

Murder ...from Page 1A

As McCaysville Police Lt. William "Billy" Brackett spoke with Fults outside of Jackson's residence, another Fannin County deputy went around the residence through the woods to usher "Amber and a juvenile child from the residence ... to safety," according to Bramlett.

Lt. Brackett tried to convince Fults to put his knife down so that officers could get him medical help, but "Josh refused and was still holding the knife and would get agitated and (was) threatening to kill himself," according to Bramlett.

That's when the Sheriff's Office decided to subdue Fults using bean bag rounds, planning first to circle behind him in the woods, then lure him away from the residence by having Lt. Terry Stanley drive the vehicle of Jackson's mother into the driveway, according to Bramlett.

"And when Josh went to the vehicle, (Investigator John) Arp would use the bean bag to distract Josh to get close enough to use a Taser," according to Bramlett. "I was back up the street to prevent cars from coming down."

"I did hear three shots and started walking toward the residence. Josh was still sitting on the porch holding the knife. Inv. Arp did strike Josh three times with bean bag rounds and four different Tasers deployed with no effect on Josh."

Fults finally relinquished his knife once Jackson said she would speak with him, and after giving her a hug, Fults agreed

to go to the hospital for help, according to Bramlett.

A supplemental report regarding the June 30, 2018, incident filed by Deputy Brian Wingate shows that Fults actually put his knife down twice during that encounter with law enforcement.

"I spoke to Deputy (Matthew) Peardon whom advised me Josh was holding a knife to his wrist, and the ex-girlfriend and her child were evacuated from the rear of the location," according to Wingate. "Lt. Brackett convinced Josh to put down and walk away from the knife, with the agreement he could speak to his ex-girlfriend."

"I observed Josh walk away from the knife, and I heard the sound of three non-lethal rounds being fired at Josh, which had no effect. The non-lethal rounds were fired by Investigator Arp, at which time all units rushed Josh to prevent him from again re-obtaining the knife."

"Josh was able to make it back to and (re-secure) the knife before we could reach him. On Josh reacquiring the knife and placing it to his neck, we close(d) the gap, but ourselves were dangerously close."

"Due to being in such close proximity with Josh while he was armed with a knife, I unholstered my duty weapon and aimed at Josh's chest. Several Tasers were fired at Josh in an attempt to disarm Josh."

"I maintained my point of aim in case Josh attempt(ed)

to attack myself or the other law enforcement officers on scene. I held my point of aim while we backed up, and I held it until everyone was at a safer distance from Josh, at which time I re-holstered my duty weapon."

Wingate went on to describe Fults later putting down his knife for the second time after Jackson appeared on the scene, kicking it away before being allowed to make contact with Jackson.

Deputy Wingate also added that, while en route to Fannin Regional Hospital that day, Lt. Brackett stopped his patrol car three times, once to give Fults a bag to vomit in, another because Fults was "using his belt to try and choke himself," and again because Fults was "banging his head against the cage in the vehicle."

Following the third pullover, Fults was handcuffed and his legs were restrained, after which he was transported to the hospital with the help of emergency lights and sirens "due to Josh's attempts at hurting himself."

Another supplemental report regarding the June 30, 2018, incident filed by Deputy Peardon said that Fults once more became self-combative after reaching Fannin Regional.

"Lt. Brackett arrived at the hospital with the male subject in the backseat of the patrol car," according to Peardon. "When I opened the driver's side back door of the car, I observed the male subject attempting to choke himself with the handcuffs."

"I then ran around the rear of the car to get to the

passenger's side. Lt. Brackett pulled him out of the car and put him on the ground. I then assisted him, trying to unlock the handcuff so he would not continue to choke himself with the handcuffs."

"I finally got the handcuff off and placed him in the hospital bed outside of the hospital. We then rolled him inside to the ER on the bed. He was still resisting inside the ER. We finally got both handcuffs locked onto the bed and secured his legs to the bed. We then released the male to the hospital staff."

Deputy Peardon wrote in his report, dated July 1, 2018, that the Fannin County Sheriff's Office would be "taking warrants at a later date for criminal trespass and obstruction of a police officer," though no charges were ever filed, according to the Sheriff's Office.

Peardon also stated in his supplemental report that Fults had at times held the knife against his neck, and that Fults said "he drank a 12-pack of alcohol prior to this incident."

The Fannin County Sheriff's Office fielded another complaint by Jackson about two months later, on Sept. 11, 2018, when deputies responded to Fults' residence



Amber Jackson and her 3-year-old son Ethan. Photo/Facebook

in McCaysville "in reference to a suicide threat," according to the Incident Report.

When deputies arrived at Fults' home on Sept. 11, 2018, they found him walking around on his porch, according to the Incident Report.

Once a commanding officer arrived on scene, deputies entered the home and found Fults asleep inside, according to the Incident Report.

Fults was taken into custody that evening under an Emergency Admission Certificate, or Form 1013, that had been signed by a judge, and he was transported to Fannin Regional Hospital for treatment "due to possibly taking too much medication."

He was subsequently released, and no charges were filed in that incident either, according to the Fannin County Sheriff's Office.

Pleas made in arson case:

Defendant answers for fire set more than 3 years ago

By Ashley Kairis
Clay County Progress
Staff Writer

A mother and son of Clay County experienced something everyone hopes will never happen to them — their house was burnt to the ground, leaving them with nothing. Nearly three and a half years ago the occurrence sparked sorrow and commiseration throughout the community and this month salt has been added to that wound.

On the morning of Oct. 29, 2015 after taking her son Wyatt Long to school, Jenna Anderson received a distressed call from her then boyfriend and now defendant, Michael Fasanati that her home was ablaze.

Now, more than three years later in superior court, Fasanati signed two plea deals on Wednesday, Feb. 20. The first is a guilty plea for two counts of misdemeanor cruelty to animals. According to the Bills of Indictment issued on these two charges, one dog named Wickett was "maliciously killed by setting a house on fire while the animal was inside." The second dog, Charley, was "maliciously mutilated, maimed and disfigured."

As a result of his guilty plea, Fasanati is responsible for paying \$3,424.50 in restitution for prior vet expenses. Two community punishments of 45 days each were allocated and immediately suspended as Fasanati will instead receive unsupervised probation for 18 months.

The second plea came in response to the burning of the Ford Road home, originally charged as second-degree arson according to Fasanati's July 13, 2016 arrest order.

His plea in response was not guilty and was not a no contest plea. Instead, Fasanati signed an Alford plea to "burning one's own dwelling."

In Fasanati's case, pleading guilty pursuant to the Alford decision means he does not admit to the act, but admits that the prosecution could likely prove the charge. Acceptance of an Alford plea is always in the court's discretion. On Feb. 20 the presiding superior court judge, Alan Z. Thornburg, approved Fasanati's Alford plea.

As for the given punishment under his plea, all collected sentencing from Fasanati's charges may be completely forgiven.

The plea arrangement reads in part, "If defendant does not obtain new charges or convictions and if he successfully completes his probationary sentence in the misdemeanor plea, the State shall strike Defendant's guilty plea in the felony matter and enter a dismissal."

"Everyone kept going back to 'Well we can't neces-



Michael Fasanati of Blairsville

sarily throw the book at him because it's his first offense." I heard the assistant district attorney twice say that this was a high-profile case and with all of the facts and evidence there, there's zero reason for this guy to have basically walked away free," said Anderson.

In the wake of this ruling, she shares her thoughts on the lengthy legal process.

"It is very disheartening to see where this has led, especially hearing it from those who are supposed to protect us. It brought back the same feeling from when my home was burning — betrayal," said Anderson.

She explained that she put the entirety of her blind faith into the local investigators and the judicial process.

"When you've already been betrayed by the person that you loved so much, you have to force all of that blind faith into the justice system. This entire time I'm told there's so much evidence and it left me to think, why are we still here? This should have been a slam dunk case," said Anderson.

Facing Fasanati in court, Anderson read an impact statement to the court. While she certainly did not get the justice she had hoped for, she says the act of getting to express the statement to him was a small victory in that it allowed her closure.

Within her impact statement, Anderson said, "Your destruction of my home, pets and possessions has left an indelible mark on my life."



The Ford Road home after being claimed by flames.

She went on to say, "It does not bode well for a society when the interests of perpetrators are placed above those of victims, and where the ineptitude of local law enforcement investigators undermines their sworn in duty to pursue justice and protect the public from predators like you."

Completing her statement, these were her final words to Fasanati.

"I wish you a long life, consumed not only with vivid daily memories of the destruction you have brought us, but also days and nights filled with anxious contemplation as you ponder the fire awaiting you personally, as you pass from this life into the next."

Looking to the slim silver lining of it all, Anderson says that in the tough times that followed the fire, her son, prayer and the local community helped her make it through.

"It was really nice to see that even these people that we didn't know in this small community were basically taking the shirts off their backs to help us," said Anderson.

She remembers receiving donations, clothes and even a new backpack for Wyatt from total strangers. Wyatt was 11 years old at the time of the fire.

Rising from the ashes of the past with the help of the community, Anderson and her son found a rental home about a month after the fire. Now they are celebrating just under two years of living in their current home.

When contemplating what she would like to see change for the better in the justice system, Anderson said more training, more resources and more investigators.

"It was mentioned to me that those who should have been prepared for an arson case were not at that time. They said they would be going to certain classes to make sure this would not happen the same way to someone else," said Anderson.

Both Fasanati and his attorney were contacted for comment. Neither has given a statement.