

David Vincent
February 24, 2022

Gwinnett Justice & Administration Center
Attention: Patsy Austin-Gatson, District Attorney
75 Langley Drive
Lawrenceville, GA 30046

Dear District Attorney Austin-Gatson:

Avery Nowlin, a resident of Gwinnett County, was murdered by Darius Bush at approximately 6:45 p.m. on February 5, 2022. Detectives visited Nowlin's home, approximately 50 yards away from the scene, to inform his mother later that evening. During that conversation, Officer Tyler ("T.E.") Daniel of the Gwinnett County Police Department (GCPD) told Nowlin's mother that it appeared to be an "attempted carjacking" of Bush. Nowlin's car was parked 50 yards away in his garage. A few hours before the incident, Nowlin purchased a ride home using the Lyft rideshare service. Nowlin's relatives were unable to view his body until it reached the funeral home 5 days later. However, an independent autopsy was performed, and the killer's account of the incident is highly questionable.

Daniel stated Bush is GCPD's sole witness. Bush faces eight counts (**Case Number: 22-B-00172-3**, see **Figure 5**) in a separate matter that include *Possession of Firearm During Commission of a Felony*, *Entering an Automobile*, *Criminal Trespass*, *Obstruction of an Officer*, and *Loitering/Prowling*. Bush's knowledge of his own actions leading to the counts was apparently used to convince police that he was the victim. Bush waived his appearance for these counts in Superior Court on February 15, 2022.

On February 5, 2022, within 48 hours of the incident and without informing the family, Officer Hideshi Valle released statements regarding the incident. Several of Valle's statements are either inaccurate or unsubstantiated. These inaccuracies lead to a belief that GCPD has mishandled or carelessly avoided evidence and facts surrounding the incident. Evidence obtained by the family following Nowlin's death reveal something other than self-defense or stand your ground.

According to fox5, *Police said Bush is currently not facing charges citing Georgia law: "a person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself or herself or a third person against such other's imminent use of unlawful force."*

Bush's absurd account of the incident appears to be fully supported by GCPD. According to fox5 (see **Figure 6**), the following statements were made by Valle of GCPD:

- *Police said the two men didn't know each other, and it's not clear why Nowlin targeted Bush.* Clearly Bush told the police he didn't know Nowlin and less than 48 hours later GCPD Spokesperson, Valle, inserts it as fact into the press release. How was GCPD certain that the two did not know each other or there was no connection? How are they certain (within 48 hours) that Bush did not target Nowlin?

- *Police said Nowlin initiated a physical altercation and Bush, who was apparently also armed, shot Nowlin.* Not a shred of evidence supports this claim that Nowlin initiated an altercation. It appears that only **one** person, Bush, had a weapon or GCPD would have been mentioned the type they claim Nowlin had.
- *"At some point his vehicle stalled, and he wasn't able to drive off," Valle said.* Bush claimed he drove from the tennis court parking lot to Golfe Links Drive. Bush drove a mile home immediately following the killing. Security video captured Bush driving. According to his claim, Bush also drove to the tennis court parking lot. It appears the vehicle worked perfectly up to the point where a claimed "stall" was used to fit his (and GCPD's) account. What was the exact point of the stall?
- *"An altercation started, leading them to end up fighting on the ground," Valle said.* Despite "fighting on the ground" Bush was able to drive his car from the tennis court parking lot to Golfe Links Drive, then a mile home. Bush stated he was parked at the tennis court. If "an altercation started" there, or at any other point, Bush was able to enter his vehicle and drive off as he did from the tennis court and from Golfe Links Drive, then to his home.
- *Police said Bush, who lives in the neighborhood was sitting in his car in a parking lot in a residential area when Nowlin, who was armed with a weapon, approached.* By mentioning that Bush lives in the neighborhood, GCPD appears to give cover to him even as he is parked in the dark behind bushes across from Nowlin's home. GCPD fails to mention the distance from the tennis court parking lot to each of their homes. Nowlin lived 25 feet away and Bush 1.2 miles away.
- *"It was a general public parking lot for the subdivision," said Officer Hideshi Valle.* This statement is patently false. She failed to mention that Bush admitted he was parked at night at the tennis court – an area that community members often complained about loitering (see **Figure 8**). The intent of this statement appears to focus on creating a perception that community members welcome parking at the tennis court. This could not be further from the truth. During a Community Meeting in January 2021, a homeowner stated "there seems to be a lot of loitering at the tennis court at night. Is there anything we can do about that?" The Homeowners Association President replied "we know this has been a problem in the past." Again, Bush admitted he was there, at night. The key question requiring much investigation is 'why was he there?' What was Bush doing at the tennis court? Why does GCPD state it was a "general parking lot?"

The story that Bush gave to police appears to match many of the counts against him. Based on his alleged criminal behavior, Bush is uniquely positioned to craft a detailed account, using his experience within the court system, to portray Nowlin as the assailant. Meaning Bush could use his firsthand knowledge of carjacking or vehicular theft, obstruction of an officer, possession of a weapon, etc. to his advantage. Similar to the *Obstruction of an Officer* count, Bush left the scene immediately following the murder and travelled approximately one mile to his home. According to GCPD's press release, "neighbors near the scene contacted 911" after the incident. Similar to the *Entering an Automobile* count, Bush told police that Nowlin attempted to carjack him. Similar to the *Criminal Trespass and Loitering/Prowling* counts, Bush, according to police, was sitting in his car in a private parking lot directly across from Nowlin's home. Similar to the *Possession of*

Firearm During Commission of a Felony count, Bush possessed a firearm likely in violation of his bond. GCPD has been unwilling or unable to verify Bush's account of the event.

GCPD reported that Bush was sitting in his car in a "public parking lot." This seems consistent with homeowners concerns regarding loitering as the tennis court (see **Figure 8**). Further, GCPD did not mention the lot was directly across the street from Nowlin's home and behind the cover of trees and bushes. Nowlin's view from the front yard of his home at approximately 6:30 p.m. can be seen in **Figure 3**. The parking lot, tennis courts, and cars are completely hidden from view. Bush admitted to GCPD that he was parked at the lot where community members complained of loitering. The claim of being attacked by Nowlin at the court parking lot is unsubstantiated. It is quite possible, given his propensity for violence, that Bush attacked Nowlin on Clubside Court, close to Nowlin's home, on his way to or from the tennis court parking lot. Whether he was on the tennis court or Clubside Court, it is likely that Bush was loitering or prowling and not playing tennis. Bush's household was issued an access card that tracks access to the tennis court (see **Figure 7**). If he was not using the tennis facility around 6:00pm on 2/5/2022, why was he parked at the tennis court?

GCPD apparently changed its allegation of "carjacking" to "assault" when it was determined that Nowlin's home and car were approximately 50 yards away from where he was killed (see **Figure 1**), and over a mile away from Bush's residence. GCPD reported that Nowlin had a "weapon" but did not provide any details. It is unlikely that Nowlin had a weapon. GCPD did not mention that Bush left the scene and traveled home immediately after the murder. Instead, GCPD reported that Bush's car "stalled," which is inconsistent with video evidence captured during the incident. Nowlin's parents viewed a small portion of the video.

Officer Valle of GCPD stated "a physical altercation was initiated by Avery." It is unclear how GCPD confirmed that a physical altercation between the two men involved occurred or that Nowlin was the initiator. Officer Valle of GCPD stated "Bush, fearing for his life, discharged his firearm, striking Nowlin." Valle further stated that GCPD is treating the shooting as a case of self-defense. GCPD's "case of self-defense" was decided in less than 48 hours based on statements solely provided by Bush, a non-credible "witness".

GCPD claimed that Nowlin and Bush did not know each other. Therefore, there was little reason for Bush to sit in his vehicle across the street from Nowlin's home. The position of the streets, location of, and path to Bush's home makes sitting in that location a curious choice unless he was there to harass or attack Nowlin. The parking lot is covered in darkness at the time Bush claimed to be parked there (see **Figure 2**).

GCPD reported to the media within 48 hours of the killing that there was "no connection" between the two. How was that conclusion reached so quickly? Bush was born within 48 hours of Nowlin and both lived in the same neighborhood, at opposite ends of the golf course. They would have attended school at the same time, possibly the same high school. Both lived in the same subdivision for at least a couple years. No connection can only be determined after a full and proper investigation by professionals who are motivated to find the right answers.

GCPD did not report that Bush had sizeable advantage in height and weight over Nowlin. In addition, Bush had a gun, a car, and potentially a motive to attack Nowlin. GCPD did not mention threats received by Nowlin and the engine revving that occurred outside of his home as recent as two days prior to his killing.

According to a video that captured the event, Nowlin was on the outside of Bush's car holding on the hood as the vehicle proceeded into the intersection of Golfe Links Drive from Clubside Court. GCPD stated "Bush was sitting in his car, which was in the parking lot of a residential area, when Nowlin approached the vehicle with a weapon". Officer T.E. Daniel told the family that Bush was at the tennis court. **Driving his vehicle, Bush would have had to make at least two sharp, 90 degree, turns to exit the tennis court parking lot with Nowlin on the hood holding on to the car and a weapon while driving down Clubside Court with Nowlin on the hood to get to the intersection where Nowlin fell off the car onto the ground** (see **Figure 1**). Bush, with all the advantages, a car, gun, and size "[feared] for his life" according to police. At the very least, Bush had outsized advantages – the claim of fear is unreasonable.

Many questions remain and require answers. After releasing categorical statements to the press, GCPD remains silent on the following several key questions regarding its statements:

1. Bush claimed he was parked at the tennis court parking lot (see **Figure 2**). Why was he parked there **in darkness** (across from Nowlin's home and over one mile away from his own residence)? Community members complained of loitering at the tennis court parking lot (see **Figure 8**).
2. GCPD claim that Nowlin had a weapon. It is puzzling to read in news reports that *Bush had a weapon (gun)* to add a two-ton vehicle and greater physical size, and *Nowlin had a weapon (undetermined)*. Why has GCPD not revealed the type of weapon Nowlin was accused of having?
3. GCPD Stated there was no connection between the two. How did GCPD verify there was no connection? Were phone records reviewed? Were loitering complaint calls to the police department from community members analyzed to determine if any were made regarding Bush? Were residential security cameras reviewed/analyzed to determine if Bush
4. What was the exact point of the vehicle "stall" claimed by Bush?

It bears repeating that Bush, according to Officer Tyler E. Daniel is GCPD's sole witness. Bush faces eight counts (**Case Number: 22-B-00172-3**, see **Figure 5**) in a separate matter. Bush admitted he was parked at night at the tennis court – an area that community members often complained about loitering (see **Figure 8**)

For the past four years, Avery Nowlin worked full-time at a Fortune 500 company, Starbucks. Following Nowlin's death, the store closed three full days in his honor. The District Manager, Store Manager, and all of his co-workers attended his funeral. Several of them spoke at the funeral. His high school Drama teacher spoke at his funeral. Nowlin wrote scripts, practiced music on the guitar, made jewelry, and planted flowers on his days away from the job. The Funeral Director, Independent Medical Examiner, and Events Coordinator (for the repast) did not know Avery but all suggested this case seemed different from what was reported.

We are in need of an independent investigation. GCPD has made clear through a series of prejudiced statements that it does not intend to pursue charges against Bush given his uncorroborated and discredited story. In fact, **GCPD has publicly laid out a case, on Bush's behalf, not to fully and properly investigate.** GCPD officers, particularly Valle and Daniel, have demonstrated a lack of professionalism in its media relations and handling of the case. In addition, GCPD (Officer Daniel) has shown a profound level of disrespect towards Avery Nowlin's

family. The family requests that the District Attorney immediately arrange an independent investigation, completely separate from GCPD's effort.

We request the Gwinnett County District Attorney's Office deny and plea agreements and immediately work with Judge Fluker to revoke Darius Bush's bond with respect to Case Number 22-B-00172-3. By admitting to GCPD that he was at the tennis court, at night, Bush has demonstrated that he continues to loiter and prowl even with standing charges (see Count 7 of **Figure 5**). Further, Bush continues to demonstrate reckless and dangerous behavior while in possession firearms. Bush has proven that he is unfit to roam freely in the community. I urge you to use your authority to help bring justice for Avery Nowlin!

Respectfully,

David Vincent
Uncle of Avery Nowlin

Cc: The American Civil Liberties Union (ACLU) of Georgia
Judge Deborah R. Fluker

Enclosures: **Figure 1** – Aerial View of Tennis Court, Nowlin's Home, and Murder Location
Figure 2 – Photo of Tennis Court at 6:45 p.m. on February 10, 2022
Figure 3 – View from Nowlin's Home with Tennis Court Parking behind Trees and Bushes on the Right
Figure 4 – Distance from Tennis Court Parking to... Nowlin Home: 25 feet; Bush home: 1.2 miles
Figure 5 – Darius Bush's Charges from Unrelated Incidents
Figure 6 – Fox5 Story Based on GCPD Press Release
Figure 7 – CCGOA (HOA) notice regarding the tennis courts
Figure 8 – CCGOA (HOA) Meeting Minutes from January 26, 2021

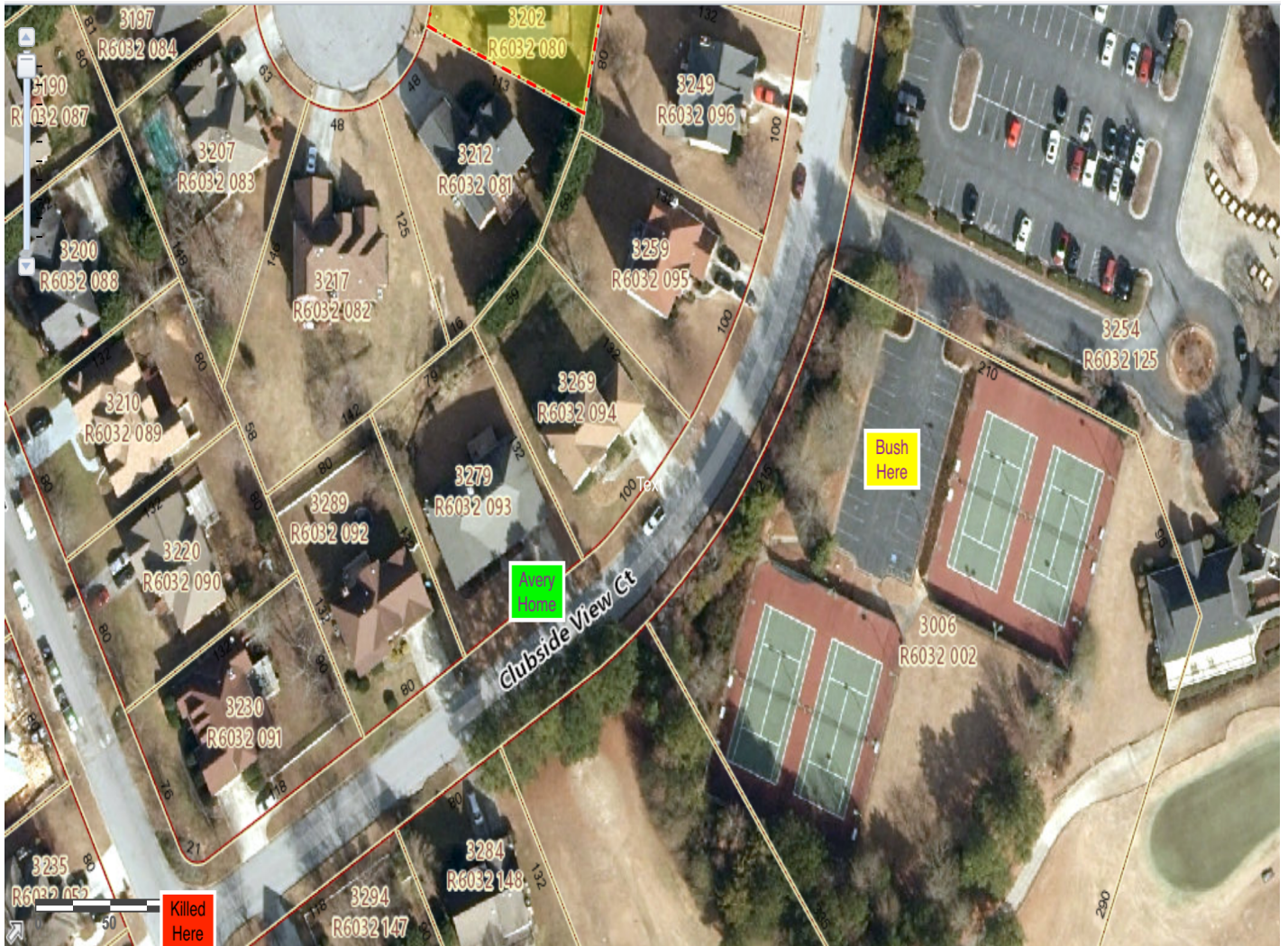


Figure 1 – Aerial View of Tennis Court, Nowlin’s Home, and Murder Location

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Figure 2 – Photo of Tennis Court at 6:45 p.m. on February 10, 2022

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Figure 3 – View from Nowlin's Home with Tennis Court Parking behind Trees and Bushes on the Right

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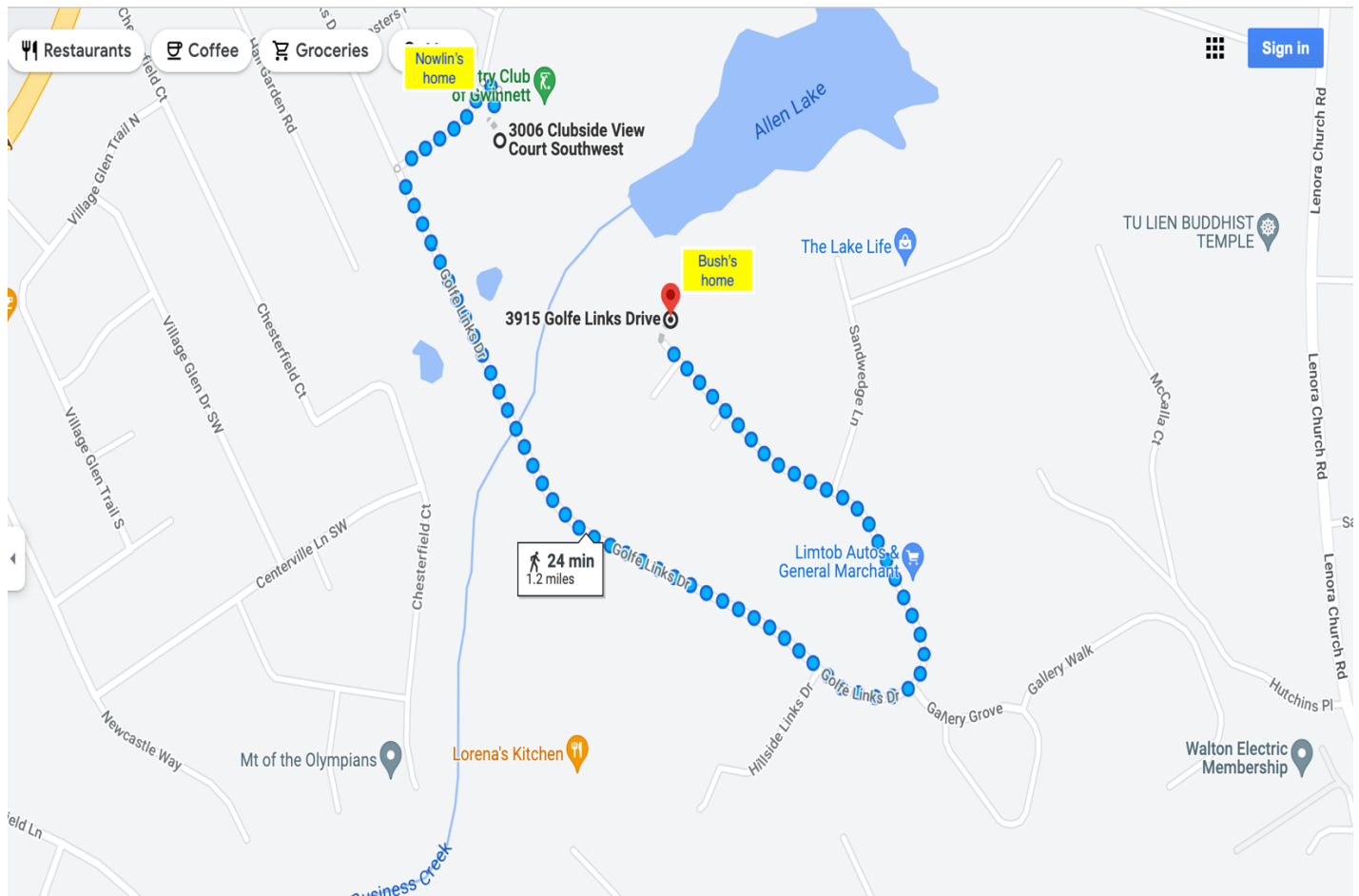


Figure 4 – Distance from Tennis Court Parking to... Nowlin Home: 25 feet; Bush home: 1.2 miles

Case	Defendant/Charges	Results
22-B-00172-3 20GWI01076 Interpreter: <hr/> # of Defs: 1 ADA: Craig Pake Atty: Careton Matthews	DARIUS BUSH 3915 Golfe Links Dr Snellville, GA 30039 DOB: Race/Sex: OTN: 12/22/1999 Black/Male 88421307236 Cnt. 1: Possession of Firearm During Commission of a Felony (O.C.G.A. 16-11-106) Cnt. 2: Entering an Automobile (O.C.G.A. 16-8-18) Cnt. 3: Criminal Trespass (O.C.G.A. 16-7-21(a)) Cnt. 4: Entering an Automobile (O.C.G.A. 16-8-18) Cnt. 5: Entering an Automobile (O.C.G.A. 16-8-18) Cnt. 6: Obstruction of an Officer (O.C.G.A. 16-10- 24(a)) Cnt. 7: Loitering or Prowling (O.C.G.A. 16-11-36) Cnt. 8: Entering an Automobile (O.C.G.A. 16-8-18)	Arraigned/Waived ____ Ind/Wits svd ____ Opted in ____ State Mot's svd ____ BW issued ____ Continued ____ D/S ____

Figure 5 – Darius Bush's Charges from Unrelated Incidents

No charges in deadly shooting near Gwinnett County golf course

By Janice Yu and FOX 5 Atlanta Digital Team | Published February 7, 2022 | Updated 11:34PM | Gwinnett County | FOX 5 Atlanta

Victim shoots and kills man who assaulted him

Gwinnett County police said they are investigating, but believes a victim acted in self-defense when he shot an armed man in his neighborhood.

GWINNETT COUNTY, Ga. - The [Gwinnett County Police Department](#) said a 22-year-old shot another during an altercation near Country Club of Gwinnett on Saturday night.

Police said they responded to a person shot call shortly after 6:45 p.m. on Feb. 5 in incorporated [Snellville](#).

"It was a general public parking lot for the subdivision," said Officer Hideshi Valle.

Police found 22-year-old Avery Nowlin dead on Golf Links Drive. Police said he got into an altercation with 22-year-old Darius Bush, who shot him while fearing for his life.

Police said Bush, who lives in the neighborhood was sitting in his car in a parking lot in a residential area when Nowlin, who was armed with a weapon, approached.

"An altercation started, leading them to end up fighting on the ground," Valle said.

Police said Nowlin initiated a physical altercation and Bush, who was apparently also armed, shot Nowlin.

Officers were sent to the scene after two neighbors called 911.

"Officers found a 22-year-old male deceased on the side of the road," Valle said.

Investigators said Nowlin also lives in the neighborhood

Police said the two men didn't know each other, and it's not clear why Nowlin targeted Bush.

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The Gwinnett County Police Department said a 22-year-old shot another during an altercation near Country Club of Gwinnett on Saturday night. **(FOX 5 Atlanta)**

Investigators believe this all started because Nowlin attempted to assault Bush.

They also said Bush attempted to drive away during the fight, but was unable to.

"At some point his vehicle stalled, and he wasn't able to drive off," Valle said.

Police said Bush is currently not facing charges citing Georgia law: "a person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself or herself or a third person against such other's imminent use of unlawful force."

This investigation is ongoing.

Figure 6 – Fox5 Story Based on GCPD Press Release



Reminders: Yard Signs & Tennis Courts

Pride in our community ... it's everyone's responsibility

- There has been an increase in the number of lawn/marketing signs throughout the subdivision. The majority are either business or politically affiliated. Put succinctly, these types of signs are in violation of article 10.11 of our subdivision covenants.
- No signs of any kind are allowed on any property in the subdivision. The only exceptions are "For Sale", home security and contractor signs (may stay up for 3 business days before and after work).
- Even if you are a renter you are required to follow the covenant rules. Below is 10.11 of the covenants.
 - 10.11 Signs. Except as may be required by legal proceedings, no signs or advertising posters of any kind shall be maintained or permitted within any windows, on the exterior of any improvements located within the Residential Development, or elsewhere on any portion of the Property, without the express written permission of the Declarant or the AFC. The approval of any signs and posters, including, without limitation, name and address signs, shall be upon such conditions as may be from time to time determined by Declarant or the ARC and may be arbitrarily withheld. Notwithstanding the foregoing, the restrictions of this Section 10.11 shall not apply to Declarant. In addition, the Board of Directors, on behalf of the Association, shall have either right to erect reasonable and appropriate signs on any portion of the Common Areas and within those easement areas established in Section 3.8 hereof.

It has been reported incidents where the tennis courts were trashed with bottles, cups, paper, etc. We are pleased to announce that things have improved.

As a reminder, if anyone from your household uses the tennis courts, please ask them to be courteous and leave the area clean. It is especially important to discuss this with your children/teens.

The access card system records every entrance to the tennis courts (and pool) which allows us to determine which households/addresses use the facilities and when. If it is determined that your access card is associated with the date and time that courts are being trashed, your card will be deactivated and tennis (and pool) privileges will be suspended.

It has also been reported that youth sometimes hang out in the tennis parking lot at night and leave trash and personal items behind. If you see this happening, please get the car description and license plate number and report it to Gwinnett Police non-emergency number at (770) 513 - 5700.

Please help us to maintain our community by keeping the tennis courts area clean.

Thanks for your cooperation.
CCGOA Architectural (ARC) Committee

Figure 7 – CCGOA (HOA) notice regarding the tennis courts

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CCGOA 2020 Semi-Annual Virtual Homeowner's Meeting Minutes

January-
semi-
annual
Meeting

January 26, 2021

The virtual meeting was called to order at 7:05 PM by the HOA President, Curtis Frazier. BoD's present Curtis Frazier, Jenny Freeman, Bethoni Davis-Houston, Ngozi Williams, Iris Connor, Ron White, and Yvette Summerour. Additionally, 26 properties were represented. Curtis presented the agenda, which was displayed on the computer. Following the introduction of the Board of Directors, Curtis gave an overview of the projects and their status to this point.

Committee Reports:

•In the absence of our Treasurer, Curtis presented the financial report noting expected income from all HOA fees and the amount collected thus far. The presentation also included online fees and the outstanding pool note. Curtis explained the top expenses incurred by the HOA and included ways in which the board is trying to cut those expenses.

Questions asked by homeowners:

Q: the streets in our community look really bad. Can we contact someone about paving them?

A: Curtis stated that he will contact the County about repaving.

Q: The majority of the stains appear to come from the sanitation companies. Can we hold them responsible for their vehicles or switch companies?

A: Curtis stated he will contact the company regarding clean up. Curtis noted that there have been instances in the past when the sanitation company responded out and cleaned up a liquid spill.

Q: There seems to be a lot of loitering at the tennis courts at night. Is there anything we can do about that?

A: Curtis stated we know this has been a problem in the past. When you see cars/people congregating after hours, please call the police non-emergency number. If we continue to call, each time, they will respond. Bethoni cautioned homeowners/guests about doing anything, other than playing tennis on the tennis courts. Any other activities can damage the courts.

Q: We seem to have a loitering problem on Golfe Links Drive near the golf cart path. Can anything be done?

A: The best thing to do is to call 911. Give a description of the vehicle(s) and let the police handle the situation. **Some homeowners have approached the police and asked why they are parked in the area. Some believe it was not good to have police in our community. The police are welcome any time. This also decreases the amount of crime. Hopefully, those intent on criminal activity will go elsewhere if they see the police.

Figure 8 – CCGOA (HOA) Meeting Minutes from January 26, 2021