

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
) **INDICTMENT NO. 22SC183572**
v.)
)
JEFFERY WILLIAMS,) **JUDGE GLANVILLE**
 Defendant.)

AMENDED MOTION FOR CORRECT RULING ON IMPROPER OBJECTION BY
THE STATE¹

COMES NOW, Mr. Jeffery Williams, by and through undersigned counsel, and hereby files this Motion for Correct Ruling on Improper Objection by the State in the above-referenced case. In support of this Motion, Mr. Williams shows as follows:

1.

Mr. Williams is innocent of all crimes in the above-referenced Indictment.

2.

The prosecution has made objections on countless occasions based upon O.C.G.A. § 24-8-801(c)—self-serving statement of a party. This Honorable Court has, in almost all instances, sustained the objection. This objection and ruling are not well founded.

3.

In Walker v. State, 306 Ga. 44(fn. 3), 829 S.E.2d 121 (2019)(attached hereto), the Honorable Supreme Court of Georgia wrote that the “blanket policy against self-serving statements might not have survived the passage of Georgia’s new Evidence Code.” Our High Court in Walker v. State,

¹ On or about Monday, June 10, 2024, Mr. Williams filed a Motion for Correct Ruling on Improper Objection by the State and served on this Court and the parties. Mr. Williams hereby supplements this Motion to add Paragraph 11. All other information contained herein remains the same.

supra, went on to note that the proposed new rules under O.C.G.A. § 24-8-801(c), would not retain a self-serving statement rule and thus, if the hearsay statement of a party is admissible under hearsay exception, the fact that it is self-serving should go to weight, not admissibility.

4.

Mr. Williams has offered into evidence on many occasions supposed utterances of Mr. Williams, not self-serving statements but in often times lyrics, that this Court has denied admission into evidence based upon the prosecution's potentially specious objection to self-serving statements. All of these issues are preserved for appeal in the ordinary course of litigation but going forward, Mr. Williams asks this Court to reconsider its understanding of a potential objection of self-serving statements based upon Walker v. State, supra, and the warning and notation by the Honorable Supreme Court of Georgia.

5.

Moreover, Mr. Williams' lyrics or social media postings should not be barred by any hearsay objection because they become relevant based upon the prosecution's presentation of evidence under the Rule of Completeness and, often times, are not admitted for the truth of the matter asserted but for the effect on the listener or to put conversations/issues into context. However, this Court, for the most part, has prevented Mr. Williams from receiving a fair trial by this Court's sustaining possible meritless objections by the prosecution.

6.

If this case were tried prior to January 1, 2013, then, under the former Evidence Code, self-serving statements were generally inadmissible hearsay where a criminally accused chose not to testify at trial and subject himself to cross-examination. See Jones v. State, 303 Ga. 496(IV), 813 S.E.2d 360 (2018). We are well past January 1, 2013 and the former Evidence Code no longer has

any applicability. See Walker v. State, supra.

7.

Moreover, self-serving statements go to a statement of innocence made concerning allegations at trial, not prior lyrics, social media postings such as the State has been objecting to and this Court has been sustaining these more probable than not specious objections. See also State v. Hodges, 291 Ga. 413(fn. 6), 728 S.E.2d 582 (2012), a case decided before the January 1, 2013, new Evidence Code took effect but commenting that the State Bar of Georgia’s comment on O.C.G.A. § 24-8-801(c) states that the new Evidence Code would not retain the self-serving statement rule and that under O.C.G.A. § 24-4-402, all relevant evidence shall be admissible except as limited by Constitutional requirements or as otherwise proscribed by law and other rules pursuant to Constitutional and Statutory authority.

8.

It is interesting to note that there is no hearsay provision in our new Evidence Code that even uses the term “self-serving statement.” See entire O.C.G.A.

9.

Courts from across our Country who use Federal Rules of Evidence have all come to the conclusion, as opposed to the State’s continuous self-serving objections and this Court sustaining same, a “flat rule” against self-serving statements make no sense. See, for example, from almost forty (40) years ago, United States v. Jackson, 780 F.2d 1305 (7th Cir. 1986). The prosecution should not be allowed to continue to stop Mr. Williams from presenting the truth in this case through competent, admissible means based upon specious objections.

10.

Furthermore, while discussing specious prosecution objections, these objections to “vague”

when there is nothing vague about the question posed on cross-examination, the objection to “facts not in evidence” need not be sustained any further. It is abusive to the Sixth Amendment to sustain these objections as lawyers for the criminally accused have the right to not only cross-examine but to cross-examine effectively, thoroughly and siftingly and asking the leading question which introduces facts is not objectionable. The questions are not evidence. Therefore, the question does not interject “facts not in evidence” but the question combined with the answer, becomes evidence. Thus far, on a multitude of countless occasions, cross-examiners have been totally barred from presenting competent, truthful evidence from the jury based upon this wall of specious objections that are being sustained. This must end as well. The Constitutional right to effective assistance of counsel, the Constitutional right to confront and cross-examine witnesses and the Constitutional right to a fair trial have all been infringed upon, to date, in this trial. The past cannot change but the future can be corrected.

11.

The State argues that if a party is silent, then they adopt a statement by someone else. Same is not true. See O.C.G.A. § 801(2)(B). Same is not true because there must be a manifest, adoption or belief that it is true.

WHEREFORE, Mr. Williams respectfully requests a hearing on this Motion and at the conclusion of same, asks this Court to grant the above-requested relief and going forward, consider whether self-serving statements is even a valid objection under Georgia’s current law.

This 10th day of July, 2024.

Respectfully submitted,

/s/ Brian Steel

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing

AMENDED MOTION FOR CORRECT RULING ON IMPROPER OBJECTION BY THE

STATE via electronic filing as well as via e-mail to the following:

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This 10th day of July, 2024.

Respectfully submitted,

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