

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

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

MOTION FOR A FAIR TRIAL AS WELL AS MOTION FOR A LIST OF DATES/PERSONS WHO PARTICIPATED IN ANY EX PARTE COMMUNICATIONS WITH THE COURT AND THE TOPIC OF SAME; MOTION FOR MISTRIAL BASED UPON JUDICIAL AND PROSECUTORIAL MISCONDUCT AND THUS, BAR RETRIAL

COMES NOW, Mr. Jeffery Williams, by and through undersigned counsel, and hereby files this Motion for a Fair Trial as well as Motion for a List of Dates/Persons who Participated in Any Ex Parte Communications with the Court and the Topic of Same; Motion for Mistrial Based upon Judicial and Prosecutorial Misconduct and thus, Bar Retrial 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.

From the inception, this trial has been Constitutionally unfair as this court has failed to be impartial to Mr. Williams and/or his counsel and has been objectively biased in favor of the prosecution. Some examples of same include, but are not limited to, the below:¹

(i) prior to opening statements, this court Ordered all parties to share with each other

¹ During voir dire, lawyer Love misrepresented the demeanor of venire juror(s) to attempt to have the court excuse, for cause, potential jurors that lawyer Love did not want to serve on the qualified venire panel. The court did not admonish lawyer Love for these misrepresentations. Undersigned counsel does not have a transcript of voir dire and cannot locate YouTube video/audio of the trial's voir dire on these points.

any demonstrative aids that they would seek to display to the jury during opening statements that were to begin on Monday, November 27, 2023, so that objections could be made prior to presentation of the opening statement. (See YouTube dated November 15, 2023 at 8:15:13 through 8:16:52, <https://www.youtube.com/watch?v=iSPwgUcvjBc>).² On Friday, November 24, 2023 at 4:58 P.M., lawyer Love shared her purported demonstrative aid via e-mail. During opening statements however, lawyer Love showed a completely different, never before seen demonstrative aid which was in clear violation of the court's Order. (See YouTube dated November 27, 2023 at 1:59:00 through 2:09:00, https://www.youtube.com/watch?v=vyRfqgT_NNY). The court denied Mr. Williams' timely Motion for Mistrial (see (ii) below) and there were no consequences meted out by the court for lawyer Love's intentional misconduct. (See YouTube dated November 27, 2023 at 2:06:55 through 2:50:28, https://www.youtube.com/watch?v=vyRfqgT_NNY);

- (ii) during the same opening statement, lawyer Love defied another court Order by introducing to the jury that undersigned counsel had represented other people charged in this case. (See Order dated November 17, 2023 granting Mr. Williams' Motion in Limine Number Twenty-Three, attached hereto). Specifically, during her Powerpoint presentation, lawyer Love highlighted to the jury that undersigned counsel represented co-Indictee Blalock. Again, there were no consequences meted out by the court. (See YouTube dated November 27, 2023 at 2:06:34;

² All YouTube links containing video/audio are also included on a thumb drive being filed with the Fulton County Clerk of Court and provided to the Court Reporter and the prosecution as well.

2:37:45 through 2:50:26, https://www.youtube.com/watch?v=vyRfqgT_NNY);

- (iii) lawyer Love accused undersigned counsel of knowingly and intelligently misrepresenting to the jury that (witness) Mr. Bean was taken to Grady Hospital by police directly from the scene of his arrest on September 11, 2013. At a bench conference, lawyer Love falsely stated that she had “evidence on [her] table” to prove that undersigned counsel fabricated evidence as Mr. Bean never went to Grady Hospital on September 11, 2013.³ (See YouTube dated March 4, 2024 at 3:26:29 through 3:30:13; 3:37:31 through 4:04:35, specifically 3:55:27 through 3:55:49; 4:15:32 through 4:20:49, <https://www.youtube.com/live/vpGcTTbADXM?si=m38KP6AlbQhz6KE0>).

Lawyer Love’s allegations against undersigned counsel were proven beyond any doubt to be totally, knowingly false. Yet, the court did not admonish lawyer Love at all for falsely accusing another member of the Bar of being untruthful. (See YouTube dated March 14, 2024 at 2:29:45 through 2:32:27; 2:38:35 through 2:50:11; 4:26:40 through 4:50:54; 5:01:05 through 5:10:38, <https://www.youtube.com/watch?v=pEjxbht7Faw>);

- (iv) over Mr. Williams’ objection, when the State was attempting to introduce the January 26, 2015, social media posting from co-Indictee Garlington’s account during the testimony of Detective Gaither, lawyer Love told the court that only Mr. Williams’ voice could be heard on this video/audio except for one other voice saying words like “yea” in the background. Undersigned counsel told the court that lawyer Love was incorrect and that several person’s voices were audible on this social media posting. Lawyer Love continued to falsely accuse undersigned

counsel of misrepresenting facts to the court. Of course, lawyer Love was proven to be untruthful in her false allegations of wrongdoing against undersigned counsel. Although it was objectively proven that lawyer Love falsely accused another member of the Bar of misconduct/lying to the court, the court did nothing to admonish lawyer Love. This pattern of permitting prosecutorial misconduct illustrates that the court wrongly favors lawyer Love and the State of Georgia in this case. (See YouTube dated April 24, 2024 at 4:17:47 through 4:27:14; 5:14:38 through 5:26:35; 6:49:53 through 7:03:33, specifically 6:57:17 through 6:57:33, <https://www.youtube.com/live/Q0YdyiARuH4?si=jxdIvUrKOv1bHARL&t=15480>);

- (v) on Thursday, June 6, 2024 as well as Friday, June 7, 2024, lawyer Love falsely accused undersigned counsel of purposefully extracting and tampering with jail recordings of Mr. Copeland. This was another knowing, malicious, false allegation by lawyer Love. The court remained mute and failed to admonish lawyer Love. (See YouTube dated June 6, 2024 at 4:37:52 through 4:43:07, <https://www.youtube.com/watch?v=iRgAocjugF4>; YouTube dated June 7, 2024 at 5:00:51 through 5:11:06, https://www.youtube.com/live/PzUJc7_u7pI?si=QexpMpiZsXC5mw24&t=18052)
- (vi) on Friday, June 7, 2024, lawyer Love falsely accused counsel for Mr. Copeland of violating his ethical duty to his client. The court remained silent while lawyer Love hurled more false allegations. (See YouTube dated June 7, 2024 at 4:28:40 through 4:53:52, https://www.youtube.com/watch?v=PzUJc7_u7pI);
- (vii) in the jury's presence, on separate occasions, the court wrongly accused

³ Lawyer Love never introduced the “evidence on her table.”
The Steel Law Firm, P.C. 1800 Peachtree Street, N.W., Suite 300, Atlanta, Georgia 30309 (404) 605-0023

undersigned counsel of being “unprofessional” as well as “unprepared.” Both allegations are completely false. Yet, the court’s bias is so deep that the court refused to instruct the jury that the court’s declaration was completely wrong on both occasions as undersigned counsel was neither “unprofessional” nor “unprepared.” (See YouTube dated January 22, 2024 at 45:00 through 47:30, <https://www.youtube.com/watch?v=AyviDj2kYAs>; YouTube dated March 20, 2024 at 2:36:51 through 3:15:00, <https://www.youtube.com/watch?v=Iov95NSnliU>). The court’s overly prejudicial and improper conduct towards Mr. Williams and/or his counsel and its refusal to instruct the jury to disregard these impermissible and false allegations as well as the court’s failure to apologize for its baseless claims proves bias for the State and prejudice against Mr. Williams and/or his counsel.

These above few examples raise reasonable questions concerning the court’s partiality and bias against Mr. Williams’ and his counsels’ efforts to obtain a fair trial and a fair tribunal without prosecutorial misconduct.

3.

This court’s impartiality is objectively questioned and the court must be recused. See, for example, Johnson v. State, 278 Ga. 344(3, fn. 9), 602 S.E.2d 623 (2004). This court has falsely and wrongly accused undersigned counsel of being “unprofessional” and “unprepared” in front of the jury. Neither claim has any modicum of truth. The prosecutor sat silent as the court wrongly and falsely accused undersigned counsel of improper conduct in front of the jury, all prejudicing Mr. Williams. The court has violated its duty of neutrality, impartiality that it was sworn to undertake. See Johnson v. State, 278 Ga. 344(3, fn. 9), 602 S.E.2d 623 (2004). Even knowing that the court has falsely accused undersigned counsel of being “unprofessional” and

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“unprepared” in front of the jury, the court has refused to instruct the jury to disregard the court’s improper, highly prejudicial comments. This conduct shows that the court is biased against Mr. Williams and/or his counsel and favors the State as no unbiased judge would not correct such a serious misstatement made in front of the jury. The bias of the court is objectively proven.⁴ (See YouTube dated January 22, 2024 at 45:00 through 47:30, <https://www.youtube.com/watch?v=AyviDj2kYAs>; YouTube dated March 20, 2024 at 2:36:51 through 3:15:00, <https://www.youtube.com/watch?v=Iov95NSnliU>).

4.

To date, the court has done absolutely nothing to stop lawyer Love from continued misrepresentations, abuse of others and false allegations. Instead, on occasion, the court speaks in generalities and reminds “both sides” to be professional. (See YouTube dated June 13, 2024 at 2:38:14 through 2:40:23, <https://www.youtube.com/watch?v=Z5d6lNpBzbl>). This is not a “both sides” issue. This is a one (1) sided issue resulting in prejudice to Mr. Williams and a violation of his Constitutional right to a fair trial.

5.

Mr. Williams languishes in jail without bond since arrest on May 9, 2022. Mr. Williams has been and is being denied his Constitutional right to Due Process, a fair tribunal and a fair trial based upon prosecutorial misconduct and judicial misconduct. The court has exhibited a pattern of bias in favor of the State and against Mr. Williams and/or his counsel and the court has failed to admonish lawyer Love to prevent her past and continuous misconduct. This failure to act by the court has emboldened lawyer Love to persist in engaging in misconduct.

⁴ The court’s conduct has been improper toward other defense lawyers in the case at bar. See, for example, YouTube dated January 4, 2024 at 3:02:16 through 3:02:48, https://www.youtube.com/live/gGaSLEy5Rso?si=4boPCJh8GtyjC_bx&t=10936.

6.

The court has effectively joined the prosecution team by permitting lawyer Love to defy court Orders without consequence. The court has imposed absolutely no sanctions to stop or deter this prosecutorial misconduct. As a result, Mr. Williams has not received a Constitutionally mandated fair trial, does not have a fair tribunal, and his Due Process rights have been repeatedly violated because of the prosecutorial and judicial misconduct. Because the State has blatantly violated Mr. Williams' rights, they have goaded Mr. Williams into making Motions for Mistrial, all of which have been denied. The above few examples are egregious and cast a "dark," ugly stain onto Georgia's "justice" system. The below further captures the violation of laws that lawyers Love and Hylton and the court display herein.

7.

On Monday, June 10, 2024, the court, along with lawyers Love and Hylton, engaged in an ex parte meeting with, among other persons, previously sworn witness Mr. Copeland for whom an Order of Use Immunity had been issued on Friday, June 7, 2024.⁵ No notice of this ex parte meeting was provided to any attorney for any of the accused on trial. In fact, the accused and their counsel were wholly unaware that this "star chamber" meeting was occurring or had occurred until well after the fact. Mr. Copeland had previously been called to testify on Friday, June 7, 2024, asserted his Fifth Amendment rights in front of the jury and was held in contempt and incarcerated until such time as he agreed to testify pursuant to the Order granting use immunity. (See YouTube dated June 7, 2024 at 4:23:29 through 4:25:38, https://www.youtube.com/watch?v=PzUJc7_u7pI). Once undersigned counsel confronted the court with a Motion as to why the court held this impermissible ex parte meeting on Monday,

⁵ To date, Mr. Williams has not been provided the State's Motion to grant use immunity to Mr. Copeland. Mr. Williams respectfully demands same.

June 10, 2024, the court and the prosecutors eventually admitted in open Court that this ex parte meeting had, in fact, occurred on the morning of June 10, 2024. This admission occurred only after undersigned counsel revealed, based upon information and belief, that this impermissible, illegal meeting occurred.⁶ Undersigned counsel proffered that statements were made to and in Mr. Copeland's presence by the court and/or lawyers Love and Hylton, all acting in concert, (i) asserting that Attorney Melnick failed to represent Mr. Copeland's interests; and (ii) explaining the amount of time that Mr. Copeland would be held in custody unless he testified as urged by lawyers Love/Hylton and the court. On June 10, 2024, the court denied undersigned counsel's request for the transcript of the improper, unconstitutional ex parte meeting, and denied undersigned counsel's timely Motion for Mistrial based upon, including but not limited to, Mr. Williams' Federal and Georgia Constitutional and Statutory rights that included the right to due process, a fair trial, a fair tribunal, ethical prosecutors and the right to be present at every critical stage of the proceedings. Instead, the court held undersigned counsel in contempt and Ordered undersigned counsel to spend twenty (20) days in jail despite the assertion of valid privileges in declining to answer the Court's demand to reveal the supposed source of the information about the ex parte meeting. In the afternoon of Monday, June 10, 2024, lawyers Love and Hylton sat mute and permitted this travesty of justice to continue. Later, lawyer Love argued that the ex parte conversation with sworn witness Mr. Copeland was ethical, just and proper, despite it violating multiple Constitutional provisions, Judicial Canons and Rules of Professional Responsibility. (See YouTube dated June 10, 2024 at 4:22:05 through 5:18:45; 5:34:45 through 5:50:43; 6:05:05 through 7:26:00; 8:28:04 through 9:03:38; 10:06:56 through 10:17:43, <https://www.youtube.com/watch?v=86KY3agxE2I>).

⁶ A video/audio recording of the entire in Court June 10, 2024, trial proceedings can be accessed online at <https://www.youtube.com/watch?v=86KY3agxE2I>.

8.

Furthermore, Mr. Williams requests a list of persons involved, the topic of same and a transcript of all of the ex parte meetings (if any) conducted by the court involving anything to do with this case/trial. Additionally, Mr. Williams also moves that any document that is filed under seal be reviewed by a neutral judicial officer to determine whether same needs to be unsealed and shared with Mr. Williams under Statute and/or Constitutional provision.

WHEREFORE, undersigned counsel respectfully requests that (i) lawyer Love be barred from uttering false allegations or disparaging words toward another; (ii) lawyer Love conduct herself with professionalism and in full compliance with the Georgia Rules of Professional Responsibility which govern the conduct of lawyers in the State of Georgia, if able; and (iii) a Mistrial be declared based upon lawyer Love, lawyer Hylton and the court's failure to protect the above stated Constitutional rights as well as Mr. Williams' right to be present under Article I, Section I, Paragraph XII of the Georgia Constitution (its Federal counterpart); the right to confront witnesses; right to a fair tribunal; right to a fair trial; right to Due Process; right to present a defense and call witnesses.

This 10th day of July, 2024.

Respectfully submitted,

/s/ Brian Steel
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Attorneys for Mr. Williams

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

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

**ORDER GRANTING DEFENDANT WILLIAMS' MOTION IN LIMINE NUMBER
TWENTY THREE FILED ON JULY 27, 2023**

After hearing from the parties on or about August 31, 2023, specifically, Brian Steel, on behalf of Mr. Williams and representatives from the Fulton County District Attorney's Office on behalf of the State of Georgia, this Honorable Court hereby **GRANTS** Mr. Williams' Motion in Limine Number Twenty Three concerning the fact that other indicted persons in this case sought, or actually retained, Attorney Brian Steel. This Honorable Court already held a conflict hearing and denied the State's efforts to remove Attorney Steel as Mr. Williams' counsel. Therefore, the prosecution and all witnesses/parties are hereby **ORDERED** not to ever mention that Attorney Steel represented any other person in this Indictment unless and until same becomes relevant and is first addressed to this Honorable Court outside the presence of the jury. This includes any recorded calls that mentions Attorney Steel as a person sought to be hired by any of the accused.

SO ORDERED, this 17th day of November, 2023.



HONORABLE JUDGE GLANVILLE
Judge, Fulton County Superior Court

Order prepared this 6th day
of September, 2023, by:

/s/ BRIAN STEEL
BRIAN STEEL
GA Bar No. 677640
Attorney for Mr. Williams

Served upon:

ADRIANE LOVE, ESQ.
DEMETRIUS SMITH, ESQ.
SIMONE HYLTON, ESQ.
Fulton County District Attorney's Office

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing
**MOTION FOR A FAIR TRIAL AS WELL AS MOTION FOR A LIST OF
DATES/PERSONS WHO PARTICIPATED IN ANY EX PARTE COMMUNICATIONS
WITH THE COURT AND THE TOPIC OF SAME; MOTION FOR MISTRIAL BASED
UPON JUDICIAL AND PROSEUCTORIAL MISCONDUCT AND THUS, BAR
RETRIAL** via electronic filing as well as via e-mail to the following:

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Fulton County District Attorney's Office

136 Pryor Street SW

Atlanta, GA 30303

This 10th day of July, 2024.

Respectfully submitted,

/s/ Brian Steel

BRIAN STEEL

GA Bar No. 677640

Attorney for Mr. Williams