

IN THE STATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

DANIEL WALTSON,

Plaintiff,

v.

**TRESHAUN HILL, in his Individual
Capacity, KIARA BROOKS, in her
Individual Capacity, HUNTER SHANE
WIGGINS, in his Individual Capacity,
DIMITRIOS STEPHENS, in his
Individual Capacity,**

Defendants.

Civil Action File No.: _____

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, **DANIEL WALTSON**, by and through his undersigned counsel, and files this Complaint for Damages against Defendants Treshaun Hill, in his Individual Capacity; Kiara Brooks, in her Individual Capacity; Hunter Shane Wiggins, in his Individual Capacity; and Dimitrios Stephens, in his Individual Capacity, and shows this Court as follows:

INTRODUCTION

This lawsuit arises from the unlawful arrest and malicious prosecution of Daniel Waltson by members of the Douglasville Police Department. On May 12, 2025, Officers Hill and Brooks came to Mr. Waltson's home without a warrant and attempted to question him. Mr. Waltson, exercising his constitutionally protected rights, refused to open his door and told the officers to leave, stating that if the officers refused to leave, he would "sue the department." Rather than honor Mr. Waltson's lawful assertion of his rights, the officers fabricated sworn testimony that Mr. Waltson had threatened to shoot them and obtained an arrest warrant based upon those false statements. As a result of the false allegations against Mr. Waltson, he was arrested, jailed for

three days, and criminally prosecuted. The charges against Mr. Waltson were ultimately dismissed after the State determined that Mr. Waltson had, in fact, stated he would "sue the department," not shoot it.

PARTIES, JURISDICTION, AND VENUE

1.

Plaintiff, Daniel Waltson (hereinafter "Mr. Waltson" or "Plaintiff"), at all times relevant to this action was a resident of Douglas County, Georgia, residing at 6068 Cooper Street, Douglasville, Georgia 30314. Mr. Waltson is subject to the jurisdiction and venue of this Court.

2.

Defendant Treshaun Hill (hereinafter "Officer Hill") was, at all times relevant to this action, a law enforcement officer employed by the Douglasville Police Department, acting under color of state law, within the course and scope of his employment. Mr. Hill is sued in his individual capacity. Mr. Hill may be served with process at his place of employment, the Douglasville Police Department, 2083 Fairburn Road, Douglasville, Georgia 30134, or at his place of residence.

3.

Defendant Kiara Brooks (hereinafter "Officer Brooks") was, at all times relevant to this action, a law enforcement officer employed by the Douglasville Police Department, acting under color of state law, within the course and scope of her employment. Ms. Brooks is sued in her individual capacity. Ms. Brooks may be served with process at her place of employment, the Douglasville Police Department, 2083 Fairburn Road, Douglasville, Georgia 30134, or at her place of residence.

4.

Defendant Hunter Shane Wiggins (hereinafter "Officer Wiggins") was, at all times relevant to this action, a law enforcement officer employed by the Douglasville Police Department, acting

under color of state law. Mr. Wiggins is sued in his individual capacity. Mr. Wiggins may be served with process at his place of employment, the Douglasville Police Department, 2083 Fairburn Road, Douglasville, Georgia 30134, or at his place of residence.

5.

Defendant Dimitrios Stephens (hereinafter "Officer Stephens") was, at all times relevant to this action, a law enforcement officer employed by the Douglasville Police Department, acting under color of state law. Mr. Stephens is sued in his individual capacity. Mr. Stephens may be served with process at his place of employment, the Douglasville Police Department, 2083 Fairburn Road, Douglasville, Georgia 30134, or at his place of residence.

6.

This Court has jurisdiction over this matter pursuant to O.C.G.A. § 15-7-4 and the general jurisdictional statutes of the State of Georgia.

7.

Venue is proper in this Court pursuant to O.C.G.A. § 9-10-93, as the acts and omissions giving rise to this action occurred in the City of Douglasville in Douglas County, Georgia.

STATEMENT OF FACTS

8.

On May 12, 2025, the Douglasville Police Department responded to Mr. Waltson's residence.

9.

Officers Hill and Brooks arrived on the scene and spoke with Mr. Waltson's wife, Gennifer Torres, ("Mrs. Torres") outside of their neighbor's home.

10.

Officers Hill and Brooks then approached Mr. Waltson's residence, came onto his front

porch, and knocked on his door.

11.

Mr. Waltson immediately responded by asking through the closed door, “Do you have a warrant?” to which Officer Hill responded “No, I just want to talk to you.”

12.

Mr. Waltson repeatedly asked whether Officer Hill had a warrant, and Officer Hill repeatedly stated that he “just wanted to talk to [Mr. Waltson].”

13.

Mr. Waltson then stated, “You have no warrant, get away from my house. Get away from my house or I’ll sue your department.”

14.

Officer Hill then asked, “You’ll do what?” to which Officer Brooks replied, “Sue our department, I believe he said.”

15.

Officer Hill then stated, “We can back off,” and both he and Officer Brooks walked back to speak with Mr. Waltson’s wife, before eventually arresting her.

16.

The intereaction between the officers and Mr. Waltson are all recorded on body-worn camera video.

17.

The next day, on May 13, 2025, pursuant to an arrest warrant filed by officers from the Douglasville Police Department, which made false claims and accusations against him, Mr. Waltson was arrested and charged with making Terroristic Threats (O.C.G.A. § 16-11-37).

18.

Following his arrest, Mr. Waltson was detained for 3 days at the Douglas County Jail and was released on May 15, 2025, on a \$5000 cash bond.

19.

The arrest warrant that led to Mr. Waltson's arrest was signed by Magistrate Judge Joel Dodson, and was initiated by an application and sworn affidavit from Officer Hill.

20.

Based on the sworn testimony of Officer Wiggins, the arrest warrant affidavit falsely alleged that Mr. Waltson "threatened to shoot the police for being on his property without a warrant." See Arrest Warrant attached as **Exhibit 1**.

21.

Based on false testimony presented by Officer Stephens, Mr. Waltson was subsequently indicted by a Douglas County Grand Jury on one count of Terroristic Threats (O.C.G.A. § 16-11-37). See Grand Jury Indictment attached as **Exhibit 2**.

22.

Throughout this matter, Mr. Waltson has maintained his innocence.

23.

On September 10, 2025, Mr. Waltson filed motions to quash and dismiss the indictment against him. See Motion to Quash Indictment and Motion to Dismiss attached as **Exhibit 3**.

24.

Waltson's motion explained that the initial indictment and sworn affidavit of Officer Wiggins falsely alleges that on May 12, 2025, Mr. Waltson threatened to "shoot the police for being on his property without a warrant." See Arrest Warrant attached as **Exhibit 1**.

25.

At his bond hearing, the District Attorney reiterated this same version of events, falsely stating that Mr. Waltson threatened to shoot the police regarding their warrantless presence on his property.

26.

In support of his motion, Mr. Waltson presented documentation from the Douglasville Police Department's Records Division confirming that Officer Wiggins was not on duty on May 12, 2025, and thus, his sworn affidavit was false. See *Motion to Quash Indictment and Motion to Dismiss*, Page 2, attached as **Exhibit 3**.

27.

The Grand Jury Indictment states that Mr. Waltson made terroristic threats by suggesting the death of Officer Fabbish, on May 13, 2025, which is the day after the incident for which Mr. Waltson was being indicted, according to the arrest affidavit. *Grand Jury Indictment*, Page 3, attached as **Exhibit 2**.

28.

Mr. Waltson correctly asserted in his motion that any threat he supposedly made towards Officer Fabbish was factually impossible, because he was incarcerated in the Douglas County Jail on May 13, 2025. *Motion to Quash Indictment and Motion to Dismiss*, Page 4, attached as **Exhibit 3**.

29.

On October 2, 2025, a *Nolle Prosequi* was filed by Assistant District Attorney Ra M. Williams, pursuant to Prosecutorial Discretion. See *Nolle Prosequi* attached as **Exhibit 4**.

30.

The *Nolle Prosequi* states that “**the State determined that [Mr. Waltson] did not threaten to ‘shoot the department’**” and that Mr. Waltson, in fact, “stated that he would ‘sue the department.’” *Id.* (emphasis added).

31.

As a direct and proximate result of Officers Hill, Brooks, Wiggins, and Stephens unlawful conduct, Mr. Waltson suffered and continues to suffer significant harm, including but not limited to unlawful deprivation of his liberty; wrongful incarceration; physical, psychological and emotional distress; damage to his reputation; financial losses including loss of income; expenditure of legal fees and costs; and other general and special damages.

COUNT I

Malicious Prosecution

32.

Plaintiff alleges and incorporates herein the allegations contained in paragraphs 1 through 33 above as if fully restated herein.

33.

Under Georgia law, a criminal prosecution, maliciously carried out and without any probable cause that which damages the person prosecuted shall give that person a cause of action. See O.C.G.A. § 51-7-40.

34.

The elements of a malicious prosecution claim under Georgia law are as follows: 1) prosecution for a criminal offense; 2) under a valid warrant, accusation or summons, 3) termination of the prosecution in favor of the plaintiff, 4) malice in the institution or maintenance of the

proceedings, 5) lack of probable cause for the proceedings, and 6) damages to the plaintiff. See *Walmart Stores, Inc. v. Blackford*, 264 Ga. 612, 613 (1994).

35.

Officers Hill, Brooks, Wiggins, and Stephens are liable to Plaintiff for malicious prosecution under Georgia law.

36.

As shown herein, Officers Hill, Brooks, Wiggins, and Stephens maliciously and without probable cause made false statements that caused Mr. Waltson to be arrested, detained, indicted, and prosecuted for Terroristic Threats under O.C.G.A. § 16-11-37.

37.

Mr. Waltson was arrested, indicted, and prosecuted based on the false allegations by Officers Hill, Brooks, Wiggins, and Stephens that Mr. Waltson had threatened to shoot the police. As set forth above, Officer Wiggin's affidavit was fabricated, which Plaintiff corroborated by highlighting that Officer Wiggins was not even on duty on May 12, 2025, and Officer Stephens provided false testimony before the Grand Jury. Mr. Waltson was not indicted or tried on a charge supported by any credible evidence.

38.

On October 2, 2025, the State filed a Nolle Prosequi expressly acknowledging that Mr. Waltson did not make any terroristic threat, terminating the criminal proceeding in his favor and giving rise to Mr. Waltson's claim for malicious prosecution, a copy of which is attached hereto as **Exhibit 2**.

39.

The criminal prosecution of Mr. Waltson was instigated without probable cause based on

Officers Hill, Brooks, Wiggins, and Stephen's fabricating facts that were included in the arrest warrant affidavit and grand jury testimony, alleging that Mr. Waltson threatened to shoot the police when in fact he stated only that he would sue the department.

40.

Each of the charges in the indictment against Mr. Waltson were fabricated and based on falsified evidence provided by Officers Hill, Brooks, Wiggins, and Stephens.

41.

The prosecution of Mr. Waltson was instituted and maintained by Officers Hill, Brooks, Wiggins, and Stephens.

42.

The prosecution of Mr. Waltson caused him to suffer damages including detention in the Douglas County Jail for three days, physical and emotional pain and suffering, damage to his reputation, loss of income, and legal fees to defend against his malicious prosecution.

43.

Each of the charges in the indictment against Mr. Waltson were fabricated and based on falsified evidence provided by Officers Hill, Brooks, Wiggins, and Stephens, which constitute a lack of probable cause and malice on behalf of the Defendants.

COUNT II

Negligent Performance of Ministerial Duty

44.

Plaintiff alleges and incorporates herein the allegations contained in paragraphs 1 through 43 above as if fully restated herein.

45.

Under Georgia law, official immunity does not protect officers from liability for the negligent performance of a ministerial duty. See *Cameron v. Lang*, 274 Ga. 122, 124 (2001); *Roper v. Greenway*, 294 Ga. 112 (2013).

46.

A ministerial act is one that is absolute, certain, and imperative, involving merely the execution of a specific duty arising from fixed and designed facts, where nothing is left to discretion.

47.

Officers Hill, Brooks, Wiggins, and Stephens, are each bound by ministerial duties and procedures of the Douglasville Police Department relating to their law enforcement duties that are relevant to the allegations in this lawsuit.

48.

At all times relevant to this action, Officers Wiggins, Stephens, and Hill were subject to the mandatory provisions of the Douglasville Police Department's Standard Operating Procedures, which are binding departmental directives governing officer conduct.

49.

The Douglasville Police Department's procedures require officers to be "truthful at all times, whether under oath or not, when conducting any official police business." Douglasville Police Department, SOP # 10-0-02.7, Code of Conduct, §4, Enumeration 54, Truthfulness.

50.

The Douglasville Police Department's procedures dictates that officers "will complete all paperwork (Complaint Reports, Incident Reports, Use of Force Reports, Pursuit Reports, etc.)

truthfully, completely, and in a timely manner.” Douglasville Police Department, SOP # 10-02-02.7, Code of Conduct, §4, Enumeration 48, Responding to Calls.

51.

The Douglasville Police Department’s procedures require officers to “faithfully perform and discharge the duties of my position conscientiously and in all things will and truly without malice or partiality perform the duties of the office of Police Officer.” Douglasville Police Department, Page 4, Oath of Office, ¶ 2.

52.

Each of the foregoing procedures are ministerial in character, and commands a specific, non-discretionary course of conduct, including to be truthful, and complete paperwork accurately, which includes the preparation and submission of warrant affidavits and testimony before a grand jury.

53.

Officer Wiggins breached his ministerial duties by submitting a sworn arrest warrant affidavit that falsely stated Mr. Watson had “threatened to shoot the police for being on his property without a warrant,” when in fact no such threat was ever made.

54.

Based on information and belief, Officer Wiggins was not on duty on May 12, 2025, and therefore had no personal knowledge of any event upon which to swear to arrest warrant affidavit alleging a crime by Mr. Waltson on the day in question.

55.

The submission of a warrant affidavit containing fabricated facts was a direct violation of non-discretionary procedures of the Douglasville Police Department which mandates that officers

are truthful in all official police business.

56.

Officer Stephens breached his ministerial duties by providing false testimony before the Douglas County Grand Jury where he testified that Mr. Waltson made terroristic threats against Officer Fabbish on May 13, 2025.

57.

On May 13, 2025, Mr. Waltson was confined at Douglas County Jail and physically incapable of making any such threat to Officer Fabbish.

58.

Officer Stephen's grand jury testimony was fabricated, in direct violation of the mandatory procedures of the Douglasville Police Department which requires that officers be truthful "at all times, whether under oath or not."

59.

Officer Hill breached his ministerial duties by participating in and facilitating the submission of a false arrest warrant application against Mr. Waltson, despite having personally heard Mr. Waltson state that he would "sue the department" and not shoot it, as falsely alleged in the warrant affidavit.

60.

Officer Hill's failure to ensure that the warrant affidavit accurately reflected the facts known to him violated the mandatory, non-discretionary directives of the Douglasville Police Department's Standard Operating Procedures.

61.

As a direct and proximate result of Officer's Hill, Brooks, Wiggins, and Stephens'

negligent performance of their ministerial duties, Mr. Waltson was subjected to malicious prosecution, including his unlawful arrest, wrongful incarceration, criminal indictment, and the burden of defending a malicious prosecution.

62.

Officer's Hill, Brooks, Wiggins, and Stephens breach of these ministerial duties directly and proximately caused Mr. Waltson to suffer damages including, but not limited to: unlawful deprivation of liberty, wrongful incarceration, physical, psychological, and emotional distress; damage to his reputation, financial losses including loss of income, legal fees and costs, and other general and special damages for which Defendant officers are liable in their individual capacities.

COUNT – III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

63.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 62 above as if fully restated herein.

64.

Under Georgia law, a claim for intentional infliction of emotional distress exists where a defendant's conduct directed at a plaintiff is intentional or reckless, extreme and outrageous, and causes a plaintiff to experience severe emotional distress. See *Kirkland v. Earth Fare, Inc.*, 289 Ga. App. 819 (2008).

65.

As a result of the substantial violations by Officers Hill, Brooks, Wiggins, and Stephens of the Douglasville Police Department's policies and procedures, which resulted in the arrest, indictment and prosecution, Mr. Waltson has suffered and continues to suffer severe emotional

distress.

66.

The conduct of Officers Hill, Brooks, Wiggins, and Stephens, as described herein, was intentional, reckless, extreme, and outrageous, and has caused Mr. Waltson to experience severe emotional distress.

67.

The wrongful actions, conduct, and violations by Officers Hill, Brooks, Wiggins, and Stephens, as described herein, were the proximate cause of Mr. Waltson's emotional distress.

68.

As a result of Officers Hill, Brooks, Wiggins, and Stephens' false allegations that Mr. Waltson threatened to "shoot" officers, Mr. Waltson has suffered damages for emotional pain and suffering, for which Officers Hill, Brooks, Wiggins, and Stephens are liable for damages under Georgia law.

69.

As a result of the wrongful actions, conduct, and violations as described herein, Mr. Waltson sought psychiatric care and was diagnosed with "[a]djustment disorder with anxiety condition" due to "[p]roblems related to" the "legal circumstances" which form the basis of this complaint.

70.

"In an intentional infliction of emotional distress claim, when evaluating whether the objected-to conduct can reasonably be characterized as outrageous or egregious, a jury may consider evidence of a defendant's malicious purpose or wanton disregard of a plaintiff's rights."

Reid v. Waste Indus. USA, Inc., 345 Ga. App. 236, 236, 812 S.E.2d 582, 584 (2018)

71.

Officers Hill, Brooks, Wiggins, and Stephens made a concerted effort to instigate Mr. Waltson's arrest on felony charges by falsifying material facts and fabricating a story accusing Mr. Waltson of threatening to "shoot" the department when they knew he did not.

72.

Officers Hill, Brooks, Wiggins, and Stephen's allegations against Mr. Waltson were false, malicious, extreme and outrageous conduct, and the result of collusion between Officers Hill, Brooks, Wiggins, and Stephens to have Mr. Waltson arrested and prosecuted.

73.

As a direct and proximate result of the willful, wanton, extreme and outrageous actions of Officers Hill, Brooks, Wiggins, and Stephens, Mr. Waltson was booked into Douglas County Jail and placed within the jail's general population where he spent almost three days away from his home and family, giving rise to intense feelings of humiliation, embarrassment, fright, and extreme outrage as to cause severe emotional distress.

COUNT - IV

PUNITIVE DAMAGES

74.

Plaintiff alleges and incorporates herein the allegations contained in paragraphs 1 through 73 above as if fully restated herein.

75.

Under Georgia law, O.C.G.A. § 51-12-5.1, punitive damages may be awarded in a tort action where there is clear and convincing evidence that a defendant's actions showed either willful

misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences.

76.

As shown herein, through their actions and omissions, Officers Hill, Brooks, Wiggins, and Stephens, have maliciously and intentionally injured Mr. Waltson, and their conduct evidences a willful, wanton, and reckless disregard for Mr. Walton's rights, and raise the presumption of conscious indifference to consequences.

77.

Based on the actions of Officers Hill, Brooks, Wiggins, and Stephens towards the constitutional rights of citizens of Georgia, a jury would be authorized to award punitive damages to Mr. Walson against Officers Hill, Brooks, Wiggins, and Stephens to punish, penalize, or deter them from future misconduct.

COUNT V

ATTORNEY'S FEES AND EXPENSES

78.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 76 above as if fully restated herein.

79.

The acts of Officers Hill, Brooks, Wiggins, and Stephens warrant an award of reasonably attorney's fees and expenses, under O.C.G.A. § 13-6-11, for stubborn litigiousness, causing unnecessary trouble and expense, and bad faith.

WHEREFORE, Plaintiff pray as follows:

- (a) That Summons issue requiring Defendants to appear as provided by law to answer this Complaint;
- (b) That Defendant be timely served with process;
- (c) That Plaintiff have a trial by jury on all issues and claims;
- (d) That Plaintiff recover the damages set forth herein and all other expenses as permitted under Georgia law;
- (e) That all costs be cast against Defendants; and
- (f) For such other and further relief as the Court shall deem just and appropriate.

Respectfully submitted, this 3rd day of August, 2026.

THE STARKS LAW FIRM

/s/ Samuel L. Starks
Samuel L. Starks, Esq.
Georgia Bar No. 676515
Counsel for Plaintiffs
245 N. Highland Avenue, Suite 382
Atlanta, Georgia 30307-1912
(404) 343-3332 Phone
(404) 549-7063 Fax

LAW OFFICE OF ROBERT KENNER, JR.

/s/ Robert Kenner, Jr.
Robert Kenner, Jr.
Georgia Bar No. 415028
Counsel for Plaintiff
THE BARRISTER BUILDING
3992 Redan Road
Stone Mountain, Georgia 30083-4741
(404) 292-9997 Phone
(404) 292-9998 Fax

EXHIBIT 1

**STATE OF GEORGIA
ARREST WARRANT
WARRANT #: 25MJD01736
AFFIDAVIT**

**FILED IN MY OFFICE WITH
CLERK OF SUPERIOR/STATE COURT
2025 May 15
Douglas County, GEORGIA**

Personally came Hunter Shane Wiggins, who on oath says that, to the best of his/her knowledge and belief Daniel Keith Waltson did, commit the offense of, 16-11-37(F) TERRORISTIC THREATS AND ACTS between the dates of 05/12/2025 at 9:57 PM and 05/12/2025 at 11:00 PM in Douglas County, Georgia; the place of occurrence of said offense 6068 COOPER ST Douglasville, Ga 30134; and against the laws of Georgia.

Said offense being described as:

Said accused did threaten to commit a crime of violence to wit: threatened to shoot the police for being on his property without a warrant

And this deponent makes the affidavit that a warrant may issue for the accused arrest.

Prosecuting Officer

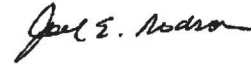
Treshaun Hill

Affiant



Sworn to and subscribed before me this 13 day of May, 2025.

Judge



GEORGIA, DOUGLAS COUNTY

WARRANT

TO ANY SHERIFF, DEPUTY SHERIFF, CONSTABLE, MARSHAL, OR LAW ENFORCEMENT OFFICER OF SAID STATE WHO IS AUTHORIZED BY LAW TO EXECUTE WARRANTS, GREETINGS:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and from other sworn testimony by the Prosecutor therein, with said affidavit and testimony establishing Probable Cause for arrest of the accused; YOU ARE HEREBY COMMANDED to arrest the Defendant named in the foregoing affidavit who is charged by the Prosecutor therein with the offense(s) against the laws of this State as named in said Affidavit, and bring him/her before me or some other Judicial Officer in this State to be dealt with as the law directs. HEREIN FAIL NOT.

Given under my hand and seal this 13 day of May, 2025, at 7:56 AM



GEORGIA, DOUGLAS COUNTY

Judge, Douglas County, Georgia

EXECUTED THE FOREGOING WARRANT BY ARRESTING DEFENDANT NAMED ABOVE

This ____ day of _____, _____

Arresting Officer

State of Georgia vs. Defendant. Daniel Keith Waltson Address 6068 Cooper St City/St/Zip Douglasville, GA 30134	Bond Amount Offense. TERRORISTIC THREATS AND ACTS O.C.G.A. 16-11-37(F) Agency Case# P25005168 Prosecutor Treshaun Hill Address 2083 Fairburn Rd City / ST Douglasville, GA 30135	
FBI: SID: Height: 511	Race: W DOB: 11/26/1995 DL: 072391297 Eyes: Green	Hair: Brown Sex: M Weight: 180
Witnesses:		Co-Defendants:



EXHIBIT 2

ORIGINAL

LW

INDICTMENT

Grand Jury Witness:
Dimitrios Stephens,
Douglasville Police Department

CASE NO. 25CR01005
DOUGLAS SUPERIOR COURT
APRIL TERM, 2025

Warrant/Ticket No.:
25MJD01736

STATE OF GEORGIA **ASSIGNED TO JUDGE**
LAUREN WALLACE
versus
DANIEL KEITH WALTSON 12/2

Offense:
Ct. 1: TERRORISTIC THREATS
O.C.G.A. 16-11-37(b)

True BILL
Melanie Cain
Grand Jury Foreperson

E. Dalia Racine, District Attorney
Indictment

Returned in open court by Grand Jury,
this 20th day of August, 2025.

Annetta D. Stembidge
Annetta D. Stembidge, Clerk

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

This _____ day of _____, 20____

Defendant

Attorney for the Defendant

Assistant District Attorney RMW

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

This _____ day of _____, 20____

Defendant

Attorney for the Defendant

Assistant District Attorney



INDICTMENT

STATE OF GEORGIA, COUNTY OF DOUGLAS COUNTY IN THE SUPERIOR COURT OF DOUGLAS COUNTY

THE GRAND JURORS selected, chosen and sworn for the County of Douglas, to wit:

Melanie Cain – Foreperson

Edna Green – Vice Foreperson

~~Donna Hayes~~

Willis Clonts

~~Elijah Ammazi~~

Jacqueline Ngam

~~Myra Lewis~~

Calvin Jordan

Gregory Floyd

Alex Coker

Rick Saenz

Marc Turner

~~Lillian Hinds~~

Ronald Brown

Jonelle Gray

Maria Rodriguez

~~Roderick Jordan~~

~~Larry Harden~~

Francis Bertino Jr.

~~Yvonne Lomax~~

Charles Djirou

~~Reginald Zackery - Alternate~~

Sampson Burke Jr.

~~Paul Marino Jr. - Alternate~~

Madison Smith

~~Shawn Cooper - Alternate~~

INDICTMENT

COUNT 1

In the name and on behalf of the people of the State of Georgia, charge and accuse **DANIEL KEITH WALTSON** with the offense of **TERRORISTIC THREATS (O.C.G.A. 16-11-37(b))** for that the said accused, in the State of Georgia and County of Douglas, on **May 13, 2025**, did while suggesting the death of Officer Fabbish threaten to commit any crime of violence, contrary to the laws of said State, the good order, peace and dignity thereof.

**E. DALIA RACINE, DISTRICT ATTORNEY
DOUGLAS JUDICIAL CIRCUIT**

EXHIBIT 3

ORIGINAL

FILED

SEP 10 2025

Annetta D. Stenbridge, Clerk
Superior & State Court
Douglas County, GA

**DOUGLAS COUNTY SUPERIOR COURT – COMPLETE
FILING PACKET**

State of Georgia v. Daniel Waltson
Criminal Action File No. 25CR01005
Warrant No. 25MJD01736

Defendant: Daniel Waltson appearing Pro Se

6068 Cooper Street

Douglasville, GA 30134,

1. Cover Letter to Clerk by Hand Delivery

Daniel Waltson, Pro Se

6068 Cooper Street

Douglasville, GA 30134

(Date) 9/10/2025

Clerk of Superior Court

Douglas County Superior Court

8700 Hospital Drive

Douglasville, GA 30134

Re: Filing of Motion to Quash Indictment and Motion to Dismiss

Criminal Action File No. 25CR01005



Dear Clerk of Superior Court,

Enclosed for filing in the above-referenced matter, please find the following documents:

Motion to Quash Indictment and Motion to Dismiss

Motion Requesting Hearing

Motion to Admit Exhibit A

Exhibit A – Douglasville Police Department Records Division confirmation of Officer Hunter Shane Wiggins's off-duty status (May 12, 2025)

Proposed Order

Please file these documents of record and forward them to the assigned judge for review. I respectfully request that a hearing date be scheduled at the Court's earliest convenience.

Respectfully submitted,

Daniel Waltson, Pro Se



**IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

v.

DANIEL WALTSON, Defendant.

Criminal Action File No. 25CR01005

Warrant No. 25MJD01736

MOTION TO QUASH INDICTMENT AND MOTION TO DISMISS

COMES NOW, the Defendant, **Daniel Waltson**, pro se, and files this Motion to Quash Indictment and Motion to Dismiss, showing this Honorable Court that the indictment returned against him is constitutionally defective, unsupported by competent evidence, and fatally tainted by inconsistent, impossible, and deliberately misleading allegations presented to the grand jury.

I. FACTUAL BACKGROUND

The initial indictment and sworn affidavit of Officer **Hunter Shane Wiggins** (Douglasville Police Department) allege that on **May 12, 2025**, Defendant threatened to “*shoot the police for being on his property without a warrant.*”

At Defendant’s **bond hearing**, the District Attorney reiterated this same version of events—May 12, 2025, threats of shooting police regarding their warrantless

presence on Defendant's property.

Defendant possesses an official document from the **Douglasville Police Department Records Division**, attached hereto as **Exhibit A**, confirming that **Officer Hunter Shane Wiggins was not on duty on May 12, 2025**. His sworn affidavit is therefore factually impossible.

Instead of correcting the record, the prosecution presented the **grand jury** with an entirely different version of events, using the testimony of **Officer Demitri Stephens**. The grand jury was told that the alleged act occurred on **May 13, 2025**, and that Defendant "*suggested the death of Officer Fabish*." No mention was made of the property, warrantless entry, or threats to shoot officers.

The account before the grand jury was **vague, contradictory, and devoid of specific time or place**, stating only that something occurred on May 13, 2025.

Critically, Defendant was **incarcerated in the Douglas County Jail on May 13, 2025**, pursuant to an active warrant. It was therefore factually **impossible** for Defendant to have committed the alleged act on that date.

Defendant has never met Officer Stephens or Officer Fabish, nor was he aware of their existence until reviewing the indictment on the court docket.

II. LEGAL STANDARD

An indictment must be supported by competent legal evidence and must fairly inform the accused of the charges against him. **O.C.G.A. § 17-7-54** requires that an indictment not be based on speculation or fundamentally contradictory testimony.

The Georgia Supreme Court has long held that “[a]n indictment procured by perjured testimony or material misrepresentation offends the most fundamental notions of due process.” *State v. Green*, 274 Ga. 686, 558 S.E.2d 707 (2002). Similarly, the U.S. Supreme Court has emphasized that due process is violated where the prosecution presents false or misleading testimony to secure an indictment. *Napue v. Illinois*, 360 U.S. 264 (1959); *Mooney v. Holohan*, 294 U.S. 103 (1935).

The Court of Appeals has recognized that indictments must be quashed where they rest on impossible or contradictory allegations. *See Bostick v. Ricketts*, 236 Ga. 304 (1976); *State v. Manning*, 269 Ga. 755 (1998).

III. ARGUMENT

A. The Wiggins Affidavit Is Impossible and Fatally Undermines the Indictment

The State’s case began with Officer Wiggins’s sworn affidavit alleging May 12, 2025. But Defendant holds documentary proof from the **Douglasville Police Department Records Division** (Exhibit A) that Wiggins was **not on duty** on that date and time in said affidavit. His testimony was impossible, false, and misleading.

Rather than dismissing the defective affidavit, the prosecution appears to have **omitted Wiggins's account** from the grand jury and substituted an entirely different narrative to conceal this fatal defect. Such conduct undermines the integrity of the indictment and violates due process.

B. Contradictory Accounts Render the Indictment Invalid

The State presented **two irreconcilably different versions** of the alleged offense:

Version 1 (Wiggins affidavit/DA at bond hearing): May 12, 2025; (claims) threats to shoot police for being on property without a warrant.

Version 2 (Stephens testimony/DA before grand jury): May 13, 2025; (claims) vague suggestion about the "death of Officer Fabish," with no time or location specified.

An indictment founded on contradictory allegations is invalid. See *State v. Eubanks*, 239 Ga. 483 (1977).

C. Impossibility of the Alleged Conduct

The version presented to the grand jury alleged conduct on **May 13, 2025**, yet Defendant was incarcerated in the Douglas County Jail throughout that day. A charge predicated on a factual impossibility cannot constitutionally stand.

D. Due Process Violations

The Fifth and Fourteenth Amendments to the U.S. Constitution, as well as Article I, Section I of the Georgia Constitution, guarantee the right to fair notice and due process. Where the State tells one story to the Court, another to the grand jury,

and both are contradicted by records showing impossibility, due process is violated.

E. Fatal Variance Between Indictment and Proof

Even assuming arguendo that the indictment alleged May 12, 2025, the State's presentation to the grand jury shifted the date to May 13, 2025. Georgia law does not permit the State to prove a materially different offense than the one charged.

IV. RELIEF REQUESTED

For the reasons stated herein, Defendant respectfully requests that this Honorable Court:

Quash the indictment returned against Defendant;

Dismiss all charges with prejudice;

Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 10th day of September, 2025.

Daniel Waltson, Pro Se

6068 Cooper Street

Douglasville, GA 30134



3. Motion Requesting Hearing

COMES NOW, Defendant **Daniel Waltson**, pro se, and respectfully requests that the Clerk of Superior Court schedule a hearing on the above-captioned motions at the earliest practicable date. Defendant certifies that a copy will be served on the District Attorney for Douglas County.

Respectfully submitted this 10th day of September, 2025.

Daniel Waltson, Pro Se



MOTION TO ADMIT EXHIBIT A

Exhibit A is the document from the Douglasville Police Department Records Division confirming Officer Wiggins was off duty on May 12, 2025.

This exhibit is highly relevant and material under O.C.G.A. § 24-4-401, as it demonstrates the impossibility of Officer Wiggins personally observing the alleged offense.

Exhibit A is a public record, self-authenticating under O.C.G.A. § 24-7-902(4).

Admission of Exhibit A is necessary for the Court to evaluate the factual and legal defects in the indictment and to make a ruling on this motion.

Respectfully submitted this 10th day of September, 2025.

Daniel Waltson, Pro Se



4. Certificate of Service

I hereby certify that I have this day served a copy of the foregoing **Motion to Quash Indictment, Motion to Dismiss, Motion Requesting Hearing, and Motion to admit Exhibit A** upon the Office of the District Attorney for Douglas County by hand delivery or mailing addressed as follows:

Douglas County District Attorney's Office
8700 Hospital Drive
Douglasville, GA 30134

This 10th day of September, 2025.

Daniel Waltson, Pro Se



5. Notice of Filing / Proof of Hand Delivery

COMES NOW, the Defendant, **Daniel Waltson**, pro se, and respectfully notifies the Court that on this 10th day of September, 2025, he **hand-delivered** to the Clerk of Superior Court the following documents for filing:

Motion to Quash Indictment and Motion to Dismiss

Motion Requesting Hearing

Certificate of Service

Motion to Admit Exhibit A

Exhibit A – Douglasville Police Department Records Division confirmation of Officer Hunter Shane Wiggins's off-duty status

Proposed Order for the Honorable Court to consider

Defendant further certifies that a copy of these documents has been served on the Douglas County District Attorney's Office.

Respectfully submitted, this 10th day of September, 2025.

Daniel Waltson, Pro Se



6. Proposed Order

**IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

v.

DANIEL WALTSON, Defendant.

Criminal Action File No. **25CR01005**

Warrant No. **25MJD01736**

PROPOSED ORDER

The Court, having reviewed Defendant's Motion to Quash Indictment and Motion to Dismiss, together with supporting exhibits and arguments, and having considered applicable law, hereby finds:

The indictment returned against Defendant is constitutionally defective and unsupported by competent evidence;

The indictment rests upon contradictory, misleading, and impossible accounts of the alleged offense;

Defendant has demonstrated that the State presented materially inconsistent narratives to the grand jury, including one that was factually impossible given Defendant's incarceration and official police duty records; and

Proceeding under such an indictment would violate Defendant's due process rights.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

Defendant's Motion to Quash Indictment is GRANTED;

The indictment in Criminal Action File No. 25CR01005 is QUASHED;

**Defendant's Motion to Dismiss is GRANTED, and the charges arising from
Warrant No. 25MJD01736 are hereby DISMISSED WITH PREJUDICE;**

Defendant is discharged from further prosecution in this matter.

SO ORDERED this ____ day of _____, 2025.

Hon. _____

Judge, Superior Court of Douglas County

Exhibit A

Douglasville Police Department Records Division

Document confirming that **Officer Hunter Shane Wiggins was not on duty** on May 12, 2025, between 9:00 p.m. and 11:30 p.m.

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of Reference # P009450-051925

Dear Daniel,

The Douglasville Police Department received an Open Records Request from you on May 19, 2025. Your request mentioned:

"I am requesting body worn camera footage and cruiser dash cam footage from officer Hunter Shane Wiggins.

From date 5/12/2025 time 8:00 pm - 12:00 am

I am requesting on duty and off duty times of this officer. From dates 5/11/2025, 5/12/2025, 5/13/2025, 5/14/2025

I am requesting traffic control radio audio and or transcripts of 5/12/2025 from times 9:00pm and 12:00am

Failure to comply with these requests as pursuant to GA and Federal law under the GA Open Records Act and Federal Freedom of Information Act (FOIA) I will have no other option, to file a subpoena duces tecum for said records, and will result in further civil rights violations as pursuant to Title 42 of the US Code (42 U.S.C. § 1983)."

The Douglasville Police Department has reviewed its files and has determined there are no responsive documents to your request. Sergeant Wiggins was not on duty during the dates/times you requested, there is no body worn or dash cam footage (on or off duty) for any of the times included in your request.

We do not maintain traffic control radio audio or transcripts, please contact 911 directly at 678-293-1078 for those records.

If you have any questions, or wish to discuss this further, you may contact my office at 678-293-1855.

Sincerely,

Jessie Tyson

Police Department

To monitor the progress or update this request please log into the Douglasville Open Records Center .

Daniel W <danielkwaltson@gmail.com>
To: News@wanf.com

Tue, May 20, 2025 at 11:01 AM

[Quoted text hidden]

9/10/25, 3:13 PM

Gmail - [Records Center] Police Records Request :: P009450-051925



Daniel W <danielkwaltson@gmail.com>

[Records Center] Police Records Request :: P009450-051925

2 messages

DOUGLASVILLEGA Support <douglasvillega@mycusthelp.net>
To: "Danielkwaltson@gmail.com" <Danielkwaltson@gmail.com>

Tue, May 20, 2025 at 9:28 AM

P009450-051925 - Police Records Request

Message History (3)

☒ On 5/20/2025 9:28:01 AM, DOUGLASVILLEGA Support wrote:

Subject: [Records Center] Police Records Request :: P009450-051925

Body:

RE: PUBLIC RECORDS REQUEST of Reference # P009450-051925

Dear Daniel,

The Douglasville Police Department received an Open Records Request from you on May 19, 2025. Your request mentioned:

"I am requesting body worn camera footage and cruiser dash cam footage from officer Hunter Shane Wiggins.

From date 5/12/2025 time 8:00 pm - 12:00 am

I am requesting on duty and off duty times of this officer. From dates 5/11/2025, 5/12/2025, 5/13/2025, 5/14/2025

I am requesting traffic control radio audio and or transcripts of 5/12/2025 from times 9:00pm and 12:00am

Failure to comply with these requests as persuent to GA and Federal law under the GA Open Records Act and Federal Freedom of Information Act (FOIA) I will have no other option, to file a subpoena duces tecum for said records, and will result in further civil rights violations as persuent to Title 42 of the US Code (42 U.S.C. § 1983)."

The Douglasville Police Department has reviewed its files and has determined there are no responsive documents to your request. Sergeant Wiggins was not on duty during the dates/times you requested, there is no body worn or dash cam footage (on or off duty) for any of the times included in your request.

We do not maintain traffic control radio audio or transcripts, please contact 911 directly at 678-293-1078 for those records.

If you have any questions, or wish to discuss this further, you may contact my office at 678-293-1855.

Sincerely,

Jessie Tyson

Police Department

☒ On 5/19/2025 5:46:07 PM, DOUGLASVILLEGA Support wrote:

Dear Daniel Waltson:

Thank you for your interest in public records of the City of Douglasville. Your request has been received and is being processed in accordance with the Georgia Open Records Act. Your request was received in this office on 5/19/2025 and given the reference number P009450-051925 for tracking purposes.

Records Requested: I am requesting body worn camera footage and cruiser dash cam footage from officer Hunter Shane Wiggins.

From date 5/12/2025 time 8:00 pm - 12:00 am

I am requesting on duty and off duty times of this officer. From dates 5/11/2025, 5/12/2025, 5/13/2025, 5/14/2025

I am requesting traffic control radio audio and or transcripts of 5/12/2025 from times 9:00pm and 12:00am

Failure to comply with these requests as persuent to GA and Federal law under the GA Open Records Act and Federal Freedom of Information Act (FOIA) I will have no other option, to file a subpoena duces tecum for said records, and will result in further civil rights violations as persuent to Title 42 of the US Code (42 U.S.C. § 1983).

Your request will be forwarded to the relevant City department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The State Public Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

City of Douglasville

To monitor the progress or update this request please log into the Public Records Center.

☒ On 5/19/2025 5:46:06 PM, Daniel Waltson wrote:

Request Created on Public Portal

EXHIBIT 4

ORIGINAL

IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

FILED

OCT 02 2025

STATE OF GEORGIA

vs.

Daniel Keith Walton

Criminal No. 25CR01005

O.T.N. 88440271076

Annetta D. Stombridge, Clerk
Superior & State Court
Douglas County, GA

NOLLE PROSEQUI

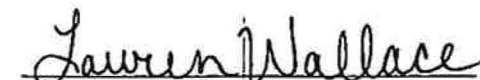
Upon recommendation of the District Attorney, a Nolle Prosequi on the above-styled case as to Count(s) **Terroristic Threats** are hereby entered for the following reason(s):

- () Plea agreement resulting in a conviction for an offense arising out of the same underlying transaction occurrence; **(NOT Restricted)**
- () The State was barred from introducing material evidence against the defendant on legal grounds; **(NOT Restricted)**
- () A Material witness invoked a statutory right not to testify; **(Restricted)**
- () Defendant is incarcerated on other criminal charges and the prosecutor elects not to prosecute for reasons of judicial economy; **(Restricted)**
- () The conduct which resulted in the arrest of the defendant was part of a pattern of criminal activity which was prosecuted in another court of this State, the United States, another State or Foreign Nation; **(NOT Restricted)**
- () The defendant had diplomatic, consular, or similar immunity or inviolability from arrest or prosecution; **(NOT Restricted)**
- () Redrawn; **(NOT Restricted)**
- () Defendant was prosecuted and convicted on CR and is awaiting sentencing on that matter; **(NOT Restricted)**
- () A material witness refused to testify or was unavailable to testify against the defendant (other than a statutory right to do so); **(Restricted)**
- () The defendant successfully completed a Pretrial Diversion Program; **(Restricted)**
- (x) Other/Prosecutorial Discretion; **(Restricted)**

Upon further review of the officer's body-worn camera footage, the State determined that the defendant did not threaten to "shoot the department" as initially believed. Instead, the defendant stated that he would "sue the department." Because the statement does not constitute a threat of violence as required under O.C.G.A. § 16-11-37, the elements of felony terroristic threats cannot be met. Accordingly, the charge is being dismissed.

SO, ORDERED this 1 day of October, 2025.


Ra M. Williams
Assistant District Attorney
Douglas Judicial Circuit
State Bar No.: 898542


Lauren Wallace
Judge, Superior Court
Douglas Judicial Circuit



✓ Distribution List:

Jillian Ridge, Douglas County Sheriff's Office (For arrests after July 1, 2013)

Nedra Jones at njones@douglascountyga.gov

Douglas County Sheriff's Office Dropbox

Wes Phillips, Douglas County Sheriff's Office at wphillips@sheriff.douglas.ga.us

Andi Grant, Douglas County Sheriff's Office at agrant@sheriff.douglas.ga.us

William Taylor, Douglas County Sheriff's Office at wtaylor@sheriff.douglas.ga.us

Melissa Harris, Douglas County Sheriff's Office at mharris@sheriff.douglas.ga.us

Chris Reynolds, Douglas County Sheriff's Office at creynolds@sheriff.douglas.ga.us

Makinzie Lee, Douglas County Sheriff's Office at mlee@sheriff.douglas.ga.us

Attorney at Law or