



RALPH VAN PELT, JR.  
JUDGE, SUPERIOR COURT  
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

OFFICE: 706-965-4047  
FAX: 706-965-6246

875 LAFAYETTE STREET  
RINGGOLD, GEORGIA 30736

October 2, 2016

Judge A. Kristina Cook Graham  
P.O. Box 179  
Summerville, Georgia 30747

Dear Judge Graham:

Enclosed is a copy of the memorandum I plan to present to you on Monday, October 3, 2016. By now, I imagine that former Chief Judge Jon B. Wood has shared with you the letter I wrote in response to his letter of September 27, 2016.

In case he has not done so, let me make you aware that I began reporting your activities to Richard Hyde, the then Investigator for the Judicial Qualifications Commission, some years ago.

In 2014, I participated in a meeting with Judge Ronnie Joe Lane, the then Director of the JQC. After that meeting, Judge Lane announced an intention to file formal charges against you. I have been told someone on the JQC stopped Judge Lane. Shortly after that, Judge Lane resigned when inside knowledge of the ongoing pay dispute involving Lane was provided to The Daily Report.

Obviously, now that you are aware of this and knowing you, it will be impossible for us to be in the same room. Similar train wrecks in other circuits have resulted in a requirement that some form of case assignment system be instituted. Based on a recent newspaper article, I expect the replacement for former Judge Wood to be okay with that.

Sincerely,

Ralph Van Pelt, Jr.  
Judge, Superior Court.

RVPjr/rvpjr

Enclosure

SUPERIOR COURT  
CATOOSA COUNTY, GA  
FILED IN OFFICE

10/3/2016  
  
CLERK/DEPUTY CLERK

## MEMORANDUM

TO: A. KRISTINA COOK GRAHAM

FROM: RALPH VAN PELT, JR.

RE: CHIEF JUDGE OF THE LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

I would like to outline a number of reasons why you should not be Chief Judge:

**1. Michael Leon Smith.**

2. You are, for all practical purposes, living in your townhouse in Chattanooga, Tennessee. See City of Chattanooga Tax Bill attached as Exhibit A. The Georgia Constitution in Article 6, Section 7, Paragraph 2(d) provides that, "All judges shall reside in the geographical area in which they are elected to serve." And yes, I recognize that this issue can get into the complicated questions of domicile and the judge's subjective intent.

However, O.C.G.A. Section 15-6-12(a) provides that "The jurisdiction of the judges of the superior courts is co-extensive with the limits of this state;..."

O.C.G.A. Section 15-6-16 provides in its entirety, "No judge of the superior courts shall have authority to perform any judicial act required of him by law when he is beyond the jurisdiction of this state."

These two provisions, taken together, create a big difference between a Fulton county judge with a weekend cabin in Union county, Georgia, and you with a home in Tennessee. Every time you return to that home, you lose all authority as a judge, and the tax payers are compensating you for time where, by operation of law, you are merely just another lawyer.

3. You do not keep regular office hours. Any employee of the Chattooga county courthouse can attest to how little time you spend in your office. Lawyers from Chattooga county no longer bother to call your office to see if you are in when needing an order signed. Rather they automatically start looking for another judge, which frequently forces them into unnecessary drives to Ringgold.


4. You take rulings and motions under advisement and do not rule on them for inordinate periods of time. The most egregious example I am aware of are post jury trial motions filed in Catoosa county civil action number 99-CV-1,434, filed on September 20, 2002 and not ruled on over fourteen (14) years later.

I would also bring to your attention the motion for new trial in State of Georgia vs. William Clayton Milam, Chattooga Superior Number 08CR-17,843, filed on February 27, 2009, and on which you have still not ruled. You may remember this case as the trial in which you verbally abused local law enforcement officers and GBI Special Agent Del Thomasson, drawing the JQC complaint that resulted in your public reprimand.

5. Your verbal abuse of Judge House, his assistant Michael Caldwell, court personnel, and attorneys resumed some years ago, despite the warning in your public reprimand that a repeat of your prior offense could draw more severe penalties. Richard Hyde has a number of recordings that I am sure he will be happy to let you hear.

6. There are other instances of actions you have taken that, in my opinion, violate the Georgia Code of Judicial Conduct. I have documented a number of those with Richard Hyde. I'm sure Mr. Hyde will be happy to review them with you if you would like to give him a call.

Submitted October 3, 2016.

  
\_\_\_\_\_  
RALPH VAN PELT, JR.  
JUDGE, SUPERIOR COURT