does the media have all the evidence and facts. There were mitigating facts that would make this a difficult case to prove beyond a reasonable doubt for VH in the first degree. For example, the hospital refused to comply with the search warrant to take the defendant's blood. This occurred late at night about 11:30 pm. There is no evidence that the defendant left his lane of travel. The defendant's performance on Field Sobriety Tests was poor according to the officers but there was no body cam without which we could not prove the felony. At the end we would have probably ended up with VH in second degree even after the trial.

Question #5 – Every crime has certain elements, each of which must be proven beyond a reasonable doubt. There was not enough admissible evidence to prove this as a felony.

Question #6 – The court was notified that the victims wanted jail time but chose to allow him to plead to straight probation.

Question #7 – these cases are always hard because they do involve a death; however, GA's law regarding VH in the 2nd Degree is a misdemeanor.

Question #8 – Prosecutor presented the court with a factual basis that included the circumstances surrounding how the incident occurred. The judge gave careful consideration to the factual basis and that the victims wanted jail time before ultimately allowing the defendant to plead guilty to the misdemeanor of Homicide by Vehicle in the Second Degree and Improper Passing.

Question #9- Victims have the right to be heard; which did happen because we informed the court on the record of the victim's wishes for jail time; however, the ultimate prosecutorial decision on what should happen with criminal cases is within the discretion of the District Attorney's Office, with the judge making the final decision whether to accept the plea or not.

Jame's sister, Melody, was notified as well, and although she was not in agreement with the plea, she understand the issues and the legal process.

Victim/Witness	Date	Service	Note	Staff
Susan Wilson	09/25/2023	4 services	Susan called in with more questions for the plea that was accepted on her case. Provided answers that I could. Advised that I would call back with other answers when I get them.	Simona Arroyo Show/Edit
Susan Wilson	09/21/2023	4 services	Called to give result of plea. Offered additional support if needed.	Simona Arroyo Show/Edit

Susan Wilson	09/21/2023	4 services	TTC partner to give details of plea offer and to notify of upcoming trial LVM	Simona Arroyo	Show/Edit
Susan Wilson	09/30/2022	Individual Support	TTC V as she requested - no answer, left vm & texted, per V request	Alice Hayes	Show/Edit
Susan Wilson	09/28/2022	2 services	Rec'd & responded to email from V - see notes	Alice Hayes	Show/Edit
Susan Wilson	08/30/2022	Individual Support	Called V to "check in" - no answer, left vm stating I was calling to check in & see how everything is going, & could V please return my call @ her convenience	Alice Hayes	Show/Edit
Susan Wilson	08/12/2022	2 services	Emailed V list of counseling resources - see notes	Alice Hayes	Show/Edit
Susan Wilson	08/10/2022	4 services	Meeting w/ V (1hr 10mins) to advise on VIS and restitution form; discuss needs/resources (see notes)	Alice Hayes	Show/Edit
Susan Wilson	08/04/2022	Individual Support	Called V to "check in" - see notes. Scheduled appointment w/ V for 8/10/22 @ 9:30	Alice Hayes	Show/Edit
Susan Wilson	07/15/2022	2 services	Rec'd 2 emails from V- see notes; did not respond to emails, called her instead. Sent separate email with possible resources; see notes.	Alice Hayes	Show/Edit
Susan Wilson	07/14/2022	5 services	Emailed copy of initial contact/intake paperwork, per V request	Alice Hayes	Show/Edit
Susan Wilson	07/14/2022	2 services	TC to V, discussed financial needs & possible resources - see notes. Emailed link/referral to Athens Land Trust Homebuyer Education Classes.	Alice Hayes	Show/Edit
Susan Wilson	07/14/2022	Individual Support	TC to V, discussed financial needs & possible resources - see notes. Emailed link/referral to Athens Land Trust Homebuyer Education Classes.	Alice Hayes	Show/Edit
Susan Wilson	07/06/2022	2 services	Emailed V list of financial assistance resources - see notes	Alice Hayes	Show/Edit

Susan Wilson	06/30/2022	Individual Support	Called to discuss V's financial needs - V asked if I could call her back Tuesday morning. Advised I will be in trial but Tuesday morning could work- depends on how long jury selection lasts. Will f/u with V.	Alice Hayes	Show/Edit
Susan Wilson	06/27/2022	2 services	Called V - she was teaching class & couldn't talk. Let her know I got her email & responded but we're having server issues; I will re-send ASAP.	Alice Hayes	Show/Edit
Susan Wilson	06/27/2022	5 services	Responded to email from V - email immediately bounced back, we are having internet issues today. Will re-send ASAP.	Alice Hayes	Show/Edit
Susan Wilson	06/22/2022	4 services	Notified of Arraignment outcome (in person- Ms. Wilson attended Arraignment)	Alice Hayes	Show/Edit
Susan Wilson	06/22/2022	CJS Victim Support & Advocacy	Attended court with Susan Wilson	Alice Hayes	Show/Edit
Susan Wilson	06/22/2022	CJS Victim Notification	ACC phones are down/cannot receive incoming calls - texted V so she'd have a way to contact me	Alice Hayes	Show/Edit
Susan Wilson	06/21/2022	4 services	Rec'd call from V - discussed what to expect tomorrow (Arraignment)	Alice Hayes	Show/Edit
Susan Wilson	06/17/2022	2 services	V called - wanted to know if she can have a friend accompany her to arraignment for support. Advised that should be fine	Alice Hayes	Show/Edit

Susan Wilson	06/14/2022	4 services	Notified of Arraignment via phone & email - see notes	Alice Hayes	Show/Edit
2 victims	05/17/2022	2 services	Attended court	Alice Hayes	Show/Edit
Susan Wilson	04/15/2022	2 services	Texted V to confirm email address & contact info for Melody Jones	Alice Hayes	Show/Edit
Susan Wilson	04/15/2022	2 services	Emailed V, per her request - it bounced back undeliverable. Will text instead.	Alice Hayes	Show/Edit
Susan Wilson	04/15/2022	4 services	Mailed initial contact packet	Alice Hayes	Show/Edit
Susan Wilson	04/15/2022	4 services	TC from V - see notes	Alice Hayes	Show/Edit
Susan Wilson	04/15/2022	CJS Victim Support & Advocacy	Received vm from V. Returned her call, no answer, left vm.	Alice Hayes	Show/Edit
Susan Wilson	04/12/2022	CJS Victim Notification	TC to V to introduce self - no answer, left vm asking Susan Wilson to return my call	Alice Hayes	Show/Edit

From: Simona Arroyo <Simona.Arroyo@accgov.com>

Date: Tuesday, September 26, 2023 at 10:12 AM

To: Deborah Gonzalez <Deborah.Gonzalez@accgov.com>, Robert Wilson <Robert.Wilson@accgov.com>

Cc: Simona Arroyo <Simona.Arroyo@accgov.com>

Subject: Luke Waldrop SU-23-CR-0477-S

Good morning,

The victim's partner of 37 years, Susan Wilson (706-461-6713) called in on Friday and on yesterday to discuss the outcome of the plea that Waldrop took. She was understandably upset and had several questions: A few that I had answers for and some I did not have answers for. She also made reference to a news article that was published about the case. I met with Robert and he thought it best to bring you in on this.

1. She wanted to know why she hadn't been contacted for the past year prior to my initial contact with her. In summary, I apologized and let her know that is not reflective of how we interact with victims in this office. **See all contact listed above**
2. Who put the plea on the table? Our office or the Defense Office?
3. Where her wishes taken into account at all at any point in time and was it told/given to the judge?
4. Why did the news article say that there wasn't enough evidence when the pictures and police report show and state plenty of evidence?
5. How was a felony death plead down to a misdemeanor?
6. Why wasn't time to serve given? Was it not an option?
7. How can a death be a misdemeanor?
8. What evidence was presented when it was obvious by the pictures and police report that Waldrop was DUI?
9. Is there anything that the victim survivors can do to reject or protest the judgement?

I did advise her that either myself, or someone from this office will return her call when we have answers for her questions and concerns.

Thank you,

Simona Arroyo

Victim Advocate

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