

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

MAY 06 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LOTHER D. THOMAS, Clerk  
BY [Signature] Clerk

TIWANDA LOVELACE, *Pro Se*,

Plaintiffs,

CIVIL ACTION FILE

v.

NO. 1-03-CV-0925-JTC

DEKALB COUNTY POLICE  
DEPARTMENT,  
Et al.,

Defendants.

**Request For Entry of Default Due To Defendants Failure to file  
Answer to Complaint And Request for Summary Judgment;  
AMENDED- to include Attachments supporting genuine issue for trial**

1. March 13, 2003, Complaint was filed and on January 30, 2004 plaintiff was allowed to proceed with civil action. On March 16, 2004, summons was issued with Complaint upon the Respondent. The Summons directed that the Respondent file an answer with the Department within 20 calendar days of receipt of the Notice of Summons and Complaint. The Defendants

17

was sent Request for Waiver of Service that was to be returned by April 16, 2004 but have failed to submit to the District Court clerk's office.

2. The Notice of Civil Complaint and Summons provided that failure to file an answer would constitute a default and a waiver of the right to a hearing (In accordance with Article 7 of Chapter 11 of Title 9 of the O.C.G. A. and F.C.R.P Rule 55 - Failure to answer a Complaint is grounds for a default judgment).

**Request for Summary Judgment; AMMENDED**

3. Defendants failed to respond to plaintiff's complaint, which states while acting under color of state law, abused their status as officers by failing to prevent the posting and maintenance of inaccurate information on criminal background listed as Attachment C, exhibit 4. (According to C1, Official Transcript, pg. 2- D.A. stated 'Plaintiff had no prior criminal record' as of July 31, 1992, yet, CJIS/GCIC dated Oct 22, 2002 implies First Offender Act changed to conviction Oct. 22, 1988 when plaintiff was not sentenced for original and only charge of theft by taking until July 31, 1992- per attached Certified Copy of Original Criminal Proceedings.)

4. Defendants failed to respond to plaintiff's complaint which states that although Dekalb County Police Officers, defendants, are responsible for adequate training, implement procedures that provide validation annually of information provided in order to avoid errors, yet, for more (10) ten years dates and charges were misrepresented implying repeated criminal activities. (CJIS/GCIC lists several different charges for same original offense; also, arrest or received dated June 27, 1992 list charges 1-Financial Transaction card fraud, 2. Theft by taking – when in fact per Official Transcript, pg. 3 lines 07-11 state clearly that this was exact date when Lovelace, plaintiff took plane to turn herself in 4 years after- yet, officers attempted to imply continued criminal activity. Although charges were dismissed as quickly as assigned, officers aware of how to manipulate records did the damage intentionally- without serving warrant plaintiff had no knowledge, hence, no opportunity to defend.)
5. Defendants failed to respond to complaint that states that Plaintiff was unlawfully and unconstitutionally denied Due Process protection which includes; notice of modification and opportunity for rebuttal before sentence was modified changing First Offender Act to conviction. Defendants can not produce notice because no notice was given. According to CJIS/GCIC

sentence modified Oct. 28, 1988 and warrant issued May 19, 1993- without cause, notice or due process five months after Interstate Case reports declared Lovelace reporting as directed. (Refer to Attachments for copy of Interstate Case Report, copy of original Conditions of Probation, and attached Certified Copy of Original Criminal Proceedings only list offense as Theft by Taking not Forgery, Credit Card Fraud, etc...)

6. Defendants had every opportunity to respond and could have easily served warrant on many occasions being that Plaintiff's address was on file with Detroit Probation office making whereabouts were available, yet, warrant remains on GCIC/CJIS even 14years later continuing to impede and cause harm to Plaintiff's reputation, which has limited employment opportunities. Plaintiff contends this shows willful intent, and malicious conduct but Defendant failed to respond. According to CJIS/GCIC, warrant NCIC #w612857969 was issued May 19, 1993 while Lovelace was reporting to Michigan Probation Office. Several attempts were previously made to enforce original warrant but no attempt was made to enforce current warrant for over 14 years- barring plaintiff from any opportunity for rebuttal.
7. Defendants failed to respond to previous attempts to correct and challenge the accuracy of plaintiff's background. (Refer to letters sent- listed in

Original Complaint as Attachment C7, C11- Refer to attached letter, documents, and CJIS/GCIC was submitted to D.A. c/o defendant with proof of delivery.)

8. Defendants can offer no legitimate, let alone compelling, interest to justify its discriminatory treatment and refusal to provide equal protection under the Fourteenth Amendment. Even after providing defendants with necessary information to prove incorrect information was allowed to remain on CJIS/GCIC, defendants refused to respond. Defendants can not produce any just cause as to how sentence could be modified without proper procedures being followed and valid documents filed to justify actions which has led to over 14 years of misleading information, incorrect dates/charges to imply repeated criminal activity.

WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal relief set forth in the Prayer for Relief in initial Complaint listed on pgs 21-22; which includes- Court Cost, Punitive damages, Compensatory damages, and include the Plaintiffs record being expunged in accordance with Statutes and Laws.

Signed: 

Tiwanda Lovelace, *Pro se*

Address: P. O. Box 232091

Las Vegas, NV 89123

(702) 837-9894 (702) 845-2442

**ATTACHMENTS (1-6)**

1. **CJIS/GCIC dated Oct. 22, 2002, 6 pgs.** This lists 5 arrest or received notations and one warrant allegedly for non-payment of restitution. All arrest or received notations are in reference to original, single act for which plaintiff was given First Offender Act.
2. **Clerk of Superior Court CERTIFICATION, 3pgs.** – Copy of original criminal proceedings for case # 89cr2414 – 3 of 6 pgs. Filed in open court July 31, 1992.
3. **Copy of Original Transcript, 4 pgs.** (pg.1- list July 31<sup>st</sup>, 1992 as court date; pg. 2 line 16-17 shows D.A. stating ‘Ms. Lovelace by our records has no prior criminal record’; pg. 3 lines 7-11- states clearly ‘plaintiff turned herself in on July 27<sup>th</sup>’; pg.16- provides recertified date Nov. 08, 2002.)
4. **Copy of Interstate Case Report, 1 pg.** from Michigan probation office, dated Aug. 02, 1993, (requested immediately after discovering information maintained on CJIS/GCIC).
5. **Copy of original Conditions of Probation, 1 pg.** advising transfer to Michigan approved and assigning Probation Officer, K. Funny.
6. **Copies of 2 Letters, 3 pgs ea. requesting corrections, challenging accuracy and completeness of CJIS/GCIC sent to District Attorneys office and FBI, CJIS division with proof of delivery.**

DATE: 10/22/2002  
RESULT: 5

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
INVESTIGATIONS SERVICE

\*\*\*\*\* CASE CLOSING TRANSMITTAL \*\*\*\*\*

CLOSED: 10/22/2002

CASE #: 03K72953 TYPE/SERVICE: SAC - 35  
EXTRA COVERAGE:  
NAME: LOVELACE, TIWANDA G  
SSN: 381-80-7045 DOB: 07/02/1967 POSITION:

\*\*\*\*\* MAIL TO

\*\*\*\*\*  
SON: 482F  
ATLANTIC SOUTHEAST AIRLINE  
ALLANTIC SOUTHEAST AIRLINE INC  
ADMINISTRATION  
100 HARTSFIELD CENTRE PKWY  
SECURITY  
SUITE 800  
ATLANTA, GA 30354

- \* SOI: TD26
- \* D/TRANSPORTATION
- \* FEDERAL AVIATION
- \* OFFICE OF CIVIL AVIATION
- \* ACO200/RM 312
- \* 800 INDEPENDENCE AVE, SW
- \* WASHINGTON, DC 20591

\*\*\*\*\*

AGENCY DATA:

OPM ADJUDICATION: NOT APPLICABLE

THE ITEM INFORMATION SUMMARIZED BELOW, AND ANY REPORTS OF INVESTIGATION, INQUIRY FORMS AND/OR OTHER ATTACHMENTS WITH THIS TRANSMITTAL, COMPLETE THE INVESTIGATION REQUESTED ON THE PERSON IDENTIFIED ABOVE.

THIS CASE HAS BEEN ELECTRONICALLY TRANSMITTED TO THE AGENCY

\*\*\*\*\* ITEM INFORMATION \*\*\*\*\*

ITM	TYPE	ITEM IDENTIFICATION/LOCATION	CM RESULTS
***	***	*****	**
*****			
B01	FBIF	263294HA5	L RECORD

\*\*\*\*\* END CASE CLOSING TRANSMITTAL \*\*\*\*\*

\*\*\*\*\* FBI ARREST RECORD TO FOLLOW \*\*\*\*\*

OPM CASE NUMBER: 03K72953 CASE NAME: LOVELACE  
SOI: TD26

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

USOPMUF0Z

ICN IFCS0004000018734535

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE  
FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
LOVELACE, TIWANDA GAIL	263294HA5	2002/10/22
SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE		
F B 1967/07/02 504 155 BRO BLK GEORGIA		
FINGERPRINT CLASS PATTERN CLASS CITIZENSHIP		
PM DI DI 27 13 WU WU WU WU RS WU WU WU LS LS UNITED STATES		
DI DO PO 23 14 RS RS		
AU WU		



END OF PART 1 - PART 2 TO FOLLOW

OPM CASE NUMBER: 03K72953 CASE NAME: LOVELACE  
SOI: TD26

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

USOPMUF0Z  
PART 2

ICN IFCS0004000018734535

- FBI IDENTIFICATION RECORD - FBI NO-263294HA5

Yes

1-ARRESTED OR RECEIVED 1987/06/11 SID- GA1308973A  
AGENCY-DE KALB COUNTY PD DECATUR (GA0440200)  
AGENCY CASE-136470  
CHARGE 1-SIMPLE BATTERY-1CT M

2-ARRESTED OR RECEIVED 1988/10/27 SID- GA1308973A  
AGENCY-COUNTY POLICE DEPT LAWRENCEVILLE (GA0670200)  
AGENCY CASE-39931 NAME USED-LOVELACE, TIVANDA GAIL  
CHARGE 1-CRIMINAL ATTEMPT TO COMMIT THEFT BY DECEPTION  
CHARGE 2-GIVING FALSE NAME  
CHARGE 3-BAD CHECK

COURT-SUPERIOR COURT LAWRENCEVILLE (GA067015J)  
CHARGE-THEFT BY DECEPTION  
SENTENCE-  
DISP- ~~DISMISSED~~; SENT- NOLLE PROSSED DKT#89B05774  
CHARGE-GIVING FALSE NAME/INFORMATION TO POLICE  
SENTENCE-  
DISP- DISMISSED, SENT- NOLLE PROSSED

No

3-ARRESTED OR RECEIVED 1988/10/28 SID- GA1308973A  
AGENCY-DE KALB COUNTY PD DECATUR (GA0440200)  
AGENCY CASE-136470 NAME USED-LOVELACE, TIWANDA GAIL ROBINSON  
CHARGE 1-FORGERY IN FIRST DEGREE 1CT-F  
CHARGE 2-THEFT BY DECEPTION 1CT-F

COURT-DISTRICT ATTORNEY DECATUR (GA044015A)  
CHARGE-THEFT BY TAKING  
SENTENCE-  
DISP- CONVICTED, SENT- FIRST OFFENDER ACT CHANGED TO CONVICTION  
CONVICTION OCGA42-8-65 B 96HRS COMM SV, PROB- 5Y  
CHARGE-THEFT BY TAKING  
SENTENCE-  
DISP- CONVICTED, SENT- CONCURRENT WITH COUNT ONE, PROB- 12M

END OF PART 2 - PART 3 TO FOLLOW

OPM CASE NUMBER: 03K72953 CASE NAME: LOVELACE  
SOI: TD26

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

USOPMUFOZ  
PART 3

ICN IFCS0004000018734535

- FBI IDENTIFICATION RECORD - FBI NO-263294HA5

4-ARRESTED OR RECEIVED 1988/11/15 SID- GA1308973A  
AGENCY-DE KALB COUNTY PD DECATUR (GA0440200)  
AGENCY CASE-136470  
CHARGE 1-FORGERY IN THE 1ST DEGREE-F-1CT - *No*

*Yes*

COURT-DISTRICT ATTORNEY DECATUR (GA044015A)  
CHARGE-THEFT BY TAKING  
SENTENCE-  
DISP- FIRST OFFENDER ACT 96HRS COMM SV, PROB- 5Y  
CHARGE-THEFT BY TAKING  
SENTENCE-  
DISP- FIRST OFFENDER ACT, SENT- CONCURRENT WITH COUNT ONE

5-ARRESTED OR RECEIVED 1992/06/27 SID- GA1308973A  
AGENCY-SHERIFF'S OFFICE DECATUR (GA0440000)  
AGENCY CASE-136470  
CHARGE 1-FINANCIAL TRANSACTION CARD FRAUD-F-1CT  
CHARGE 2-THEFT BY TAKING-F-2CTS

COURT-SUPERIOR COURT DECATUR (GA044015J)  
CHARGE-FINANCIAL TRANSACTION CARD FRAUD  
SENTENCE-  
DISP- NOT PRESENTED TO GRAND JURY  
CHARGE-THEFT BY TAKING  
SENTENCE-  
DISP- NOT PRESENTED TO GRAND JURY 2CTS CC  
CHARGE-FINANCIAL TRANSACTION CARD THEFT  
SENTENCE-  
DISP- DISMISSED, SENT- NOLLE PROSSED ADDED CHARGE

*No*

-----  
\* WANTED \*  
\* \*  
\* CONFIRM THAT WARRANT IS STILL OUTSTANDING \*  
\* \*  
\* AGENCY-SHERIFF'S OFFICE DECATUR (GA0440000) \*  
\* WANTED-NCIC #W612857969 \*  
\* LOVELACE, TIWANDA GAIL \*  
\* PROB VIOLATION - SEE MIS (IDENTIFY ORIGINAL \*  
\* OFFENSE) \*  
\* CASE #P89CR2414 \*  
\* DATE OF WARRANT 05/19/1993 \*  
\* NOTIFY GA0440000 SHERIFF'S OFFICE DECATUR GA \*  
-----

END OF PART 3 - PART 4 TO FOLLOW

OPM CASE NUMBER: 03K72953      CASE NAME: LOVELACE  
SOI: TD26

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

USOPMUFOZ  
PART 4

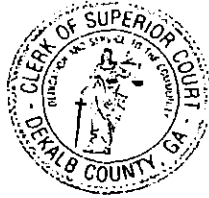
ICN IFCS0004000018734535

- FBI IDENTIFICATION RECORD - FBI NO-263294HA5

RECORD UPDATED 2002/10/22

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON  
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL  
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.



**CLERK OF SUPERIOR COURT**

207 DEKALB COUNTY COURTHOUSE  
556 NORTH MCDONOUGH STREET  
DECATUR, GEORGIA 30030

**LINDA CARTER**  
CLERK OF SUPERIOR COURT

**404-371-2836**

# CERTIFICATION

THIS IS TO CERTIFY THAT THE WITHIN IS A TRUE AND CORRECT  
COPY OF THE ORIGINAL CRIMINAL PROCEEDINGS IN

CASE NUMBER: 89CR2414

6 pages

THE STATE OF GEORGIA

Vs.

TIWANDA LOVELAC

THAT IS OF RECORD AND ON FILE IN THE CLERK'S OFFICE

This 7 Day of NOVEMBER, 2002.

DEPUTY CLERK

*[Handwritten signature]*

IN THE SUPERIOR COURT OF DEKALB COUNTY

FINAL DISPOSITION

INDICTMENT NO. 89CR2414

THE STATE OF GEORGIA

VS

OFFENSE(S) Theft by Taking (2 Counts)

B/F

Tawanda Lovelac

July

TERM, 19 92

PLEA:

- GUILTY ON COUNT(S) 1, 2
- NOLO CONTENDERE ON COUNT(S)
- TO LESSER INCLUDED OFFENSE(S)
- ON COUNT(S)

VERDICT:

- JURY
- NON-JURY
- GUILTY ON COUNT(S)
- NOT GUILTY ON COUNT(S)
- GUILTY OF INCLUDED OFFENSE(S) OF ON COUNT(S)

OTHER DISPOSITION

- NOLLE PROSEQUI ORDER ON COUNT(S)
- DEAD DOCKET ORDER ON COUNT(S)
- (SEE SEPARATE ORDER)

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that the said defendant is hereby sentenced to confinement for a period of 5 years probation as to Count 1, 12 months probation as to Count 2 in the State Penal System or such other institution as the Commissioner of the State Department of Offender Rehabilitation may direct to be computed as provided by law. 2 both counts to run concurrent

HOWEVER, it is further ordered by the Court:  1) THAT the above sentence may be served on probation

2) THAT upon service of \_\_\_\_\_ of the above sentence, the remainder of \_\_\_\_\_ may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as part of this sentence.

FIRST OFFENDER SENTENCE

WHEREAS, said defendant has not previously been convicted of a felony nor availed himself of the provision of the First Offender Act (Ga. Laws 1968, p. 324).

NOW, THEREFORE, the defendant consenting hereto, it is the judgment of this Court that no judgment of guilt or sentence be imposed at this time, but that further proceedings are deferred and defendant is hereby placed on probation for the period of see above from this date provided that said defendant complies with the following general and special conditions herein imposed by the Court as part of this sentence:

PROVIDED, further, that upon violation of the terms of probation, the Court may enter an adjudication of guilt and proceed to sentence defendant to the maximum sentence provided by law. Upon fulfillment of the terms of probation, or upon release of the defendant by the Court prior to the termination of the period thereof, the defendant shall stand discharged of said offense charged and shall be completely exonerated of guilt of said offense charged.

Let a copy of this Order be forwarded to the Office of the State Probation System of Georgia, and to the Identification Division of the Federal Bureau of Investigation.

GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation

- 1) THAT defendant not violate any State or Federal laws to be adjudged by the Court.
- 2) THAT defendant make regular reports to the Adult Probation Officer of DeKalb County as directed.
- 3) THAT defendant keep the Adult Probation Officer of DeKalb County informed at all times of the defendant's place of employment and residence address.
- 4) THAT defendant shall, from time to time upon oral or written request by any probation officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the state of Georgia or of the United States;
- 5) THAT defendant pay a fine in the amount of \$ \_\_\_\_\_ plus \$50.00 or 10% of said fine, whichever is less pursuant to O.C.G.A. 15-21-70 and pay a jail fee in the amount of \$ \_\_\_\_\_ drug penalty fine \$ \_\_\_\_\_ and pay restitution in the amount of \$ 4600.00 probation fee \$ \_\_\_\_\_ Court Costs \$ \_\_\_\_\_ attorney's fee through the adult probation officer as provided by said officer
- 6) THAT defendant undergo and successfully complete any alcohol, drug, mental health or educational program abiding by all rules, regulations or directions of such programs to include any aftercare deemed necessary as directed by the probation officer.
- 7) THAT defendant must complete 92 hours of Community Service as directed by Adult Probation

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant abide by all other general conditions of probation as set forth herein. Probation may be transferred to Michigan (Detroit) LWR

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

Filed in Open Court, this 31st day of July 19 92 June Slater Deputy Clerk

CLERK

So ordered this 31st day of July 19 92

Lincoln W. Hunter Judge, DeKalb Superior Courts

STATE'S WITNESSES:

Det. A. W. Lane  
DeKalb County Police Department

No. 89-CR-2114

DeKalb Superior Court

MARCH Term 19 89

I REQUEST TO BE TREATED  
UNDER THE FIRST OFFENDER ACT.

*Tiwanda Lovelace*

DEFENDANT

THE STATE

VERSUS

TIWANDA GAIL LOVELACE

AKA KIM LAVERNE FRANKLIN

D0038663

THEFT BY TAKING (TWO COUNTS)

FILED  
DEKALB CO. GA.  
CRIMINAL DIV.

APR 20 9 31 AM '89

CLARENCE SMITH  
CLERK OF SUPERIOR COURT

*True*  
*Doug H. Edelberger*

BILL  
Foreman

The Defendant *Tiwanda Gail Lovelace*  
waives copy of indictment, list of wit-  
nesses, full panel, formal arraignment  
and pleads

*Guilty*

This the 31<sup>st</sup> day of July 19 92

*James M. Smith*  
District Attorney

*Corinne M. Smith*  
Defendant's Attorney

*Tiwanda Lovelace*  
Defendant

We, the Jury, find the defendant

IN THE SUPERIOR COURT FOR THE COUNTY OF DEKALB  
STATE OF GEORGIA

THE STATE OF GEORGIA	)	
	)	
vs.	)	CRIMINAL ACTION CASE
	)	NO. 89-CR-2414-8
TIWANDA GAIL ROBINSON	)	
LOVELAC	)	
Defendant.	)	

COPY

Transcript of plea proceedings in the above-captioned case held before the HONORABLE LINDA WARREN HUNTER, SUPERIOR COURT JUDGE, on July 31st, 1992, in Room 506 of the DeKalb County Courthouse, Decatur, Georgia.

FILED  
DEKALB CO., GA.  
CLERK OF SUPERIOR COURT  
JULY 31 1992

APPEARANCES OF COUNSEL:

GREGORY GIORNELLI, ASSISTANT DISTRICT ATTORNEY, DeKalb County Courthouse, Room 707, Decatur, Georgia 30030, on behalf of the STATE.

CORINNE MULL, ASSISTANT PUBLIC DEFENDER, 120 West Trinity Avenue, Room 408, Callaway Building, Decatur, Georgia 30030, on behalf of the DEFENDANT.

TAMMY S. HOFFMANN  
Official Court Reporter  
Stone Mountain Judicial Circuit



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P R O C E E D I N G S

(WHEREUPON, the Court commenced at 9:35 A.M. after which the following proceedings took place.)

MR. GIORNELLI: Judge this is 89-CR-2414. Ms. Lovelac is charged with two counts of theft by taking. Count 1 is a felony. Count 2 is a misdemeanor.

The defendant opened checking accounts at Bank South and Tucker Federal on October 21st of 1988. She made deposits with out of state checks on a closed account. Over the next several days the defendant was able to withdraw some \$4300 from Tucker Federal and \$300 on the Bank South, on the newly opened account.

Ms. Lovelac by our records has no prior criminal record. She is 25 years old. The State makes a recommendation of five years probation, restitution in the amount of \$4600 and community service of 100 hours.

THE COURT: Ms. Mull.

MS. MULL: Your Honor, we would ask you to go along with that recommendation. Ms. Lovelac is from Detroit, Michigan. Your Honor, she took a plane and turned herself in here. She has

1           been living with her husband and her two  
2           children. She has had one year of college at  
3           DeKalb Community but has been in Detroit now  
4           since about 1989.

5           THE COURT: Her husband and family live  
6           here in Georgia?

7           MS. MULL: No, live in Detroit, and she  
8           lives in Detroit, as well. There was a warrant  
9           out for her and she took a plane and came on  
10          down here to take care of these matters. And  
11          she has been here since June 27th.

12          Your Honor, we would ask that you go along  
13          with the five years probation and allow her case  
14          to be transferred to Detroit for collection of  
15          the moneys. And we would stipulate to the  
16          amount of restitution.

17          THE COURT: There is also the requirement  
18          of the community service. I believe it was  
19          100 --

20          MR. GIORNELLI: 100 hours is what I  
21          recommended.

22          THE COURT: Is that something that can be  
23          divided? It has either got to be 96 or eight  
24          hours a day.

25          MR. GIORNELLI: That is fine.

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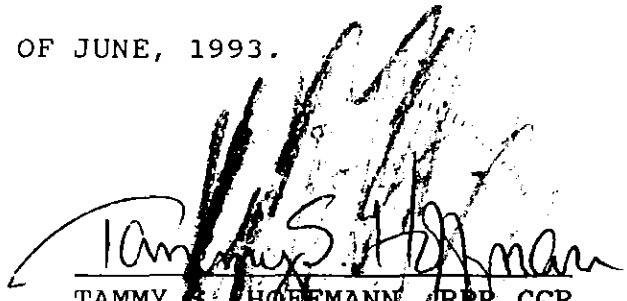
C E R T I F I C A T E

STATE OF GEORGIA,  
COUNTY OF DEKALB:

I, TAMMY S. HOFFMANN, DO HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS, PAGES NUMBERED 2 THROUGH 15, TAKEN DOWN BY ME AS AN OFFICIAL COURT REPORTER FOR THE SUPERIOR COURT OF DEKALB COUNTY CONSTITUTE A TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HAD BEFORE SAID COURT IN THE MATTER THEREIN STATED.

THIS CERTIFICATION IS EXPRESSLY WITHDRAWN AND DENIED UPON THE DISASSEMBLY OR PHOTOCOPYING OF THE FOREGOING TRANSCRIPT, OR ANY PART THEREOF, UNLESS SAID DISASSEMBLY OR PHOTOCOPYING IS DONE BY THE UNDERSIGNED OFFICIAL COURT REPORTER AND ORIGINAL SIGNATURE AND SEAL IS ATTACHED THERETO.

THIS, THE 23RD DAY OF JUNE, 1993.

  
TAMMY S. HOFFMANN, RPR CCR  
B-1318  
16  
Received 11-8-02  
T. S. Hoffmann

MICHIGAN DEPARTMENT OF CORRECTIONS  
 BUREAU OF FIELD SERVICES

INTER-STATE CASE REPORT

PROBATION F-211289-1

CFR-128 6/84

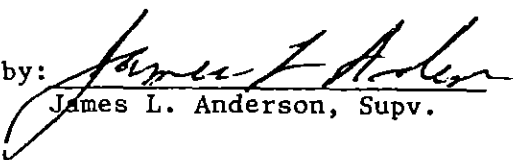
DATE 8/2/93

ATTENTION G. PETER CHATFIELD	RE: TIWANDA LOVELANCE	NO. 3710898520	STATE GEORGIA
REASON FOR REPORT CLOSING INTEREST		FROM SYLVIA SMITH	

REMARKS:

Subject reported to this office 12/11/92, this case was accepted for supervision 12/22/92.  
 Ms. Lovelace reported as directed to this office, she admitted to paying no fees to the County of Dekalb.  
 There is currently a warrant for her arrest, that was issued by Georgia authorities, therefore, we are closing interest in this case.

JLA:SS:dw

Approved by:   
 James L. Anderson, Supv.

TO	DATE
----	------

COMMENTS:

DERRY M JOHNSON	BY:	SUPERVISOR OF INTERSTATE
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CONDITIONS OF PROBATION

STATE OF GEORGIA

SENTENCE NUMBER 37-108-98520

VS

OFFENSE Theft by Taking

COURT Superior

JUDGE Wanda W. Hantson

TIWANDA GAIL LOVELACE

you having been granted Probation by the Court in the above styled case, are furnished, herewith, a copy of the Conditions of Probation. Violation of any of them can result in your arrest and the possible revocation of your Sentence.

THE CONDITIONS OF PROBATION ARE AS FOLLOWS:

- 1) Be of good behavior, avoiding narcotics and excessive use of alcoholic beverages.
- 2) Report to your Probation Officer at such time, place, and as often as he may require, and permit such Officer to visit you at home or elsewhere.
- 3) Associate with people of reputable character and avoid places of bad reputation.
- 4) Submit to any rehabilitative service and/or drug testing as directed by the Probation Office.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Notify your Probation Officer immediately of any change of address. Obtain prior permission to move outside the jurisdiction of the Court or leave the State for any period of time.
- 7) Support your legal dependents to the best of your ability.
- 8) Violate no Local, State or Federal Penal Laws.
- 9) If permitted to move or travel to another state, waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this state.
- 10) You MUST make your payments to the DeKalb Probation Office and make them exactly as you are instructed. You MUST use your full name and put your Sentence Number on each payment when you mail it so that this office can properly identify your case. NO PERSONAL CHECKS.

MAIL PAYMENT TO: Central DeKalb Probation  
547 Church Street  
DeKalb, Ga 30030 (404) 370-5113

OTHER SPECIAL CONDITIONS ORDERED BY THE COURT ARE THAT: You must perform 96 Hours CS.  
Probation to Ms (Cruz) Ramirez at (313) 224-2640. You can no longer once per week visit case  
has been accepted in Michigan.

You are to make Restitution in the amount of \$ 4600<sup>00</sup>, You are to pay a Fine in the amount of \$ NA, plus a Post Fee of \$ —; said payments to be made at the rate of \$ 46<sup>00</sup> per Month, beginning 9/10/92. You are to pay a Probation Fee in the amount of \$ NA, payable at the rate of \$ — per —, beginning —.

Your Probation Officer is K. Fundy, Telephone Number (404) 370-5113

OFFICE HOURS: 8:00 A.M. to 5:00 P.M., Monday through Friday, except Holidays.

THE CONDITIONS OF PROBATION AS OUTLINED ABOVE HAVE BEEN READ AND/OR EXPLAINED TO ME BY Kendrick Fundy. I FULLY UNDERSTAND ALL OF THE CONDITIONS OF PROBATION AND I, HEREBY, ACKNOWLEDGE RECEIPT OF A COPY OF THE CONDITIONS OF PROBATION.

8/7/92  
Date

Tiwanda Lovelace  
Signature of Probationer

Tiwanda Lovelace  
5450 E. Lake Mead #210  
Las Vegas NV 89156  
Mailing address

November 19, 2002

District Attorney  
556 N. McDonough Street  
Decatur GA. 30030

ATTN: Attorney

RE: Alleged Probation Violation-Tiwanda Lovelace

As set forth in Title 28, CFR, Section 16.34, I would like to challenge the accuracy and completeness of at least (4) four entries in reference to my CJIS background investigation.

I have been before a Judge involving criminal activity twice in my life. Once I was facing a charge of Simple battery (domestic), which was dismissed; the other, Theft by Taking (2 counts= 1 felony and 1 misdemeanor). I was given the First Offender Act, 5yrs Probation, 96 hrs. community service, and restitution.

I have enclosed a copy of the original disposition of the case and a certified copy of Transcript of proceeding, including sentencing; which states clearly the events and conditions of sentencing. Transcript states that non-payment alone would not constitute grounds for the issuance of a warrant, which, in turn would revoke probation and cause or allow the First Offender Act to be changed to conviction (*Refer to TRNSCRPT, pg. 13 line 24 – pg. 14 line 1-6 and lines 20-23*).

***The Court: “If Michigan sends back down a warrant saying you have not paid the restitution and that is the only thing, I would have you come back to Georgia and we would have a walk I hearing, if we could get you to come back on your own, I wouldn’t have you arrested, I would find out whether or not you still have a job.”***  
***“The important thing is for you to report, regardless. I absolutely never sign a warrant if the only thing it says is somebody hasn’t paid the money.”***

I have also enclosed a copy of original Conditions of Probation, signed on August 7, 1992 and a copy of an Inter- State Case Report from the Department of Corrections Probation Services dated August 2, 1993. This report advises that I was officially accepted for supervision on December 22, 1992 and states that I was reporting as directed. This report says that Michigan closed interest August 2, 1993 because (3 months prior) Georgia Authorities issued a warrant for non-payment of restitution on May 19, 1993. From the date case was accepted, my address was on file with Michigan

but I was never notified of any scheduled hearing to discuss non-payment of restitution, (as stipulated above). (Refer to Inter-State Case Report).

***“Subject reported to this office 12/11/92, this case was accepted for supervision 12/22/92. Ms. Lovelace reported as directed to this office, she admitted to paying no fees to the county of Dekalb.”***

***“There is currently a warrant for her arrest; that was issued by Georgia Authorities, therefore, we are closing interest in this case.”***

In reference to CJIS, No. 3 and No. 4, the dates and charges are not accurate, both are in reference to same case. I was originally arrested on October 28, 1988 for Theft by Taking. I fled until June 27, 1992, (which was 4 years later) I turned myself in to Georgia Authorities. Both No. 3 and No. 4 combined shows 5 different charges and different dates that need to be updated and corrected. (Refer to TRSNCRPT, pg. 3 line 8-11)

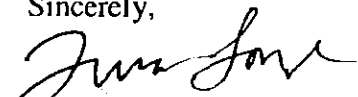
***Attorney: “There was a warrant out for her and she took a plane and came on down here to take care of these matters. And she has been here since June 27<sup>th</sup>.”***

In reference to CJIS, No. 5, the date listed here was when I turned myself in for the original and only case from October 28, 1988, (4 years prior). I was fingerprinted again and presented with new case. Assured of my innocence, I complied by submitting a handwriting analysis because I know I did not do it. There was also an issue regarding illegal photo line up used to initiate case. I was advised this was dropped. Transmittals suggest further and continued criminal activity by incorrectly entering information.

In my attempts to have this corrected, I have been forwarded back and forth by phone. I am unsure of whom I should contact, so I requesting corrections thru your offices. This is the first time that I have been given the opportunity to view this background investigation report. Over the last (9) nine years, I have been asked to resign from a decent paying job (which was enabling me to provide for my children. I have been denied the opportunity for a hearing and due process.

This background investigation does not reflect a person who has only been convicted once. Since 1992, I have not been involved with any criminal activity. Due to the compilations of charges, incorrect dates, implications of continued multiple offenses, and denial of due process, I have been condemned and force to suffer grievous loss of opportunities that should have rightfully been attained by myself. The lifestyle free from further criminal activity should have been rewarded with a chance to provide a decent life, instead, I was undercut and disgraced by incomplete and inaccurate information. The Legal documents provided, herein, should be used to assist with clearing these matters in question.

Sincerely,

  
Tiwanda Lovelace



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

1/6/2003

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **837772378323**. Our records reflect the following information.

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**Delivery Information:**

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**Signed For By:** D.HILL

**Delivery Location:** 556 N MCDONOUGH ST 709

**Delivery Date:** December 27, 2002

**Delivery Time:** 1027

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**Shipping Information:**

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**Tracking No:** 837772378323

**Ship Date:** December 26, 2002

**Recipient:**

ASSISTAND D A RM 707  
DEKALB CO COURTHOUSE DA OFFICE  
556 N MCDONOUGH ST 707 ATT ASS  
DECATUR, GA 30030  
US

**Shipper:**

T LOVELAKE  
5450 E LAKE MEAD 210  
LAS, NV 89156  
US

**Shipment Reference Information:**

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service  
1-800-Go-FedEx®  
Reference No.: R2003010600067941670



Tiwanda Lovelace  
5450 E. Lake Mead #210  
Las Vegas NV 89156  
Mailing address

November 19, 2002

FBI, CJIS Division  
ATTN: SCU , Mod D-2  
1000 Custer Hollow Road,  
Clarksburg, WV 26306

RE: FBIF 26329HA5

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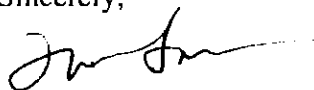
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Sincerely,



Tiwanda Lovelace

Federal Express Corporation  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail PO Box  
Memphis, TN 381...

Telephone 901-369-3600



November 26,2002

TIWANDA LOVELACE  
LOVELACE  
1470 BOGGS RD APT 1008  
DULUTH, GA 30096

Dear TIWANDA LOVELACE:

Our records reflect the following delivery information for the shipment with the tracking number 836409624873. The information is incomplete and we regret the inconvenience this may cause. However, as stated in the FedEx Service Guide, we assume no liability for our inability to provide a copy of the delivery record.

Delivery Information:

Signed For By: R.DENNEY  
Delivered to: 1000 CUSTER HOLLOW RD  
Delivery Date: November 22, 2002  
Delivery Time: 10:23 AM

Shipping Information:

Tracking No: 836409624873                      Ship Date: November 21, 2002  
Shipper: LOVELACE                              Recipient: FBI CJIS DIVISION  
                 5450 E LAKE MEADE APT 210                      1000 CUSTER HOLLOW RD  
                 LAS VEGAS 89156,                                      , 26306  
                 US    US

Thank you for choosing FedEx Express. We look forward to working with you in the future.

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