

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA		INDICTMENT NO. 22SC183572
v.		JUDGE PAIGE REESE WHITAKER
JEFFERY WILLIAMS, ET AL.		

STATE'S MOTION TO RESTRICT EXTRAJUDICIAL STATEMENTS

Comes now the State of Georgia and moves this Honorable Court to instruct the defense to refrain from making further extrajudicial statements about this case moving forward.

Georgia Rule of Professional Conduct Rule 3.6 prohibits lawyers participating in litigation from making extrajudicial statements a reasonable person would “believe to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.”¹ A relevant factor “in determine[ing] prejudice is the nature of the proceeding involved.”² With Criminal jury trials being the “most sensitive to extrajudicial speech.”³ “The character, credibility, reputation... of a party”⁴ and “any opinion as to the guilt or innocence of a defendant”⁵ are subjects deemed to be more likely to have a material prejudicial effect on a criminal proceeding.

Defense Counsel have made numerous extrajudicial statements explicitly about this case while a jury is sworn and seated during the State’s case in chief. Defendant Williams’ Counsel Attorney Brian Steel⁶ and Keith Adams⁷; Defendant Kendricks’ counsel Attorney Doug

¹ Georgia Rule of Professional Conduct Rule 3.6(a).

² *Id.* at 3.6 Comment [6].

³ *Id.* (emphasis added).

⁴ *Id.* at Comment [5A](a) (emphasis added).

⁵ *Id.* at Comment [5A](d) (emphasis added).

⁶ Exhibit A.

⁷ Exhibit B at 23:09-23:16, 23:36-23:43.

Weinstein⁸; and Defendant Stillwell's counsel Attorney Max Schardt⁹—have all made extrajudicial statements to the media explicitly discussing this case in violation of Rule 3.6. The extrajudicial statements have included among other things interviews and statements to the Associated Press. Four of those interviews have been 25, 33, 43, and 107 minutes in length. The statements include among other things the attorneys' views and opinions about the case itself, opposing counsel, the (now former) judge, the jury, the outcome, and the guilt or innocence of specific defendants.

Pursuant to O.C.G.A. §15-1-3(4) Courts have the power “to control, in the furtherance of justice, the conduct of its officers and all other persons connected with a judicial proceeding before it, in every matter appertaining thereto[.]”¹⁰

The State thus moves this Honorable Court to instruct the defense to refrain from making extrajudicial statements about this case moving forward.

Respectfully Submitted this 23rd Day of July 2024

/s/Adriane L. Love

Adriane L. Love
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IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,)	
)	INDICTMENT NO. 22SC183572
v.)	
)	
SHANNON STILLWELL,)	JUDGE WHITAKER
Defendant.)	

MOTION FOR RECONSIDERATIONS REGARDING CERTAIN HEARSAY STATEMENTS

COMES NOW, Mr. Shannon Stillwell, by and through undersigned counsel, hereby files this Motion for Reconsideration in the above styled case. In support of this Motion, Mr. Stillwell shows as follows:

1.

Mr. Stillwell is accused of multiple felonies, including Count One, Conspiracy to Violate the Georgia RICO Law, and specific substantive felonies. Mr. Stillwell is innocent of all of the charges against him.

2.

Mr. Stillwell is charged with the January 10, 2015, alleged murder of Donovan Thomas in Count Two of this indictment. Mr. Stillwell is innocent of that charge as well.

3.

Kenneth Copeland, a witness called by the State, is currently on the witness stand. Mr. Copeland has never claimed to have any first-hand knowledge regarding the death of Donovan Thomas. Mr. Copeland did, however, meet with law enforcement several times in 2015. On June 10, 2015, in what was Copeland's fifth meeting with law enforcement in 2015, Mr. Copeland told

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6. Since the denial of bond, the State has offered and entered into plea agreements with at least defendants Murphy, Arnold, Stephens, Grier, Kitchens, Sledge, and Lee, permitting them to return to the community. This offer was despite having previously argued to this honorable Court that those defendants posed a threat to the community. The Court having been convinced by the State's arguments before, should no longer provide the State with the benefit of the doubt. One must now question how much of a threat the State truly believes these defendants pose. Therefore, any arguments made by the State in opposition to this Motion ring hollow;

7. This Court has granted bond to defendant Miles Farley following his severance, from the present trial;

8. That Kendrick poses no significant risk of fleeing from the jurisdiction of this Court or failing to appear in Court when required, and is not an extraordinary bail risk;

9. That Kendrick poses no significant threat or danger to any person, to the community, or any property in the community and will not jeopardize the safety of the community if admitted to bail in this case;

10. That Kendrick poses no significant risk of committing any crime pending trial;

11. That Kendrick poses no risk of intimidating witnesses or otherwise obstructing the administration of justice;

12. Kendrick assures this Court that, if admitted to bail, he will neither flee nor go into hiding but will respond to each and all orders of this Court as directed.

13. "Reasonable bond", by definition, is one which is adequate to assure that the principal accused will return to face the judgment of the Court, but at the same time one

Prosecutors

***restrict defense public statements
exclude 'victim character evidence' about Donovan
Thomas***

Max Schardt / Shannon Stillwell

***reconsider Glanville's ruling regarding admissibility
of Garlington hearsay
fair and constitutional trial (no mistrial unless
double jeopardy attaches)***

Doug Weinstein / Deamonte Kendrick

***mistrial
bail***

Brian Steel / Jeffery "Young Thug" Williams

***reconsider Judge Krause ruling on ex parte
strike all of Woody's testimony
disqualify DAs Love and Hylton
bail
mistrial***

Careton Matthews / Marquavius Huey

bail

Bruce Harvey / Quamarvious Nichols

***severance
mistrial***



14. If Kendrick were to be granted a reasonable bond, and through a surety authorized by the State of Georgia, he could return to his employment, and aid counsel in preparing his defense to the charges in this case.

15. A Rule Nisi is attached hereto for the convenience of the Court.

WHEREFORE, Kendrick prays that the Court set a reasonable surety bond pending the disposition of this case.

Respectfully submitted,

s/ Douglas S. Weinstein
E. Jay Abt, Esq.
GA Bar No. 001466
Douglas S. Weinstein
GA Bar No. 746498

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STATE'S MOTION TO EXCLUDE VICTIM CHARACTER EVIDENCE

I. INTRODUCTION

The State believes the Defendants in the above-styled case may attempt to improperly place the character of the deceased victim, Mr. Donovan Thomas, Jr., in issue at the trial of this case. For the reasons stated below, the State moves this Court to prohibit any attempt by Defendants to elicit and introduce improper character evidence as prohibited by O.C.G.A. § 24-4-404 and 24-4-405.