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October 20, 2011

Via U.S. Mail and Facsimile

Faxed to: (706) 342-3730

The Honorable William A. Prior, Jr.
Chief Judge, Ocmulgee Judicial Circuit
Post Office Box 728
Madison, Georgia 30650**Re: Request for GBI Investigation**

Your Honor:

This firm represents the Warren County School District ("District"), and this letter is sent at the request of Warren County Board Chair Gwendolyn Tucker, the members of the Warren County Board of Education, and Superintendent of Schools Carole Jean Carey ("Carey"). I have been informed that this request is also supported by Warrenton Mayor Tony Mimbs, and Senator Bill Jackson of Georgia's Twenty-Fourth District.

The purpose of this letter is to request your authorizing the Georgia Bureau of Investigation to conduct an investigation of the incidents leading to, during and following the fight occurring after the October 14, 2011, football game between Warren County High School and Hancock County High School. This incident included a Hancock County football player intentionally striking the Warren County head coach in the face with his football helmet with sufficient force to result in three days of hospitalization and multiple reconstructive surgeries. It also included Hancock County Sheriff's Department deputies and City of Sparta Police Department officers intentionally and selectively pepper spraying Warren County students, including cheerleaders, selectively threatening to arrest Warren County students, and threatening the Warren County principal with physical violence.

The District is concerned that it is unlikely that the Hancock County Sheriff's Department is capable of conducting an objective investigation of this matter as (1) such an investigation would involve investigating the conduct of its own officers; (2) it appears that at least one Warren County parent has already indicated to the school principal that he or she is considering filing suit against the Hancock County law enforcement officials involved; (3) statements by Sheriff Primus suggest that he has already drawn conclusions about the matter prior to conducting an investigation; and (4) the nature of the assault is sufficient to result in intense statewide and national media attention, making the matter

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highly politically charged. This is a matter of some urgency in light of the time that is passing between the incident and the investigation, and Warren County School District officials are concerned that critical DNA and other evidence is either degrading or being destroyed.

Much of the District's concern stems from a Monday, October 17, 2011, conversation between the Warren County Superintendent and the Hancock County Sheriff. On that day, Warren County Superintendent Carole Jean Carey spoke with Hancock County Sheriff Tomlyn Primus, offering to supply Sheriff Primus with numerous witness statements taken on October 14, 2011, from Warren students, parents and community members who observed the events. As will be detailed further, Sheriff Primus was disinterested. Sheriff Primus refused, stating several times that he will investigate the incident, "from our point of view" and "the Hancock perspective." As will be noted further below, while Sheriff Primus informed multiple state and national media outlets on Monday afternoon that he had not yet had an opportunity to begin his investigation, he already concluded that: "not all of what they [Warren County] say happened is true."¹ Superintendent Carey contemporaneously requested the intervention of the Georgia Bureau of Investigation - a request Sheriff Primus denied.

The circumstances of the incident are described below. On the evening of October 14, 2011, Warren County High School and Hancock County High School were scheduled to play a football game in Hancock County. The two teams apparently have a historic rivalry, and one anticipated to be exacerbated by the fact that it was Hancock's "homecoming," and Hancock's recent hiring of a football coach who resigned from Warren. Prior to the game occurring, Warren County officials inquired as to whether there would be an appropriate number of law enforcement officers at the game, and a Warren County law enforcement officer was told that approximately twelve (12) officers from the Hancock County Sheriff's Department and City of Sparta Police Department would be present. Also prior to the game occurring, Warren County officials made plans to have their players escorted immediately off the field after the game, into their locker room, and directly onto their buses back to Warren County. These arrangements were shared with Hancock County officials. Warren County players were instructed by their coaches that, at the game's conclusion, players were to say nothing to the Hancock players or fans, ignore provocation, shake hands with the Hancock County players, and go to their locker room. These plans were shared with Hancock County coaches.

During the week prior to the game, a number of Warren County football players received vulgar and inappropriate text messages from Marleau Blount, a former Warren County teacher and football coach now employed by Hancock County. Earlier in the current school year, Blount was removed from his head coaching responsibilities in Warren

¹"High School Coach Badly Beaten by Opposing Players." Downloaded on October 19, 2011, from <http://www.ajc.com/news/high-school-coach-badly-1203243.html>.

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County as the result of allowing players to practice without having medical examinations in violation of Georgia High School Association rules. Blount was immediately offered a teaching and coaching position in Hancock County, and was released from his teaching position in Warren County. The text messages he was sending to his former players were both provocative and profane, and primarily related to the upcoming game between the two schools. On October 14, 2011, the day of the game, Mr. Blount's messages included express threats, such as: "Rite [sic] keep yo [sic] ass in wc [Warren County] this weekend[.]" and, "Better stay yo [sic] stupid ass in wc [Warren County], B4 [sic] som1 [sic] get really hurt."

Upon arriving at the field, Warren County officials were directed by Hancock County law enforcement to park their team's buses outside the gated stadium area and in the general parking lot. When Warren County High School's principal, Dr. Kaveous Preston ("Preston"), objected, requesting that the buses be allowed to park closer to the visitors' locker room for student safety, the Hancock County law enforcement officer refused, informing Dr. Preston that: "We will keep things under control."

Prior to the game beginning, several of the Hancock football players were telling Warren County players that: "[W]e [Warren] should call the ambulance [because] if they [Hancock] lost, we would need them [paramedics]." Other statements were made to the effect that if Warren County won, the Hancock players would fight them: "[T]hey [Hancock] said they [would] fight us . . . if we won."

Warren County won the game 21 - 2. A few minutes prior to the game's conclusion, an announcement was read over the Hancock public address system that all Hancock Central High School alumni were to go to the middle of the field as soon as the game ended. Propelled by this announcement, the Warren County coaches reminded their players of their pre-game instructions - shake hands, say nothing, and go to the locker room. At the game's conclusion, Warren County officials put their plan in action to remove their players from the field. The players shook hands with the Hancock County players, and moved immediately toward the visitors' locker room, which, at this point, was supposed to be unlocked and opened. Contemporaneously, several members of the Hancock County High School band left the stands and rushed toward the Warren County band, taunting and provoking them. When the Warren band did not respond, the Hancock band kept advancing on the Warren band until the Hancock's band director ran onto the field to restrain them. Warren's band directors similarly placed themselves between the two groups of students.

At that point, despite the Hancock County locker room being on the other side of a divided field house, approximately thirty (30) Hancock players and other individuals were gathered near the visitors' locker room. None of the Hancock coaches appeared to be present with their team. Coach Blount, the former Warren coach who sent the threatening text messages prior to the game, remained on the field, pulling several Warren players

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aside and telling them that he "pick[ed] us to play in the all star game . . . coming up this [C]hristmas break." He also initiated conversations with his brother, a Warren County coach, and other coach, separating them from the Warren team.

As the Warren County players made their way to the visitors' locker room, Hancock County players began to taunt them, making statements such as: "Where y'all pretty ass niggas at[.]" "Y'all bitches know not to say [nothing]," and, "I bet y'all niggas don't [want to] do shit." The door to the visitors' locker room was locked, and Warren students could not enter. The Warren County equipment manager - a female student - moved to unlock the door when she was caught in a group of Hancock students rushing several Warren County players. She was eventually slapped by one of the Hancock County players, who said, "I fight bitches, too!" The Warren players defended themselves. The two groups of students temporarily separated and Hancock County law enforcement officials moved between the groups. At that point, according to more than two dozen witness statements, the Hancock County law enforcement officials began to deploy pepper spray into the faces of the Warren County students. As the students succumbed to the pepper spray, the Hancock County players began to throw helmets at the Warren County students and the melee resumed.

As the melee continued, Hancock County Sheriff's deputies and City of Sparta police officers allegedly continued to deploy pepper spray on more than fifteen (15) of the Warren County students, female equipment managers and at least one female parent. Eyewitnesses consistently contend that Hancock County Sheriff's Department deputies and City of Sparta Police Department officers selectively targeted Warren County players, cheerleaders, parents, and supporters. As one Warren County player observed it: "The police did not target [H]ancock[.] [T]hey helped [H]ancock by keeping us off guard [and] from defending ourselves." Throughout the pepper spraying, the Hancock players allegedly continued their assault on the Warren players; however, "They didn't even spray [Hancock] and they were still fighting." Warren County students reported being restrained by police and subsequently pepper sprayed. It also appears that Warren players and supporters were threatened with arrest and several may have been handcuffed. Significantly, enough pepper spray was deployed that it was permeating the clothes of the Warren County students, was visibly wet on their skin underneath after their clothes were removed, and team's uniforms had to be transported back to Warrenton in the back of an open truck. One Warren student summarized it bluntly: "This was police brutality."

The students were not alone in noting the Hancock County law enforcement's selective application of pepper spray. As Dr. Preston, the Warren County High School principal, was attempting to remediate the students affected by the pepper spray in the locker room afterward, he asked a Hancock County assistant principal if they [Hancock] had any sort of solvent to remove the pepper spray or treat the affected students. The Hancock assistant principal replied: "None of our kids got sprayed." Other eyewitnesses assert that some of the Hancock County law enforcement officials were laughing

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afterwards. At least one Warren County parent has already indicated that he or she is considering legal action against the law enforcement officials involved.

During the fracas, a Hancock County law enforcement official sprayed a Warren County player in the face with pepper spray. As the student fell to his knees, a Hancock County player contemporaneously used his football helmet to strike the Warren player on the back of his unprotected head. The blow was sufficiently severe to result in a medically documented concussion. As the Warren student attempted to rise, the Hancock player allegedly pulled his helmet back to strike again. Warren County head coach and teacher, David Daniels, stepped forward and yelled at the Hancock player, "What are you doing?" At that point, the Hancock player swung the helmet and struck Mr. Daniels in the face. According to eyewitnesses, the force of the blow "crushed" Mr. Daniels' face - "like cornflakes" - necessitating immediate hospitalization. Through Sunday, Daniels was in reconstructive surgery. According to Superintendent Carey, Daniels experienced severe fractures of his nose, cheek and permanent damage to one of his eyes. The assault was significant enough to require the insertion of metal plates into Daniels' face and over one hundred (100) stitches. A number of Warren County players observed the assault on Coach Daniels and moved to help him. They consistently reported: "I ran to help[,] but the police stopped me by macing [sic] me[.]" Another player observed: "They [Hancock County law enforcement] didn't spray Hancock players who [were] jumping on our coach[.] [T]hey just sprayed me[.]"

The Warren County students were eventually allowed in the locker room, and Dr. Preston, the Warren County High School principal, began to make arrangements to get his students onto their buses and out of town. His first step was to get the Warren County buses from the general parking lot and closer to the field house. Dr. Preston approached Hancock County School District Chief Resource Officer Ingram, who was standing with at least one (1) Hancock County deputy sheriff. Preston introduced himself, indicating that he was the Warren County High School principal, and requested assistance getting the Warren County school buses closer to the field house to facilitate the players getting onto the bus without incident. Chief Ingram allegedly responded: "I don't care who you are. Get your ass back before I whip your ass with this club [indicating his police baton]." Dr. Preston responded, "Sir, I'm the principal and I just want to get the students out of here quickly and safely." In response, Ingram and a Hancock County deputy drew their batons and began to swear at Dr. Preston. Several Warren County parents then intervened and removed Dr. Preston.

Following the game, Mr. Blount, one of the Hancock County coaches, continued to send provocative texts to his former players in Warren County. The first of these texts began at 11:17 p.m., in which Mr. Blount responded to a suggestion by a Warren County student that he - Blount - knew the fight would occur. Blount asserted plausible deniability as he was not present when it occurred - "I'm on the field [sic] wen [sic] that stuuf [sic] went. Wat [sic] the hell wrong with yu [sic]." However, moments later, Mr.

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Blount's text messages began to suggest that the assault on the Warren County players and cheerleaders was a continuation of an incident occurring the previous week:

- "How th [sic] fuck I kno [sic] about yallil [sic] bullshit. Yu [sic] started this shit last week. Remember yu [sic] started this," (11:22 p.m.)
- "You started this[.]" (11:25 p.m.)

On Monday, October 17, 2011, Ms. Carey, Warren County's Superintendent, telephoned Hancock County Sheriff Primus to discuss the investigation of the incident and offer the approximately forty (40) witness statements taken from Warren students and other witnesses on October 14, 2011. Mr. Randy Morris, a Warren County Board of Education member, was present for the phone call. Sheriff Primus allegedly informed Ms. Carey that he was uninterested in any Warren County witness statements. According to Ms. Carey and Mr. Randy Morris, a Warren County Board Member present during the conversation, during the brief phone call, Sheriff Primus made the following statements regarding the investigation that, at a minimum, raise significant questions regarding the appropriateness of this investigation by the Hancock County Sheriff's Department:

- "We are going to investigate it from our side."
- "We are going to investigate it from the Hancock point of view."
- "If you want it investigated from the Warren perspective, you are going to have to get someone else to do it."

Additionally, on Monday, October 17, 2011, Sheriff Primus allegedly informed a reporter of *The Atlanta Journal-Constitution*, that he has not yet been "given [an] opportunity" to investigate the matter; however, he has already concluded: "Apparently Warren County has all the facts and we don't, but not all of what they say happened is true."²

Superintendent Carey subsequently contacted the Georgia Bureau of Investigation, requesting that they undertake an investigation of this incident. She was informed that GBI cannot initiate such an investigation unless requested to do so by a Superior Court judge within the jurisdiction, a district attorney, or the sheriff of the relevant county.

In light of the foregoing, I have been directed by the Warren County Board of Education and Superintendent Carey to request that Your Honor, as Chief Judge of the Ocmulgee Judicial Circuit, request the Georgia Bureau of Investigation launch an investigation of this matter. I have been directed to send a similar request to Ocmulgee

²"High School Coach Badly Beaten by Opposing Players." Downloaded on October 19, 2011, from <http://www.ajc.com/news/high-school-coach-badly-1203243.html>.

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Circuit District Attorney Bright. I have been assured that the Warren County School District will completely cooperate with this investigation.

Thank you for your review of this request. If you need anything else, please contact me.

Sincerely,

BROCK, CLAY, CALHOUN & ROGERS, LLC



Mike L. Dishman

cc: Hon. Sam Ojens, Attorney General of the State of Georgia
Hon. Roger W. Dunaway, Jr., Chief Judge, Toombs County Judicial Circuit

AFFIDAVIT OF DR. KAVEOUS K. PRESTON

Before the undersigned officer duly authorized to administer oaths personally appeared Kaveous K. Preston who, after being duly sworn, deposes and says:

1. I am a male over the age of eighteen (18) years and am fully competent to testify to the matters set forth herein.
2. I am currently employed as Principal of Warren County High School.
3. I have read the October 20, 2011, letter that the Warren County Board of Education directed its attorney to prepare regarding the events surrounding the October 14, 2011.
4. The statements attributed to me in the letter are accurate.
5. The statements attributed to others interacting with me are accurate.
6. The statements attributed to Hancock County students and Warren County students are taken verbatim from Warren County student statements in the District's possession.
7. I want to specifically elaborate on several statements, particularly focusing on the role of Hancock County law enforcement.
8. On October 14, 2011, as we entered the Hancock County stadium area, Hancock County law enforcement directed to park the Warren County School District buses transporting the football team in the general parking area.
9. I requested to park the buses closer to the visitors' side of the field house.
10. I was told we could not, and that Hancock County law enforcement would "keep things under control."
11. After the game ended, I noticed members of the Hancock County High School Band entering the field. I assumed they were going to play a selection. Instead, they moved purposefully toward our band.

October 21, 2011 Affidavit of Kaveous K. Preston

12. Their band director moved to intercept the students, using language that indicated that a fight was imminent and physically and verbally stopping the Hancock students.
13. Afterward, near our buses, I saw several Hancock fans physically scuffling and heard language indicating that they wanted to fight someone. This fighting near our school buses suggested that this area was not under the control of Hancock County law enforcement.
14. As I moved toward the visitors' locker room, I witnessed a large crowd of Hancock County players. They had no reason to do so as their locker room was on the other side of the divided field house. I saw a number of football helmets thrown in the air.
15. I witnessed Warren County parents and employees trying to get the Warren County players in the field house. A number of them had been pepper sprayed by Hancock County law enforcement.
16. I was in the locker room with the students who had been pepper sprayed. A sufficient volume of pepper spray was employed against students, resulting, in some cases, students' skin being wet with pepper spray underneath their clothing.
17. I witnessed Hancock County law enforcement officers releasing a Warren County student that I was told had been handcuffed.
18. I did not witness Hancock County law enforcement restraining a single Hancock County player or supporter or employing pepper spray against them.
19. In light of the fact that Hancock County law enforcement did not control the area of the parking lot in which our buses were located, I wanted to move our buses closer to the field house and get law enforcement assistance in getting our players to their buses.
20. I approached a Hancock County Deputy Sheriff and Hancock County School District Police Department Chief Glenn Ingram to request assistance with this.

October 21, 2011 Affidavit of Kaveous K. Preston

21. Because of the role of Hancock County law enforcement in spraying our students, I focused on asking for assistance in a calm, respectful and polite manner.

22. I introduced myself to the deputy and Chief Ingram as the Warren County High School Principal, and requested they assist me in getting our buses closer so we could leave.

23. The deputy sheriff standing beside Chief Ingram replied, "I don't care who you are. Get your ass back before I whip your ass with this club [indicating his police baton]."

24. I thought they must have misunderstood me, and I clarified, "Sir, I'm the principal and I just want to get the students out of here quickly and safely."

25. At that point, both the deputy sheriff and Chief Ingram drew their police batons and began swearing at me, both threatening to use their batons on me if I did not move away from them.

26. Several parents heard the exchange and pulled me away.

27. While outside, I ran into the Hancock County High School assistant principal. I asked him how they [Hancock] were getting the pepper spray off of their students. He replied, "None of our kids got sprayed."

28. After the incident, I was asked by a Warren County player to review a series of text messages former WCSD - and current HCSD - coach Marleau Blount sent to the player.

29. These text messages were sent before and immediately after the game.

FURTHER AFFIANT SAYETH NAUGHT.

October 21, 2011 Affidavit of Kaveous K. Preston

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND ACCURATE.

Kaveous K. Preston
KAVEOUS K. PRESTON

SUBSCRIBED AND SWORN TO
before me this 21st day of October, 2011.

Deborah Kitchas
Notary Public
My commission expires 10/18/14