

IN THE SUPERIOR COURT OF GWINNETT COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus
DARIUS BUSH

Clerk to complete if incomplete.

CRIMINAL ACTION #: **22-B-00172-3**

OTN(s): 88421307236

DOB: 12/22/1999

Ga. ID#: GA4965463H

September Term 2022

First Offender

entered under:

[X] O.C.G.A. 42-8-60

Final Disposition:

FELONY with PROBATION

☐ Repeat Offender as imposed below

PLEA:

VERDICT:

☐ Repeat Offender waived

☐ Negotiated

[X] Non-negotiated

☐ Jury

☐ Non-jury

The Court enters the following judgment:

Count CTN Warrant	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1 9 DIRECT	Possession of Firearm During Commission of a Felony (O.C.G.A. 16-11-106)	Guilty Felony- Non-Negotiated Plea	5 Years to serve on Probation.	\$1500	
2 3 20W04381	Entering an Automobile (O.C.G.A. 16-8-18)	Guilty Felony- Non-Negotiated Plea	5 Years to serve on Probation.		Consecutive to Count 1
3 4 20W04382	Criminal Trespass (O.C.G.A. 16-7-21(a))	Guilty Misdemeanor- Non-Negotiated Plea	12 Months to serve on Probation.		Concurrent
4 5 20W04383	Entering an Automobile (O.C.G.A. 16-8-18)	Guilty Felony- Non-Negotiated Plea	5 Years to serve on Probation.		Concurrent

State of Georgia v. Darius Bush

Criminal Action #22-B-00172-3

SC-6.2 Final Disposition Felony Sentence with Probation

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5 6 20W04384	Entering an Automobile (O.C.G.A. 16-8-18)	Guilty Felony- Non-Negotiated Plea	5 Years to serve on Probation.		Concurrent
6 1 20W04318	Obstruction of an Officer (O.C.G.A. 16-10-24(a))	Guilty Misdemeanor- Non-Negotiated Plea	12 Months to serve on Probation.		Concurrent
7 20W04317	Loitering or Prowling (O.C.G.A. 16-11-36)	Guilty Misdemeanor- Non-Negotiated Plea	12 Months to serve on Probation.		Concurrent
8 2 20W04319	Entering an Automobile (O.C.G.A. 16-8-18)	Guilty Felony- Non-Negotiated Plea	5 Years to serve on Probation.		Concurrent

The Defendant is sentenced under the First Offender Statute 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 10 YEARS, ☐ with the first ____ to be served in confinement 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 ____; 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 ____, 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. (Available to defendants with (1) no prior felony conviction (2) sentenced under O.C.G.A. 16-13-2 or O.C.G.A. 42-8-60. (3) sentenced to straight probation **or** not more than 12 months confinement followed by probation- if a defendant qualifies the court SHALL include a behavioral incentive date not to exceed 3 years from the date of sentence).

☐ Pursuant to O.C.G.A 17-10-1 and for good cause shown, the defendant shall be supervised by the Department of Community Supervision for the entire period of probation.

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, FINE SURCHARGES, ADD-ONS AND COURT COSTS

☒ The defendant shall pay the imposed fine. ☐ The imposed fine is a theoretical fine pursuant to O.C.G.A 17-10-1(4). The Court assesses all fine surcharges, add-ons, and court costs 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; or ☐ 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 fees of \$_____ to Gwinnett County; or ☐ attorney fees are waived.

4) The Defendant shall pay the Crime Lab Fee as required by law.

SPECIAL 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 Special Conditions of Probation as follows:

The Court finds that the Defendant shall pay restitution in the amount of \$200.00 (JOINT AND SEVERAL WITH NADIR MCDONALD AND JAYLAN HAMILTON) through the Community Supervision Office for the benefit of the victim(s) STEPHANIE BROWN, at a rate to be approved by the Court or the Community Supervision Officer.

The Defendant shall report to the Community Supervision Office

The Defendant shall perform 80 hours of community service at the direction of the Community Supervision Officer, with transportation to be provided by the Defendant.

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 STEPHANIE BROWN, CHARLES LAWRENCE, LAKASHA TAYLOR, JOHN COOK, BYRON HILL, NADIR MCDONALD, AND JAYLAN HAMILTON ☐ or with his/her family members ☒ and the Defendant shall not enter the premises of THE 3000 BLOCK OF GRUNDY IVES DRIVE, SNELLVILLE, GA 30039.

FIRST OFFENDER

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.

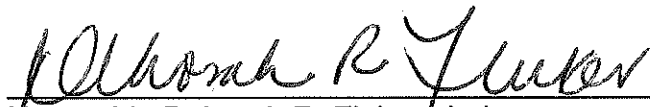
Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt 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. The prospective date of discharge is 11/29/2032, not taking into account any credit awarded for time served in custody.

For Court's Use:

Careton Matthews, Jr. for Careton Matthews, Attorney at Law, represented the Defendant by:
☒ employment; or ☐ appointment.

SO ORDERED this 29th day of November, 2022



Honorable Deborah R. Fluker Judge
Gwinnett County Superior Court

Prosecutor: Mikaela Henderson
Court reporter: Christine Clark

NOTICE OF POST-CONVICTION REMEDIES

Should the defendant seek to challenge this legal proceeding, the defendant may directly appeal from this conviction and/or sentence by filing a Notice of Appeal within thirty (30) days from the date this sentence is filed with the Clerk of Court. Alternatively, the defendant may file a Petition for *Habeas Corpus* in the county where he/she is detained. Starting from the date this sentence becomes final, such a petition must be filed within four (4) years for a Felony conviction; one (1) year for a Misdemeanor conviction; or one hundred eighty (180) days for a Traffic conviction. The defendant has been so advised.

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.

ACKNOWLEDGEMENT

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

Defendant

BILL OF INDICTMENT

22B 00172-3

Grand Jury Witnesses:

K Boney, Gwinnett County Police Department

State of Georgia, Gwinnett Superior Court
September Adjourned Term, 2021 - Panel B

State of Georgia

Versus

DARIUS BUSH (Counts 1 through 8)

and

NADIR SAYYID MCDONALD (Counts 1 through 7, 9)

Offenses:

COUNT 1: POSSESSION OF FIREARM DURING
COMMISSION OF A FELONY (O.C.G.A. 16-11-106)

COUNT 2: ENTERING AN AUTOMOBILE (O.C.G.A.
16-8-18)

COUNT 3: CRIMINAL TRESPASS (O.C.G.A.
16-7-21(a))

COUNT 4: ENTERING AN AUTOMOBILE (O.C.G.A.
16-8-18)

COUNT 5: ENTERING AN AUTOMOBILE (O.C.G.A.
16-8-18)

COUNT 6: OBSTRUCTION OF AN OFFICER
(O.C.G.A. 16-10-24(a))

COUNT 7: LOITERING OR PROWLING (O.C.G.A.
16-11-36)

COUNT 8: ENTERING AN AUTOMOBILE (O.C.G.A.
16-8-18)

COUNT 9: ENTERING AN AUTOMOBILE (O.C.G.A.
16-8-18)

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2022 JAN 19 PM 3:26

TIANA P. GARNER, CLERK

We the jury find the defendant

Foreperson

This _____ day of _____, 20 _____.

True Bill, this 19th day of January, 2022.

Gregory Fey
Gregory Fey, Grand Jury Foreperson

Received in open court from the sworn Grand Jury bailiff
and filed in office.

This 19 day of January, 2022.

J. Beun
Deputy Clerk, Gwinnett Superior Court

BILL OF INDICTMENT

22B 00172-3

Patsy Austin-Gatson, District Attorney, Gwinnett Judicial Circuit

Special Presentment

The defendant herein waives a copy of indictment, list of witnesses, formal arraignment and pleads guilty guilty.

This 29 day of November 2022.

Darius Bush

Defendant

Careton Matthews Jr.

Attorney for the Defendant

[Signature]

Assistant District Attorney

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
2022 NOV 29 PM 3:11
JAMES P. GARDNER, CLERK

BILL OF INDICTMENT

22B 00172-3

STATE OF GEORGIA, COUNTY OF GWINNETT
IN THE SUPERIOR COURT OF SAID COUNTY

The GRAND JURORS selected, chosen and sworn for the County of Gwinnett to wit:

- | | |
|--|-----------------------------------|
| 1. Gregory Fey, Foreperson | 14. Richard Mayhue |
| 2. Afua Osei-Akoto, Vice-Foreperson | 15. Nuri Elijah Parkinson |
| 3. Tracy Stevens-Washington, Clerk | 16. Huy Pham |
| 4. Nicole Wilson Cade, Deputy Clerk | 17. Nextaly Reyes |
| 5. Michelle Carlsen | 18. Sheyli Rodriguez |
| 6. Gina Cooper | 19. Eric Ryall |
| 7. Aubrian Fallen | 20. Janet Sledd |
| 8. Susan Froede | 21. Felix Stoehr |
| 9. Nhi Ho | 22. Felicia Betancourt |
| 10. Calvin Jackson | 23. Jennifer Heyward |
| 11. Simon Kye | 24. Ujanique Kates, Alternate |
| 12. Yan Lin | |
| 13. Elsa Maeda | |

COUNT 1

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME**, with the offense of **POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (O.C.G.A. 16-11-106)**, for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did unlawfully have within arm's reach of his person a Rossi Revolver Handgun, a firearm, during the commission of the crime of Entering an Automobile, a felony, a crime involving a theft from BMW 328Xi a vehicle, said vehicle being the property of Stephanie Brown, contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT 2

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME**, with the offense of **ENTERING AN AUTOMOBILE (O.C.G.A. 16-8-18)**, for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did unlawfully enter a BMW 328Xi, a motor vehicle, the property of Stephanie Brown, with the intent to commit a theft therein, contrary to the laws of said State, the good order, peace and dignity thereof.

BILL OF INDICTMENT**COUNT 3**

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME,** with the offense of **CRIMINAL TRESPASS (O.C.G.A. 16-7-21(a)),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did intentionally damage the center console of a BMW 328Xi, the property of Stephanie Brown, without her consent, by breaking the lock, said damage being less than \$500.00, contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT 4

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME,** with the offense of **ENTERING AN AUTOMOBILE (O.C.G.A. 16-8-18),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did unlawfully enter a Dodge Charger, a motor vehicle, the property of Charles Lawrence, with the intent to commit a theft therein, contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT 5

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME,** with the offense of **ENTERING AN AUTOMOBILE (O.C.G.A. 16-8-18),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did unlawfully enter a Lexus LX570, a motor vehicle, the property of Lakasha Taylor, with the intent to commit a theft therein, contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT 6

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME,** with the offense of **OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(a)),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did knowingly and willfully obstruct L.E. Meador #1532, a law enforcement officer with the Gwinnett County Police Department in the lawful discharge of his official duties by running from police after being told to stop, contrary to the laws of said State, the good order, peace and dignity thereof.

BILL OF INDICTMENT

22B 0017 2-3

COUNT 7

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH AND NADIR SAYYID MCDONALD, INDIVIDUALLY AND AS PARTIES CONCERNED IN THE COMMISSION OF A CRIME,** with the offense of **LOITERING OR PROWLING (O.C.G.A. 16-11-36),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did appear at Grundy Ives Drive at a time under circumstances that would warrant a justifiable and reasonable alarm and immediate concern for the safety of persons or property in the vicinity, by pulling on vehicles' door handles in attempt to enter vehicles for an unlawful purpose, contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT 8

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **DARIUS BUSH** with the offense of **ENTERING AN AUTOMOBILE (O.C.G.A. 16-8-18),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did unlawfully enter a Volkswagen Jetta, a motor vehicle, the property of Bryon Claude Hill, with the intent to commit a theft therein, contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT 9

THE GRAND JURORS AFORESAID, IN THE NAME AND BEHALF OF THE CITIZENS OF GEORGIA, charge and accuse **NADIR SAYYID MCDONALD** with the offense of **ENTERING AN AUTOMOBILE (O.C.G.A. 16-8-18),** for that the said accused, in the County and State aforesaid, on the 24th day of March, 2020, did unlawfully enter a Chevrolet Silverado, a motor vehicle, the property of John Cook, with the intent to commit a theft therein, contrary to the laws of said State, the good order, peace and dignity thereof.

Patsy Austin-Gatson, District Attorney

(drafted: CrP proofed: HaC)