THE MCCORMICK FIRM

CHRISTOPHER MCCORMICK, ESQ. | ATTORNEY AT LAW | SE HABLA ESPAÑOL

November 4, 2026

VIA CERTIFIED MAIL/EMAIL
Jaeson Smith, District Attorney
Tallapoosa Judicial Circuit
100 Prior Street #204
Cedartown, GA 30125

NOTICE AND DEMAND FOR PRESERVATION OF EVIDENCE

Our Client/Victim/Claimant:	Ms. Hannah Michelle Israel
Incident:	HeeHaw shooting, subsequent "investigation", Purported "The Grady Road Report"; Robert "Bobby" East and others
Incident Date:	August 29-30, 2026, through current
Pending Lawsuit:	Hannah Michelle Israel v. Trenton Ryan Garner; CAFN: 4:26-cv-00270-wmr United States District Court, Rome Division, Northern District of Georgia

Dear Mr. Smith,

As I expect you are aware, I represent Claimant Hannah Michelle Israel (hereinafter, "Claimant" or "Ms. Israel"), in the above-referenced case/matter, as related to the "HeeHaw" donkey incident occurring on August 29-30, 2026, involving Ms. Israel, Officer Trenton Ryan Garner (hereinafter, "Officer Garner"), and others, and the Polk County Police Department, inclusive also of all applicable agencies and employees in connection therewith. My representation also extends now to representing Ms. Israel in forthcoming additional litigation involving other entities and persons, including Robert "Bobby" East, which also may include others related and in connection to him (and I understand you are very familiar with Mr. East and his family [having known them for some time now] – but please correct me if I am mistaken). Please be informed that I am copying co-counsel, attorney Solomon Radner, as well as the law firms representing the city/county, Mr. Garner's attorney, and the Department of Agriculture. Nonetheless, moving forward, please direct all communications on this matter/case to my attention as related to Ms. Israel.

Upon information and belief, after getting inundated last night by several media outlets, I understand you drafted and released yesterday to the public a report entitled "The Grady Road Report". Inexplicably, I have not received a copy thereof from you, or anyone/any entity in connection to these matters, and the copy I have obtained was obtained from being circulated online by others.

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Relatedly, I have yet to receive any information, much less a report, from the Georgia Department of Agriculture, yet upon my review of the referenced "The Grady Road Report", it appears that Department's investigation and recommendation was completed and provided to you weeks ago (and you rejected their recommendation). Moreover, inexplicably, neither myself nor Ms. Israel was contacted by you or anyone associated with your office to get any facts or details or responses from Ms. Israel, particularly as it appears your have accepted at face value, as if the gospel, certain positions and allegations presented to you by (in my client's view) questionable "sources" as referenced in The Grady Road Report.

Regardless, it is our position that your communications, materials, and other information for which you possess is evidence not only in the pending litigation as referenced, but also in forthcoming litigation, whereas you may very well be a fact witness in such case(s). I would very much appreciate you produce to me directly, and at a minimum, a copy of any report you have in fact drafted and produced, so that I can authenticate the refereced "The Grady Road Report" as well as any and all reports, recommendations, communications, materials, and other information from/to/involving the Georgia Department of Agriculture, the Polk County Police Department Officer Garner, Ms. Israel, HeeHaw, Robert "Bobby" East (and anyone and everyone associated with him).

If you decline, or otherwise state you are not legally able to do so, please provide me with specific details as to the factual basis of such position, including citations to legal authority, as it appears there is no longer an active investigation involving Officer Garner, the Georgia Department of Agriculture, the Polk County Police Department, and others related to this matter.

In addition to those requests, the purpose of this notice/demand is to preserve ALL recordings and communications involving you (inclusive of anyone on your behalf), with anyone related to/involving the foregoing matters, including but not limited to Robert "Bobby" East (and anyone and everyone associated with him), Mr. Garner (and anyone on his behalf), all law enforcement and government entities at issue [inclusive of those persons – both law enforcement supervisors, employees, dispatch, court house personnel, attorneys (and staff), judges, witnesses, and any and all other persons] for whom communications have been exchanged, inclusive of all texts, reports, notes, emails, photographs, social media exchanges, internal and external memos, all recording devices, such as body cameras, dashcams, and if other recordings exist, such as drones or recordings on personal devices, then those devices/recording as well. To be clear, such evidence includes all matters involving anyone and everyone and any entity in connection to these matters, including but not limited to Claimant, Mr. Garner, Robert "Bobby" East (and anyone and everyone associated with him).

You [also to include any and all employees/officers/staff/volunteers of your Office/ Department in addition to law enforcement in any capacity and anyone with whom you (and anyone on your behalf) have or will communicate with and *vice versa*] are hereby further informed and noticed, pursuant to O.C.G.A. §24-14-22:

"If a party has evidence in such party's power and within such party's reach by which he or she may repel a claim or charge against him or her but omits to produce it or if such party has more certain and satisfactory evidence in his or her power but relies on that which is of a weaker and inferior nature, a presumption arises that that the charge or claim against such party is well founded; but this presumption may be rebutted."

Pursuant to Delphi Communications Inc. et al v. Advanced Computing Technologies, Inc., 336 Ga.App. 435 (2016), you [also to include any and all employees/officers/staff/volunteers of your Department/Office in addition to law enforcement in any capacity and anyone with whom you (and anyone on your behalf) have or will communicate with and *vice versa*] are demanded and required to preserve and not to delete, modify, change, or alter any evidence, recordings, communications, texts, documents, reports, particularly as related to and/or involving all person(s) and entities involved in this case/matter and/or related to/involving Claimant (including her counsel), Mr. Garner, Mr. Garner's father, Robert "Bobby" East (and anyone and everyone associated with him), any witnesses, any sources you so reference in your report, and any of Claimant's family members, neighbors, and associates for both the August 29-30, 2026, incident directly involving Claimant as well as the September 11, 2026, incident involving Mr. Garner's father (who he understand was arrested and has a pending charge).

Such notice/demand also includes but is not limited to all other documents, recordings and items not specifically listed, but otherwise may be evidence in this case, such as to include but not be limited to telephone records, personnel files, communications and attachments therewith as to include and/or involve any all employees/officers/staff/volunteers in addition to law enforcement (inclusive of them individually, as to include anyone on their behave such as attorneys/family members) in any capacity and anyone with whom they, you (and anyone on their/ your behalf) have or may communicate with in the future until resolution of these matters, since August 29, 2026, to present (including any time hereafter under resolution of this matter/case).

The foregoing as referred to in the preceding paragraphs are evidence in the above-referenced case/matter/ forthcoming legal proceedings and may also be evidence in future litigation, and any deletion, destruction or alteration of same will be considered spoliation of evidence, and Claimant intends to seek sanctions as permitted by law in the event of such spoliation. I am providing you with pertinent legal authority on the issue as follows:

"Spoliation refers to the destruction, failure to preserve, or significant alteration of evidence that is necessary to pending or contemplated litigation." Bridgestone/Firestone N. Am.Tire, LLC v. Campbell Nissan N.Am., 258 Ga.App. 767, 769 (2002). Proof of spoliation raises a rebuttable presumption against the spoliator that the evidence favored the spoliator's opponent. R&R Insulation Servs., Inc. v. Royal Indemnity Co., 307 Ga.App. 419, 436 (2010); Sheats v. The Kroger Company et al., 336 Ga.App. 307 (2016).

When a trial court finds a party spoliated evidence, a rebuttable presumption can be created that the evidence would have been harmful to the spoliator, the court may dismiss the case, and/or

the court may exclude testimony about the evidence." See Wal-Mart Stores, Inc. v. Lee, 290 Ga.App. 541, 545 (2008)*(citing* R.A. Siegel Co. v. Bowen, 246 Ga.App. 177, 180(2000). However, such list is not exclusive, and the "trial court has wide latitude to fashion sanctions on a case-by-case basis, considering what is appropriate and far under the circumstances." Bouve & Mohr, LLC v. Banks, 274 Ga.App. 758, 764 (2005). Notably, one purpose of sanctions is to punish a party for disregarding the law. See Brunswick Mfg. Co. v. Sizemore, 176 Ga.App. 838, 841-42 (1985).

Importantly, a finding of bad faith or malice is not required before a trial court may sanction a party for spoliation. See Id.; Wal-Mart Stores, Inc., 290 Ga.App. at 546. The trial court has wide discretion in resolving spoliation issues, and the trial court's ruling will not be overturned absent an abuse of discretion. See Kitchens v. Brusman, 303 Ga.App. 703, 705 (2010); Bouve & Mohr, LLC, 274 Ga.App. at 762. Riches to Rags, Inc. v. McAlexander & Assoc., 249 Ga.App. 649, 652 (2001). Factors that Georgia courts consider when fashioning an appropriate spoliation remedy, include, but are not limited to, the following:

(1) whether the [party seeking sanctions] was prejudiced as a result of the destruction of evidence;
(2) whether the prejudice could be cured;
(3) the practical importance of the evidence;
(4) whether the [party who destroyed the evidence] acted in good or bad faith; and
(5) potential for abuse.

See R.A. Siegel Co., 246 Ga.App. at 180 (*quoting* Chapman v. AutoOwners Ins.Co., 220 Ga.App. 539 (1996).

Thank you for your attention and assistance in this matter.

Sincerely,

Christopher McCormick
Attorney at Law

CC: Client ; Solomon Radner (via email)

via First Class mail

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