

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

GEORGIACARRY.ORG, INC., and )  
IZIAH SMITH, )  
Plaintiff, )  
v. )  
HARRY B. JAMES, III, individually and )  
in his official capacity as Judge of )  
the Probate Court of Richmond County, )  
Defendant. )

Civil Action No.  
2014-RCCV-92

CLARINE C. JOHNSON, CLERK  
RICHMOND COUNTY, GA.

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AND JUVENILE COURT  
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**DEFENDANT'S VERIFIED ANSWER AND COUNTERCLAIM**

**NOW COMES DEFENDANT, HARRY B. JAMES, III**, individually and in his official capacity as Judge of the Probate Court of Richmond County, and answers plaintiff's Complaint as follows:

**COUNT 1**

1. Paragraph 1. of plaintiff's Complaint speaks for itself.
2. Paragraph 2. of plaintiff's Complaint speaks for itself.
3. Defendant cannot admit nor deny the allegations of Paragraph 3. of plaintiff's Complaint.
4. Paragraph 4. of plaintiff's Complaint speaks for itself.
5. Defendant admits the allegations of Paragraph 5. of plaintiff's Complaint.
6. Defendant admits the allegations of Paragraph 6. of plaintiff's Complaint.
7. Defendant denies the allegations of Paragraph 7. of plaintiff's Complaint.
8. Defendant denies the allegations of Paragraph 8. of plaintiff's Complaint and by further answer states that he had no contact with the plaintiffs on or about January 6, 2014.
9. Defendant denies the allegations of Paragraph 9. of plaintiff's Complaint and by further answer states on the date in question the defendant had no such conversation with the plaintiff.

10. Defendant admits the allegations of Paragraph 10. of plaintiff's Complaint.
11. Defendant admits that at the time of plaintiff's application he personally did not know of any fact which would make the plaintiff ineligible for a license renewal, but by further answer states the clerks who handle license renewals were aware of plaintiff's ineligibility and later informed defendant.
12. Defendant cannot admit nor deny the truthfulness of the allegations of Paragraph 12. of plaintiff's complaint, and by further answer states that the plaintiff made several harassing telephone calls to various clerks in the Probate Office. Additionally, plaintiff called several Probate Courts in Georgia including Courts in Clarke County, Columbia County and Emanuel County, and made false allegations against the defendant and his staff.
13. Defendant admits the allegations of Paragraph 13. of plaintiff's Complaint.
14. Defendant admits he asked the plaintiff to stop harassing his staff, but denies all other allegations of Paragraph 14. of plaintiff's Complaint, and that he pursuant to O.C. G. A § 16-11-129(i)(2) exercised his authority to withhold the issuance of a temporary renewal license when his staff made him aware of facts which would make plaintiff ineligible for a five year renewal license.
15. Defendant denies the allegations of Paragraph 15. of plaintiff's Complaint, and by further answer states that plaintiff's weapons permit expired through no fault of the defendant.
16. Paragraph 16. of plaintiff's Complaint speaks for itself.
17. Paragraph 17. of plaintiff's Complaint speaks for itself.

**Count 1 – Violations of O.C.G.A. § 16-11-129(i)(2)**

14 MAR 13 PM 4:13

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RICHMOND COUNTY, GA.

18. Defendant denies the allegations of Paragraph 18. of plaintiff's Complaint and by further answer states that no citizen has applied for a temporary renewal license in this court in at least 16 years, plaintiff's statement is both misleading and false.

**Count 2 – Violations of Georgia Constitution Art. 1, Sec. 1, Par. VIII**

19. Defendant denies the allegations of Paragraph 19. of plaintiff's Complaint.
20. Defendant cannot admit nor deny the truthfulness of the allegations of Paragraph 20. of plaintiff's Complaint.
21. Defendant denies the allegations of Paragraph 21. of plaintiff's Complaint.

**Count 3 – Violation of Second Amendment to Constitution of the United States**

22. Defendant denies the allegations of Paragraph 22. of plaintiff's Complaint.

**WHEREFORE**, defendant prays that plaintiff's Complaint against him be dismissed with prejudice, with all costs assessed against plaintiffs, and that defendant have such other and further relief as is just and proper.

**COUNT II**

**COUNTERCLAIM**

**NOW COMES DEFENDANT HARRY B. JAMES, III** and, without waiving any defenses set forth hereinabove, makes and files his Counterclaim against plaintiffs, **GEORGIACARRY.ORG., INC. and IZIAH SMITH.**

1. Plaintiff Smith is a resident of Richmond County, Georgia and has filed his action in this Court. Plaintiff is therefore subject to the jurisdiction of this Court, and venue in this

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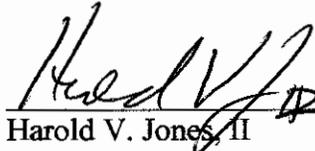
ELAINE C. JOHNSON, CLERK  
RICHMOND COUNTY, GA.

Court is proper. Plaintiff **GEORGIACARRY.ORG, INC.**, has filed its action in this Court, therefore it is subject to this Court's jurisdiction and venue.

2. In the Complaint, the plaintiff Smith alleges that the defendant committed unlawful acts including (a) violating plaintiff's constitutional rights under Georgia Constitution Art. 1, Sec. 1, Par. VIII and (b) violating his constitutional rights under the Second Amendment to the Constitution of the United States in which he knew or should have known were false. Additionally, plaintiff Smith intentionally called at least three Probate Courts in Georgia and gave false information and made slanderous statements about the defendant to the Judges and/or Clerks of the various Courts.
3. As a result of the reckless conduct by plaintiff Smith, defendant has suffered mental distress and his professional reputation has been harmed.
4. The plaintiffs claims as set forth in their Complaint contain such outrageous and false reckless statements that it can only be assumed that the action was brought for the purpose of harassment. Plaintiff's Complaint lacks substantial justification, is substantially frivolous, groundless, and annoying. Further plaintiffs' claims were filled with reckless disregard for defendant's office and staff, causing defendant unnecessary trouble and regard for his safety.
5. As a result of plaintiff's actions as aforesaid, defendant has been damaged in an amount to be determined.

**WHEREFORE**, defendant demands judgment against the plaintiff in a sum to be determined by the court with all costs upon the plaintiff, including reasonable attorney fees and such other and further relief as is just and proper.

This 14 day of Mar, 2014.



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Harold V. Jones, II  
Attorney for defendant  
State Bar No.: 400610

407 Sixth Street  
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706-432-9028

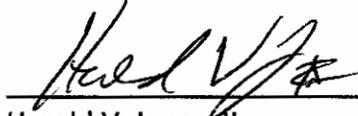
**CERTIFICATE OF SERVICE**

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This is to certify that I have this date, prior to filing, served a copy of the within and foregoing Defendant's *Answer*, on opposing counsel by hand delivery to the name and address as follows:

JOHN R. MONROE,  
Attorney for Plaintiff  
9640 Coleman Road  
Roswell Ga. 30075

This 12 day of Mar, 2014.

  
\_\_\_\_\_  
Harold V. Jones, II  
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State Bar of Georgia Number: 400610

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