



GEORGIA BUREAU OF INVESTIGATION

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March 12, 2009

CONFIDENTIAL

Vernon M. Keenan
Director

Judicial Qualifications Committee
8206 Hazelbrand Road
Suite C
Covington, GA 30014

Re: Complaint regarding Lookout Mountain Judicial Circuit Superior Court
Judge Kristina Cook Connelly

Dear Commission Members:

Please accept this document as a formal complaint regarding Judge Kristina Cook Connelly. She has impugned the integrity of a Georgia Bureau of Investigation (GBI) agent by questioning his veracity in open court and in her chambers, as well as by calling him into her chambers to demean him and subject him to profane language. She has also engaged in similar conduct towards other law enforcement officers in her Circuit. As the Director of the GBI, I am compelled to bring this matter to your attention.

Background

In 2005, the Georgia Bureau of Investigation, the Drug Enforcement Administration and the Lookout Mountain Drug Task Force began an investigation known as Hawk's Ridge.¹ The investigation focused on the marijuana distribution organization of Mike Smith of Chattooga County, Georgia. Chattooga County is one of the counties contained in the Lookout Mountain Judicial Circuit.

In May 2008, a confidential informant (CI) was interviewed as part of the Hawk's Ridge investigation regarding information provided by other defendants and witnesses regarding possible drug activities by an attorney, Albert Palmour, and his associates. Drug Enforcement Administration (DEA) Special Agent Frank Ledford, Lookout Mountain Drug Task Force Agents (Task Force Agents) Mike Howard and David Gilleland were present during the CI's interview. GBI Special Agent Del Thomasson was present at the beginning of the interview; however he left the interview prior to any questions regarding possible drug activities by Mr. Palmour, other Chattooga County attorneys, or judges.

On August 8, 2008, Mr. Palmour met with Task Force Agent Mike Howard.² Palmour told Agent Howard that Judge Connelly was upset with Agent Howard and others because of the

¹ See March 2, 2009 Memorandum from Special Agent In Charge J.R. Grant to GBI Director Vernon M. Keenan at 1 (copy attached hereto as Exhibit A).

² See February 19, 2009 Witness Statement of Task Force Agent Mike Howard at 1 (copy attached hereto as Exhibit B).

CI interview and the questions regarding possible drug activities by Chattooga County attorneys or judges. Agent Howard attempted to minimize these concerns without compromising the federal investigation. He explained to Mr. Palmour that if the interview took place, the agents were bound to follow any and all leads resulting from that interview.

It is important to understand that Judge Connelly is *not* the target of a DEA investigation. Judge Connelly has not been interviewed regarding potential drug activity nor is there any information as of the date of this letter that implicates her in any potential drug activity. It is apparent, however, that Judge Connelly does not believe this as evidenced by her actions.

February 19, 2009

On February 18 and 19, 2009, Task Force Agents Howard and Gilleland attended the trial of *State v. Billy Ray Watkins*, Docket No. 08-CR-17792. Judge Connelly presided over the two-day trial. Agent Gilleland was the agent who assisted the prosecutor and remained in the courtroom for the entire trial. After Agent Howard finished testifying, Judge Connelly told him he was not excused and he remained in the courtroom for the rest of the day until court was adjourned.

On February 19, 2009 after she charged the jury, Judge Connelly directed Agent Howard to approach the bench. In the courtroom, she berated Agent Howard for not arresting one of the witnesses in the trial, a tipster named [REDACTED]. According to Agent Howard, "Judge Connelly at one point stated in a loud and confrontational manner, why didn't you arrest [REDACTED], isn't it your job to arrest people who admit to smoking Meth?"⁴ She also accused him of having a relationship with [REDACTED] and asked if she was too pretty to arrest.

Once court was adjourned for the day, Judge Connelly ordered Agent Howard to meet her in chambers. She told him that she understood he had been involved in questioning the CI about her. Agent Howard explained that he had not conducted any interviews but simply transported the CI at the request of DEA Agent Ledford. He also told her that he and Agent Gilleland were asked to sit in during the CI interview because GBI Agent Thomasson had to leave. Judge Connelly became "visibly more upset" and told Agent Howard to get Agent Gilleland.⁵ Specifically, she ordered, "well go out there and get that sorry son of a bitch and bring him in here too."⁶

When Agent Gilleland arrived in Judge Connelly's chambers, he remained standing. Judge Connelly ordered, "sit your sorry ass down."⁷ She asked the agents about the CI interview and began using more "vulgar and profane language" and admonished them for participating in the interview. She said she was deeply disappointed that she could not trust the "local law

³ See Exhibit B at 2 (regarding details of *State v. Watkins* and [REDACTED] involvement in that case).

⁴ Exhibit B at 2-3; see Undated Memorandum of Task Force Agent Gilleland at 1 (stating same)(copy of Memorandum is attached hereto as Exhibit C).

⁵ Exhibit B at 3.

⁶ Exhibit B at 3.

⁷ Exhibit B at 3; see Exhibit C at 2 (stating Judge Connelly said to "sit his sorry ass down").

enforcement officers in her own county.”⁸ When Agent Gilleland tried to explain that they did not actively participate in the interview, she became “enraged” and called them “scum, son[s] of a bitch and lower than the scum that the agents brought before the court.”⁹ She also told them that she would never believe anything that they had to say. Finally she told them that she never wanted to see either of them again and yelled, “now get out!”¹⁰ The agents then left her chambers.

February 23, 2009

On Monday, February 23, 2009, Judge Connelly requested a meeting in her Chattooga County chambers with Lookout Mountain Drug Task Force Commander Larry Black and Walker County Sheriff Steve Wilson, who also serves as the Chairman of the Lookout Mountain Drug Task Force Control Board.¹¹ Chattooga County Sheriff John Everett was also present. Judge Connelly was “very irate and cursing continually during the entire conversation” using the words “fuck and God damn” because the agents had transported the CI to Catoosa County for the interview. Judge Connelly stated that the agents had brought up her name regarding drug use.¹² She advised the group that the agents should have notified Sheriff Wilson and Commander Black, who should have then notified her.

She said that Agents Howard and Gilliland were “liars and as sorry as the people they arrest.”¹³ Commander Black told her that the agents were honest, had taken an oath of office as police officers and took their oath very seriously. He further explained that both agents had a lot of respect for her.

Judge Connelly then began ranting about some lady on the internet (Teresa) that was telling lies about her. Judge Connelly then stated that a lot of people get killed and that she might start killing some herself.¹⁴ She said that people had been saying that she killed her “God Damn husband.”¹⁵

Sheriff Wilson asked her what she wanted done. Judge Connelly replied that the agents should be fired for not reporting the CI interview to their supervisors since her name was brought up in the interview.¹⁶ Judge Connelly abruptly ended the meeting and said she had to go pick up a car.

⁸ Exhibit B at 4.

⁹ Exhibit B at 4; see Exhibit C at 3 (Judge Connelly told agents that they were “scum, and Son Of Bitches, and lower than the scum that the agents brought before the court and that the Agents were to never be in the sight of the judge again.”).

¹⁰ Exhibit B at 4; see Exhibit C at 3 (Judge Connelly told agents that “the Judge was unable to believe anything that the Agents had to say.”).

¹¹ March 1, 2009 Statement of Commander Black at 1 (copy attached as Exhibit D).

¹² Exhibit D at 1.

¹³ Exhibit D at 1.

¹⁴ Exhibit D at 1.

¹⁵ Exhibit D at 1.

¹⁶ Exhibit D at 1.

Commander Black called DEA Agent Ben Scott and GBI Agent Thomasson and made them aware of Judge Connelly's bizarre behavior.¹⁷ He warned them about meeting in chambers with Judge Connelly.¹⁸

February 25, 2009

On February 25, 2009, GBI Agent Del Thomasson was present in Judge Connelly's courtroom to testify in a motion hearing in the case of *State v. William Milam*, Docket No. 08CR-17843.¹⁹ Agent Thomasson has worked as an agent for the GBI for over twenty-one years. He is an outstanding agent who has received the highest possible rating ("Exceeds Expectations") on his performance evaluations for the past five years. In my opinion, he is a superior, professional GBI agent in every aspect of his work.²⁰

When he was about to take the Oath prior to testifying, Judge Connelly asked him, "Do you know what it means to take the oath Agent Thomasson?" He responded in the affirmative. Judge Connelly then stated, "I'm relieved."²¹

When he finished his testimony and was stepping down from the witness stand, Judge Connelly blurted out in a loud angry voice, "Thomasson, in my office!" Agent Thomasson went to get his supervisor Assistant Special Agent in Charge (ASAC) Terry Pelfrey to go with him into her chambers. She then spoke louder and said, "Thomasson I said in my office." There were still several people in the courtroom.

Agent Thomasson activated an electronic audio recording device. The decision to utilize the recording device was made by his supervisors after learning of the previous encounters when law enforcement officers were ordered to Judge Connelly's chambers. Consequently, there is a recording of the meeting in Judge Connelly's chambers.²²

As evidenced by the recording and consistent with the other reports of conversations in her chambers, Judge Connelly used profanity. She impugned Agent Thomasson's integrity by calling him a liar. Specifically she said:

"I want you to know that I know what you have done, and I know what you are doing, and you are a fucking lying son of a bitch." . . .

¹⁷ Exhibit D at 2.

¹⁸ Exhibit D at 2.

¹⁹ March 2, 2009 Memorandum from GBI Agent Del Thomasson to Special Agent in Charge J.R. Grant (copy attached as Exhibit E).

²⁰ Agent Thomasson was the case agent in the cases known as Operation Meth Merchant. After the final defendant was sentenced, United States District Court Judge Harold Murphy, who presided over all of the judicial proceedings in Operation Meth Merchant, stated, "Prosecution of these cases has done more to eliminate a particular source than any other prosecution I have seen as a judicial officer or attorney." This is an example of Agent Thomasson's exemplary work.

²¹ Exhibit E at 1.

²² A copy of the audio recording is marked as GBI 257_001.WAV and attached hereto as Exhibit F.

"No I am telling him he's a liar and he's sorry."²³ . . .

Additionally, she accused him of leaking confidential information and abusing his badge. She said:

"He has leaked confidential information. He has abused his badge."

"He is no better than the crooks he deals with."

Judge Connelly also implicitly threatened Agent Thomasson, although denied this when questioned by ASAC Pelfrey.

Judge Connelly: he knows what he's done, he knows what he's doing, and he knows that he's playing a very dangerous game. A very dangerous game.

ASAC Pelfrey: Are you threatening this agent ma'am?

Judge Connelly: threatening him?

ASAC Pelfrey: Yes ma'am.

Judge Connelly: No, I'm telling him he's a liar and he's sorry.

ASAC Pelfrey: About what?

Judge Connelly: I didn't threaten. You can get out now. Get out of my office Get out of my office. Del, don't you ever speak to me again on the street. Don't you ever speak to me or any member of my family. Now get out of here! Get out of here!

The recording gives information about her tone of voice but it does not indicate her demeanor. According to Agent Thomasson, she was pointing her finger at his face when initially speaking to him before he excused himself out of the room. She also waved her hand and index finger towards the door when she told Agent Thomasson and ASAC Pelfrey to get out of her house.

Conclusion

Canon 3 of the Judicial Code of Conduct states that "Judges shall perform the duties of their office impartially and diligently." Just a brief review of the adjudicative responsibilities

²³ A transcript of the audio recording was prepared and it is attached as Exhibit G.

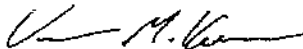
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underlying Canon 3 reveals that Judge Connelly's treatment of Agent Thomasson and the other law enforcement officers violates the Code of Conduct.

First and foremost, it is significant that every one of these actions occurred while she was acting in her official capacity. By virtue of her office, she orders law enforcement officers to her chambers to berate, belittle, and curse them. Using words like "scum" and telling professional law enforcement officers that they are no better than those they arrest is utterly demeaning and inappropriate. Not only has she behaved this way in her chambers, but she has impugned Agent Thomasson's integrity in open court by questioning whether he knew what the oath meant.

I have been in law enforcement for over 37 years. During that time, I have had numerous interactions with judges and I have the utmost respect for the important work that judges do. Never in my years of law enforcement have I felt the need to make a complaint to the Judicial Qualifications Commission. Judge Connelly's conduct, however, must be addressed. I respectfully request that Judicial Qualifications Commission open a formal investigation regarding Judge Kristina Cook Connelly.

Sincerely,



Vernon M. Keenan
Director

VMK:lrd