

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

STATE OF GEORGIA)
)
vs.) Case No. SU-22-CR-0888
)
MICHAEL LARECO DANIEL,)
)
Defendant.)

EXCERPTS FROM JURY TRIAL

BEFORE THE HONORABLE ERIC W. NORRIS
WESTERN JUDICIAL CIRCUIT
APRIL 17 - 18, 2023
ATHENS-CLARKE COUNTY COURTHOUSE, ATHENS, GEORGIA

APPEARANCE OF COUNSEL:

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ON BEHALF OF THE DEFENDANT:

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ALSO PRESENT:

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1 April 17, 2023, commencing at 9:05 a.m. in the Court's hearing
2 room outside the presence of the prospective jurors

3 MR. WILSON: Your Honor, on Mr. Daniel's case, I'm
4 just telling the Court that I have made a mistake. I
5 thought I had Jessica Farriba subpoenaed.

6 THE COURT: Who is she?

7 MR. WILSON: She's the forensic interviewer. I need
8 her. It's a child case. She's not under subpoena. I've
9 talked to her, but she's not available this week.

10 And I truly apologize and it's truly my mistake. And
11 I am sorry, but at this time the State is not ready, Your
12 Honor.

13 THE COURT: Mr. Crowe.

14 MR. CROWE: We're ready.

15 THE COURT: All right. Then -- let's see. Ms.
16 Wallace, did you have an announcement also or no?

17 (The discussion between the Court and Ms. Wallace
18 continued off the record.)

19 THE COURT: Let me go think what I want to do. Is
20 this the first time he's on the trial calendar?

21 MR. CROWE: I think so.

22 THE COURT: All right. Give me just a few minutes.
23 Y'all just hang tight.

24 (The proceedings were in brief recess.)

25 THE COURT: Let me just ask a couple of questions. So

1 how many witnesses does the State have if you're including
2 the SANE examiner or the --

3 MR. WILSON: It's the forensic examiner.

4 THE COURT: Forensic -- yeah.

5 MR. WILSON: Probably seven, seven to ten.

6 THE COURT: And where would the forensic examiner line
7 up in the course of the presentation?

8 MR. WILSON: Probably second or third.

9 THE COURT: So who would be first or second, do you
10 think?

11 MR. WILSON: I would think the victim would be first.

12 THE COURT: And second would be --? I mean, I'm not
13 holding you to it, but second would be --?

14 MR. WILSON: I understand.

15 THE COURT: Who do you think would be the second?

16 MR. WILSON: Probably the case investigator.

17 THE COURT: So the forensic person -- I know we're
18 going to have to do some kind of a -- probably a *Daubert*
19 hearing if it happened. Is she or he -- when they say
20 they're unavailable, does that mean, like --

21 MR. WILSON: Well, no. No, Your Honor. Yes. She is
22 -- let me clarify. I did not -- like I said, it's totally
23 on me.

24 THE COURT: Okay.

25 MR. WILSON: I did not subpoena her. I should have.

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THE COURT: Okay.

MR. WILSON: Well, I didn't direct that she's subpoenaed. And that's on me.

THE COURT: Okay.

MR. WILSON: I contacted -- I reached out to her on Friday when I knew it was going, and she said she was unavailable this week.

THE COURT: Did you find out what that really meant?

MR. WILSON: I had no further contact with her after I asked if she could come in one day and do it very quickly. She did not contact me back. I don't think she's obligated. And I didn't have time to go actually find her.

THE COURT: Does she work over at the --

MR. WILSON: No. She's not employed over at the --

THE COURT: -- the SANE or --

MR. WILSON: -- at the --

THE COURT: -- Cottage?

MR. WILSON: -- Cottage. She's not employed there anymore. She's -- and she did mention that she was -- it was her employment was the -- and she said it was -- she was unavailable.

THE COURT: So I'm just thinking. For usually like a case like this it will take at least, typically -- if we have enough jurors that we can get qualified, it would take probably most of the day to get a jury. It could go into

1 tomorrow. Especially when we have cases of this nature,
2 you're going to have a lot of people who are probably going
3 to want to bow out or try to bow out and then may have a
4 history.

5 Does she live in town or she lives --?

6 MR. WILSON: No. No, she's -- well, she's close.
7 She's relatively close, is my understanding.

8 THE COURT: Well, what I'm trying to think is if you
9 could -- I mean, she only has to have -- what? -- 24 hours'
10 notice and the travel fees to get her to come.

11 I mean, I think that's my -- where I'm kind of in
12 between trying to strike the balance between both the State
13 and defense, which is -- well, let me hear from you, Mr.
14 Crowe, and hear what the situation is. I think I've got
15 some remedies, but ...

16 MR. CROWE: I mean, I don't want to cause this lady
17 undue hardship. It does sound like maybe it's she doesn't
18 want to miss work. But, yeah, if we could get her
19 subpoenaed and she's got 24 hours. That would get her here
20 and we can go forward.

21 THE COURT: And, also, I'll mention, you know, Friday
22 is, like, Earth Day or something like that and the
23 courthouse is supposed to be closed. But I've asked the
24 Sheriff to make sure that we have people here if we need to
25 go into Friday.

1 MR. CROWE: I didn't know we closed for Earth Day now.

2 THE COURT: I just learned that myself. I'm new to
3 all the holidays at times.

4 Let's do this real quick. Let's just take a pause
5 button for a few moments, see if you can get in touch with
6 her or your investigator, and say -- you know, I mean, I
7 figure it's today and you get into --

8 MR. CROWE: It is her job.

9 THE COURT: I mean, my thought is, yeah, it's going to
10 be an inconvenience, but court is always an inconvenience
11 for everybody.

12 Do you know if she lives, like, Winder, Monroe, Morgan
13 County or --?

14 MR. WILSON: Somewhere -- I don't know exactly.

15 THE COURT: Okay. I mean, I'm thinking that if we got
16 a jury selected we wouldn't start it today, I don't see.
17 We might be able to start it tomorrow. You'd have
18 openings, then you'd have the victim, then you'd have the
19 investigator. And then we'd probably by that time get into
20 Wednesday-ish.

21 Because, you know, you could throw her at the end of
22 the case if you had to. I mean, I'm not trying to tell you
23 how to do witnesses or anything of that nature. But let's
24 explore that real quick and see what we can try to do,
25 unless, Mr. Crowe, you're consenting to a continuance.

1 MR. CROWE: I would like to try and do that and get
2 this thing in this week.

3 THE COURT: All right. Well, let's explore that for a
4 second and see what that's going to look like.

5 Ms. Wallace?

6 (The discussion between the Court and Ms. Wallace
7 continued off the record.)

8 THE COURT: Well, what I'll do, with y'all's
9 permission I'm going to go and let the jurors know that
10 we're having to talk through some procedural matters right
11 now and maybe that can give us a little bit of an idea, Mr.
12 Wilson, to see if -- again, if -- I mean, if she's close,
13 she's got a job but if she can get subpoenaed in 24 hours
14 and the travel fees, that would put us right in the spot
15 where we need to be.

16 Okay? All right. Let's do that. Do y'all have any
17 problem with me going and just telling the jurors that
18 we're doing some procedural matters and things of that
19 nature?

20 MR. CROWE: No, Your Honor.

21 THE COURT: All right. Then why don't we do this.
22 Let's try to have something -- we'll circle back here about
23 9:30 and that's going to tell me what I'll either do or not
24 do. All right.

25 (The proceedings were in recess at 9:15 a.m. and

1 resumed at 9:30 a.m.)

2 THE COURT: All right. Any new news?

3 MR. WILSON: Well, Your Honor, we did make contact
4 with her. She's really not available this week, Your
5 Honor.

6 THE COURT: What does that mean?

7 MR. WILSON: Because she's got prior commitments at
8 work. And I understand -- I understand the subpoena. I
9 really don't -- I can't give the Court a time or anything
10 and I can't tell the Court what exactly -- and I do
11 understand all of that, that subpoenas trump everything,
12 Your Honor. But I don't have any time -- I really don't
13 have any time to prepare her for this.

14 Your Honor, I'm just telling you, the State's not
15 ready at this time. And I wouldn't ask, but I need to.

16 THE COURT: So what would be the scope of her
17 testimony?

18 MR. CROWE: She's just going to play the forensic --
19 there's a -- she's already done a forensic interview, so
20 she's I guess just going to authenticate it, for one thing.
21 Beyond that I'm not sure. But there was a forensic
22 interview and it lasts -- I forget. Fifty minutes or so?

23 MR. WILSON: And she's also going to testify about
24 things that she observed during the forensic interview and
25 her observations, which any witness would testify to. Your

1 Honor, she's a necessary witness for the State.

2 THE COURT: Well, I guess if the issue is going to be
3 -- what I'm hearing is that she can come --

4 MR. WILSON: I don't know that for sure. Obviously,
5 if there's a subpoena out there -- if I can get a subpoena
6 on her.

7 THE COURT: Yeah. She has to come.

8 MR. WILSON: Right.

9 MR. CROWE: It is her job. She's a forensic
10 interviewer.

11 THE COURT: And then the question would be -- I mean,
12 all right, so let me just put it in this sort of a bracket,
13 which is we know what cases we've been looking at, at least
14 for a little while here, that were likely to go. I take it
15 -- has there been a plea offer made?

16 MR. CROWE: It's just not -- it's not a case that he
17 is interested in pleading.

18 THE COURT: And that's perfectly fine. It's not
19 required. So we have that. We have that he's
20 incarcerated; it's a very serious violent felony case. So
21 it goes to the top of the list.

22 When was it -- it was indicted I guess back in the
23 fall.

24 And, Mr. Wilson, I understand where you're at, too. I
25 guess the question would be I just don't know if I have

1 enough to continue the case. I mean, it's one thing if
2 she's out of the country. It's one thing if I have a
3 witness who can be available.

4 I mean, listen, we're not ---- I'm not going to swear
5 in a jury until, you know -- I mean, we're not going to
6 have jeopardy attach until we get through a lot of this
7 stuff. And that gives us some time. You know, I hate to
8 go through that process.

9 The other part of it is, if you needed time to talk to
10 the witness I can give pauses to the course of the conduct
11 to do so. I mean, there's nothing that says we can't take
12 a half day or a day off and roll into next week if we had
13 to.

14 MR. WILSON: Well, Your Honor, I am set for a murder
15 trial in front of Judge Lott next week. I mean, this is
16 where I am this week.

17 THE COURT: Right.

18 MR. CROWE: But I don't think it's going to roll into
19 next week no matter what.

20 THE COURT: Can I ask you, did you get -- when did you
21 get tapped for that?

22 MR. WILSON: Last week we found out that it was
23 actually number one on the case.

24 I'm really, Your Honor -- Your Honor, I really don't
25 ...

1 THE COURT: Listen, I understand you're under the
2 stress of it. I'm not taking that by any -- I don't know
3 what we're supposed to do. Who is helping you with that or
4 is there a --

5 MR. WILSON: I mean, Ms. Gonzalez is going to try --
6 Ms. Gonzalez and I are going to try the case, which I'm
7 going to be ready and I'm going to have to do all --
8 there's tons of stuff that needs to be done, Your Honor.

9 THE COURT: I understand.

10 MR. WILSON: I just don't have time to do it all. And
11 for me to --

12 THE COURT: I know that.

13 MR. WILSON: And, you know, just to lay it out on the
14 table, for me to spend all week on this, it's a week simply
15 that I don't have. And I know that's not, in the end, your
16 issue. And I'm here. But I really -- to have jeopardy
17 attach -- and I don't know -- you know, I don't even know
18 if I can drop a subpoena on her. And then I have to give
19 her 24 hours to come back.

20 Your Honor, this is a complete oversight on my part.
21 I take full responsibility for it. But I cannot announce
22 ready for trial until I have her properly subpoenaed.
23 Until I can do that, I just can't do that. This is too
24 serious of a case for me to do that, Your Honor.

25 THE COURT: I know. That's what I'm struggling with,

1 too.

2 MR. WILSON: I can't.

3 THE COURT: The other part and what I'm trying to
4 figure out is, how old is the alleged victim?

5 MR. CROWE: Sixteen.

6 MR. WILSON: She's sixteen.

7 THE COURT: She was how old at the time?

8 MR. CROWE: Fourteen.

9 MR. WILSON: Fourteen.

10 THE COURT: All right. So we're not dealing with a
11 really, really young child. And, I'll tell you, if we do
12 this we're going to have to get into *Daubert* issues as to
13 what this person can testify to. And, I'll tell you,
14 that's sort of -- that one's a real tricky balance,
15 depending on if the witness is trying to draw some kind of
16 conclusions. I mean, I don't know what it is yet.

17 And if we don't go to trial, Ms. Wallace ...

18 (The discussion between the Court and Ms. Wallace
19 continued off the record.)

20 THE COURT: Mr. Crowe, anything else you want to add?

21 MR. CROWE: Only that I understand Mr. Wilson's
22 predicament. I mean, I know he's got a lot on him. I have
23 to focus on Mr. Daniel. This is stressful for him, also.
24 It's extremely stressful for him.

25 It sounds like this witness is basically trying to

1 control the case simply because it's not convenient for
2 her. And, as you said, if she were in a serious accident,
3 injured, out of the country. But it sounds like it's just
4 a matter of inconvenience for her. And I don't see why she
5 can't be made to come. This is her job. This is what she
6 does. As a forensic interviewer you know you're going to
7 have to come to court to testify. You know you may not get
8 a lot of notice. It's your job. It is her job. It's not
9 like she's a banker and is missing her work. I mean, this
10 is part of what she does.

11 THE COURT: Do you know where she works?

12 MR. WILSON: I do not, Your Honor.

13 THE COURT: All right. I'm going to make the
14 decision.

15 Do you have something you want to ...

16 (The Court and Staff Attorney McNiff conferred
17 briefly.)

18 THE COURT: All right. We're just going to go
19 forward. We'll start jury selection. Try to get your
20 witness subpoenaed. If not, we'll make a decision at that
21 point in time what we need to do, if I alter course.

22 MR. WILSON: Your Honor, I cannot announce ready. I
23 apologize to the Court, but I cannot announce ready on this
24 case, given her unavailability at this time and that she's
25 not subpoenaed.

1 THE COURT: Well, she's not unavailable yet. I mean,
2 she has not been subpoenaed. So I'm going to give the
3 State every opportunity to send out investigators or
4 anybody from your office to go to her house, her job, and
5 subpoena her. And if you need time to prep with her that's
6 perfectly fine.

7 But I can't base my decision for this trial week on
8 what's going to happen next week. And I know that puts you
9 in a very difficult position, but we can't stop --

10 MR. WILSON: I know that.

11 THE COURT: I mean, that's the predicament we're in is
12 I can't just stop cases. There's just too much on the line
13 for everybody. And I've got to have some -- I mean, again,
14 when you say not ready, I'll give you time to prep a
15 witness. You know, get her subpoenaed. I mean, y'all have
16 to make every reasonable effort to. I mean, send the
17 Sheriff's office. To me, it's, like, just get someone out
18 there to subpoena her.

19 You'll have to let Ms. Gonzalez know what's kind of
20 going on with how that may affect y'all's trial next week.

21 But -- and I'll say, look, I went almost a -- well,
22 not me. But this court went almost a year without a jury
23 trial, and we've got all these cases that are just there
24 and we can't let a trial week go, especially for a serious
25 case.

1 All right. That's going to be the ruling. I'll give
2 y'all about five minutes and let's go into the courtroom
3 and then we'll start.

4 (The proceedings were in brief recess and resumed in
5 Superior Court Courtroom 3.)

6 THE COURT: Ladies and gentlemen, as I mentioned to
7 you, procedurally we're going to be going forward on a case
8 right now. I've kind of already given you my initial
9 welcome and how important your jury service is.

10 (The Court's introductory remarks to the prospective
11 jurors continued but were not transcribed at this time.)

12 THE COURT: The first case that I'll call today is the
13 State of Georgia versus Michael Lareco Daniel. It's SU-22-
14 CR-0888.

15 Is the State ready?

16 MR. WILSON: Your Honor, the State is, subject to
17 earlier discussion, ready.

18 THE COURT: All right. Subject to the earlier
19 discussion, the State is ready.

20 Is defense ready?

21 MR. CROWE: We are ready, Your Honor.

22 THE COURT: All right. Thank you.

23 (The proceedings continued with jury selection, which
24 was not transcribed at this time.)

25 (The proceedings reconvened in the Court's hearing

1 room at 3:37 p.m. outside the presence of the prospective
2 jurors.)

3 THE COURT: So Mr. Wilson had brought up earlier
4 before we got to the end of this panel about -- so the
5 investigator went to the witness's place of employment?

6 MR. WILSON: Yes, sir.

7 THE COURT: Did they speak to her or did they --?

8 MR. WILSON: Yes, sir.

9 THE COURT: Did they hand her the subpoena?

10 MR. WILSON: He attempted to but she refused to take
11 it.

12 THE COURT: Any indication why?

13 MR. WILSON: This is -- this is secondhand, now.

14 THE COURT: Yeah, well, I understand.

15 MR. WILSON: She's -- she did not feel -- well, first
16 of all, she wasn't subpoenaed so she's busy at work.

17 THE COURT: Gotcha. I understand.

18 MR. WILSON: She does feel like she needs -- she felt
19 like she was not prepared to testify at trial, you know,
20 just to come in and testify on a case. She feels like she
21 should not do that. And, you know, I understand.

22 And those were her reactions. You know, she said that
23 she would do it at any time; she would do it if she's
24 properly served and has a chance to ...

25 THE COURT: Well, she probably was properly served.

1 It's just ...

2 MR. WILSON: I don't know.

3 THE COURT: I mean, I'm ...

4 Mr. Crowe?

5 MR. CROWE: What are your thoughts?

6 THE COURT: I'm asking you. He's made the motion for
7 a continuance.

8 MR. CROWE: Oh. Well, yeah, I mean, we are objecting
9 to a continuance, obviously.

10 THE COURT: The State has remedies for where we are
11 right now. That's option one.

12 You know, as I said before, I'd be willing to give a
13 break to the State to -- you know, if there needs to be
14 some prep time, I mean, I can adjust the timing of the case
15 as needed.

16 MR. CROWE: If this would help -- I know Mr. Wilson
17 asked me if I would agree to let the forensic interview be
18 played without her being present. And I talked to my
19 client. I would do that.

20 But what I don't want to make it look like to the jury
21 is that I've agreed to this in advance and that's why she's
22 not here. I mean, it is something I would comment on in
23 closing argument, about there being no forensic interviewer
24 here to testify. I would not want to be prohibited from
25 commenting on that, you know, if that were to happen.

1 THE COURT: I think you're allowed to comment on when
2 witnesses do not testify.

3 MR. CROWE: Well, I am. I just don't want it to
4 appear as if I'm -- you know, this is something that's been
5 worked out way in advance.

6 THE COURT: I understand.

7 MR. CROWE: And that I've, you know, agreed two weeks
8 ago, two months ago, that she didn't have to show up.
9 Because I'm kind of being caught out also.

10 MR. WILSON: Well, I understand that, and that's --
11 but that's also -- you know, that's not ...

12 THE COURT: It's a bad -- listen, it's a situation
13 we're in. And, you know, like, there's no perfect juror;
14 there's no perfect trial. We have things -- I mean, I
15 think, again, me looking at it right now -- and, listen,
16 I'm -- you know, I try to go with the flow of what we got,
17 when we got it, how we get it. To me, the outcome is not
18 really the purpose. It's just do I give a fair trial.

19 I think the State has remedies. It's just whether
20 you're willing to exercise those remedies. And, if not,
21 okay. And, you know, if y'all agree to the admissibility
22 of it, okay. And if we get to an issue where there's
23 argument about the failure of a witness to testify, you
24 know, if it's in the rules it's in the rules and we'll
25 figure it out.

1 But, I mean, I think -- and, again, today's Monday.
2 Like I said a few minutes ago: Y'all have, like, pushed
3 through which, quite honestly, with the jurors we've had,
4 we were able to secure a jury pretty quickly for the type
5 of case that we have -- or about to pick a jury pretty
6 quickly for the type of case we have. I mean, it's gone
7 faster than I actually thought it would.

8 And so from the timing of witnesses, you know, if we
9 were to pick a jury and start a trial tomorrow and openings
10 and witnesses, you know, we can always adjust for
11 Wednesday. If the State does whatever it needs to do
12 regarding this particular witness, if there's -- you need
13 time to prep, so be it. And, I mean, we'd still have to go
14 through a *Daubert* issue I think is one of the issues that
15 we're still going to raise.

16 MR. WILSON: And that's a problem I think as far as
17 how long that takes Your Honor. And I don't -- you know, I
18 just -- I'm really -- I understand where the Court's coming
19 from on this. But I'm really, really -- I don't feel like
20 -- if I'm not allowed to secure my witness -- and I know
21 the Court has a little bit of different mindset as far as
22 what I'm doing. But this victim needs to have a fair
23 trial. And I don't think me stipulating then allowing Mr.
24 Crowe to say that we didn't have our witness -- which is
25 not totally the proper picture.

1 THE COURT: Well, again, I don't want to get into
2 what's --

3 MR. WILSON: It's unfair to me, to us.

4 THE COURT: I don't want to get into what the evidence
5 may or may not show.

6 MR. WILSON: I understand.

7 THE COURT: I don't know. You know, and whether some
8 evidence doesn't come in. That's kind of beyond the pale
9 for what I can do.

10 I'll just say, look, I understand it was a -- for
11 whatever reason the witness wasn't subpoenaed, but I think
12 I'm going to make -- I'm trying to make every opportunity
13 available for the State to have the ability of the witness
14 to be here. And the witness -- if the witness is failing
15 to cooperate as directed, again, I think the State has
16 remedies. It's just whether y'all wish to do that. And
17 that's --

18 MR. WILSON: It's putting me in an awful position.

19 THE COURT: Well --

20 MR. WILSON: Because I do have other cases with her.

21 THE COURT: Well, you know, the good part is I'm the
22 person who gets blamed. If someone doesn't show, then I'm
23 the one that signs the orders.

24 But I think y'all have to have that conversation with
25 her and, again, I'll -- him or her. I don't know. I'll

1 give flexibility for that. I'm just trying to walk the
2 middle path.

3 MR. WILSON: I understand that, Judge. This is just
4 -- this puts me in an extremely difficult position --

5 THE COURT: I understand.

6 MR. WILSON: -- for other reasons other than just
7 what's going on in this courtroom at this time. I'm in a
8 very, very difficult position.

9 THE COURT: I understand that, too. I do.

10 MR. CROWE: Mr. Daniel is in a very difficult
11 position. He's facing serious charges. This case has been
12 on the trial -- I've had it circled for a month.

13
14 THE COURT: Yeah, I agree.

15 MR. CROWE: There's been a month to subpoena witnesses
16 and let them know.

17 THE COURT: I agree. Well, we're just going to drive
18 on. We're going to pick a jury and we'll just do what
19 we've got to do.

20 (This excerpt from the trial proceedings of April 17,
21 2023, was concluded at 3:50 p.m.)

22 **April 18, 2023, commencing at 9:33 a.m.**

23 MR. WILSON: May I approach, Your Honor?

24 THE COURT: Sure.

25 MR. WILSON: Given the evidence in the case, I do not

1 think I can prevail. So I'm going to need to dismiss it.

2 THE COURT: Okay. Mr. Crowe, do you want to have your
3 client up? I'll let you ...

4 MR. CROWE: Do you intend to re-indict it?

5 MR. WILSON: Huh?

6 MR. CROWE: Do you intend to re-indict it?

7 MR. WILSON: No. No. This one's done.

8 (Brief discussion between the State's attorney and the
9 defense attorney outside the hearing of the court
10 reporter.)

11 THE COURT: His other pending case, do y'all know what
12 y'all might -- they reminded me that he's in the State DOC
13 system, so the question would be is whether he goes back to
14 DOC or whether we were to keep him here for a couple of
15 weeks.

16 MR. CROWE: I know Mr. Wilson's going to be tied up
17 through next week at least. If we could hold him. Is it a
18 problem to hold him?

19 THE COURT: It's not a problem. I think he wants to
20 go back.

21 DEPUTY CLERK RICHARDS: Yeah. I mean, he's just
22 mentioned he's ready to go back to where he's from. But, I
23 mean, that's up to y'all.

24 I put him on the May 12th plea calendar.

25 THE COURT: That's fine.

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MR. CROWE: Could we hold him till May 12th?

THE COURT: Yeah. Let's ask him when he comes up.

MR. CROWE: And I'll talk to him and explain.

THE COURT: Yeah. I mean, you know, the worst case scenario is we just do a transport order.

DEPUTY CLERK RICHARDS: I just didn't want to send him back and then bring him back May 12th because the DOC has to have -- what? -- 10, 12 days or something for their records.

THE COURT: At the very minimum.

DEPUTY CLERK RICHARDS: At a minimum, yeah. So we'd pretty much be sending him just to turn around and get him right back.

THE COURT: Okay. I'm fine with -- I mean, unless he just says: No, I want to go back today. I'm fine either way.

MR. CROWE: I'll talk to him.

THE COURT: All right. So he's coming up?

DEPUTY IRVIN: That's what they told me.

MR. CROWE: I'm going to catch him out here.

(Mr. Crowe exited the courtroom and the proceedings were in recess.)

THE COURT: Mr. Fortson, did all the jurors arrive?

BAILIFF FORTSON: Yes, sir. All the jurors are in the back.

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THE COURT: All right.

(The proceedings remained in recess.)

(Mr. Crowe and the Defendant entered the courtroom and were seated at counsel table.)

THE COURT: State of Georgia versus Michael Lareco Daniel, SU-22-CR-0888. The State has proffered a motion to enter a nolle pros on Counts 1, 2, and 3, which are all the counts, based on insufficient evidence to prove the Defendant guilty beyond reasonable doubt.

Any objections?

MR. CROWE: No objection.

THE COURT: All right. Mr. Daniel, I've dismissed the case.

I know, Mr. Crowe, you might have spoken to Mr. Daniel about his preference to either stay here or go back to DOC pending his other case. What would y'all like to do?

MR. CROWE: We did, Your Honor. I've spoken to Mr. Daniel and he's willing to stay here to give me a chance to get with Mr. Wilson to see if we can work this case out on May 12th.

THE COURT: All right. It's not too terribly far off. We're talking about 20-something days.

(This excerpt from the trial proceedings of April 18, 2023, was concluded at 9:44 a.m.)

G E O R G I A

WALTON COUNTY

C E R T I F I C A T E

The foregoing proceedings were taken down by me as an Official Court Reporter for the Superior Court of Athens-Clarke County, and the testimony of the witnesses, colloquy of counsel, rulings of the Court, and introduction of documentary evidence were reduced to typewriting by me personally. I hereby certify that Pages 2 - 24, inclusive, comprise a true, complete, and correct transcript of said proceedings which I reported.

This the 19th day of April, 2023.

Debbie Seymour
DEBBIE SEYMOUR
Official Court Reporter
Certificate Number B-2091