

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA	)	CASE NO.
	)	22SC183572
	)	
vs.	)	
	)	
DEAMONTE KENDRICK,	)	
Defendant.	)	
_____	)	

SUPPLEMENT TO DEAMONTE KENDRICK'S MOTION FOR MISTRIAL

COMES NOW Deamonte Kendrick ("Petitioner"), by and through his undersigned counsels, and brings this Supplement to Motion for Mistrial showing as follows:

"[Outside Agitator is a term that] delegitimizes internal dissent against the status quo. So anyone who speaks up against the status quo, whatever that is, is by definition an outsider." Professor Dylan C. Penningroth, U.C. Berkeley.

Judge Glanville making outrageous allegations against members of the defense teams in the present case: "But I think it does in some way, outside agitators . . . and everybody else who I think are trying to influence --."

The third ground argued in Kendrick's Motion for Mistrial is that Kendrick's due process rights were violated relating to a 14th Amendment Due Process violation relating in part to Chief Judge Glanville wrongly coercing Copeland to testify. Further evidence of the State and Judge Glanville's violation of Kendrick's due

process rights has just come to light.

Yesterday after court, Kendrick received a rough transcript (Exhibit A) of an additional, secret ex parte meeting with Judge Glanville held on Friday, June 7, 2024. The rough transcript was helpfully provided by this Court to defense counsel. A reading of the rough transcript highlights that which has been obvious to all observers, except for Kendrick's counsel, for the past 19 months. Judge Glanville has been willfully biased and acting as a member of the prosecution team since the inception of this case. Kendrick's counsel takes no pleasure in alerting this Honorable Court to this situation, but client obligations require it. Due process requires a fair trial.

It is not a fair trial when in an ex parte meeting Glanville, Love, and Hylton gossip like yentas over 13 pages of transcript about Attorneys Schardt, Melnick, and Steel.

It is not a fair trial when in an ex parte meeting Glanville, Love, and Hylton assassinate the character of attorney Melnick and attack his integrity, alleging that he is not acting in the best interest of his client, Copeland.

It is not a fair trial when in an ex parte meeting Glanville, Love, and Hylton attack Attorney Bumpus for allegedly hugging Kendrick and stating that she is incapable of representing Copeland.

It is not a fair trial when in an ex parte meeting Love lies to Glanville about an email she received from Attorney Melnick.

It is not a fair trial when in an ex parte meeting Glanville starts talking about “outside agitators,” stating “[m]y comments today were predicated on there's a lot of stuff that's going on in the background but -- and it shouldn't have to do anything with you-all's case. It really shouldn't. But I think it does in some way, outside agitators --.”

It is not a fair trial when in an ex parte meeting Glanville and Love have the following outrageous conversation,

COURT: . . . But I think it does in some way, outside agitators --

MS. LOVE: That too.

THE COURT: -- and everybody else who I think are trying to influence --

MS. LOVE: That is absolutely happening.

(Rough transcript, pp. 11-12)

It is not a fair trial when Glanville, Love, and Hylton have this further discussion:

MS. HYLTON: There's a lot going on.

MS. LOVE: There is a presence, yes, yes. That is all I'll say.

THE COURT: I mean, but I see it from just being in the courtroom and tracking.

(Id.).

How many violations of the Georgia Code of Judicial Conduct does it take to get a mistrial with prejudice? This case is like an old house that the present Honorable Judge is tasked with renovating. Every time a piece of pasted-up wallpaper is removed more rot is found hidden underneath. No herculean effort by the present Court can fix the Due Process violations of the last Judge. This house must be torn down. A mistrial should be declared and retrial barred due to prosecutorial and judicial misconduct that has goaded Kendrick into the present motion.

Wherefore, Kendrick respectfully continues his request that this Honorable Court declare a mistrial based on at least due process violations of Kendrick's Constitutional rights under the Federal Constitution and the Constitution of the State of Georgia.

This the 31st day of July, 2024.

Respectfully submitted,

/s/ Douglas S. Weinstein

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Exhibit A

1 (2:45 p.m.)

2 MS. LOVE: Judge, the reason that we wanted to -- the
3 reason that I specifically wanted to talk with you is that
4 I have a concern about the representation being made of the
5 representation of Mr. Copeland.

6 I am concerned and I am sort of not -- I wanted to
7 just bring it to the Court's attention. Mr. Melnick has
8 not conveyed to either Ms. Hylton, myself, or any member of
9 the State any legitimate concern that he has regarding
10 Kenneth Copeland testifying.

11 What we have seen is physical interactions with
12 persons beyond -- besides Mr. Copeland that would indicate
13 that Mr. Copeland is not Mr. Melnick's primary priority.

14 What we do know is that when he -- I mean, the fact
15 that he's willing and wanting to leave and -- leave, number
16 one. He left twice after the Court ordered him to speak
17 with his client. And it would seem his actions convey that
18 it is not Mr. Copeland's best interest that is his
19 priority.

20 Ms. Hylton was out speaking with Mr. Copeland at
21 Mr. Copeland's request at the time that I announced that
22 Ms. Hylton was calling Mr. Copeland. What I did not know
23 is that she was trying to tell you to give us a minute
24 because Mr. Copeland was feverishly -- and I will let her
25 speak as to how that went down -- feverishly trying to get

1 her in there to convey to her something that Mr. Melnick
2 had just said to him that did not come from any of us.

3 THE COURT: What was that, Ms. Hylton?

4 MS. HYLTON: So let me -- let me just put the order
5 of operation. I got up because Deputy Long, Deputy Chief
6 Long said, "He wants to talk to you. Come out right now."

7 So when I went into the room, Melnick either came
8 in or came outside. And what Mr. Copeland said, and I
9 think that he wanted to get some autonomy, "I want to talk
10 to you." He's like, "You, I've already talked to you, but
11 I want to talk to her," and Mr. Melnick kept, like,
12 blocking him being able to talk to me.

13 So eventually I was like, "Well, clearly you want to
14 talk to him so I'll step out and you can come in."
15 Mr. Melnick spoke to him, and I think he was trying to eat
16 up time because he knew that you were coming out.

17 So by the time I got back in there and he started to
18 talk, that is when everyone said, "Come on. The judge is
19 waiting," and that's why he stormed in angry.

20 MS. LOVE: He being Mr. Copeland.

21 MS. HYLTON: Because I think he was trying to convey
22 to me some concerns he had. And so I was trying to have
23 that conversation because Mr. Copeland and I have been
24 having really good conversations since Friday, like very,
25 very good conversations. Just not even about the facts of

1 the case but just life experiences. So I think I was
2 building a rapport with him such that he thought I lied to
3 him so I was trying to explain to him --

4 MS. LOVE: And by that she means today.

5 MS. HYLTON: Today about what was going to happen.

6 MS. LOVE: Because of what Mr. -- someone conveyed to
7 him --

8 MS. HYLTON: We believe that something was being
9 conveyed. What happened is as Mr. Copeland was walking
10 back into the courtroom, Mr. Melnick -- and Julie would
11 have to, Ms. Lansiquot would have to confirm this -- but he
12 said, "They are going to hammer you." And that made me ask
13 Ms. Love, "Did you say something about hammering him?" And
14 I don't know who --

15 MS. LOVE: Nobody did. Nobody did.

16 THE COURT: It doesn't make sense you would say that
17 to him.

18 MS. LOVE: We never said that.

19 THE COURT: But anyways, okay.

20 MS. HYLTON: So whatever that communication was,
21 that's when he stormed in and got angry and the result I
22 got was what he gave when we started.

23 So at this point I'm very concerned --

24 MS. LOVE: He meaning Mr. Copeland stormed in and got
25 angry.

1 MS. HYLTON: The timing of everything is very ironic.
2 We laid it out on the record earlier about what happened,
3 and I don't believe that Mr. Copeland's best interest is
4 being served at this moment given that -- I mean,
5 Mr. Melnick was willing to take a vacation and let him
6 languish in jail, and that is not -- we have communicated
7 that we never wanted Mr. Copeland to go to jail. We don't
8 want him in custody. We don't want any of that to occur.
9 And so --

10 MS. LOVE: And Mr. Melnick has not spoken, he has not
11 relayed -- what we did get during the break was an email
12 from Mr. Melnick. I don't know if he -- he had to have
13 been blind-copying someone else. The only two people I
14 could see on the email were Ms. Hylton and myself but he
15 referred to me in the third person and said: These are the
16 communications between myself and Ms. Love.

17 So I asked Mr. Melnick, "Whose interest are you
18 concerned about, your client's or Mr. Steel's and
19 Mr. Schardt's?" Because prior to -- and this is not the
20 first time Mr. Copeland has said, "He doesn't represent
21 me." This is not the first time Mr. Melnick has -- and let
22 me be real clear. When he spoke of what was happening
23 before, him representing Mr. Copeland and da, da, da, da,
24 da, he told me that he didn't represent Mr. Copeland. He
25 told me --

1 THE COURT: Mr. Melnick told you?

2 MS. LOVE: Yes. Mr. Melnick told me previously that
3 he wasn't representing him.

4 THE COURT: You would not speak to an unrepresented
5 party. I mean, I know you know enough of the rules to know
6 that if you thought or intimated that somebody was
7 represented by counsel, you would go ahead and let them
8 contact that lawyer.

9 MS. HYLTON: Or Mr. Copeland would have said --
10 because I don't know as a witness, because he's not
11 charged, if we would have had to --

12 MS. LOVE: Right.

13 MS. HYLTON: -- because he's not charged.

14 THE COURT: I don't think you have to because there's
15 no pending charges. But if he told you, "I got a lawyer, I
16 don't want to talk to you --

17 MS. LOVE: We would have left.

18 THE COURT: Because people counsel that they have
19 under retainer or something else, or they say, "Hey, I got
20 a lawyer that I use for everything and I want to talk him.
21 I don't I'm not comfortable talking to you unless my lawyer
22 is present."

23 MS. HYLTON: We have done that with a number of our
24 witnesses here so this would have been no different.

25 MS. LOVE: Exactly. And we would have -- I'm sorry.

1 I don't mean to cut you off.

2 MS. HYLTON: No, no, no. Go ahead. That was it.

3 MS. LOVE: We actually communicate, especially when
4 either they are incarcerated or subject to having their
5 sentence revoked as a result of their testimony because
6 they pled guilty here, we only reach out to them through
7 their attorney because we want the attorney to speak to
8 them and for that to be -- because that's the best way in
9 our opinion to get a rapport that elicits truthful
10 testimony.

11 So in this particular instance there was not -- that
12 number one, there was not that communication made by
13 Mr. Copeland that there was ever a need for that. And,
14 two, there was not a need for us to be concerned about it
15 because he doesn't have charges.

16 Ms. Hylton explained to him at length that whatever
17 happened that he did in 2015, which is all we're going to
18 be talking to him about, the statute of limitations has
19 run. He didn't do the murder. We know that.

20 I mean, so I don't want to get into the facts of
21 anything. What I'm trying to get at is the fact that
22 Mr. Copeland, I don't believe, has -- I believe Mr. Melnick
23 has inserted himself in a way that jeopardizes the best
24 interest of our witness.

25 I believe that in conveying to the Court that

1 Ms. Bumpus is going to stand in his stead, Ms. Bumpus has
2 been -- she had to be -- she was -- what is the word I'm
3 looking for. The sheriff had to speak to her because she
4 was in the courtroom trying to hug Jeffery Williams.

5 MS. HYLTON: No. She hugged Deamonte Kendrick --

6 MS. LOVE: I'm sorry.

7 MS. HYLTON: In fact, she hugged Deamonte Kendrick
8 and hugged Mr. Williams, and that's how Captain Kendle saw
9 her. And Captain Kendle had her taken out.

10 MS. LOVE: There was a -- she expressed dismay and
11 concern in challenging her right to go interact in that
12 manner with the defendants.

13 So our concern is that it is not Mr. Copeland's best
14 interest that are being represented. And that not only is
15 that the case with respect to Mr. Copeland, who we have no
16 interest in prosecuting, but there is a tampering of sorts
17 going on in this person inserting himself where
18 Mr. Copeland has been reaching out to speak to Ms. Hylton,
19 and that communication is being blocked by someone
20 Mr. Copeland didn't reach out to.

21 You noticed no one said, "Mr. Copeland called me."
22 He never said -- when we put on the record, when Ms. Hylton
23 said, "The way I understand it, Mr. Melnick reached out to
24 Mr. Copeland," because the first time Mr. Copeland -- the
25 first time we heard an assertion like, "Oh, he's going to

1 plead the Fifth," is when Mr. Melnick sent an email to
2 Ms. Hylton and myself and had copied on it Mr. Steel and
3 Mr. Schardt last night.

4 THE COURT: Why would he have done that given --

5 MS. HYLTON: And that's the State's concern.

6 MS. LOVE: That's the point.

7 THE COURT: But here is the challenge. The challenge
8 is you have privileged communications, and unless you've
9 got him -- him being the client -- disclosing to a third
10 party that you -- that wouldn't be subject to the
11 privilege, that is the only way you are going to --

12 MS. LOVE: I don't disagree with that at all. I
13 don't disagree with that at all. But if Mr. Melnick -- and
14 the thing is -- the thing that got me the most is
15 Mr. Melnick is not looking at Mr. Copeland saying, "You
16 know, Mr. Copeland, I want you to stay out of jail and I
17 will be here with you. And if they ask you anything that
18 touches upon something that you and I talked about, I will
19 stand up and assert your right." He didn't do that.

20 What he did was he looked over at two people and
21 said, like, "I did what I could", shrugged his shoulders,
22 held up the palms of his hands like this, as to say, "I
23 tried."

24 There is no reason he would be looking to the right,
25 to counsel for the defense like "I tried" after

1 Mr. Copeland said he was going to testify. That doesn't
2 make sense.

3 THE COURT: Well, there's a lot of innuendo that they
4 have asserted themselves, "they" being some of the defense
5 counsel, have inserted themselves in this particular
6 process and that's what --

7 MS. LOVE: My concern is Mr. Melnick's insertion of
8 himself.

9 THE COURT: What are you asking me to do? What are
10 you asking me to do, and what do you think that I can do?

11 MS. LOVE: That is the exercise. That is the
12 homework for tonight. I wanted to let the Court know that
13 that is what we're looking into right now because there is
14 a remedy because I have faith in our law. I love this
15 thing, and I know there is a remedy because this can never
16 have been the first time this happened. It has been
17 addressed. I just have to find it.

18 But I didn't want to be looking for something and not
19 let the Court know what I'm looking for so you are not --
20 so that you are caught off guard when Monday morning or
21 Saturday night or Saturday afternoon we find it and send it
22 to you.

23 THE COURT: Okay.

24 MS. LOVE: So thank you for allowing us to audience
25 with the Court. I just wanted to make certain that we did

1 it properly and we had everything on the record. It is our
2 witness. We have conveyed to him that he is shielded from
3 prosecution for anything that he talks about on the stand
4 and any use of that. And the thing is that we won't ask
5 him that, but this is what he said, "Y'all might not but
6 they might ask me about some things that I have to assert
7 my right on," and that would be a question-by-question
8 basis.

9 What he is being influenced to do, we believe, by
10 Mr. Melnick is -- and it's through Mr. Melnick because as
11 you saw, Kenneth Copeland said, "I will testify."

12 Mr. Melnick even after that said he's asserting his
13 Fifth. I'm going to go talk to him. Logically, one would
14 think that as long as Mr. Melnick's concerns about Kenneth
15 Copeland's freedom, legal freedom and his exposure, as long
16 as those were addressed, Mr. Melnick should be saying, "I
17 am here with you. If there is something that I know will
18 put you in jeopardy I will stand up and stop you. But
19 right now I would rather you stay out of jail."

20 Instead you get Mr. Copeland -- and you can see
21 through his body language. He gets there in court and he's
22 smiling as if making a show of being taken into custody
23 after this, and the man don't want to be in jail. He said
24 it.

25 Didn't he say he don't want to be in jail?

1 MS. HYLTON: That's his biggest fear.

2 MS. LOVE: That's his biggest fear. And now he's in
3 jail after Mr. Melnick asserted himself in this process.

4 So we have to go figure it out. I'm not just laying
5 it in your lap saying, "Go fix this." I'm just bringing
6 this to the Court's attention. This is a grave concern.

7 Ms. Hylton, she's about to lose her mind because her
8 biggest concern is that Mr. Melnick is actively harming a
9 human being, and that's what she's maddest about. I'm mad
10 because it is stopping our trial and it's wrong, and that
11 is not how the law is supposed to work.

12 So we have two big old grave concerns that we are
13 working to remedy right now.

14 THE COURT: Okay. Well, like I said, I think that
15 you brought your concerns to me. You know, without more I
16 don't know what else I can kind of do in terms of that.

17 My comments today were predicated on there's a lot of
18 stuff that's going on in the background but -- and it
19 shouldn't have to do anything with you-all's case. It
20 really shouldn't. But I think it does in some way, outside
21 agitators --

22 MS. LOVE: That too.

23 THE COURT: -- and everybody else who I think are
24 trying to influence --

25 MS. LOVE: That is absolutely happening.

1 MS. HYLTON: There's a lot going on.

2 MS. LOVE: There is a presence, yes, yes. That is
3 all I'll say.

4 THE COURT: I mean, but I see it from just being in
5 the courtroom and tracking. But, okay, if you find
6 anything, we'll see where Monday leads us. And like I
7 said, since we now know he's going to potentially invoke,
8 we'll see what his pleasure is and --

9 MS. LOVE: I mean, just the idea of someone sitting
10 in jail throughout this trial, but if that's what he's
11 being counseled to do and that's what he does, that's just
12 wrong. It's wrong because a member of the bar is, in my
13 mind, creating that circumstance, you know.

14 He's going to do what the person he trusts to have
15 his best interest at heart tells him to do, and that
16 person -- he doesn't have to tell us what he's concerned
17 about. And can just sit there, and when he sees the train
18 coming. Stand up and say stop. But he's got a vacation to
19 go on so he can't be here.

20 So Ms. Bumpus is going to be here. Ms. Bumpus,
21 hugging Mr. Kendrick and Mr. Williams, is going to be here
22 representing the interest of Kenneth Copeland, who is
23 supposed to testify against Mr. Kendrick and Mr. Williams.

24 That is where we are. That doesn't pass a smell
25 test.

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THE COURT: All right. Okay.

MS. LOVE: Thank you.

