

September 28, 2023

Deborah Gonzalez
District Attorney, Western Judicial Circuit
325 E. Washington St. Ste. 370
Athens, GA 30601
By FedEx Overnight Delivery 773566661114
And e-mail to: district.attorney@accgov.com and
deborah.gonzalez@accgov.com

Employees of Office of Western Judicial Circuit District Attorney
325 E. Washington St. Ste. 370
Athens, GA 30601
(See E-mail Distribution List attached hereto)

RE: Duty to Preserve and Spoliation Notice - Unconstitutional Viewpoint Censorship on
District Attorney's Official Facebook Page

Dear Ms. Gonzalez and each employee of the Athens-Clarke County District Attorney's Office:

This letter is being written on behalf of a resident located within the Western Judicial Circuit affiliated with the group who operate the website located at www.concerned-about-our-da.com ("Concerned Website"). As you know, many of the voters within Athens-Clarke and Oconee County are dissatisfied with your service as District Attorney. The purpose of the aforesaid website was to provide the general public with greater access to the court records involving your office's handling of various cases.

As set forth more fully on a separate letter sent to your attention on the same date, it appears the official Facebook profile page maintained by the District Attorney's Office located at <https://www.facebook.com/WesternCircuitDA> ("DA Facebook profile page") is the subject of illegal viewpoint discrimination in contravention of the First Amendment.

This letter is to formally demand the preservation of certain evidence related to the operation and maintenance of the DA Facebook profile page, particularly as it relates to persons and/or profiles that have been blocked and non-favorable comments that have been deleted. Please take all necessary steps to proactively secure and protect the following items of evidence. It should be noted that failure to do so may result in a legal presumption that the "lost" evidence would have been harmful to those opposed to the relief sought by those affiliated with the Concerned Website. Additionally, failure to comply with this request to preserve and maintain this evidence may result in the imposition of other sanctions by the Court. See: *MARTA v. Tyler*, 360 Ga. App. 710, 711 (2021).

We specifically request that the following evidence be maintained and preserved and not be destroyed, modified, altered, repaired, or changed in any manner. Please note that the destruction, alteration, or loss of any of the below constitutes a spoliation of evidence under Georgia law. In general, litigants have a duty to preserve documents and evidence that they know, or reasonably

should know is relevant in the action, is reasonably calculated to lead to the discovery of admissible evidence, is reasonably likely to be requested during discovery and/or is the subject of a pending discovery request. Please take immediate action to preserve all such documents and evidence in your possession, custody and/or control related to these claims concerning illegal viewpoint discrimination:

1. The written communications (text messages, e-mails, letters, etc.) between Deborah Gonzalez and all other persons related to the operation and maintenance of the DA Facebook profile page since January 1, 2021.
2. The written communications (text messages, e-mails, letters, etc.) between all persons affiliated with the Athens-Clarke County District Attorney's Office related to the operation and maintenance of the DA Facebook profile page since January 1, 2021.
3. All records concerning the deletion of Facebook comments on the DA Facebook profile page since January 1, 2021.
4. All records concerning persons and/or profiles blocked from viewing the DA Facebook profile page since January 1, 2021.
5. All records concerning persons and/or profiles blocked from making comments on the DA Facebook profile page since January 1, 2021.
6. All posts and other content posted on the DA Facebook profile page since January 1, 2021.
7. All messages sent and received from the DA Facebook profile page since January 1, 2021.

Please note the above list is not exhaustive and is not intended to act as a substitute for employees of the Athens-Clarke County District Attorney's Office to carefully review all documents, files, evidence, and devices to identify and preserve those documents and evidence that may relate to the claims related to the illegal viewpoint discrimination described above. Ms. Gonzales and each employee is under a duty to conduct a reasonable inquiry in an effort to identify, collect, and protect such responsive documents and information.

As part of this request, Athens-Clarke County District Attorney's Office is required to preserve all electronic devices that contain data relevant or potentially relevant to this matter, whether currently in use or not including any and all portable devices that contain or may contain relevant or potentially relevant data. No hardware devices containing relevant or potentially relevant data shall be destroyed, disposed of, repurposed or altered in any way that could cause damage or alterations to the electronically stored data contained within them.

Thank you for your professional courtesy and cooperation, as well as, your immediate attention to this matter. Please contact the undersigned upon receipt of this letter to confirm receipt and compliance with the request to preserve the forgoing evidence. Should you have any questions, please do not hesitate to contact us at info@concerned-about-our-da.com.

Your full cooperation in this matter is appreciated.

Sincerely,

A concerned citizen

www.concerned-about-our-da.com

cc: See Distribution List for Employees of Athens-Clarke County District Attorney's Office (by e-mail)
Judd Drake – County Attorney (by e-mail)
Sherrie Hines - Assistant Attorney at Athens-Clarke County Attorney's Office (by e-mail)
Austin Jackson - Assistant Attorney at Athens-Clarke County Attorney's Office (by e-mail)
Peter J. Skandalakis – Executive Director at PAC (by e-mail)
Robert Smith – General Counsel at PAC (by e-mail)

Distribution List

Deborah Gonzalez	District Attorney	deborah.gonzalez@accgov.com
Dawn Brinkley	Director, External Relations	dawn.brinkley@accgov.com
Jennie De la Vega	Executive Assistant & Office Manager	jennie.delavega@accgov.com
Harris Arnold	ADA Apprentice	harris.arnold@accgov.com
Behnoush Jahromi	ADA Apprentice, CAPE Unit	behnoush.jahromi@accgov.com
Tab Hunter	Assistant District Attorney	tab.hunter@accgov.com
Joshua Neal	ADA Apprentice, Oconee	josh.neal@accgov.com
Graham Penney	Assistant District Attorney	graham.penney@accgov.com
Martha Perkins	ADA Apprentice, CAPE Unit	martha.perkins@accgov.com
Charles Rettiger	ADA, Pre-trial Specialist	charles.rettiger@accgov.com
Amber Robinson	Deputy Chief, Juvenile & Restorative Justice	amber.robinson@accgov.com
Kelly Williamson	Assistant District Attorney	kelly.williamson@accgov.com
Robert Wilson	Assistant District Attorney	robert.wilson@accgov.com
Felicia Fortson	Chief Investigator	felicia.fortson@accgov.com
Kelly Meredith	Deputy Chief Investigator	kelly.meredith@accgov.com
Kevin Hooks	Investigator	kevin.hooks@accgov.com
Will Horton	Investigator	will.horton@accgov.com
Reggie Leverette	Investigator, CAPE Unit	reggie.leverette@accgov.com
Takia Taylor	Investigator	takia.taylor@accgov.com
Tanya Wingfield	Director Victim Services	tanya.wingfield-foster@accgov.com
Lynn Bradberry	Deputy Director, Victim Services	lynn.bradberry@accgov.com
Mikki Burnett	Victim Advocate	mikki.burnett@accgov.com
Osmayra Chipana	Victim Advocate	osmayra.chipana@accgov.com
Amanda Evans	Victim Advocate	amanda.evans@accgov.com
Fatma Gurel	Victim Advocate/Compensation (ACC)	fatma.gurel@accgov.com
Rosario Huisa	Victim Notification Clerk	rosario.huisa@accgov.com
Heather Moore	Victim Advocate, Oconee	heather.moore@accgov.com
Megan Redd	Victim Advocate, Oconee	megan.redd@accgov.com
Coresa Thomas	Victim Advocate, Post Adjudication	coresa.thomas@accgov.com
Simona Arroyo	Legal Assistant	simona.arroyo@accgov.com
Sofia Delgado	Community Outreach Coordinator	sofia.delgado@accgov.com
Kayleigh Rowell	Data & Outcomes Coordinator	kayleigh.rowell@accgov.com