

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)
)
VS.) CASE: 18CR0783
)
)
ERIN STEPHON ARMS, DEFENDANT.)

ORDER ADMITTING TRUEALLELE EVIDENCE AFTER DAUBERT HEARING

ISSUE

This issue came before the Court pursuant to O.C.G.A. § 24-7-702(d) on a *Daubert* pretrial hearing on the evidentiary admissibility of DNA analysis by the Georgia Bureau of Investigation using the probabilistic genotyping technology TrueAllele® casework system propounded by the State in the instant criminal action.

RULE

The preliminary question of the admissibility of TrueAllele evidence shall be determined by the Court. O.C.G.A. § 24-1-104(a). The Court's determination is not bound by the rules of evidence. *Id.*; accord O.C.G.A. § 24-1-2(c)(1). In reaching its resolution, the Court's standard shall be by a preponderance of the evidence. *Id.*

The admissibility of expert opinion testimony is governed by O.C.G.A. § 24-7-702. Subsection (b) provides this:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise, if:

- (1) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (2) The testimony is based upon sufficient facts or data;

(3) The testimony is the product of reliable principles and methods;
and

(4) The expert has reliably applied the principles and methods to the facts of the case.

Id. This statute, as seen in subsection (f), expressly incorporates the precedential opinions in all federal courts:

It is the intent of the legislature that, in all proceedings, the courts of the State of Georgia not be viewed as open to expert evidence that would not be admissible in other states. Therefore, in interpreting and applying this Code section, the courts of this state may draw from the opinions of the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *General Electric Co. v. Joiner*, 522 U.S. 136 (1997); *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999); and other cases in federal courts applying the standards announced by the United States Supreme Court in these cases.

Id. In *Daubert*, the United States Supreme Court wrote that a 702 screening is, “we emphasize, a flexible one.” *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 594-95 (1993). “The focus, of course, must be solely on principles and methodology, not on the conclusions that they generate.” A trial court’s role in the admissibility of expert, scientific evidence is exceptionally a “gatekeeping role.” *Id.* at 597. Echoing this limitation, the Eleventh Circuit Court prescribed this:

Notwithstanding its critical gatekeeping function, the trial court is just that -- a gatekeeper -- and Rule 702 is a screening procedure, not an opportunity to substitute the trial court’s judgment for that of a jury. In that regard, “it is not the role of the district court to make ultimate conclusions as to the persuasiveness of the proffered evidence,” *Quiet Tech.*, 326 F.3d at 1341, and “[v]igorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence,” *id.* (quoting *Daubert*, 509 U.S. at 596).

United States v. Barton, 909 F.3d 1323, 1332 (11th Cir. 2018). The Eleventh Circuit’s three-part analysis for a trial court’s rigorous consideration is this:

(1) the expert is qualified to testify competently regarding the matters he intends to address; (2) the methodology by which the expert reaches his conclusions is sufficiently reliable as determined by the sort of inquiry mandated in Daubert; and (3) the testimony assists the trier of fact, through the application of scientific, technical, or specialized expertise, to understand the evidence or to determine a fact in issue.

Barton at 1331 (quoting *City of Tuscaloosa v. Harcross Chems., Inc.*, 158 F.3d 548, 562 (11th Cir. 1998)). The Supreme Court qualified that “[m]any factors will bear on the inquiry, and we do not presume to set out a definitive checklist or test.” *Daubert* at 593. Some of these factors are (1) whether the expert evidence can be tested; (2) whether the expert evidence has been subject to peer review and publication; (3) whether there is any known or potential rate of error of the expert evidence; (4) whether there are standards and controls of the expert evidence; and (5) whether the expert evidence is generally accepted in the scientific community. *See Daubert* at 593-41; *United States v. Warnock*, No. 1:14-CR-0015-AT-RGV, 2015 U.S. Dist. LEXIS 155104 (N.D. Ga. May 7, 2015).

A *Daubert* hearing is not required in every criminal case. *United States v. Hansen*, 262 F.3d 1217, 1234 (11th Cir. 2001). For traditional, or non-TrueAllele, DNA evidence, many courts have held that judicial notice of its reliability may be taken. *See, e.g., United States v. Beasley*, 102 F.3d 1440, 1448 (8th Cir. 1996) (stating “the reliability of the PCR method of DNA analysis is sufficiently well established to permit the courts of this circuit to take judicial notice of it in all future cases”); *United States v. Wright*, 215 F.3d 1020, 1027 (9th Cir. 2000), *cert. denied*, 531 U.S. 969 (2000); *United States v. Beasley*, 102 F.3d 1440, 1448 (8th Cir. 1996); *United States v. Shea*, 957 F. Supp. 331, 338-39 (D. N.H. 1997); *United States v. Ewell*, 252 F. Supp. 2d 104, 106 (D. N.

J. 2003); *United States v. Cuff*, 37 F. Supp. 2d 279, 282 (S.D.N.Y. 1999); *United States v. Gaines*, 979 F. Supp. 1429, 1433-36 n.4 (S.D. Fla. 1997); *United States v. Trala*, 162 F. Supp. 2d 336, 351 (D.C. Del. 2001); *United States v. Lowe*, 954 F. Supp. 401, 416-21 (D. Mass. 1997); and *United States v. Orleans-Lindsay*, 572 F. Supp. 2d 144, 188 (D.D.C. 2008). Nevertheless, in certain circumstances a hearing may be helpful. *Hansen* at 1234. This is the occasion here because whether TrueAllele evidence is admissible at trial is a case of first impression for this Court (and, for that matter, most courts in Georgia).

ANALYSIS

TrueAllele Evidence

TrueAllele is probabilistic genotyping software for analyzing DNA. *State v. Gates*, 308 Ga. 238, 248 (2020). Dr. Mark Perlin, the Chief Executive Officer and Chief Scientific Officer of Cybergenetics, created TrueAllele. *Id.* at 250. Dr. Perlin holds a doctor's degree in medicine (MD) and two other doctoral degrees in mathematics (PhD) and computer science (PhD). *Id.* Dr. Perlin's curriculum vitae, which is found at <https://www.cybgen.com/company/meet-the-founders>, is exhaustive. TrueAllele is designed to objectively use probabilistic genotyping to interpret degraded, low-level and complex mixtures of DNA. *Id.* In 2005, TrueAllele was used to analyze and identify the remains of victims of the September 11, 2001 attacks on the World Trade Center. *Id.* In 2008, TrueAllele was first used in a criminal case. *Id.* In 2018, the GBI adopted TrueAllele for its own DNA casework. *Id.* Dr. Perlin trained GBI staff how to use the TrueAllele software program. *Id.*

Daubert Hearing

The *Daubert* hearing occurred in the afternoon session of court on June 6, 2023. The hearing lasted for several hours. The Defendant appeared in person and by counsel, Mr. Philip D. Price, *Esq.*. The State appeared by Assistant District Attorney Geoffrey L. Fogus.

The State called two witnesses for the hearing. Both were qualified by the Court as experts in forensic biology, DNA analysis and interpretation, probabilistic genotyping, and TrueAllele. Both worked as Forensic Biologist in the Division of Forensic Sciences (DOFS) of the Georgia Bureau of Investigation (GBI).

Expert Witness Emily M. Schmidt

The first expert to testify was Ms. Emily M. Schmidt. In Georgia, Ms. Schmidt is recurrently called upon to advise and testify in criminal proceedings to lay the foundation and explain TrueAllele. As the GBI's resident specialist for TrueAllele, Ms. Schmidt may be described as an expert among experts. In this posture, Ms. Schmidt appeared before the Court. Ms. Schmidt provided the scientific underpinning under *Daubert* and Rule 702 for the admission of the State's TrueAllele evidence.

Ms. Schmidt holds a 2012 Master of Science Degree in Forensic Science with emphases in DNA analysis and crime scene investigations and a 2010 Bachelor of Science Degree in Forensic Science with minors in biology and chemistry. Ms. Schmidt's position is a Forensic Biologist and Technical Leader. Ms. Schmidt has worked as a DOFS crime lab scientist for more than a decade since 2012. Ms. Schmidt has been a Technical Leader since 2017. Ms. Schmidt is well-known in the scientific community and has been a professional society member in the American Academy of Forensic Science since 2015.

As Technical Leader, Ms. Schmidt is responsible for the daily quality and technical operations of the Forensic Biology section at DOFS. This necessitates training analysts,

conducting research and validation, maintaining quality controls, and overseeing technical policies and procedures. Additionally, Ms. Schmidt has specific and substantive training and experience with TrueAllele.

In 2015, Ms. Schmidt became the GBI's lead scientist on the validation of TrueAllele. Ms. Schmidt has attended and taken numerous courses for TrueAllele, including Cybergene's own course. Ms. Schmidt has conducted extensive studies and research of TrueAllele. Ms. Schmidt has performed and created hundreds of DNA mixtures with TrueAllele. Ms. Schmidt has helped create, implement, apply, and maintain GBI policies regarding TrueAllele. Ms. Schmidt has participated in professional training and presentations involving DNA analysis, DNA evidence interpretation, and TrueAllele.

Ms. Schmidt has noteworthy court experience and has testified approximately forty-five times as an expert in state criminal proceedings. Ms. Schmidt's expert testimony covered scientific matters ranging from forensic DNA analysis to probabilistic genotyping using TrueAllele. Ms. Schmidt has also testified in federal court in a *Daubert* hearing on the admissibility of TrueAllele in a case worked by the GBI.

Procedure and Proof

The *Daubert* hearing proceeded in two parts. In the first part, Ms. Schmidt provided weighty testimonial and documentary evidence. Ms. Schmidt collected, arranged, and proffered vast documentary evidence, including the State's main exhibits. Ms. Schmidt amplified these proofs by testimonial evidence explaining and annotating the exhibits. Overall, both types of proof sufficiently furnished the condition-precedent for the admissibility of the State's TrueAllele evidence.

The first item tendered by Ms. Schmidt was State's Exhibit 1. This was Ms. Schmidt's curriculum vitae. It is a framing of the requisite expertise and qualifications of Ms. Schmidt.

The second item tendered was State's Exhibit 2. This was Dr. Mark Perlin's curriculum vitae. It publicized the immense qualifications of Dr. Perlin.

The third item tendered was State's Exhibit 3. This was a TrueAllele Computer Interpretation of DNA Mixtures PowerPoint by Ms. Schmidt. It explained forensic DNA analysis and how TrueAllele works. It described such topics as the biology of DNA, Short Tandem Repeat (STR), DNA genotyping, TrueAllele's objective "unmixing" of DNA mixtures, and DNA matching.

The fourth item tendered was State's Exhibit 4. This was a GBI TrueAllele Validations PowerPoint by Ms. Schmidt. It demonstrated how the GBI validated TrueAllele. It summarized four GBI validation studies. It discussed subjects of sensitivity of DNA mixture interpretation method, the error rate, the specificity of a DNA mixture interpretation method, false positives, reproducibility, and how the GBI incorporates protocols and policies in its implementation of TrueAllele to reach valid and objective results and opinions.

The fifth and sixth items tendered were State's Exhibit 5 and Exhibit 6. These were compact discs prepared in advance and provided by Ms. Schmidt. Copies of the discs were given to the Court, the Defense, and the State for the *Daubert* hearing. These were a collection of the myriad proofs and documents for consideration by the Court. It contained more than 20 digital folders with more than one hundred files of articles, documents, reports, opinions, and writings. From the first disc, the State tendered almost all of the State's Exhibits. Beyond and outside the marked Exhibits, the discs included even more items for consideration, case studies, tutorials, and videos for the Court to take under advisement in its screening role in determining the admissibility

of TrueAllele. The used memory on the discs were capacious, with disc one using more than 4 gigabyte (GB) of space, including software to run certain files.

The seventh item tendered was State's Exhibit 7. This was background reading on DNA science. It had proofs from books, magazines, newsletters, and newspapers. There was also a glossary of common terms and concepts in the field of DNA.

The eighth item tendered was State's Exhibit 8. It put forth eight validation studies. These were published peer-reviewed studies on TrueAllele. They were published in journals commonly accepted in the scientific community. These validations were conducted independently of validation studies done by the GBI. They address issues like error rates and trends and were corroboration for the validity of TrueAllele.

The ninth item tendered was State's Exhibit 9. This was thirty-six validation studies on TrueAllele. These were unpublished studies from students and independent crime labs across the United States and other countries. The validation studies addressed the testing of TrueAllele and establishment of reliability and errors rate. Here, the GBI completed at least two validations. Ms. Schmidt was personally involved with two of them. These studies are a component of the calculus for the GBI finding TrueAllele reliable. According to the evidence presented, there has not been a published peer-reviewed validation study that has refuted the reliability of TrueAllele.

The tenth item tendered was State's Exhibit 10. This was seven proofs describing TrueAllele's application in different forensic areas. For example, one use of TrueAllele technology was in identifying human remains from the World Trade Center disaster.

The eleventh item tendered was State's Exhibit 11. This highlights TrueAllele's ability — from a defensive posture and not a prosecutorial one — in DNA exonerations and other post-conviction relief. TrueAllele has been used at least six times in proceedings to exonerate

individuals. This includes a 2020 case of *State v. Kerry Robinson* in Colquitt County, Georgia. The Georgia Innocence Project participated in this. Similarly, TrueAllele was used to help grant an accused a new trial in *State v. Johnny Lee Gates* in Muscogee County, Georgia. See the Georgia Supreme Court Opinion of *State v. Gates*, 308 Ga. 238, 248 (2020). There are instances of other levels of post-conviction relief provided as a proof of the acceptance, effectiveness, and reliability of TrueAllele.

The twelfth item tendered was State's Exhibit 12. This covered standards and compliances for TrueAllele. This had five proofs for compliance and six proofs for standards. The testimony was that the GBI DOFS crime lab is an accredited laboratory with "ANAB" or the American National Standards Institute National Accreditation Board. The specific set of standards are ISO 17025:2017, ANAB AR 3125, and FBI's QAS. These standards provide requirements for internal validations and audits. The GBI's TrueAllele process also complies with "SWGDM," the Scientific Working Group for DNA Analysis Methods, which is a national advisory and regulatory entity consisting of members in the scientific field. Also provided were other documentation of other state regulatory commissions that have approved TrueAllele.

The thirteenth item tendered was State's Exhibit 13. This had five proofs. It provided documentation on regulatory approval. There were items from American National Standard for Information Systems, the New York State Commission on Forensic Science, and the Virginia Scientific Advisory Committee.

The fourteenth item tendered was State's Exhibit 14. This exhibit involves the mathematics underlying TrueAllele. One paper discusses the genotype likelihood ratio distributions and random match probability and match error. Another discusses Cybergenetics

process and its standard operating procedures for TrueAllele. A third provides scientific background and mathematical formulas for statistical modeling in the TrueAllele system.

The fifteenth item tendered was State's Exhibit 15. This dealt with related systems to TrueAllele. It showed that there are other similar probabilistic genotyping systems for computing match statistics. For instance, one such system is STRmix used by the FBI.

The sixteenth item tendered was State's Exhibit 16. Here, seven proofs were offered. These were writings by legal scholars and practitioners on areas of DNA analysis and interpretation. Some incorporated TrueAllele.

The seventeenth item tendered was State's Exhibit 17. It highlighted the scientific development for TrueAllele. Since 1995, Cybergenetics has regularly published articles about DNA interpretation. Scientific articles were offered discussing various areas of mathematics, science, and computing that went into the development of TrueAllele.

The eighteenth item tendered was State's Exhibit 18. It offered proofs for foundational and relevancy of TrueAllele. It showed how TrueAllele is largely based on genetics and established probability modeling and mathematical concepts. It reviewed such concepts like *Bayes Theory* and *Markov Chain Monte Carlo Method*, which TrueAllele uses and have been accepted as reliable by the mathematic and scientific communities for a long time.

The nineteenth item tendered was State's Exhibit 19. This provided about a dozen proofs of the general acceptance in various courts and the forensic community of TrueAllele. The GBI has issued more than a thousand TrueAllele reports. In Georgia, TrueAllele reports have been admitted more than a hundred times in various ways. In the United States, overall, TrueAllele reports have been issued in approximately forty-six states. About ten crime labs in the United States use TrueAllele for DNA mixture analysis. More labs across America are now pursuing

using TrueAllele's casework software. TrueAllele has been referenced or cited in scientific literature more than five hundred times. All this, according to the GBI, means that TrueAllele and probabilistic genotyping is widely known and accepted in the scientific field.

The twentieth item tendered was State's Exhibit 20. This topic covered admissibility and challenges in legal proceedings to the introduction of TrueAllele. TrueAllele has been admitted into evidence after opposition or challenges in approximately thirty-seven courts in fifteen States and the in the United States. TrueAllele has also been admitted into courts outside the United States. The Court was provided more than thirty admissibility rulings regarding TrueAllele from various jurisdictions under *Frye*, *Harper*, and *Daubert* standards. Of those, approximately nineteen have been under *Daubert*. There has been at least one *Daubert* hearing in federal court admitting TrueAllele evidence. Moreover, defense attorneys are inclined — and will be inclined in the future — to employ TrueAllele as it has been successfully implicated in extraordinary motions for new trial and similar postures in two recent appellate cases in Georgia. See *State v. Gates*, 308 Ga. 238 (2020) and *Smith v. State*, 315 Ga. 287 (2022).

In concluding her testimony, Ms. Schmidt agreed that (1) TrueAllele evidence will help the trier of fact to understand the evidence at trial; (2) TrueAllele evidence is based upon sufficient facts or data; (3) TrueAllele evidence is the product of reliable principles and methods; and (4) TrueAllele principles and methods have been reliably applied to the facts of the case.

The Court, in light of the evidence, both documentary and testimonial, provided by Ms. Schmidt, finds and holds that TrueAllele, and its methodology and application, is reliable and reproducible, is based on valid scientific theory, has been rigorously tested both internally and externally, has been subject to peer review and publication, has an established known or potential rate of error, is subject to standards or controls, and is accepted in the scientific community.

Expert Witness Kennesha S. Laiu

The second expert to testify at the *Daubert* hearing was Ms. Kennesha S. Laiu. Ms. Laiu was the GBI DOFS Forensic Biologist who actually conducted the TrueAllele analysis of the evidence regarding the Defendant's DNA. Ms. Laiu was similarly tendered and deemed an expert witness in forensic biology, DNA, and TrueAllele analysis. Ms. Laiu's position and title is that of Master Crime Lab Scientist III. Ms. Laiu has been employed with the GBI DOFS since 2008. Ms. Laiu has a Bachelor of Science in Forensic Science (Microbiology and Molecular Biology) with a minor in chemistry. Ms. Laiu has qualified training and experience in TrueAllele. Ms. Laiu has professional affiliations with the American Academy of Forensic Sciences since 2009.

The twenty-first item, tendered through Ms. Laiu, was State's Exhibit 21, Ms. Laiu's curriculum vitae.

The twenty-second item, tendered through Ms. Laiu, was State's Exhibit 22, the original, non-TrueAllele DNA analysis regarding the Defendant's DNA by another crime lab analyst, which the Court has already held a hearing pursuant to *Bullcoming v. New Mexico*, 564 U.S. 647 (2011), which the parties are not seeking a *Daubert* hearing.

The twenty-third item, tendered through Ms. Laiu, was State's Exhibit 23. This is the TrueAllele GBI DOFS Report and the subject of this *Daubert* hearing. It was issued by Ms. Laiu on May 12, 2022. Below is Ms. Laiu's expert opinion regarding the TrueAllele DNA evidence:

Evidence data described in the report were developed using the Identifiler® PCR Amplification Kit.

The TrueAllele® Casework system processed the data obtained from the glove [GBI Item 1], the neck of the sweatshirt [GBI Item 3], and the wrists of the sweatshirt [GBI Item 3] in independent replicate computer runs to infer possible DNA contributor genotypes from the samples.

All evidence genotypes were compared with all reference genotypes to compute likelihood ratio (LR) DNA match statistics.

The United States Federal Bureau of Investigation's combined population database was used to generate DNA match statistics. The combined population database contains African American, Caucasian, Hispanic and Asian populations. Identical siblings will have identical DNA data and DNA match statistics.

The glove [GBI Item 1] contained a mixture of DNA from at least four individuals.

A DNA match was identified between the glove [GBI Item 1] and Erin Stephon Arms. A match between the data obtained from the glove [GBI Item 1] and Erin Stephon Arms is approximately 1 sextillion times more probable than a coincidental match to an unrelated person in the population.

Due to the complexity of the mixture and limited data, no conclusive determination can be made as to the remaining evidence genotypes from the data obtained from the glove [GBI Item 1].

The neck of sweatshirt [GBI Item 3] contained a mixture of DNA from at least two individuals.

A DNA match was identified between the neck of sweatshirt [GBI Item 3] and Erin Stephon Arms. A match between the data obtained from the neck of sweatshirt [GBI Item 3] and Erin Stephon Arms is approximately 1 sextillion times more probable than a coincidental match to an unrelated person in the population.

The wrists of sweatshirt [GBI Item 3] contained a mixture of DNA from at least two individuals.

A DNA match was identified between the wrists of sweatshirt [GBI Item 3] and Erin Stephon Arms. A match between the data obtained from the wrists of sweatshirt [GBI Item 3] and Erin Stephon Arms is approximately 900 quintillion times more probable than a coincidental match to an unrelated person in the population.

No further conclusions can be drawn from the neck of sweatshirt [GBI Item 3] and the wrists of sweatshirt [GBI Item 3] at this time. It is possible for the TrueAllele Casework system to provide additional conclusions from the neck of sweatshirt [GBI Item 3] and the wrists of sweatshirt [GBI Item 3] upon receipt of adequate known samples from additional person(s) of interest.

Due to the complexity of the mixture and limited data, the minor evidence genotypes obtained from the glove [GBI Item 1], the

neck of sweatshirt [GBI Item 3], and the wrists of sweatshirt [GBI Item 3] are not eligible for entry into the DNA database (CODIS).

The Court, in light of the evidence, both documentary and testimonial, provided by Ms. Laiu, finds and holds that (1) Ms. Laiu's scientific knowledge will help the trier of fact to understand the evidence and determine a fact in issue at trial; (2) Ms. Laiu's testimony is based upon sufficient facts or data; (3) Ms. Laiu's testimony is the product of reliable principles and methods; and (4) Ms. Laiu has reliably applied its principles and methods to the facts of the case.

Specific Findings Regarding TrueAllele

Based on everything presented and considered on this *Daubert* issue regarding the admissibility of the TrueAllele evidence, the Court makes these specific findings in accordance with O.C.G.A. § 24-7-702:

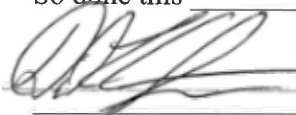
1. The State's witnesses are expertly qualified to testify competently regarding TrueAllele in this case based on their knowledge, skill, experience, training, and education.
2. TrueAllele, and its methodology by which the experts have reached their conclusions, is sufficiently reliable as determined by the sort of inquiry mandated in *Daubert*.
3. True Allele, and the expert testimony thereon, is based upon sufficient facts or data.
4. TrueAllele has been tested, has been subjected to peer review and publication, has a known or potential rate of error, and there are existing and applied standards and controls for it.
5. TrueAllele, as implemented by the GBI, is part of and subject to professional and accreditation polices and entities.
6. There is a general degree of acceptance in the relevant scientific or professional community for TrueAllele.
7. The State's experts have reliably applied the principles and methods to the facts of the case.

8. The opinion and testimony of the State's experts are the products of reliable principles and methods.
9. The opinion and testimony of the State's experts will assist the jury through the application of scientific, technical, and specialized expertise to understand the evidence and to determine a fact in issue at trial.

CONCLUSION

For the preliminary question on the evidentiary admissibility of the TrueAllele DNA evidence propounded by the State in this instant criminal action, the Court, upon exercising its critical gatekeeping function pursuant to O.C.G.A. § 24-7-702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), ***FINDS AND CONCLUDES THAT SUCH TRUEALLELE EXPERT OPINION AND EVIDENCE SHALL BE ADMISSIBLE.***

So done this _____ day of _____ 2023.



11/7/2023

The Honorable David L. Cannon Jr.
Superior Court Judge of the
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