

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

STATE OF GEORGIA versus

VIRKERRIA LACOLE STEWARD

CRIMINAL ACTION #:
SU21CR0716-N

Clerk to complete if incomplete:
OTN(s): 88424528286
DOB: 12/26/1992
Ga. ID#: GA4299820A

open court
Filed in Clerk's Office
This 9 day of Sept, 20 22
Callie Bennett, Deputy Clerk
Athens-Clarke County Superior/State Court

JULY Term of 2022

Final Disposition:

MISDEMEANOR **FELONY**

First Offender/Conditional Discharge entered under:

- O.C.G.A. § 42-8-60
- O.C.G.A. § 16-13-2
- O.C.G.A. § 3-3-23.1
- Repeat Offender as Imposed below
- Repeat Offender waived

PLEA:

Negotiated Non-negotiated

VERDICT:

Jury Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Guilty-Alford, Guilty-Lesser Incl, Not Guilty, Nolo, Nol Pros, Dead Docket)	Sentence	High & Aggravated ?	Fine	Concurrent/ Consecutive, Merged, Suspended
1	HOMICIDE BY VEHILCE IN THE FIRST DEGREE	GUILTY	15 YEARS WITH THE FIRST 7 YEARS IN CONFINEMENT			
2	HIT AND RUN	GUILTY				MERGE WITH COUNT 1
3	DRIVING WHILE LICENSE SUSPENDED	GUILTY	12 MONTHS PROBATION			CONSECUTIVE TO COUNT 1
4	FALSE REPORT OF A CRIME	GUILTY	12 MONTHS PROBATION			CONSECUTIVE TO COUNT 3

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 17 YEARS, with the first 7 YEARS to be served in confinement (at the County Jail) and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from 3/31/21 TO 9/9/21; or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of 7 YEARS, (at the County Jail), the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

§ 17-10-7(a); § 17-10-7(c); § 16-7-1(b); § 16-8-14(b); or § _____.

4. The above sentence includes a behavioral incentive date of _____ in accordance with O.C.G.A. § 17-10-1.

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 Probation Officer as directed and permit the Probation 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 Probation 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. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

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.

- 1) The Court orders that: the Defendant shall pay the probation supervision fee as required by law; the probation 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 of \$_____ to Athens-Clarke County; or attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

OTHER CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all other Special Conditions of Probation: as designated on the attached Inventory of Special Conditions of Probation; or as follows: (*import conditions to be imposed from Inventory of Special Conditions of Probation*).

The Defendant shall report to the Probation Office

For Felony – DEPT OF COMMUNITY SUPERVISION PROBATION no later than 48 hours after release to 171 OLD EPPS BRIDGE RD, ATHENS, GA 30603 OR TO THE INTAKE OFFICE LOCATED AT THE ATHENS-CLARKE COUNTY COURTHOUSE 1ST FLOOR, phone 706-369-6000

The Defendant shall perform _____ hours of community service at the direction of the Probation Officer, to be completed within _____ days of this date, with transportation to be provided by the Defendant.

Evaluation and treatment. The Defendant shall provide verification of evaluation and/or treatment for: mental health substance abuse clinical evaluation anger management cognitive skills training educational training or _____ at a State- or Court-approved provider at his/her own expense, and shall cooperate and comply with all rules and regulations of the treatment or program, including any aftercare deemed necessary.

12-step meetings. The Defendant shall provide verification of attendance at _____ 12-step meetings or an equivalent per week for _____ consecutive week's month's years.

Surrender driver's license. The Defendant shall surrender any motor vehicle operator's license or permit to the Clerk pursuant to O.C.G.A. § 40-5-75.

Ignition interlock. The Defendant shall have installed and maintain an ignition interlock device for six months in each motor vehicle registered or used by the Defendant. This period will begin when the Defendant has shown to the Court or to Probation Office certification that the Defendant's risk reduction program has been completed and that the ignition interlock system(s) has been installed. This provision shall not allow a defendant to drive whose license is under suspension.

Bar order. The Defendant shall not enter the confines of: ATHENS-CLARKE County or the WESTERN Judicial Circuit during the period of probation for any reason whatsoever.

COMPLETE: _____

Limited or no contact. The Defendant shall: stay _____ yards away from have no violent contact with have no contact of any kind, in person, or by telephone, mail, or otherwise, with _____ or with his/her family members and the Defendant shall not enter the premises of _____.

Harassment, threats. The Defendant shall not harass, threaten, intimidate, physically or verbally abuse, or harm the following person(s): _____.

Stalking or aggravated stalking special conditions. The Defendant is subject to Special Conditions of Probation for violation of O.C.G.A. §§ 16-5-90 or 16-5-91. These conditions are described more fully on a separate page which is incorporated into this sentence by reference.

Specimen; admissibility. The Defendant shall produce from time to time upon oral or written request by a Probation Officer, a law enforcement officer, or official of a Georgia DHS-approved substance abuse or mental health provider personnel a breath, saliva, urine and/or blood specimen for analysis for the presence of drugs including alcohol. The Defendant shall waive evidentiary foundation for admissibility of the laboratory results.

Fourth Amendment waiver. As a condition to all counts, Defendant shall be subject to A Fourth Amendment waiver. The Defendant shall submit to a search of person, residence, papers, vehicle, cell phone, electronic devices, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or Parole Officer or other law enforcement officer. In short, Defendant agrees to a waiver of his/her Fourth Amendment rights under the Constitution of the United States and Paragraph XIII under the Constitution of the State of Georgia for the duration of the sentence. In addition, Defendant specifically consents to the use of anything seized as evidence pursuant to this provision in judicial or disciplinary proceedings and hereby waives objection thereto.

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 consume alcohol and operate a motor vehicle not go to establishments that serve alcohol.

The Court finds that the Defendant shall pay restitution in the amount of \$_____ through the Probation Office for the benefit of the victim(s) _____, at a rate to be approved by the Court or the Probation Officer.

Administrative or terminated probation. The Defendant's probation sentence shall: become administrative terminate upon full and timely payment of all sums due hereunder and compliance with all Conditions of Probation, including Special Conditions of Probation.

Accountability Court referral. The Defendant shall enter and complete the _____ Accountability Court and comply with all terms and conditions of that program.

Records release. The Defendant shall provide a release which allows the Probation Office to have access to all medical, clinical, treatment, attendance or work records, and for driving and criminal history.

Family Violence Intervention Program (FVIP). The Defendant has been convicted of a crime involving family violence and is required to participate in a Family Violence Intervention Program certified by the State.

Day Reporting Center. The Defendant shall be assigned to a Day Reporting Center and shall be subject to all the rules and regulations of the facility.

The Defendant is sentenced to _____ in confinement, with that time suspended upon acceptance into the facility.

Regional Substance Abuse Treatment (RSAT) Facility. The Defendant shall enter and complete a Regional Substance Abuse Treatment Program.

The Defendant is sentenced to _____ in confinement, with that time suspended upon acceptance into the facility.

Detention Center, Diversion Center or Boot Camp. The Defendant shall serve _____ days in a: Detention Center County Diversion Center Boot Camp or _____. The Defendant shall be subject to the rules and regulations of the facility.

The Defendant is sentenced to _____ in confinement, with that time suspended upon acceptance into the facility.

Time spent in confinement awaiting acceptance into the facility shall be credited toward the time to be served at the facility.

The Defendant may be at liberty until the date of acceptance into the facility.

Curfew. The Defendant shall abide by any curfew established by the Probation Officer.

Electronic monitoring device. The Defendant shall submit to: an alcohol monitoring device voice verification monitoring an electronic monitoring device a GPS monitoring device a SCRAM monitoring device for a period of: _____ weeks months years. The Defendant is required to have the device installed prior to release from custody.

Sex offender special conditions. The Defendant is subject to Special Conditions of Probation as a sex offender. These conditions are described more fully on separate pages which are incorporated into this sentence by reference.

Offense against a minor or dangerous sexual offense special conditions. The Defendant is subject to Special Conditions of Probation under O.C.G.A. §§ 42-8-35(b), as a person who has been convicted of a criminal offense against a minor or a dangerous sexual offense as defined in O.C.G.A. § 42-1-12. These conditions are described more fully on a separate page which is incorporated into this sentence by reference.

DNA sample. The Defendant has been convicted of a felony offense. In accordance with O.C.G.A. § 35-3-160, the Defendant shall provide a DNA sample.

Special probation for drug offense. The Defendant has been convicted of a drug offense in violation of O.C.G.A. § 16-13-30(b), § 16-13-30(d) or § 16-13-31 and is subject to a special term of probation of three years in addition to the term of imprisonment imposed by the Court. If this is a second violation, the special term of probation shall be six years in addition to the term of imprisonment.

Street gang activity. The Defendant has been convicted of a violation of the Georgia Street Gang Terrorism and Prevention Act and shall not knowingly have contact of any kind or character with any other member or associate of a criminal street gang, shall not participate in any criminal gang activity,

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and, if this case involved a victim, shall not knowingly have contact of any kind or character with any such victim or any member of any such victim's family or household.

Testify truthfully. The Defendant shall not refuse to testify, but shall testify fully and truthfully as to all circumstances of this case and any related matters.

Other special condition(s). The Defendant shall abide by the following additional special condition(s): DEFENDANT SHALL NOT OPERATE ANY VEHICLE ILLEGALLY OR WITHOUT A VALID DRIVER'S LICENSE.

FIRST OFFENDER OR CONDITIONAL DISCHARGE

(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.

Defendant's school enrollment: The Defendant: is 17 years of age or older, was convicted of the felony offense(s) of _____, and is or will be enrolled in _____ School or school system, O.C.G.A. § 15-6-36; or is 13-17 years of age, was convicted of the felony offense(s) of _____, and is or will be enrolled in _____ School or school system, O.C.G.A. § 15-11-560(g). The Clerk shall give notice as required by the statute.

For Court's Use: BEHAVIORAL INCENTIVE DATE:

The Hon. BENJAMIN PEARLMAN, Attorney at Law, represented the Defendant by: employment; or appointment.

SO ORDERED this 9 day of SEPTEMBER, 2022.



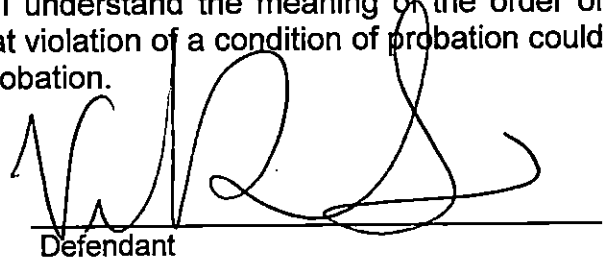
Judge of Superior Court
WESTERN Judicial Circuit

ERIC W. NORRIS
(print or stamp Judge's name)

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 condition of probation could result in revocation of all time remaining on the period of probation.



Defendant

**ADDENDUM TO SENTENCE SHEET REFLECTING SURCHARGES, ADD-ONS, AND FEES
REQUIRED BY LAW CALCULATED USING COURTRAX.ORG**

TOTAL FINE FROM ATTACHED COURTRAX CALCULATOR

IDAF AND CRIME LAB DUE WITHOUT FINE Not Waived \$100 IDAF CL

and a MISDEMEANOR PROBATION FEE of \$36.00 and \$9.00 G.C.V.E.F. per month.

and a FELONY PROBATION FEE of \$23.00 and \$9.00 G.C.V.E.F. per month.