

News, Politics & Government

# Davis invokes right not to incriminate himself in divorce proceedings



Augusta Mayor Hardie Davis Jr.

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**BY SCOTT HUDSON**

Augusta Mayor Hardie Davis Jr. invoked his constitutional right against self incrimination seven times in an interrogatory filed in Richmond

County Superior Court in the matter of his divorce from his wife, Evett Davis.

Specifically, Davis invoked [O.C.G.A. § 24-5-505](#), a Georgia law that protects individuals from incriminating themselves in court proceedings.

The documents filed on or about Aug. 10 in Superior Court asked Hardie Davis, who is the plaintiff in divorce proceedings against his wife Evett Davis, a wide range of questions pertaining to his finances, physical and mental health and marital property that may be in dispute.

Davis answered most of the questions or provided documents; however, when it came to his alleged extramarital affair with a former mayoral staffer, Carla Smith, Davis refused to answer the questions.

The questions Davis refused to answer pointedly asked if he had ever been involved in a relationship outside his marriage, and they that left no room for ambiguity.

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The first question asked Davis to identify any person, other than his wife that he has engaged in conduct such as “kissing, embracing, holding hands, sexual contact of any nature or sexual intercourse.”

Davis' response was, “I assert my rights under O.C.G.A. § 24-5-505 to not testify to the matters inquired into in this interrogatory.”

According to Lawrenceville, Ga. attorney Sharon Jackson, adultery is a misdemeanor crime in the state of Georgia under the code Title 16, chapter 9, section 9.

The Georgia code specifies that “a married person commits the offense of adultery when he voluntarily has sexual intercourse with a person

other than his spouse and, upon conviction thereof, shall be punished as for a misdemeanor.”

Such an admission of a crime of moral turpitude also opens the person up for questioning about other details pertaining to the admitted offense that may be detrimental to a litigant, according to Georgia case law.

In other words, defendants who admit to a crime of moral turpitude can be questioned thoroughly in depositions or in open court about other aspects of the crime that they admitted to.

Smith was not a city employee when she worked for Davis’ office. She was a paid consultant, according to Davis’ own statements to The Augusta Press. City financial records show Smith was paid directly out of the Mayor’s Office bank account instead of through the Human Resources Department.

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After the allegations of the extramarital affair were made by Evett Davis in an April court filing, Hardie Davis Jr. replied to The Augusta Press by email, “The allegation in the counterclaim regarding Carla C. Smith is false. Ms. Smith provided support services on behalf of the Office of the Mayor during the pandemic for which her company received payment.”

Before Smith became a consultant for the Augusta Mayor’s Office, she served as an aide for Davis when he was a member of the Georgia Senate. She is now the owner of Georgia Consulting Firm, LLC, which is located in Avondale Estates, Ga. just outside Atlanta, according to the Georgia Secretary of State’s Office.

In the interrogatory documents, Davis admitted he had given Smith \$1,600 between March 2021 and March 2022, but he did not disclose what the payments were for – only labeling the payments as “gifts.”

Davis responded in writing to questions about his travel and disclosed that along with numerous trips he has taken on city of Augusta business, he has vacationed in the Caribbean. According to the documents, Davis disclosed that he spent \$2,200 to vacation in Turks and Caicos and \$2,300 to travel to the Dominican Republic, but claimed he kept no receipts.

With other questions pertaining to financial documentation, Davis claimed the requested documents were in the marital home to which he has no access. However, Davis was escorted to the home by Richmond County marshals on Aug. 8 to retrieve his property from the home.

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Davis, who along with serving as Augusta mayor is also a clergyman, claims in the filings that his estranged wife has not supported his career choices since 2011, necessitating the divorce.

According to the filing, Davis claims his wife has “engaged in ongoing efforts, publicly and privately (to include in the church) to defame me, assassinate my character and completely work against my leadership in the church and home.”

Calls and texts to both Hardie Davis, Evett Davis as well as plaintiff and defense attorneys for comment were not returned.

### **Interrogatory questions Hardie Davis Jr. invoked his right not to answer**

Augusta Mayor Hardie Davis Jr., declined to respond to seven of the interrogatories put to him in recent court documents. These are the questions he declined to answer.

The first question asked Davis to identify any person(s), other than his wife that he has engaged in conduct such as “kissing, embracing, holding hands, sexual contact of any nature or sexual intercourse.”

Question number two asked Davis to list the dates and times that such physical conduct occurred.

Question three asked Davis to describe such conduct in detail.

Question four asked Davis to identify any person with whom he shared telephone calls, emails or texts of an intimate or sexual nature.

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Question five asked Davis to list the dates and times of the calls, emails and texts.

Question six asked Davis to describe in detail the conversations and provide copies of the written or electronic communications.

Question seven asked Davis to provide the home address, employment, home telephone number, cell phone number, work phone number and email address of Carla Smith.

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