

INDICTMENT

NCJ

IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT
STATE OF GEORGIA

THE STATE OF GEORGIA

INDICTMENT No. 13SC121767

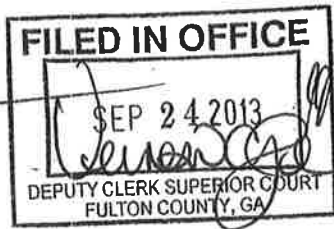
vs.

September/October
Term of Court

DONALD K. BALFOUR, II,
Defendant.

13DA545925

Making a False Certificate
O.C.G.A. § 28-1-8 (16 counts; 1-5, 7-13, 15-18)
Theft by Taking
O.C.G.A. § 16-8-1 (count 6)
False Statements and Writings
O.C.G.A. § 6-10-20 (count 14)



Witness for the State:

TRUE Bill

SA Wesley Horne
Georgia Bureau of Investigation

This 24 day of SEPTEMBER, 2013

[Signature], Foreperson

SAMUEL S. OLENS
ATTORNEY GENERAL

Donald K. Balfour, II, waives copy of the
Indictment, list of witnesses, and formal
arraignment and pleads _____.

Donald K. Balfour, II

This ____ day of _____, 20__.

2312 Waterscape Trail
Snellville, Georgia 30078

DOB: 05/03/1957

Defendant

Defendant's Attorney

Prosecuting Attorney

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

COUNT ONE

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

- | | |
|---|---|
| 1. Amelia Hearin, Foreperson | 14. Jones, Adriel |
| 2. Nathaniel Critser, Asst. Foreperson | 15. Jane Carlton |
| 3. Sharon Cammichael Smith, Secretary | 16. Latham Jr., Charles D. |
| 4. Carolyn Cody, Asst. Secretary | 17. Lehosit, Matthew D. |
| 5. Cervantes, Maria T. | 18. Lewis, Genell M. |
| 6. Coleman, Angelica S. | 19. Van Hoven, Kathryn T. |
| 7. Conley, Brittany M. | 20. Waters, Edward E. |
| 8. Dupree, Mertis A. | 21. Williams, Jerome |
| 9. Grier, Shastea L. | 22. Wood, Kimberly K. |
| 10. Hobby, Marvin B. | 23. Zeck, Ryan J. |
| 11. Hogan, Elliot J. | 24. Cara Williams Collier - A1 |
| 12. Johnson, Maxine O. | 25. Eric Spoad - A2 |
| 13. Johnson, Stephanie M. | 26. Alicia Smith - A3 |

in the name and behalf of the citizens of Georgia, charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about September 11, 2007, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 56039, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on September 5, 2007, and September 7, 2007, contrary to the laws of said State, the good order, peace, and dignity thereof. Said offense does not fall outside the limitations on prosecution because, pursuant to O.C.G.A. § 17-3-2, the crime alleged was unknown until on or about February 6, 2012.

COUNT TWO

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about May 2, 2008, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 60142, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on April 15, 2008, and April 17, 2008, contrary to the laws of said State, the good order, peace, and dignity thereof. Said offense does not fall outside the limitations on prosecution because, pursuant to O.C.G.A. § 17-3-2, the crime alleged was unknown until on or about February 6, 2012.

COUNT THREE

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about June 16, 2008, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 60496, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on June 13, 2008, contrary to the laws of said State, the good order, peace, and dignity thereof. Said offense does not fall outside the limitations on prosecution because, pursuant to O.C.G.A. § 17-3-2, the crime alleged was unknown until on or about February 6, 2012.

COUNT FOUR

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about August 27, 2008, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 61185, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on August 27, 2008, contrary to the laws of said State, the good order, peace, and dignity thereof. Said offense does not fall outside the limitations on prosecution because, pursuant to O.C.G.A. § 17-3-2, the crime alleged was unknown until on or about February 6, 2012.

COUNT FIVE

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about April 6, 2009, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 65235, knowing the same to be false, to wit: certifying that the accused was entitled to per diem and mileage reimbursement for February 27, 2009, contrary to the laws of said State, the good order, peace, and dignity thereof. Said offense does not fall outside the limitations on prosecution because, pursuant to O.C.G.A. § 17-3-2, the crime alleged was unknown until on or about February 6, 2012.

COUNT SIX

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **THEFT BY TAKING**, in violation of **O.C.G.A. § 16-8-1**, in that the said accused, in the State of Georgia and County of Fulton, on or about May 7, 2009, did unlawfully take United States currency, the property of Georgia General Assembly, in an amount greater than \$500, with the intention of depriving said owner of said property, contrary to the laws of said State, the good order, peace, and dignity thereof. Said currency being further described as that portion of reimbursement check number 102459 which was also reimbursed by Waffle House, Inc. Said offense does not fall outside the limitations on prosecution because, pursuant to O.C.G.A. § 17-3-2, the crime alleged was unknown until on or about February 6, 2012.

COUNT SEVEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about November 10, 2009, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 66883, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on October 21, 2009, October 22, 2009, and November 3, 2009, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT TEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about April 19, 2010, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 68816, knowing the same to be false, to wit: certifying that the accused was entitled to per diem and mileage reimbursement for April 15, 2010, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT ELEVEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about May 18, 2010, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 69243, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on May 10, 14, 17, and 18, 2010, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT TWELVE

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about August 20, 2010, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 69703, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on August 9, 2010, and August 11, 2010, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT THIRTEEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about November 1, 2010, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 70041, knowing the same to be false, to wit: certifying that the accused was entitled to per diem and mileage reimbursement for September 20, 2010, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT FOURTEEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in that the said accused, in the State of Georgia and County of Fulton, on or about April 5, 2011, did knowingly and willfully use a false writing and document, to wit: a Rules Committee Roster, printed on or about April 5, 2011, and corresponding to voucher numbers 71896 and 71897, knowing the same to contain a false, fictitious, and fraudulent statement, to wit: that the accused was entitled to per diem and mileage reimbursement for January 18, 2011, and entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on January 17, 2011, and January 19, 2011, in a matter within the jurisdiction of the Legislative Fiscal Office, a subdivision of the Legislative Services Committee, an agency of the State of Georgia, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT FIFTEEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about July 7, 2011, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 73045, knowing the same to be false, to wit: certifying that the accused was entitled to mileage reimbursement for travel from Snellville to Atlanta and back to Snellville on June 20, 2011, and June 23, 2011, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT SIXTEEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about September 28, 2011, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 73620, knowing the same to be false, to wit: certifying that the accused was entitled to per diem and mileage reimbursement for August 8, 2011, and August 9, 2011, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT SEVENTEEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about December 21, 2011, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 74287, knowing the same to be false, to wit: certifying that the accused was entitled to per diem and mileage reimbursement for November 30, 2011, contrary to the laws of said State, the good order, peace, and dignity thereof.

COUNT EIGHTEEN

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **DONALD K. BALFOUR, II** with the offense of **MAKING A FALSE CERTIFICATE**, in violation of **O.C.G.A. § 28-1-8**, in that the said accused, in the State of Georgia and County of Fulton, on or about December 21, 2011, while a member of the Georgia General Assembly, did willfully make a certificate on a voucher for reimbursement, to wit: Georgia General Assembly Committee expense voucher number 74288, knowing the same to be false, to wit: certifying that the accused was entitled to per diem and mileage reimbursement for December 7, 8, and 9, 2011, contrary to the laws of said State, the good order, peace, and dignity thereof.

SAMUEL S. OLENS
Attorney General
State of Georgia

LAURA D. PFISTER
Assistant Attorney General