

**IN THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY
STATE OF GEORGIA**

JARROD MILLER,	:	
	:	
Applicant,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	
DEBORAH GONZALEZ, in her official	:	SU-23-CV-0108
capacity as District Attorney,	:	
	:	
Respondent.	:	
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REQUESTS FOR ADMISSION

TO: Deborah Gonzalez
District Attorney Office for the Western Judicial Circuit
325 E. Washington Street, Room 370
Athens, Georgia 30601

Pursuant to O.C.G.A. § 9-11-36, you are hereby required to admit or deny the truthfulness of the following statements of fact, and to serve upon the undersigned attorney a written answer or objection to each of the following statements, which you are hereby requested to admit or deny within the time allowed by law, or as otherwise required by the Court.

Applicant expressly reserves the right to apply for a shorter deadline from the Court due to the nature of the relief sought.

Any denial of requests below shall fairly meet the substance of the requested admission; and, when good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder. Respondent is advised that if Respondent fails to admit the truth of any matter requested, and Applicant hereafter proves or spends additional time or expense preparing to prove such matter, Applicant will apply to the Court an Order requiring Respondent to pay the reasonable

expenses and attorney fees in proving or preparing to prove such matter. Respondent is further advised that failure to properly answer any *Request for Admission* may be held by the Court as admission of such facts.

You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made a reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the matter.

Matters requested to be admitted are as follows:

1.

Admit that you have publicly stated that you are the first Latina District Attorney in the State of Georgia.

2.

Admit that you hired a victim advocate for employment at the Western Judicial Circuit District Attorney's Office who had pending domestic violence charges in Athens-Clarke County at the time that you hired her and permitted her to begin employment knowing that she had pending charges.

3.

Admit that since January 1, 2021 you have solicited funds (for purposes other than office space, facilities, equipment, goods, or services) for a campaign committee, Political Action Committee, political organization, or to any candidate for campaign purposes on your "Deborah Gonzalez – DA Western Judicial Circuit - GA" Facebook page.

4.

Admit that since January 1, 2021 you have solicited funds (for purposes other than office space, facilities, equipment, goods, or services) for a campaign committee, Political Action

Committee, political organization, or to any candidate for campaign purposes on the “Western Judicial Circuit DA” Facebook page.

5.

Admit that any private donations, whether monetary or in-kind, that you received (whether via Political Action Committee or otherwise) since January 1, 2021 were not disclosed to the Athens-Clarke County Unified Government or the Oconee County Government for consideration during budget discussions.

6.

Admit that you have committed at least one misdemeanor since January 1, 2021 while in the performance of your official duties.

7.

Admit that prior to March 13, 2023, you suspected—or had reason to believe—that an action such as the present one might be filed against you.

8.

Admit that on or about March 13, 2023, you received a spoliation letter regarding evidence that might be relevant to this case.

9.

Admit that on or about March 13, 2023, the District Attorney’s Office of the Western Judicial Circuit received a spoliation letter regarding evidence that might be relevant to this case.

10.

Admit that since February 1, 2023 you have directed at least one employee or intern to delete emails, shred documents, or otherwise hide or destroy communications that might be relevant to this case.

11.

Admit that since January 1, 2021, more than ten (10) pre-indicted or pre-accused cases in the Western Judicial Circuit District Attorney's Office have had the statute of limitations run on some or all charges in such cases without being indicted, accused, transferred or dismissed.

12.

Admit that since January 1, 2021, more than twenty (20) pre-indicted or pre-accused cases in the Western Judicial Circuit District Attorney's Office have had the statute of limitations run on some or all charges in such cases without being indicted, accused, transferred or dismissed.

13.

Admit that since January 1, 2021, more than fifty (50) pre-indicted or pre-accused cases in the Western Judicial Circuit District Attorney's Office have had the statute of limitations run on some or all charges in such cases without being indicted, accused, transferred or dismissed.

14.

Admit that since January 1, 2021, more than seventy-five (75) pre-indicted or pre-accused cases in the Western Judicial Circuit have had the statute of limitations run on some or all charges in such cases without being indicted, accused, transferred or dismissed.

15.

Admit that since January 1, 2021, more than one hundred (100) pre-indicted or pre-accused cases in the Western Judicial Circuit District Attorney's Office have had the statute of limitations run on some or all charges in such cases without being indicted, accused, transferred or dismissed.

16.

Admit that between January 1, 2021, and December 31, 2021 you were outside of the state of Georgia for more than twenty-five (25) business days in that calendar year.

17.

Admit that between January 1, 2021, and December 31, 2021 you were outside of the state of Georgia for more than fifty (50) business days in that calendar year.

18.

Admit that between January 1, 2021, and December 31, 2021 you were traveling outside of the state of Georgia for more than seventy-five (75) business days in that calendar year.

19.

Admit that since January 1, 2021, you have hired employees for the Western Judicial Circuit District Attorney's office that were not vetted or approved by at least one (1) of the following: the State of Georgia, Athens-Clarke County, or Oconee County prior to their employment with the Western Judicial Circuit District Attorney's office.

20.

Admit that in February or March of 2021 you were made aware that one of your employees sent an email referring to a minority defendant in a case in the Western Judicial Circuit District Attorney's Office as an "animal."

21.

Admit that since January 1, 2021, you have stated to another person that you would not hire any more white male investigators to work in the Western Judicial Circuit District Attorney's Office.

22.

Admit that in October of 2022 you received a memorandum or letter ("memo") from the Western Judicial Circuit Superior Court Judges notifying you of problems with your office that had not been adequately addressed by your assistant district attorneys.

23.

Admit that some or all of the issues highlighted in the October 2022 memo have not been corrected as of the date of the filing of the above-styled case.

24.

Admit that since January 1, 2021, you have failed to timely comply with all statutory and/or regulatory reporting requirements (regarding caseloads, civil asset forfeitures, fundraising, grants received, and grants given) required of the Western Judicial Circuit District Attorney.

25.

Admit that in your capacity as the Western Judicial Circuit District Attorney, you have awarded at least one grant (meaning you stated it was a grant award, regardless of whether or not it was in compliance with statutes and regulations applying to grants) without first accepting applications for the “grant”.

26.

Admit that you, your political campaign, or Justice Warriors PAC, accepted an in-kind grant from Luminosity for a “DA Dashboard”

27.

Admit that you stated at your listening session at the Athens-Clarke County Library on March 8, 2023, when asked about the DA Dashboard 8% conviction rate for your office during your term as District Attorney of the Western Judicial Circuit, that the data in the DA Dashboard was not complete or correct.

28.

Admit that since January 1, 2021, enrollment in the felony drug court program of the Western Judicial Circuit is lower than it was before you took office.

29.

Admit that during your employment of Gerald Henderson as an Assistant District Attorney for the Western Judicial Circuit, you were his direct supervisor because he was married to your (at the time) Chief Assistant District Attorney Mikaela Henderson during his employment with your office.

30.

Admit that since July 1, 2022, at least three cases were dismissed by a superior court judge because they were accused--rather than indicted--under O.C.G.A. § 17-7-70(a.1).

31.

Admit that your office has had a policy in place, at any time since January 1, 2021, that your office would not prosecute truancy violations in the Juvenile Courts of the Western Judicial Circuit.

32.

Admit that your office has had a policy in place, at any time since January 1, 2021, that your office would not prosecute misdemeanor marijuana charges in the Juvenile Courts of the Western Judicial Circuit.

33.

Admit that your office has had a policy in place, at any time since January 1, 2021, that your office would not prosecute simple drug possession charges in the Juvenile Courts of the Western Judicial Circuit.

34.

Admit that between January 1, 2021 and December 30, 2022, you were not first or second chair in any jury trial conducted in the Western Judicial Circuit.

35.

Admit that you have never won a jury trial.

36.

Admit that you have never won a jury trial in which you sat as first or second chair throughout the trial.

37.

Admit that at least one time since January 1, 2021, during a court hearing, you were unable to properly lay the foundation to admit evidence you were tendering for the court's consideration.

38.

Admit that at least one time since January 1, 2021, during a jury trial, you were unable to properly lay the foundation to admit evidence you were tendering for the jury's consideration.

39.

Admit that you have violated federal employment laws in your capacity as the Western Judicial Circuit District Attorney.

40.

Admit that in an office meeting after January 1, 2021, you have called more than one of your employees a liar.

41.

Admit that you have called more than one of your Assistant District Attorney's "the least qualified" since January 1, 2021.

42.

Admit that as of January 30, 2023, Athens-Clarke County had at least 875 cases from calendar year 2022 which were pre-indicted or pre-accused.

43.

Admit that since January 1, 2021, you have failed to timely comply with all statutory and/or regulatory and/or ethical obligations (including but not limited to reporting requirements) related to your political campaign.

44.

Admit that since January 1, 2021, you have failed to timely comply with all statutory and/or regulatory and/or ethical obligations (including but not limited to reporting requirements) related to your personal financial disclosures.

45.

Admit that since January 1, 2021, you have failed to timely comply with all statutory and/or regulatory and/or ethical obligations (including but not limited to reporting requirements) related to a political action committee.

46.

Admit that at the time of your election as District Attorney of the Western Judicial Circuit, you had no criminal law experience or trial advocacy experience in your career.

47.

Admit that since January 1, 2021, you have violated your oath of office as set forth in O.C.G.A. § 15-8-2.

48.

Admit that at least some of your violations of your oath of office have been knowingly and intentional.

49.

Admit that Applicant is entitled to the writ of mandamus against you and the other relief he seeks.

50.

Admit that since January 1, 2021, you have refused to file some or all CHINS petitions in juvenile court.

51.

Admit that you have prosecuted juveniles in Superior Court as adults without attempting to transfer their cases to juvenile court.

52.

Admit that you have failed to timely comply with all statutory duties set forth in O.C.G.A. § 15-18-6.

53.

Admit that on or about February 9, 2022, you provided legal advice stating that a violation of O.C.G.A. § 40-6-391 is punishable by a minimum of 1-12 months of probation.

54.

Admit that your legal advice provided on or about February 9, 2022, stating that a violation of O.C.G.A. § 40-6-391 had a mandatory minimum of 1-12 months of probation, constituted a felony offense under O.C.G.A. § 16-10-20.

55.

Admit that since January 1, 2021, cases in the Western Judicial Circuit District Attorney's Office have been indicted or accused for charges that carry mandatory minimum sentences without supervisor approval.

56.

Admit that you had a group, whether referred to as a “Sentencing Group” or by some other name, of persons who were not employees of the Western Judicial Circuit District Attorney’s Office who were given information about potential plea offers in cases pending in the Western Judicial Circuit District Attorney’s Office and asked to provide opinions.

57.

Admit that you intervened, after consulting with Ovita Thornton, to change a recommendation in a case (in which there was a victim) in front of Judge Lisa Lott.

58.

Admit that since January 1, 2021, the Western Judicial Circuit District Attorney’s Office has failed to comply with Marsy’s Law (Georgia Crime Victims Bill of Rights, O.C.G.A. 17-17-1, *et seq*) on more than one occasion.

59.

Admit that at least one time since January 1, 2021, the Western Judicial Circuit District Attorney’s Office has failed to timely attempt to contact an alleged victim in a case prior to the Defendant’s release on bond.

60.

Admit that at least one time between January 1, 2021 to the date of response, you have used your personal cell phone to communicate about Western Judicial Circuit District Attorney matters.

61.

Admit that a provisional lawyer employed by the Western Judicial Circuit District Attorney’s Office has engaged in the practice of law since January 1, 2021, after a time when his or her provisional status had automatically terminated.

62.

Admit that since January 1, 2021, employees or interns of the Western Judicial Circuit have engaged in the unauthorized practice of law under your direction or supervision, or under the direction or supervision of another employee of the Western Judicial Circuit District Attorney's Office.

63.

Admit that since January 1, 2021, you have violated the Georgia Rules of Professional Conduct on at least one occasion, in the performance of your official duties as District Attorney.

64.

Admit that since January 1, 2021, you have had at least one employee commit sexual harassment and/or misconduct while an employee of the Western Judicial Circuit District Attorney's Office.

65.

Admit that since January 1, 2021, you have terminated, or permitted a resignation in lieu of termination, of at least one employee for sending an inappropriate text message (whether or not it included video) to a former intern who had finished her internship within a week prior of the inappropriate text message being sent.

66.

Admit that on or about January 17, 2023 you sent a text message that stated "I have had another resignation today. I do not have enough to cover the courts."

67.

Admit that for a portion of the time since January 1, 2022, you have failed to regularly convene the grand juries of Athens-Clarke County and Oconee County.

Respectfully submitted, this 22nd day of March 2023.

**EPPS, HOLLOWAY, DELOACH
& HOIPKEMIER, LLC**

BY: /s/ Kevin E. Epps
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Attorney for Applicant

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