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October 7, 2016

VIA EMAIL (chall@lmjc.net) & MAIL

Ralph Van Pelt, Jr.
Catoosa County Courthouse
875 Lafayette Street
Ringgold, GA 30736

Dear Ralph,

As I promised in my letter to you of October 5, 2016, I am now replying to your letter of October 3, 2016, which even as of this date I have not received in the ordinary course of the mail. Probably this was an oversight on your part.

The first paragraph of your letter refers to the orders entered by you and Judge House where you have *sua sponte* (Latin) recused all members of my firm from personally appearing before each of you and in which you opine that, "Judge Goulart will be authorized to handle all matters except full blown hearings, until such time as the Governor replaces Judge Jon B. Wood." It is obvious to any attorney, and should be to you, that this order is void on its face as it states, "the appointment is made pursuant to O.C.G.A. § 19-1-9.1." There is no Code Section in existence in the Georgia Code such as the one you cite – another example of your incompetency.

The order in which you recuse my entire firm in appearing before you and Judge House is equally ridiculous and disingenuous because it contains no factual or legal predicate for such an order and more importantly cites the case of Evans vs. State at 217 Ga. App. 548 (1995) which has absolutely no legal or factual basis for supporting the order. As the opinion in the Appellate case notes, this is another case you screwed up and lost when you were District Attorney. Notwithstanding all of the above, knowing what I do now, you have done us a favor and I now express our gratitude.

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I will now address in detail the second paragraph of your letter where you state that I had sent you a third-party message. This, too, is a total and complete fabrication. First, it is not my nature to send messages by others. Anyone who knows me would be fully aware that if I have anything to say, I would personally say it 'face of face'!

As it relates to your allegation "that if I do not submit to your daughter's supposed authority there will be a 'blood bath.'" This, too, is also a total fabrication. Now, let me tell you exactly what did occur. After I learned that both you and House had discourteously refused on two separate occasions to attend a meeting scheduled by Chief Judge Jon Wood for the purpose of appointing a Chief Judge and appointing Juvenile Judges, I was completely startled by such erratic and inexplicable conduct. I could not understand how two sitting Judges could act in such an insulting manner to Judge Wood. It was only then that Sutton (my Grandson and Law Partner) decided to call X, in Ringgold and inquire if he knew anything about what was happening and why this had occurred. We had a fairly lengthy discussion, and I commented how this unfortunate conduct could lead to a grave division in our Circuit, one in which we have enjoyed decades of collegiality with Judges and Lawyers alike. At some point in our discussion, it became obvious to me that you and House had decided on your own program. We had a similar occurrence in our Circuit over 60 years ago, and I commented that this could result in a "blood bath" and destroy the relationships enjoyed by our Bench and Bar for over several decades, ultimately resulting in a vitriolic political mess. You know the identity of X, and I have evidence that I never requested X nor anyone else to convey any message to you. If in your present state of mind or dreams you really think that someone wants to physically harm you, take it from me – you are quite safe. Speaking only for myself, I want you to finish your two years remaining on your term and to qualify for re-election – if you have the stamina and resolve! There is nothing so interesting as a Northwest Georgia election where politics for generations has been a 'blood sport.' Lastly, if you believe that I threatened your safety, I invite you to ask your friend, X who will tell you exactly what I said, which is what I have stated in this letter.

Now I will address the remaining allegations where you allege that I had inflicted some un-described punishment upon you when you were helping the FBI investigate Ronnie Bowman. Frankly, I had completely forgotten about the Bowman incident as it was so long ago, and this is the first time that I have learned about the infliction of punishment. I do recall that from the very beginning you had no factual or legal basis for any prosecution of Ronnie, and that you were acting out of mere political vengeance. As you know, you were not even able to obtain an indictment. You flatter yourself to suggest that you were helping the FBI. Your activities concerning Ronnie amounted to a legal

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'train wreck' with a total waste of County funds. As usual, to put it clearly, you were quite inept. While I was preparing this written letter to you, I received a call from Ronnie's widow who had seen your reference to her husband. She was crying and very upset. Ronnie has been dead for several years and yes, he was my friend, as I often tried to be yours. You should be ashamed of yourself for causing Mrs. Bowman further agony.

Have you forgotten that I was the only one that personally asked my dear friend, Governor Zell Miller to appoint you as the Judge to replace Judge Joe Tucker? That was my mistake for which I will be eternally sorry. Your lasting legacy will be that you have attempted to destroy in this Circuit the goodwill and trust that lawyers and the public should enjoy and aspire to in the orderly administration of Justice.

Now I will briefly address some of your baseless and fatally flawed efforts addressed to Judge Graham as why, according to your memorandum, she should not be the Chief Judge, all as follows:

1. Your first, and the most important reason according to you is MICHAEL LEON SMITH. When this was brought to my attention, I knew absolutely nothing about Mr. Smith or his case; but, now I have reviewed the entire transcript on file and all orders entered thereon. The real and unconstructed facts are quite revealing. This was a drug-related case in the Chattooga Superior Court that was assigned to Judge Graham. Smith was represented by counsel who filed a Motion to Suppress the evidence upon the basis that the search and seizure was illegal and was conducted in violation of the 4th Amendment of the Constitution of the United States. You were the District Attorney. After a full evidentiary hearing before Judge Graham, she sustained the Motion to Suppress and ruled that the search and seizure violated the U.S. Constitution. You should remember that Judges "are bound by their oath to support the Constitution." C. J. Earl Warren in Trop vs. Duller, 356 US 86.

After Judge Graham's ruling in sustaining the Motion to Suppress, your office filed an appeal to the Georgia Court of Appeals. Again you made another fatal error, in what seemingly by then was your common practice. THE GEORGIA COURT OF APPEALS UPON ITS OWN MOTION DISMISSED YOUR APPEAL, AND YOU LOST ANOTHER CASE. A COPY OF THE APPELLATE COURT'S ORDER IS ATTACHED FOR YOUR REVIEW.

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In no way can you attribute your incompetence to Judge Graham. A prosecutor or any practicing lawyer who is unaware of the fact that an appeal must be instituted within 30 days of the verdict should not be practicing law. You owe Judge Graham an apology for such a dishonest statement.

2. You make the ridiculous statement that because Judge Graham and her husband, Dr. Graham, own a townhouse in Chattanooga that somehow this is a disqualification. Dr. Graham is a practicing cardiologist at Memorial Hospital, and sometimes he is on call during the night or on weekends. Their townhouse is utilized for that purpose and sometimes for their social pleasure. For her entire life, she has been residing at Cloudland, Georgia, where she owns her own house, pays taxes and votes. You personally know exactly where she lives. For all you know, I may own a townhouse in Paris, but that would not make me a Frenchman!

3. You later suggest that Judge Graham has subjected House to verbal abuse and that there is a recording of it. If there is you would have made it by infringing upon the personal privacy of a colleague – how demeaning! Making a surreptitious recording of a fellow Judge without his or her consent would be a crime under Georgia Law if it had been done in her office without her consent. Your conduct in making such a recording and turning it over to others would qualify you to be called an informant or a ‘snitch,’ rendering your very credibility to be questionable at best. But, more importantly, knowing what I now know about the two of you, it would have been deserved.

One of your problems is that you cannot countenance a strong woman, and I know that it has been your view from the outset that a woman should not be Chief Judge. I also know from personal knowledge that women who have and voice an opinion different than one maintained by you makes you nervous. My suggestion to you is to wake up and remember you are now living in this Century. There are other false assertions you make on this subject, but I will move on to a few other pertinent remarks.

YOUR MOST EGREGIOUS AND DISHONEST ACT

I read your release to the *Chattanooga Times-Free Press* to Tyler Jett on October 5, 2016, which contains the following:

“ONE MONTH LATER, A SERIES OF CRIMINAL CASES VAN PELT WAS PROSECUTING IN CHATTOOGA COUNTY WERE THROWN OUT OF COURT ON A TECHNICALITY. IN AUGUST 1994, A GRAND JURY MADE A SERIES OF INDICTMENTS. BUT AFTER THE HEARING, JUDGE JOSEPH LOGGINS LEARNED A MEMBER OF THE GRAND JURY WAS A CITY COUNCILMAN, WHICH IS ILLEGAL. A NEW GRAND JURY CONVENED LATER THAT MONTH AND MADE THE SAME INDICTMENT. THIS TIME, LOGGINS LEARNED THE FOREMAN HAD SERVED AS A DEMOCRATIC COMMITTEEMAN, WHICH IS ALSO ILLEGAL. A THIRD GRAND JURY CONVENED. IT MADE INDICTMENTS A THIRD TIME. LATER, ONE OF COOK’S CLIENTS WAS CONVICTED OF THEFT BY TAKING. COOK APPEALED, POINTING OUT A GEORGIA LAW THAT PROSECUTORS CAN’T INDICT DEFENDANTS THREE TIMES FOR THE SAME ACTION. THE CASE WAS THROWN OUT. SO WERE A SLEW OF OTHER CASES, VAN PELT SAID, INCLUDING ONE AGAINST AN ACCUSED CHILD MOLESTER. VAN PELT BELIEVED COOK HAD ORCHESTRATED THE SLIP-UP BEHIND THE SCENES, OUT OF REVENGE FOR THE INVESTIGATION AGAINST BOWMAN.

“THAT’S THE WAY I LOOK AT IT,” HE SAID TUESDAY.

For a sitting Judge to make such a false, demeaning and preposterous statement that he believes that I somehow was able to place and orchestrate two separate grand juries meeting at different times and considering various indictments “in a slew of cases” in which I had at that time not been employed to represent a single defendant is beyond the comprehension of any sane person.

No one other than the District Attorney has any control over the Grand Jury. You were the one that had the absolute control over the functioning of the Grand Jury. It was part of your duty to ascertain that no members were disqualified to serve. It is one thing to make one mistake, but you incompetently obtained a series of fatally flawed indictments on three separate occasions rendering them illegal under Georgia Law. It is well settled law in this State that when two illegal indictments are returned on the same defendant the State loses. I only represented one defendant in what you refer to as a “slew of other cases,” all of which were lost by your unbelievable negligence.

AND HE BELIEVES THAT “COOK HAD ORCHESTRATED THE SLIP-UP BEHIND THE SCENES, OUT OF REVENGE AGAINST BOWMAN.” THEN

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CLOSING WITH THE FLIPPANT REMARK "THAT'S THE WAY I LOOK AT IT."

Now Ralph, I will tell you how I look at it and what I believe. You have with considerable malice and with knowing dishonesty stated that you believe I committed a crime, and I definitely intend to see that you are punished for such a deliberate and egregious act. Your malicious statement cannot go unattended. It could result in a disbarment, and you can take it from me that I intend to employ separate counsel and proceed in a manner to get your attention. As a sitting Judge and a former District Attorney, you must be held accountable for your conduct.

For over six decades, I have daily practiced my profession with dignity and honesty, doing my best to honor my oath as an officer of the Court and to be a participant in what I still believe to be a noble profession. I have tried cases, criminal and civil, in 37 States, a general Court Martial in South Vietnam during the war, a General Court Martial in Germany and once I had the pleasure and honor of participating in a major case of considerable international importance in the Central Criminal Court in London. Having said this, my greatest pleasures have been in fairly and honorably representing all of my clients in such a manner so as to achieve what all of us aspire to in the quest for Justice.

For your information, in my extensive career I have never been sanctioned for an ethical violation by any of the hundreds of Judges before whom I have appeared. This is the first time in all of my entire legal career to have encountered someone so lacking in truth, moral decency and legal competence that would make such a charge.

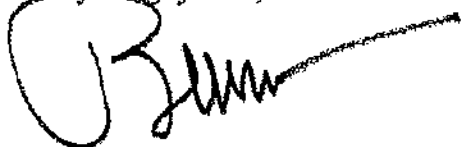
I was told a few days ago that you for some reason came to Summerville and visited in the Courthouse Annex. I am sorry that I missed the occasion, as I was told that you entered the Annex Courtroom with two armed guards that had travelled with you. Having lived in Chattooga County most all of your life, you know how dangerous it is here! I was further advised that people were laughing at you as you departed.

I would be remiss if I failed to comment on your callous, rude and unconscionable treatment of former Chief Judge Jon B. Wood, as contained in your letter to him of October 4. Your letter in all of its contents, being with the addressee only listed as Jon B. Wood, repeatedly reminding him that he had acted with falsity and deviousness and that your knowledge of the law was far superior to his is laughable at best. Without any doubt, every lawyer who has ever practiced before Judge Wood recognizes him to be a fair and intellectually sound Jurist who has given the better part of his distinguished

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career to serving the people of this Circuit. This single incident speaks louder than anything else as to your total lack of character. In concluding, I can give you some sound advice – get you a good lawyer! Have a nice weekend.

Very truly yours,



Bobby Lee Cook

BLC/lc

cc: Mr. Tyler Jett, *Chattanooga Times-Free Press* (via email: tjett@timesfreepress.com)
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*1

¹ “WEAK JUDGES OUGHT NOT BE JUDGES,” See Pennecamp vs. Florida, 528 US 331.
An opinion of Justice Felix Frankfurter.