

**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, by and through her counsel of record,  
S. Derek Bauer, Jeffrey R. Baxter, Ryan E. Harbin  
Baker & Hostetler LLP  
1170 Peachtree Street NE, Suite 2400  
Atlanta, GA 30309-7676

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.

These Requests for Admission replace the Requests for Admission served earlier in the case.

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 for 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.

**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 Layla Zon of the Alcovy Judicial Circuit was the first Latina District Attorney in the State of Georgia.

3.

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.

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 your "Deborah Gonzalez – DA Western Judicial Circuit - GA" Facebook page.

5.

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.

6.

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.

7.

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

8.

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.

9.

Admit that since January 1, 2021, more than 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 without being indicted, accused, transferred or dismissed.

10.

Admit that since January 1, 2021, more than 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 without being indicted, accused, transferred or dismissed.

11.

Admit that since January 1, 2021, more than 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 without being indicted, accused, transferred or dismissed.

12.

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

13.

Admit that since January 1, 2021, more than 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 without being indicted, accused, transferred or dismissed.

14.

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

15.

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

16.

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

17.

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 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.

18.

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."

19.

Admit that since January 1, 2021, you have stated to another person (whether in person, in writing, via email, or via text message) that you would not hire any more white male investigators to work in the Western Judicial Circuit District Attorney's Office.

20.

Admit that in October of 2022 you received a 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.

21.

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

22.

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.

23.

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”.

24.

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

25.

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.

26.

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.

27.

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.

28.

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).

29.

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.

30.

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.

31.

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

32.

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.

33.

Admit that you have never won a jury trial in your lifetime.

34.

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

35.

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

36.

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

37.

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

38.

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

39.

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.

40.

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.



41.

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.

42.

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.

43.

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.

44.

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

45.

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

46.

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

47.

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

48.

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.

49.

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 the felony offense of O.C.G.A. § 16-10-20.

50.

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

51.

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.

52.

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.

53.

Admit that since January 1, 2021, the Western Judicial Circuit District Attorney's Office has failed to comply with Marsy's Law on more than one occasion.

54.

Admit that 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.

55.

Admit that at any time between January 1, 2021 to the date of trial in this case, you have used your personal cell phone to communicate about Western Judicial Circuit District Attorney matters.

56.

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.

57.

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.

58.

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.

59.

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.

60.

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 two weeks prior of the inappropriate text message being sent.

61.

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."

62.

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.

63.

Admit that you were lead counsel in the Anna Petree murder jury trial.

64.

Admit that you made an unsuccessful attempt to introduce an insurance policy through a witness who was the coroner at the time of the underlying incident in the Anna Petree murder trial.

65.

Admit that on May 2, 2023 you dismissed a rape case against Nigel Brown in Athens-Clarke County Superior Court indictment SU22CR0739 when the crime lab results from the alleged victim's rape kit were still pending.

66.

Admit that the arrest warrants were served on August 5, 2022 and the rape case against Nigel Brown was indicted on August 30, 2022 in Athens-Clarke County Superior Court indictment SU22CR0739, even though the crime lab results from the alleged victim's rape kit were still pending or were not yet at the GBI Crime Lab, and that a speedy trial demand was filed in February 2023.

67.

Admit that at the time of the dismissal on May 2, 2023 when you dismissed the rape case against Nigel Brown in Athens Clarke County Superior Court indictment SU22CR0739, there was still another trial week scheduled prior to the expiration of the speedy trial demand.

68.

Admit that you or your office did not communicate with the alleged victim in the Michael L. Daniel rape, incest, and child molestation case, Athens Clarke County Superior Court indictment SU22CR0888, that the case would be dismissed and would not be reindicted, prior to dismissing the case on or about April 18, 2023, after the jury was selected.

69.

Admit that when your office failed to comply with Marsy's Law as set forth in Request for Admission Number 68, the alleged victim and her family were waiting in the courthouse in a room outside of the courtroom for the trial to begin.

70.

Admit that your office failed to list an outcry witness on the witness list in the Michael L. Daniel rape, incest, and child molestation case, Athens Clarke County Superior Court indictment SU22CR0888.

71.

Admit that your office failed to file a motion to admit evidence of a similar transaction even though there was another alleged victim of Michael L. Daniel the Defendant in Athens Clarke County Superior Court indictment SU22CR0888, who alleged that he had inappropriate sexual contact with him or her when he or she was underage.

72.

Admit that your office failed to timely subpoena Jessica Farriba, the forensic interviewer in the Michael L. Daniel case, Athens Clarke County Superior Court indictment SU22CR0888.

73.

Admit that the defense attorney for Michael L. Daniel, in Athens Clarke County Superior Court indictment SU22CR0888, offered to stipulate to the forensic interview video prior to the dismissal of the case.

74.

Admit that your Chief Assistant District Attorney told the judge in open court regarding the rape, incest, and child molestation case of Michael L. Daniel, in Athens Clarke County Superior Court indictment SU22CR0888 that “for me to spend all week on this, it’s a week simply that I don’t have” while discussing a murder trial that he was to try with you the next week.

75.

Admit that your Chief Assistant District Attorney told the judge in open court regarding the rape, incest, and child molestation case of Michael L. Daniel, in Athens Clarke County Superior Court indictment SU22CR0888, that in regards to the Christopher Rollins murder trial set for the week of April 24, 2023, “Last week we found out that it was actually number one” even though the Christopher Rollins case had been specially set for the week of April 24, 2023 back on February 28, 2023.

76.

Admit that on April 20, 2023 (which was the Thursday of the trial week that Chief Assistant District Attorney Robert Wilson was scheduled to try Michael L. Daniel, in Athens Clarke County Superior Court indictment SU22CR0888), you did not attend motions in the Christopher Rollins murder case because you chose to attend an event involving Fair and Just Prosecution in Alabama instead.

77.

Admit that Assistant District Attorney Graham Penney was over an hour and a half late to court in front of Judge Lott on the afternoon of April 17, 2023.

78.

Admit that on or about April 14, 2023, in the probation revocation of Bobby Leroy Brown, SU21CR0120R1 (an Athens-Clarke County case), your office failed to subpoena and require the attendance of necessary witnesses to prove the felony offenses alleged in the petition to revoke Mr. Brown’s probation.

79.

Admit that on or about Tuesday, March 28, 2023, more than one undergraduate intern at the Western Judicial Circuit District Attorney's Office resigned from their internships with the Western Judicial Circuit District Attorney's Office.

80.

Admit that after Graham Penney began his employment as an Assistant District Attorney in the Western Judicial Circuit District Attorney's Office, but before the resignation of more than one undergraduate intern at the Western Judicial Circuit District Attorney's Office, there was an allegation of inappropriate communications from Graham Penney to an undergraduate intern at the Western District Attorney's Office.

81.

Admit that your office failed to appropriately allege the tolling of the statute of limitations in an Athens-Clarke County Superior Court indictment, *to wit* SU21CR0785 which charged Quanta Jackson (a convicted sex offender based upon a prior conviction in Athens-Clarke County Superior Court), with Aggravated Child Molestation and Child Molestation, and dismissed the indictment on April 20, 2023.

82.

Admit that neither the alleged victim nor his father (or any other close family members of the victim otherwise authorized to receive information under Marsy's Law) were notified of the dismissal of the case against convicted sex offender Quanta Jackson in Athens-Clarke County Superior Court indictment SU21CR0785 prior to submitting the nolle prosequi for the Court's consideration.



83.

Admit that at the time of the dismissal of Athens-Clarke County Superior Court indictment SU21CR0785, the attorney for Quanta Jackson had filed a plea in bar based upon the statute of limitations issue.

84.

Admit that your office never discussed the statute of limitations challenge with the victim (or the victim's father or other close family members of the victims authorized to receive information under Marsy's Law) at any time prior to the nolle prosequi being tendered to the Court.

85.

Admit that you advertised and solicited funds for the "Seats of Justice" event on the Deborah Gonzalez, DA Western Judicial Circuit – GA Facebook page (which links to <https://www.accgov.com/365/District-Attorney>).

86.

Admit that you, your employees, or other persons involved in the Seats of Justice event received cash, checks or other forms of donations or contributions for the Seats of Justice event.

87.

Admit that you have posted updates (including but not limited to posts that begin "DA Week") to your personal Facebook page regarding the District Attorney's Office, despite having previously blocked more than one person who resides in the Western Judicial Circuit prior to making such posts.

88.

Admit that posting the updates as described in Request to Admit Number 87 violates the First Amendment.

89.

Admit that on or about the week of April 24, 2023, your Assistant District Attorney Jason Hasty tried Timothy Mathew Brown for Burglary – 1<sup>st</sup> Degree, Criminal Attempt to Commit Rape, Peeping Tom, and Sexual Battery jury trial in Athens-Clarke County Superior Court case SU22CR1020, during which Jason had difficulty laying the proper foundation for the introduction of a video, which concluded with a not guilty verdict as to all counts.

90.

Admit that your campaign manager (and/or any other member of your 2020 campaign for District Attorney) has advised you to resign since you took office on January 1, 2021.

Respectfully submitted, this the 10<sup>th</sup> day of May 2023.

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

BY: /s/ Kevin E. Epps  
Kevin E. Epps  
Georgia Bar No. 785511  
*Attorney for Applicant*

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Building 200-101  
Watkinsville, Georgia 30677  
(706) 508-4000  
[kevin@ehdhlaw.com](mailto:kevin@ehdhlaw.com)

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

  
Beverly Logan, Clerk  
Clarke County, Georgia

JARROD MILLER, :  
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 Applicant, :  
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 v. : CIVIL ACTION NO.  
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 DEBORAH GONZALEZ, in her official : SU-23-CV-0108  
 capacity as District Attorney, :  
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 Respondent. :  
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**RULE 5.2 CERTIFICATE OF SERVICE**

Pursuant to Rule 5.2 of the Georgia Uniform Superior Court Rules, this is to certify that I have on the below date served a true and correct copy of the *Requests for Admissions* upon the following individuals indicated below by electronic mail addressed to:

S. Derek Bauer  
[dbauer@bakerlaw.com](mailto:dbauer@bakerlaw.com)

Jeffrey R. Baxter  
[jbaxter@bakerlaw.com](mailto:jbaxter@bakerlaw.com)

Ryan E. Harbin  
[rharbin@bakerlaw.com](mailto:rharbin@bakerlaw.com)

Lane Fitzpatrick  
[lane.fitzlaw@gmail.com](mailto:lane.fitzlaw@gmail.com)

This the 10<sup>th</sup> day of May 2023.

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

BY: /s/ Kevin E. Epps  
Kevin E. Epps  
Georgia Bar No. 785511  
*Attorney for Applicant*

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