

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA )  
)  
vs. ) Case No. SU-CT-2023-0125  
)  
CARLOS ALBERTO MEJIA, )  
)  
Defendant. )

**HEARING ON MARSY'S LAW VIOLATION**  
BEFORE THE HONORABLE ERIC W. NORRIS  
WESTERN JUDICIAL CIRCUIT  
NOVEMBER 1, 2023  
OCONEE COUNTY COURTHOUSE, WATKINSVILLE, GEORGIA  
COMMENCING AT 1:31 P.M.

APPEARANCE OF COUNSEL:

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1 MR. EPPS: I've got it. When we searched -- when I  
2 searched I couldn't find a filed copy. It was not properly  
3 statutorily served upon us, but I'm going to waive that  
4 service issue as it relates to that.

5 She emailed it but not as required by the statutory  
6 requirements in the email service to me, but we'll waive  
7 that issue.

8 We have several subpoenas that have been issued. I  
9 know that we've been through this before with Marsy's Law  
10 hearings. This subpoena was both a subpoena duces tecum  
11 and for appearance. I have filed a notice of filing of  
12 that for certain documentation.

13 I would invoke the rule as it relates to all the  
14 witnesses at this time.

15 Understandingly, so that -- Ms. Gonzalez is also one  
16 of the witnesses that has been subpoenaed, but we need to  
17 address the issue of whether or not pursuant to the Code if  
18 she's going to recuse herself in this case or proceed ahead  
19 with that.

20 THE COURT: All right. So let me just start off, if  
21 you've been subpoenaed as a witness other than Ms. Gonzalez  
22 right at this moment --

23 MR. EPPS: Yes, Your Honor.

24 THE COURT: -- for either Mr. Epps or for Ms.  
25 Gonzalez, if you'd please step out in the hallway.

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MS. GONZALEZ: I think they're already --

THE COURT: They're already out there. Okay. All right, there we go.

MR. EPPS: All right.

THE COURT: All right. Then I guess the second part is Mr. Epps' request about whether or not, Ms. Gonzalez, your office wishes to recuse or remain in the case.

MS. GONZALEZ: Your Honor, it is our stance that we would not recuse ourselves because we have every intention of prosecuting this case. And so that is my understanding of one of the bigger concerns for the victim is that it does get prosecuted. And as I said in my answer, we had gone there, right, with the intention of prosecuting the case, so we did in fact send it off to the grand jury right after.

So we did not plan on recusing ourselves.

Now, we know that it's up to the discretion of Your Honor to decide if we need to or not, and we will leave it for your decision to let us know. But the way that we see it, we don't feel that we need to.

THE COURT: Okay.

MR. EPPS: And, Judge Norris, just so we're clear from a procedural standpoint of what we're proceeding under, SU-CT-2023-000125 is the case in which the Marsy's Law violations were filed and which we will be conducting the

1 hearing under that case.

2 Obviously, since October 16th, and now that it's been  
3 unsealed, there is an indictment by Ms. Gonzalez's office  
4 that is a separate case. So as it relates to this case,  
5 the CT case, that's where the Marsy's Law is traveling, not  
6 under the indicted case at this time.

7 THE COURT: So since the case is indicted, what you're  
8 saying is they don't have to recuse -- you're not asking  
9 them to recuse from that case, are you?

10 MR. EPPS: If they choose to recuse on their own self  
11 in that indictment, that's it. But if they're proceeding  
12 -- I know you and I have marched this pass --

13 THE COURT: We all have.

14 MR. EPPS: -- as to exactly -- as to what we have  
15 here. It is my position they do not have the right to  
16 cross-examine the victim. They don't have the right to  
17 question the victim. The victim has a right to make a  
18 statement to the Court as to the Marsy's Law violations,  
19 and they must sit here and listen.

20 And if they're not going to recuse themselves from  
21 that, if they're just going to sit here and listen, that's  
22 fine. But they are all witnesses that I plan on calling at  
23 this hearing today.

24 THE COURT: Did y'all have any plan to -- who is your  
25 client, Mr. Epps? I just want to make sure -

1 MR. EPPS: Yes. So Ansley Pierce is here, Your Honor.

2 THE COURT: All right. Good afternoon.

3 (The Court and Clerk of Court conferred briefly  
4 outside the hearing of the court reporter.)

5 THE COURT: Yeah, he can bring -- are they in -- out  
6 here?

7 All right, so -- sorry. One other thing. *Oconee*  
8 *Enterprise*, wave your hand. All right, there you are.  
9 You're wanting to take notes?

10 REPRESENTATIVE FROM *THE OCONEE ENTERPRISE*: Yes. I  
11 have a notebook if --

12 THE COURT: That's perfectly fine; okay. No worries,  
13 and Ms. Rhoden here is probably going to use her iPhone to  
14 record something. So if there's anything that y'all want  
15 to pool together, so if there's a request, you can just go  
16 to Ms. Rhoden for any video part; okay? All right.

17 REPRESENTATIVE FROM *THE OCONEE ENTERPRISE*: Thank you.

18 THE COURT: You're welcome.

19 Had y'all planned on asking -- Ms. Pierce; right?

20 MS. ANSLEY PIERCE: Yes, sir.

21 THE COURT: Okay, Ms. Pierce, any questions or  
22 anything like that?

23 MS. ANSLEY PIERCE: No, sir.

24 THE COURT: So, I think that's fine. Mr. Kirby?

25 ATTORNEY DUSTIN KIRBY: Yes, sir, Judge. I represent



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Mr. Mejia.

THE COURT: Yeah.

ATTORNEY KIRBY: I don't know what standing I have, but I would like to ask the victim a couple of questions, since I was noticed on this and am a quasi party to the case. At the very least --

MR. EPPS: So, this --

ATTORNEY KIRBY: -- we would ask to be able to do that.

MR. EPPS: So she's not a party to the case. That's very clear by the statute. The statute is very clear that the Defendant has the right to be present, but she's not a party to the case to be questioned. She has a right to state what she needs to under Marsy's --

It would be inappropriate at this juncture for the defense attorney for the Defendant to have an opportunity to question the victim. And, especially, Judge, this is not a hearing as it relates to the underlying criminal indictment that is now pending. It is related solely to Marsy's Law violations.

The Defendant -- the reason that she's not a party is the Defendant and the Defendant's attorney have no stake in that.

ATTORNEY KIRBY: I wasn't planning on asking anything about the criminal case. I'm just interested in the actual

1 Marsy's Law violation, so ...

2 MR. EPPS: Well, then, if that's the case then I will  
3 withdraw that, if that's -- if it's Marsy's-Law-related to  
4 that, then that's fine, Your Honor.

5 THE COURT: All right. We'll just go down that road  
6 as we get to it.

7 MR. EPPS: So the last bit of business is, is that I  
8 don't want to get into this situation where we have in the  
9 last Marsy's law case, is that the subpoenas have been  
10 issued to Ms. Gonzalez's office and individuals in the  
11 office to bring certain documents to the Court today. Last  
12 time we did this, we went several weeks dealing with that.  
13 I don't want to go through that.

14 The subpoena was issued, properly served, properly  
15 noticed, and I'd like all of that documentation prior to  
16 the Marsy's Law hearing beginning.

17 MS. GONZALEZ: And may I respond, Your Honor?

18 THE COURT: Sure.

19 MS. GONZALEZ: I have --

20 THE COURT: And actually, can y'all check the  
21 microphone there? It looks like it's dead or not on. This  
22 courtroom's like a cavern; it echoes and resounds all over.

23 MS. GONZALEZ: Thank you.

24 THE COURT: How about Mr. Epps', too? Listen, turn on  
25 Mr. Epps', too, if you would. It's on the bottom. There

1 we go; all right.

2 MS. GONZALEZ: And so, Your Honor, what I've done in  
3 answer to the subpoena is I have here the emails in  
4 question. And also I have the Tracker file. However,  
5 because we now have a pending case, I thought what might be  
6 better is that you review them and decide whether they can  
7 be disclosed or not.

8 What we have done in other criminal cases where a  
9 victim's family, for example, is going to do a civil suit  
10 for damages, we will usually do what's called a protective  
11 order since it is an open case. I have not had a chance to  
12 speak with Mr. Epps about that.

13 But again, since this is Marsy's Law, I thought what  
14 was most important is the email between me, the victim  
15 advocate, anything that related to the Marsy's Law  
16 violation. But I have prepared on a flash drive the case  
17 that I thought it might be better for the Court to see,  
18 since it is a pending case now, instead of just handing it  
19 over to the defense without at least a protective order  
20 that it not be disclosed.

21 MR. EPPS: This case is not a pending case. My  
22 specific information as it was related to was the case that  
23 is dismissed. And so the Tracker information that was  
24 related to that case -- of the CT case -- is what I was  
25 seeking.

1 THE COURT: But wouldn't they be one and the same for  
2 the indicted case?

3 MR. EPPS: Checked on that. I don't know how their  
4 office operates, but it shouldn't. There should have been  
5 --

6 MS. GONZALEZ: PAC --

7 MR. EPPS: So there should have been separate -- so I  
8 contacted PAC.

9 THE COURT: Okay.

10 MR. EPPS: And I know their communications with PAC.  
11 I have their communications with PAC here with me today in  
12 direct response to what she stated in her response motion.

13 But the way that I see it, Judge Norris, is this: It  
14 has been re-indicted on October 16th and there will be  
15 Tracker notes related to that. As to October 16th, I don't  
16 care about that.

17 What I care about is what happened prior to October  
18 16th. What I can tell you is, is I learned from PAC that  
19 her office has not edited, added, or changed anything as it  
20 relates to this case in Tracker since the Marsy's Law  
21 violation has been filed. So I just need what she has as  
22 it relates to that.

23 Since it's a closed case, I don't see where a  
24 protective order would be. But to make this easy, I will  
25 make sure that none of it's decimated, that it's kept here

1 with you, that it is only used for this purpose, and  
2 whatever I use it for I will destroy everything afterwards  
3 and be done with it.

4 THE COURT: So let me ask y'all this question, just  
5 sort of step by step. So we have the hard copies that --

6 MS. GONZALEZ: I have hard copies of the email --

7 THE COURT: Yeah.

8 MS. GONZALEZ: -- and then a flash drive of the files  
9 that are in Tracker --

10 THE COURT: Right.

11 MS. GONZALEZ: -- which is the evidence for the case.

12 THE COURT: Okay. So the question would be is do I --  
13 I mean, she's asked me to look at it in camera.

14 MR. EPPS: That's fine.

15 THE COURT: I don't know if that's something I -- I  
16 don't -- do you have your computer?

17 STAFF ATTORNEY McNIFF: Uh-huh (affirmative).

18 THE COURT: I've never worked Tracker, so I don't know  
19 if it -- how it works.

20 MS. GONZALEZ: Well, these are the files that would  
21 have been in the discovery part of Tracker --

22 THE COURT: Okay.

23 MS. GONZALEZ: -- and the actual -- he wanted the  
24 Tracker notes of contact with the victim. We have a hard  
25 copy of that.

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MR. EPPS: That's what I need.

THE COURT: Okay.

MR. EPPS: If I've got the hard copy of that, then that's enough.

THE COURT: Okay.

MS. GONZALEZ: Okay. So then we don't need this. And

--

MR. EPPS: I won't need that.

THE COURT: If you've got the hard copy of the --

MS. GONZALEZ: Yeah. So it's with our victim advocate who got the subpoena for that.

THE COURT: Okay.

MS. GONZALEZ: So can we go and get that, or do you want to wait until you bring her in for -- as a witness?

MR. EPPS: That would be helpful just to have that, Judge.

THE COURT: Yeah, if you'll just get those Tracker notes.

MS. GONZALEZ: Yeah. She -- yeah.

THE COURT: Sure.

MS. GONZALEZ: That was it. So I just came with everything just in case.

THE COURT: Okay.

MR. EPPS: Then that solves that issue, Judge.

THE COURT: Excellent.

1 MS. GONZALEZ: Okay.

2 THE COURT: We're good.

3 MR. EPPS: I guess the only other thing -- sorry; I'm  
4 just trying to do these housekeeping matters -- is we filed  
5 the motion for Marsy's Law violation and the response was  
6 filed. The response seems to admit the Marsy's Law  
7 violation. The victim was -- no one disputes that the  
8 victim was not contacted pursuant to Marsy's Law prior to  
9 the disposition.

10 In fact, the response says that the reason that they  
11 didn't do that is because the Court did not allow them time  
12 to do that. So if there's an admission of the Marsy's Law  
13 violation then she gets to make her statement and we're  
14 done.

15 But the response by the judicial admission admits the  
16 Marsy's Law violation, that it did occur, that they did not  
17 contact her before dismissing the case.

18 THE COURT: Well, I'll definitely say, you know, here  
19 we are today. If Ms. Pierce wishes to give a statement,  
20 I'm going to do that, just because.

21 MR. EPPS: Sure.

22 THE COURT: I mean, I think that's ultimately what the  
23 statute contemplates is that we have a voice.

24 Yeah, so here's what I'd like to kind of maybe just  
25 put on the record as a starting point for us. And this is

1 for those who are not aware how court normally runs.

2 So probably six months ago we had a lot of cases that  
3 were transferred either out of maybe Municipal Court here  
4 in Watkinsville or Probate Court, mainly misdemeanor  
5 traffic violations, where people are asking for a jury  
6 trial.

7 So when that occurs those are typically issued on a  
8 citation at first. So, like, if you've ever gotten a  
9 ticket -- I'm sure no one ever in this courtroom has ever  
10 had a ticket -- but if you get a ticket, it's issued on a  
11 citation.

12 But when you come up to Superior Court, there is the  
13 request -- and then that's what we've done is to have the  
14 case accused, an official charging document lining out what  
15 the enumerated offense or offenses are.

16 And we've gotten a fair number of those cases, so we  
17 created a docket called a CT -- so it's a citation docket  
18 -- so we can move those cases, because they typically only  
19 have a two-year statute of limitations and you want to make  
20 sure the cases are moving at a speed and a pace where the  
21 case can be resolved before the statute expires.

22 So the four judges have created this CT docket with  
23 the help of the Clerk, and give notices for people to  
24 appear. And on that day is a -- I would call it more of a  
25 status initially, but it is to say do you wish to go



1 forward on the citation or do you wish to have a formal  
2 accusation filed enumerating whatever the charges are, and  
3 not guilty, and it would be the traveling document for what  
4 the prosecution would be on the case.

5 So this particular case -- on Mr. Mejia's case -- was  
6 scheduled August 21st, 2023. And Mr. Kirby, the attorney  
7 for Mr. Mejia, did appear and did request that the case be  
8 accused. So based on that information, I reset the case  
9 for -- and I wish I knew what date it was. Was it October  
10 --

11 MS. GONZALEZ: October 2nd, Your Honor.

12 MR. EPPS: October 2nd.

13 THE COURT: For October 2nd and, you know, at the  
14 August hearing, after Mr. Kirby's request for the case to  
15 be accused, I set October 2nd as the day for the case to be  
16 set down for an arraignment and for the accusation to have  
17 been filed.

18 And it is accurate that on the day in October --  
19 October 2nd -- that when the case was called, the case had  
20 not been accused, and I directed that the case be dismissed  
21 for lack of prosecution at the time. And therefore, there  
22 was the -- let me look real quick -- so a dismissal prior  
23 to indictment that was provided which states: Not accused  
24 by status calendar deadline.

25 So I would agree -- and maybe this is not a point of

1           contention; I'm just not sure -- is it would be true I  
2           would think that when the case was not accused on October  
3           2nd and I directed the case be dismissed for want of  
4           prosecution at the time -- it was without prejudice, which  
5           allows for the case to come back and be re-accused or  
6           indicted -- that Ms. Pierce was not notified.

7                     Would that be an accurate statement of fact for both  
8           sides?

9                     MR. EPPS: Correct.

10                    MS. GONZALEZ: She wasn't notified before the  
11           dismissal was put in because we were doing it right then  
12           and there.

13                    THE COURT: Okay. So the question becomes, is that  
14           going to be a violation of Marsy's Law in itself? I think  
15           there is an acknowledgment that Ms. Pierce was not  
16           notified. Now, the question is whether I gave them  
17           potentially time to do it or not -- I don't know -- and  
18           whether there was some attempt to contact Ms. Pierce.

19                    But what I'm going to do is I'm going to reserve  
20           making that decision because I think it's a -- it's not a  
21           dispute of fact that Ms. Pierce was not notified on that  
22           time. It's just maybe the manner and circumstances and  
23           other things that will be put into evidence.

24                    MR. EPPS: And there are other Marsy's Law violations.  
25           I was just trying to --

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THE COURT: Okay.

MR. EPPS: And the evidence will prove that there are other Marsy's Law violations as it relates to this case. The point being is, is that Ms. Gonzalez specifically put a pleading before this Court -- and I have the transcripts, which the Court has the original transcripts that are filed in the case -- and specifically said that the reason why the victim was not informed is because the Court did not give them time to do so.

And that's just not what happened, Judge. The transcript doesn't lay that out. There was never a request, it was never told, and in fact the victim was told something completely different as to what this hearing was going to be. That will play itself out.

But I don't want us to pigeonhole ourselves as that being the only Marsy's Law violation --

THE COURT: Okay.

MR. EPPS: -- from that standpoint. And I would note that the transcript says, and if you read it thoroughly, is that the Court was looking to dismiss it from the Court's perspective for want of prosecution. But it was Ms. Gonzalez that volunteered to dismiss it using her forms and being able to dismiss it, and never requested of the Court, hey, let me talk to the victim before I do this.

So that will play itself out in the transcript itself,

1 Judge.

2 So with that, I think the only thing that we need to  
3 do at this point is just let the evidence play out in front  
4 of you, and we go from there.

5 THE COURT: Okay. All right. Well, who do you want  
6 to be your first witness?

7 MR. EPPS: Ms. Gonzalez.

8 THE COURT: All right, Ms. Gonzalez. And you are -- I  
9 don't --

10 MR. EPPS: And I didn't get the hard copies. I don't  
11 know where that was placed. But whoever has the hard  
12 copies -

13 MS. GONZALEZ: I have them here.

14 MR. EPPS: Okay. Thank you.

15 THE COURT: Are you able to get up here okay?

16 MS. GONZALEZ: I don't know. We'll try. First time  
17 for everything.

18 THE COURT: If not ...

19 MS. GONZALEZ: Yeah, I think if I can move the chair?

20 BAILIFF HEWELL: Where do you want me to move the  
21 chair? Move it back?

22 MS. GONZALEZ: If you'd just move it back and then I  
23 can hop up and then we can move it forward.

24 BAILIFF HEWELL: Okay.

25 MS. GONZALEZ: How's that? Thank you.

1 BAILIFF HEWELL: Are you good?

2 MS. GONZALEZ: Thank you. Yeah, I'm good.

3 THE COURT: Okay. All right.

4 BAILIFF HEWELL: Those are kind of stuck where they  
5 are so ...

6 MR. EPPS: Raise your right hand.

7 (Witness sworn)

8 MR. EPPS: And, Your Honor, I should have said this,  
9 as I'm calling her for the purposes of cross-examination.  
10 This would not be for the purposes of direct.

11 THE COURT: Okay.

12 Whereupon,

13 DEBORAH GONZALEZ,

14 having been first duly sworn, testified as follows:

15 CROSS-EXAMINATION

16 BY MR. EPPS:

17 Q Ms. Gonzalez, as you know, I'm Kevin Epps and I have  
18 filed the motion for hearing on Marsy's Law violation here  
19 today. Have you had a chance to review that motion?

20 A Yes, I did.

21 Q And you subsequently filed a response to that motion  
22 on -- I don't have the file date -- but I assume it was on  
23 October 30th of 2023?

24 A Yes.

25 Q And you prepared that response?

1           A     I did.

2           Q     And in that response I noted that you did not deny the  
3 Marsy's Law violation as we pled it in the motion. As you sit  
4 here today, do you deny a Marsy's Law violation has occurred in  
5 this case?

6           A     I believe in your motion what you put was that we did  
7 not inform the victim prior to the dismissal, and I said no, we  
8 did not, and I gave the reason for why it had not happened.

9           Q     Okay. So, just so we're on the record about this, you  
10 admit that it was dismissed by your office, using your form,  
11 prior to informing Ms. Pierce that it was dismissed.

12          A     Yes.

13          Q     There was nothing preventing you that day from asking  
14 Judge Norris for a break in order to call Ms. Pierce and let her  
15 know that you were dismissing it and why.

16          A     I think the only thing that was stopping me was I  
17 didn't know that I could ask him. He is the judge. He's in  
18 charge of the Court. He said this is going to be dismissed and  
19 he told me: Do the dismissal.

20          Q     Well, he didn't tell you to do the dismissal. You  
21 volunteered to do the dismissal, didn't you?

22          A     He said the case was to be dismissed. There was  
23 nothing else I could do.

24          Q     Have you read -- I see in your emails that I just got  
25 that you requested the transcripts of that day.

1 A I did.

2 Q Did you get that transcript?

3 A Yes.

4 Q Did you review that transcript?

5 A I did.

6 Q Okay. I want to show you what I'm going to be marking

7 --

8 A And it wasn't the -- I didn't get the transcript of  
9 the whole day; I just got the transcript of the *Mejia* plea.

10 Q Yes. That's exactly -- the rest of the day would not  
11 have mattered.

12 MR. EPPS: We'll call this Victim's Exhibit 1.

13 (Victim's Exhibit 1 was marked for identification.)

14 Q Do you recognize transcripts?

15 A Yes, I do.

16 Q Do you recognize that the title of this is Excerpt  
17 from the Status Calendar, August 21st, 2023, and Excerpts from  
18 the Arraignment Calendar of August 2nd of 2023?

19 A Yes.

20 THE COURT: October 2nd.

21 Q (BY MR. EPPS:) Sorry. October 2nd of 2023.

22 A Yes. October 2nd.

23 MR. EPPS: Your Honor, we would tender Victim 1 into  
24 evidence.

25 THE COURT: All right. I don't think there can be an

1 objection to it, so it's tendered.

2 Q (BY MR. EPPS:) So, before I go back to that question,  
3 Ms. Gonzalez, let's back up. Judge Norris just gave a good  
4 history of how we got here as it relates to this case, about  
5 cases coming up from the Probate Court and cases coming up from  
6 the Municipal Court of Watkinsville. Mostly those would be  
7 misdemeanors that would come to your office; is that right?

8 A From them, yes.

9 Q And the judges have created a CT number associated  
10 with this case, and that's what we're traveling under, under  
11 this Marsy's Law, the SU-CT-2023-000125. You're aware of that?

12 A Yes. That's what it says here.

13 Q Procedurally in your office, when that happens, when a  
14 citation comes up from the Probate Court or it comes from the  
15 Municipal Court of Watkinsville, what does your office do with  
16 that case?

17 A Well, it depends on when it comes up. I mean, this is  
18 recent that we've been doing these CT calendars. And so we've  
19 just started -- once we started getting them -- to set up  
20 procedures onto if they come in, if they're put on a CT  
21 calendar, to then check them. We have an ADA apprentice in the  
22 office now, and he's in charge of checking them and making sure  
23 if they're accused or if they need to be accused.

24 Q When you say accused or not accused, that means that  
25 you're making a decision whether to proceed ahead with the



1 prosecution of the case or not.

2 A Yes. We go through, if the evidence is there, for  
3 example, how to write up the accusation, those kinds of things.

4 Q And you use Tracker to create your accusations?

5 A Yes, we do.

6 Q All right. So this case, as based on my notes that I  
7 got from PAC, is that you received this case -- Ms. Pierce's  
8 case, the Defendant's case -- on -- this would have been April  
9 28th of 2023. Does that sound right?

10 A I don't know --

11 Q Okay.

12 A -- when it came. I'm sure if it's in Tracker that  
13 would be the correct date.

14 Q But ultimately, as Judge Norris laid it out and told  
15 you, this case hit the calendar for August 21st of 2023, and  
16 that was where Mr. Penney was handling that proceeding; is that  
17 right?

18 A Yes, he was.

19 Q And at that proceeding, as Judge Norris has laid out,  
20 Mr. Kirby, who represents the Defendant, they have the option to  
21 proceed ahead on the citation or to proceed ahead on an  
22 accusation; fair?

23 A I would think so. I wasn't there on that day.

24 Q But you understand procedurally how this works --

25 A Yes, I do.

1 Q -- in this courtroom. And, Mr. Kirby, for his  
2 Defendant, asked that it proceed ahead on an accusation; is that  
3 right?

4 A I think that's what it says in the transcript. Again,  
5 I wasn't there.

6 Q Yeah, but in your response and everything -- you've  
7 reviewed this whole file before filing the response, haven't  
8 you?

9 A Uh-huh (affirmative).

10 Q Is that a yes?

11 A Yes. I'm sorry.

12 Q So you're aware procedurally of what happens?

13 A Yes.

14 Q Okay. Because ultimately, at that hearing, when Judge  
15 Norris -- when -- I mean, I'll walk you through the whole thing,  
16 but let me just walk you through. Mr. Kirby had a conflict in  
17 Athens, the Defendant shows up, he -- Judge Norris acknowledges  
18 him; right? Are you following me?

19 A Is this the August one or the October --

20 Q October.

21 A -- one? I'm sorry.

22 Q The October one.

23 A Okay, yes.

24 Q Judge Norris acknowledges him, says, hey, wait up,  
25 just hold up until Mr. Kirby gets here. He misunderstood. He

1 left, but Mr. Kirby shows up; right?

2 And Judge Norris said -- you know, cast a wide net --  
3 let's see if we can get him, get him back. Mr. Kirby said,  
4 look, I'm just going to waive him and let's do the accusation.  
5 He looks at the Deputy Clerk and says, get me the accusation so  
6 Mr. Kirby can sign for his client and move on.

7 Have you read all that and did I summarize that  
8 correctly?

9 A Yes, I think it's correct.

10 Q Okay. And then it is told to Judge Norris that no  
11 accusation has been filed in this case; right?

12 A Yes.

13 Q But you said in the transcript: I have a note in my  
14 file that the accusation was filed back in August. Right?

15 A There was a note that said something about an  
16 accusation. And when I looked in Tracker, it seems that it was  
17 there. But it had been created but it had not been filed at  
18 that time.

19 Q So you, on October 2nd of 2023, inside Tracker -- had  
20 an accusation in Tracker that could have been printed, signed,  
21 and presented to Judge Norris on October 2nd.

22 A My understanding was that since it hadn't been accused  
23 and we were in Court that the judge had said it had to be  
24 dismissed.

25 Q Okay.

1           A     I was going by what the judge stated.

2           Q     You are the sitting District Attorney for the Western  
3 Circuit; right?

4           A     Yes.

5           Q     You know what an accusation is; right?

6           A     Yes, I do.

7           Q     You have now appeared in court numerous times; is that  
8 right?

9           A     Yes.

10          Q     You never once said to Judge Norris on October 2nd,  
11 Judge, give me a moment and I'll file the accusation. You never  
12 did that, did you?

13          A     No. I did not ask him for a moment to file the  
14 accusation because he had already stated that it was to be  
15 dismissed.

16          Q     Well, let's flip to the transcript, to what was said.  
17 Flip to Page 5 with me and let me know when you're there.

18          A     Yes.

19          Q     Read on Line 5. The Court: Okay, so actually -- are  
20 you asking for an accusation in this case? -- asking Mr. Kirby.  
21 Mr. Kirby: Yes, sir. And we asked for that before and this  
22 would be the second time that we have shown up here.

23                 Ms. Gonzalez, are you prepared, as you sit here, to  
24 say that your office failed to do its job by filing the  
25 accusation properly on October 2nd?

1           A     No. The office did not fail to do its job at that  
2 moment. We have a number -- a huge number -- of these cases  
3 that have come in. We had done -- and you can look at that  
4 particular date. There were a number of cases. And other than  
5 that one and the last four, everything else had been accused.  
6 This one had unfortunately been overlooked and had not been  
7 accused.

8           Q     So your office made a mistake. It was overlooked and  
9 you didn't accuse it properly. Because you've already said  
10 Judge Norris orders you to dismiss it. So you understand court  
11 orders.

12                     And so in August he ordered Mr. Penney and your office  
13 to accuse it. You did not do that, did you?

14           A     I did not do that because I was not in court on that  
15 day, and I was not handling that case at that time.

16           Q     You were in court on October 2nd.

17           A     On October 2nd, I was. I'm sorry, I thought you were  
18 referring --

19           Q     That's okay.

20           A     -- to August.

21           Q     Before you walked into this courtroom to handle  
22 criminal cases with victims who had been pushed in front of 316  
23 and could have been killed, did you review any of your files to  
24 know whether or not you had accusations?

25           A     I was told from my ADA apprentice that the accusations

1 had been made. I was coming from Athens and came here. There  
2 are a number of cases. Many times we review them as soon as we  
3 get here and we start looking through Tracker.

4 Q So court started --

5 A Mr. Kirby and --

6 Q Go ahead, Ms. Gonzalez. Sorry.

7 A Mr. Kirby had not been here in Athens, and usually I  
8 will talk to the defense attorneys once they're here. We never  
9 had an opportunity to speak that day.

10 Q All right, let's walk through this one last time to  
11 see if I can get you there. Reading the transcript, everything  
12 you've done with Marsy's Law, you've now been able to take an  
13 overview of what happened to this case, have you not, as the DA?

14 A Yes. Much more in depth now.

15 Q Okay. Much more in depth. And this is what I'm  
16 trying to get to. You know in August that Mr. Kirby requested  
17 an accusation, and you know it wasn't done; right?

18 A I did not know in August that Mr. Kirby had requested  
19 an accusation.

20 Q No, no.

21 A I knew that on October 2nd.

22 Q Listen to me. Listen to my question for me. Now that  
23 you have read the transcript and you've looked at the file, you  
24 know that your office received a request from Mr. Kirby and  
25 Judge Norris ordered that an accusation be filed in this case;

1 right?

2 A I know that now.

3 Q Yes.

4 A I did not know that on October 2nd.

5 Q Okay. As we sit here today, no accusation has ever  
6 been filed in any cases involving Ms. Pierce.

7 A No, no accusation. An indictment was made.

8 Q Right. And as we've already established, you -- when  
9 you get these cases that come up from the lower courts, you make  
10 the decision of whether or not to accuse it or not accuse it,  
11 based on whether or not you're going to prosecute it or dismiss  
12 it; right?

13 A Yes. And a lot of factors go into that, including the  
14 evidence that we have, the victims, the witnesses, all of that.  
15 This was a CT calendar; right? And when we first came in --  
16 it's not like it's a status calendar to look at where the case  
17 is. And so we don't prepare it the way we would prepare for a  
18 status calendar, for example.

19 Q Sure. What this is, is it's to make sure that y'all  
20 are doing your job and accusing cases then so they don't get  
21 past two years of statute of limitations; right?

22 A It is to make sure that cases are moving through the  
23 system.

24 Q Correct. And so this case had been made a decision by  
25 your office to prosecute it. You have looked at the facts,

1 you've looked at the evidence, and it's hit a CT calendar, and  
2 you need to accuse it; right?

3 A Yes --

4 Q Okay.

5 A -- that's what was on the calendar.

6 Q What time did you get here on October 2nd?

7 A I don't remember. Probably between 8:30 and 9:00.

8 Q Court started at 9:30; right?

9 A Possibly.

10 THE COURT: 9.

11 Q (BY MR. EPPS:) 9.

12 A 9 usually. I try to get in a little early so I can  
13 speak with defense attorneys.

14 Q When you had stepped up and you started talking about  
15 this case to Judge Norris, had you looked at the file?

16 A I had looked at what's on Tracker.

17 Q And Tracker had a draft of an accusation in it, as  
18 you've testified; right?

19 A Yes. It does have that.

20 Q Can you tell the Court and these people in this room  
21 why you did not print off that accusation and file it right then  
22 and there? Why didn't you do it?

23 A Well, I don't have access to printing from my laptop,  
24 and the judge was stating that it had to be dismissed.

25 Q No, ma'am. Court started at 9:29 a.m. when the case



1 was called. They took a break at 9:49 a.m. There was another  
2 break at 9:53, and the case wasn't ultimately dismissed until  
3 10:01. You had 32 minutes to file an accusation.

4 A And there were --

5 Q Hold on. Let me ask my question. You have an office  
6 on the second floor of this courtroom, don't you?

7 A Yes.

8 Q You have a printer on the second floor of this  
9 courtroom, don't you?

10 A Yes.

11 Q You could have taken your laptop down there, or  
12 directed Heather or Megan or Graham or anybody in your office to  
13 print the accusation. There was nothing to stop you from doing  
14 that, was there?

15 A Other than the fact that I was working on other cases  
16 with other defense attorneys in front of this same judge. It's  
17 not like there's a break and that the only thing I'm doing is  
18 one particular case. The calendar has multiple cases and we're  
19 working them down the line.

20 Q And that's why you have a staff to direct them to go  
21 print things as you work on other cases; right?

22 A But not unless I get to that case first. I was going  
23 down the calendar.

24 Q So as you sit here today -- I'm just asking you a very  
25 simple question -- do you not see that it was a mistake to not

1 ask one of your staff members to print the accusation so you  
2 could file it, so all of this would have stopped? Do you not  
3 see that as a mistake, Ms. Gonzalez?

4 A I don't see it as a mistake that was done with any  
5 intention. When we came into that courtroom everyone in my  
6 office had the intention of prosecuting this case. I did not  
7 know that there was a request for accusation done in August. I  
8 was not here.

9 And as soon as I saw it, the judge started saying,  
10 when he saw Mr. Kirby, that there -- did you want the  
11 accusation? Mr. Kirby, I believe, said yes. And then the judge  
12 said -- in fact, I think the judge asked for a nolle pros. I  
13 asked, well, if it hasn't been accused it should be a dismissal.  
14 The judge says yes, it's supposed to be a dismissal. That was  
15 the process that it went through.

16 Q So you don't --

17 A I mean, there are a number of cases that are happening  
18 at any moment in this courtroom when we are in court. It's not  
19 just one case.

20 Q That's right. But this is one victim that you  
21 represent; isn't it?

22 A Yes. And we did not expect that the Judge was going  
23 to say that it has to be dismissed.

24 Q Ms. --

25 A We would never --

1 Q Ms. Gonzalez --

2 A -- have thought that that would be -- no, please, sir

3 --

4 Q -- if you could just answer my questions. If the --

5 A I did answer that --

6 Q You're not --

7 A -- yes, that is one victim and one case. But, Mr.  
8 Epps, we have multiple cases with multiple victims happening.  
9 At that time in the morning, we were going through that  
10 schedule, that calendar, one case at a time.

11 Q Absolutely. And you've been practicing in front of  
12 Judge Norris for how long?

13 A I think since the end of May.

14 Q Okay. So have you ever requested a break from Judge  
15 Norris because you needed to do something in a case, and he  
16 denied it? Has he ever done that to you, Ms. Gonzalez?

17 A No, I do not believe so.

18 Q You can't. So what you could have done is you could  
19 have asked for the break, and you could have done it but you  
20 didn't. Just answer that question for me.

21 A We were not up to that case yet --

22 Q Ms. Gonzalez, answer yes or no, please, and then you  
23 can explain your answer. Could you on October 2nd, when you  
24 were the lead attorney in this case, ask Judge Norris for a  
25 break, go downstairs, print an accusation, and file it? Could

1 you have done that? Yes or no, and then explain.

2 A Yes.

3 Q Thank you.

4 A I could have asked for a break if I had known that  
5 that was what needed to happen at that moment.

6 Q You are the sitting District Attorney who is supposed  
7 to enforce the laws and the procedures of this circuit. And you  
8 didn't know after three years in office that you could go and  
9 print an accusation and file it and stop the dismissal? You  
10 didn't know that on October 2nd? You didn't know that.

11 A That was not what we were dealing with.

12 Q Answer yes or no. Did you know that, Ms. Gonzalez?  
13 Did you know that you could have filed an accusation that day,  
14 printed it, and stopped the dismissal? Did you know that?

15 A No, actually I did not know that I could file the  
16 accusation that day because Judge Norris immediately said it was  
17 to be dismissed.

18 Q Well, let's read together what actually happened  
19 instead of what you're stating. Go to Page 5, Line 20.

20 The Court: We don't have an accusation. August 21st  
21 was the original court date; is that correct? Deputy Clerk nods  
22 head affirmatively. The Court: Yes. Anyway, it's being  
23 dismissed because it was set for a hearing on August 21st, 2023,  
24 and it was to be accused by today's date.

25 So when you said that on October 2nd you didn't know

1 what happened in August, the Court informed you, didn't he?

2 A They informed me at that moment.

3 Q And let's go on to what happened. It has not been  
4 accused.

5 So, Your Honor -- this is you -- you cut the Court off  
6 -- and instead of saying Your Honor, can I have a break to go  
7 file an accusation, what did you say? Your Honor, would that be  
8 a dismissal instead of a nolle pros? You're asking the Court  
9 for legal advice as to whether or not it would be a dismissal or  
10 a nolle pros.

11 And then the Court said, it's a dismissal, yeah. And  
12 then you said, so we don't need the nolle pros form, we need a  
13 dismissal. The Court: Well, let me see what we've got. Ms.  
14 Gonzalez: We can do one, Your Honor.

15 You said that, didn't you?

16 A Yes, I did, because, first, I was clarifying what form  
17 to use. But once the judge earlier had made that order that it  
18 was to be dismissed, I did not feel that I can then contradict  
19 him as to whether or not I could put in that dismissal or  
20 whether or not I can file an accusation at that moment. I was  
21 not given an option to file an accusation on that day.

22 Q You didn't ask, did you?

23 A No, I didn't ask, because I was going under the order  
24 of the judge.

25 (Victim's Exhibit 2 was marked for identification.)

1 Q Let's look at Victim 2, the order of the judge. Is  
2 that your dismissal prior to indictment?

3 A Yes, it is.

4 MR. EPPS: Your Honor, I'd tender V-2, understanding  
5 no objection to that.

6 THE COURT: All right. It's part of the court record  
7 also.

8 MR. EPPS: Yes, Your Honor.

9 MS. GONZALEZ: Uh-huh (affirmative).

10 Q (BY MR. EPPS:) Do you recognize that document?

11 A Yes, I do.

12 Q You -- that's your signature?

13 A Yes, it is.

14 Q And it's dated October 2nd, 2023?

15 A Yes, it is.

16 Q And you dismissed it.

17 A Yes.

18 Q And you dismissed it because -- look at your  
19 reasoning: Not accused by status calendar deadline. Right?

20 A Yes, because that was what the judge stated. Now, I  
21 also put in my response that I should have put in here by order  
22 of the judge.

23 Q By order of the judge.

24 A By order of the judge. It was the judge who said this  
25 case was to be dismissed.

1 Q So instead of having Judge Norris dismiss it for want  
2 of prosecution, you offered up your own form, put your signature  
3 on it, and stated that the reason why it wasn't done is because  
4 it wasn't accused; right?

5 A Yes, because I thought that was the process that we  
6 needed to do.

7 Q When --

8 A He was asking for a form to be filled by our office.

9 Q When in this process did you think about Ms. Pierce,  
10 who got pushed into 316 by a DUI defendant that almost killed  
11 her? At any time did you think about this woman, Ms. Gonzalez?  
12 Did you?

13 Answer it. Did you -- at any point on October 2nd,  
14 did you think about the victim in the case? Did you do that?

15 A Not at the moment that I was filing this for the judge  
16 who put in an order for the case to be dismissed.

17 Q Do you know, based on your Tracker notes, that your  
18 office spoke to Ms. Pierce the week before? Do you know that  
19 now?

20 A I know that now, yes. There was a note that the  
21 victim advocate -- they list every time they contact a victim.  
22 They don't say always what it is that they talked to the victim  
23 about, but they will say if they've left a message, if they  
24 spoke to them, what -- you know, if there's a -- for example, if  
25 they told them that there was going to be a hearing or a date,

1 they will put that in there that that's what it was about.

2 Q So you have no reason to disbelieve when Ms. Pierce  
3 takes the stand that your victim advocate told her that on  
4 Monday that it would be accused or he would plea. You don't  
5 have any reason to doubt that, do you, Ms. Gonzalez?

6 A No, I don't. And, again --

7 Q And she was given -- if that's what was told to her --

8 A -- we went in there with the intention that we were  
9 going to prosecute this case.

10 Q But you -- okay. So your victim advocate, the week  
11 before, knew that it needed to be accused, yet you showed up to  
12 court with no accusation; right?

13 A Yes.

14 Q That's a dereliction of your duties, isn't it, Ms.  
15 Gonzalez?

16 A No, it is not. It is an oversight that occurred  
17 because there are multiple cases that were happening. It had  
18 been delegated to someone to do the accusations so that then I  
19 could sign them and get them in. And that one was an oversight,  
20 but it is not a dereliction --

21 Q Who was delegated that duty in your office?

22 A We assign them to our ADA apprentices.

23 Q Who was the ADA apprentice that it was assigned to?  
24 Is it him sitting next to the -- him at the table?

25 A Josh Neal. Yes. He helps us here in Oconee. We have



1 different ADA apprentices with different courtrooms.

2 Q Is he an attorney?

3 A No, he is not. He is a graduate; he is waiting to  
4 take his bar exam.

5 Q Have you addressed this issue about the fact that he  
6 didn't accuse the case prior to October 2nd with him?

7 A Yes, we did. We had a meeting. I also had a meeting  
8 with the victim advocate. I had a meeting with my interim  
9 director so that we can go through this. And that's why I say  
10 now we have a process to go through those CT calendars.

11 Q And you would agree with me, as you called as an  
12 oversight, that victims get hurt; don't they?

13 A Yes, they do. And that's exactly why we turned it  
14 right around and went to grand jury so that it would be  
15 addressed.

16 Q Ah. Let's talk about that. Let's talk about that.  
17 Because I've talked to PAC, and I have your emails, and I see  
18 what you wrote to Judge Norris. Let's talk about how you write  
19 right after that day.

20 You talked to Robert Smith, didn't you, the counsel  
21 for PAC?

22 A I did not speak with him; I sent him an email.

23 Q On October 4th, didn't you?

24 A I sent an email, yes.

25 Q On October 4th, didn't you?

1 A Yes.

2 Q That was the day the Marsy's Law violation was filed;  
3 right?

4 A I don't remember when I got it.

5 (Victim's Exhibit 3 was marked for identification.)

6 MR. EPPS: I'm going to tender -- it's just her  
7 responses -- V-3, Your Honor.

8 Q Well, let's do it like this. Let's make it like this.  
9 So -- I'm sorry -- it was dated for October 5th; right? My  
10 Marsy's Law. You contacted PAC after you got the Marsy's Law  
11 violation, didn't you?

12 A I don't remember the time. I think I --

13 Q You don't remember that you contacted him after  
14 Marsy's Law. Do you want to see his emails?

15 A No, I'm just saying I don't remember the time, but I'm  
16 sure --

17 Q Okay.

18 A -- if -- I submitted the emails, as well.

19 Q Right. So I've got everything you emailed.

20 A Okay.

21 Q You specifically put in your response what Robert  
22 Smith sent back to you from PAC --

23 A Yeah.

24 Q -- on October 5th; right? He responded to you on  
25 October 5th and told you what you needed to do, didn't he?

1           A     Yes.

2           Q     Okay.  So you didn't contact PAC about re-accusing  
3 this case or doing anything with this case until after the  
4 Marsy's Law violation was filed; right?

5           A     I submitted it on the 5th to him.

6           Q     And you'll note that the Marsy's Law violation was  
7 filed on October 5th; right?

8           A     I guess so.

9           Q     And in your response you use some very clever words:  
10 After Court was dismissed, the State reached out to the  
11 Prosecuting Attorney's Council (PAC) to inquire about the  
12 incident and the validity of the dismissal as the State still  
13 intended to prosecute this case.

14                    You did not reach out to him after court was dismissed  
15 that day.  You waited until October 5th to do it, didn't you?

16           A     It was only three days later.  We have lots of things  
17 that were happening, and I also had court before then.

18           Q     Okay.  But do you see how you worded it, that "after  
19 court was dismissed."  It's like you walked right out of here  
20 and talked to PAC.  You didn't do that, did you?

21           A     Not immediately after court, no, because there were  
22 other things that I had to take care of.

23           Q     Okay.  Now, here's something real important, Ms.  
24 Gonzalez.  We've all agreed that the case was dismissed.  Now,  
25 what we don't agree on is whether or not -- what you have the

1 capabilities of doing with the victim at that point.

2 But the date that it was dismissed on October 2nd, to  
3 date no one from your office has called Ms. Pierce and said the  
4 case has been dismissed; have they?

5 A No, they haven't.

6 Q You agree with me that that's a Marsy's Law violation?

7 A I wanted to make sure I had --

8 Q Answer my question, yes or no.

9 A No, I don't --

10 Q Do you agree with me that the fact that the victim --  
11 listen to me. Do you agree with me that the victim of the case,  
12 who was pushed into 316 and could have been killed, was not  
13 informed that her case was dismissed and still has not been  
14 informed by your office that it was dismissed is a Marsy's Law  
15 violation. Do you agree, yes or no?

16 A First of all, I --

17 Q Yes or no.

18 A No. I don't agree with you --

19 Q Okay.

20 A -- in the way that you have stated it. And I would  
21 like to explain my answer --

22 Q Sure.

23 A -- if I may.

24 Q Please.

25 A Okay. No, she was not informed prior to the

1 dismissal. No, she wasn't informed right after the dismissal,  
2 on that day. Okay, you have that information there. I also  
3 wanted to make sure that I had all the information to give her  
4 about re-accusing or re-indicting it. I did not have that  
5 information at that moment.

6 And then what happened is once we got the Marsy's Law  
7 violation notice our victim advocate just sort of stepped back,  
8 didn't know. And until today when we finally got an email from  
9 your office to say please send all the notifications to you and  
10 then I looped in our victim advocate so that now she can send  
11 all the notifications to you for your client -- until then, we  
12 weren't really sure who to communicate.

13 Now, after the grand jury, my victim advocate did  
14 reach out to the victim to let them know that it had been true  
15 billed, and then we got the letter from your office stating go  
16 through you. Okay?

17 Q Yes.

18 A But when we left that message for her to please call  
19 us back because we had information, we did not want to leave it  
20 just on the phone that it had been true billed, but for her to  
21 call us back so that we could give her the information. We did  
22 reach out to her.

23 Q You agree with me -- because you put it in the press  
24 that I don't have my facts right and I'm attacking you and  
25 everything else, and this is political, and all this. Put all

1 that aside. Every other victim that I've represented in your  
2 office that's a victim in your office, you contact me directly,  
3 don't you? Faith: Y'all contact me directly, don't you?

4 A Uh-huh (affirmative).

5 Q Is that a yes?

6 A Yes, we do now.

7 Q Zee: You contact me directly, don't you?

8 A I don't know Z.

9 Q Yes, you do. She was a little girl raped by her dad.

10 A I'm sorry.

11 Q You don't know Z?

12 A No. That case --

13 Q So let me ask you a third. How about all the UGA  
14 students that have had their houses broken in that your office  
15 directs all communication to me. You direct all your  
16 communication directly to me, don't you?

17 A I'm not sure about that case. If you can tell me a  
18 defendant's name, maybe I can remember what it is. But usually  
19 what happens when those cases are assigned to specific ADAs and  
20 they have specific victim advocates, they take those cases.  
21 It's not always that I know everything that happens on every  
22 case in my office. That is just impossible to do.

23 Q That is clear, Ms. Gonzalez. So what I'm asking you  
24 is this, and maybe we can get to it here. We have the voice  
25 mail from your victim advocate on October 16th -- 26th -- sorry;

1 October 26th -- asking for them to call

2 A No, I believe it was the --

3 Q Well, I'll get -- I know that there's -- out there in  
4 your notes that you contacted her on October 16th. But the only  
5 voice mail -- and it will come out in evidence -- that the only  
6 voice mail that she has is on October 26th.

7 After you dismiss this case, the first contact that  
8 you had with Ms. Pierce that you do not disagree with is after  
9 you had indicted.

10 A Yes. After we received the true bill.

11 Q After you received the true bill. You didn't tell her  
12 that, hey, the case is being dismissed, but don't worry, we're  
13 going to take it to the grand jury and indict it.

14 You didn't do that, did you? Your office didn't do  
15 it. Just yes or no.

16 A No.

17 Q You understand Marsy's Law; right?

18 A Yes, I do.

19 Q You understand that the victim has a right to be  
20 informed by your office in a reasonable time an accurate notice  
21 of things going on in their case; right?

22 A Yes.

23 Q Y'all didn't do that as it relates to the indictment,  
24 did you?

25 A Well, the grand jury is a --

1 Q Yes or no, and then you can explain. That's where we  
2 got to get back on track. Did you do that?

3 A After it was true billed. Prior to that, we do not  
4 inform people when a case is going to the grand jury because it  
5 is a confidential procedure.

6 Q Really.

7 A So it is the practice of this office. We don't tell  
8 the victims when something is going to grand jury specifically.  
9 We may say it's going to be indicted soon, but we do not give a  
10 particular date.

11 Q Robert Wilson hasn't contacted me to tell me when  
12 cases are going to grand jury, Ms. Gonzalez? Do you know about  
13 that?

14 A I do not know.

15 Q So that's not the policy of your office, is it?

16 A Well, maybe it might be with him because your victims  
17 have you as a counsel. And so maybe he's just reaching out to  
18 you --

19 Q There we go.

20 A -- specifically --

21 Q There we go. Now we're there. On October 5th you  
22 knew that I was counsel for Ms. Pierce, didn't you? Because you  
23 got my Marsy's Law violation, didn't you? And you didn't --

24 A Yes, we did get the Marsy's Law --

25 Q -- reach --



1           A       -- violation.

2           Q       And you didn't reach out to me any time between  
3           October 5th and October 16th and tell me anything that was going  
4           on in her case, did you?

5           A       I did not personally. No one in my office did because  
6           we thought we had to wait until we got through this hearing.  
7           One of the things you prayed for was to have us recused.

8           Q       And you chose not to do that.

9           A       But it's also at the discretion of the judge whether  
10          he decides that we should recuse ourselves or not.

11          Q       You do a lot of that where you ask Judge Norris to do  
12          things. But what I'm asking is what you could do. I  
13          specifically started the hearing and asked whether or not you  
14          were going to recuse your office.

15                 As you sit on this witness stand today and you've  
16          heard all this, are you recusing yourself now?

17          A       No, because I still believe that we can do justice in  
18          this case just the way that we've planned to from the very  
19          beginning. We always intended to prosecute this case. It was  
20          never our intention to dismiss it. I dismissed it because of  
21          what the judge ordered on that date.

22          Q       You're aware that this same Defendant got a DUI in  
23          March of 2023, a second DUI, where it was open container, didn't  
24          have his license on him, and it was accused in Athens-Clarke  
25          County. When you got the case in April, a month before he had

1 gotten another DUI in Athens. You know that now, don't you?

2 A I know that now --

3 Q Right.

4 A -- but I did not have this case then.

5 Q Right. But on October 2nd and in August your Tracker  
6 notes show that you knew that he had another DUI in Athens,  
7 didn't you?

8 A The Tracker notes may show it, but in August I did not  
9 have this case.

10 Q But in October you did.

11 A Yes.

12 Q And you didn't tell Judge Norris on October 2nd, hey,  
13 Judge, before you dismiss it, we want to let you know he's had  
14 another DUI in Athens. We've got a repeat offender and this  
15 needs to stop.

16 You didn't do that, did you?

17 A No, I did not do that.

18 Q Ms. Gonzalez, you said that you want to prosecute this  
19 case for Ms. Pierce. As you sit here today, do you even know  
20 the facts of her case? Where did the accident occur? I've said  
21 it multiple times, so can you tell me that?

22 A No. I'm not going to sit here and discuss the facts  
23 of the case --

24 Q No, ma'am. No, ma'am --

25 A We are here for --

1 Q I'm asking you a question.

2 A -- a Marsy's Law violation.

3 Q No, ma'am.

4 A We are not here for the underlying case.

5 Q I'm here for what was dismissed. And you just sat  
6 here and told this Court and told these people that you have  
7 always been prepared to prosecute the case, and that was your  
8 intent on October 2nd. Where did the accident occur? Where?

9 A It occurred in Oconee County.

10 Q Where at in Oconee County?

11 A I do not know specifically where at in Oconee County.

12 Q Do you know how many cars were involved?

13 A No. I do not have the specific facts of the case --

14 Q Do you know how he was caught?

15 A -- in front of me.

16 THE COURT: All right. Let's give her a chance to  
17 answer.

18 MR. EPPS: Sure.

19 Q (BY MR. EPPS:) Do you know how he was caught?

20 A No. Again, I did not come prepared for that case at  
21 this moment. This is -- we are here for a Marsy's Law  
22 violation.

23 Q Did you go to the grand jury and present it?

24 A I did not.

25 Q Who did?

1           A     Our pre-trial specialist, Charles Rettiger.

2           Q     Once you got my Marsy's Law violation, I see in the  
3 emails that you've delivered to me that you started to do your  
4 own investigation, didn't you?

5           A     I don't do investigations.

6           Q     Well, you did in this one, because on October 5th at  
7 5:00 p.m., right after you got the PeachCourt notice of the  
8 Marsy's Law, you wrote a very serious question: After court,  
9 did you notify the victim?

10          A     Uh-huh (affirmative). I did.

11          Q     You wrote that, didn't you?

12          A     Yes.

13          Q     On October 5th, you didn't even know that the victim  
14 had not been notified; right?

15          A     Right.

16          Q     And you were writing this to Heather, Josh Neal, and  
17 cc'ing yourself, and Heather wrote back: I was not able to  
18 contact her Monday afternoon, no. We got pretty busy here in  
19 Ocone after court and it's been like that the rest of the week.  
20 I planned on making the calls and doing the bench warrants after  
21 I finished dealing with the stuff that popped up about the  
22 murder case, and then I got the call about my daughter being  
23 sick.

24                 So, at that point on October 5th, you knew that the  
25 victim had not been informed of the dismissal; right?

1 A I knew once I received that email.

2 Q Did you pick up the phone and call Ms. Pierce and tell  
3 her? Yourself? Did you do it?

4 A No, I did not.

5 Q Don't you think, Ms. Gonzalez, as the District  
6 Attorney, that we've been through these Marsy's Law violations,  
7 that that was your responsibility to do at that point? Do you  
8 -- answer yes or no. Was that not a responsibility of you to --  
9 so that Marsy's Law would stop, that the violations would stop,  
10 did you recognize at that point you should have called her?

11 A No, I did not.

12 Q Okay. So do you know --

13 A May I explain --

14 Q -- the statute for Marsy's Law?

15 THE COURT: Hold on. She wanted to explain.

16 Q (BY MR. EPPS:) Yeah, go ahead.

17 A I did not because I cannot do everything in that  
18 office and I have delegated certain roles and responsibilities  
19 to different people in the office, and I delegated that role. I  
20 had thought that the victim had been notified and that's why,  
21 once I got it, I asked. And you have the answer there.

22 But, no, I -- the next thing for me was that they were  
23 going to contact the victim and then they were, well, wait a  
24 minute, we've got this Marsy Law violation. What do we do now?  
25 And I said, well, let's wait for the hearing and then we'll know

1 what to do.

2 Q So you didn't direct anybody, looking at your emails,  
3 after you learned nobody was -- no one contacted her and told  
4 her, you didn't send an email delegating that power out to  
5 anybody to do that, did you?

6 A To contact her after that? No. I said we're going to  
7 go to grand jury, and once we do that we will reach out again.

8 Q Right. So I want to go back to something here. I'm  
9 looking at your emails, and I just want to clarify something.  
10 You started sending emails in this case on October 5th, 2023, at  
11 5:26 on Thursday. This was after you had gotten my Marsy's Law;  
12 right?

13 A I believe so, yes.

14 Q So: Heather, Josh, please get a copy of the Mejia  
15 dismissal from Monday and email it to me. Right?

16 A Mejia, yes.

17 Q And then here it is. Heather does it on October 6th.  
18 And then on October 6th, Robert emails you and tells you how to  
19 re-indict the case.

20 A Yes.

21 Q So all of your actions -- so just so that now we can  
22 clarify this, all of your actions related to what you did to re-  
23 indict it came after the Marsy's Law case was filed?

24 A Yes. Apparently, by the timing, yes.

25 Q Do you know the statute for Marsy's Law?

1 A Yes.

2 Q What is it?

3 A That victims have the right to be notified and that  
4 victims have the right to have their voice heard by the court  
5 whenever there's a hearing. So they have the right to be at any  
6 hearing, plea, anything that happens in regards to their case.

7 Q Right. And you also know as part of that statute that  
8 prior to a disposition of any case that Judge Norris, nor you,  
9 nor anybody else can override Marsy's Law. You know that;  
10 right?

11 A At that time --

12 Q Just answer the question --

13 A -- on October 2nd --

14 Q -- yes or no.

15 A No. At that time, on October 2nd, I did not know  
16 that. To me the judge is the ultimate, I guess, end person for  
17 the court, and whatever the judge says in that court that's what  
18 you do.

19 Q The law is the end result; right?

20 A And the idea is that the judge would know the law and  
21 would tell us.

22 Q And you, a district attorney, would know the law,  
23 right, Ms. Gonzalez?

24 A Yes.

25 Q And since we've already been through this with Marsy's

1 Law, I want to ask this question to you; okay? Marsy's Law is  
2 very clear that prior to the disposition of a case that the  
3 victim has a right to state her opinion to the court; right?

4 A Yes.

5 Q Okay. And you as the DA -- Judge Norris doesn't  
6 represent the victims. He makes sure that they're protected, he  
7 makes sure that everything's done. That's what he does. But  
8 you, as the DA, you've got a whole slew of victim advocates.  
9 You are to represent the victims in the court, are you not?

10 A Yes.

11 Q And by extension, you are to enforce Marsy's Law in  
12 the court; correct?

13 A Yes.

14 Q And on that day on October 2nd, prior to it being  
15 dismissed, you didn't say, Judge Norris, before we do this, I  
16 need to tell you something. I need to let the victim have an  
17 opportunity to speak; right?

18 A No, I did not say those words.

19 Q And that is a Marsy's Law violation, isn't it, Ms.  
20 Gonzalez? You admit to that.

21 A Yes, I admit that I was not able to contact the victim  
22 because I was following the order of the Court.

23 Q That wasn't my question. That's not my question. My  
24 question is about you not sitting at this table with your  
25 computer and your staff and telling Judge Norris, before we



1 dismiss this I need to give the victim an opportunity to be  
2 heard. By you not doing that you violated Marsy's Law, didn't  
3 you?

4 A That is what you say --

5 Q And I'm asking --

6 A -- and I am saying --

7 Q I get to ask the question.

8 A Well --

9 Q Yes or no, please. Is it a violation of Marsy's Law  
10 that you didn't --

11 A It's my understanding that this hearing will say  
12 whether it was a violation or not, and that will be up to the  
13 judge to decide. What I am saying is that, no, I did not notify  
14 the victim before the dismissal because I was going under the  
15 order of the Court to have this case dismissed.

16 Q Got it. Got it.

17 These emails that you have, you've talked to PAC about  
18 it and Robert Smith; right?

19 A I sent an email to Robert Smith about this.

20 Q You've talked to Heather, Megan, Joel, and have you  
21 talked to Mr. Penney about it?

22 A Who's Joel? Josh --

23 Q Josh.

24 A Josh.

25 Q Sorry. Josh. You've talked to those individuals?

1           A     I did not speak with Mr. Penney, I don't believe. I  
2 think I asked him maybe, like, what happened, or something like  
3 that, but I don't remember actually speaking to him about the  
4 case.

5           Q     And the apprentice that you're saying that you  
6 directed to file the accusation is Josh Neal sitting at this  
7 table right here?

8           A     Yes, he is. Yes.

9           MR. EPPS: That's all the questions I've got, Judge.

10          THE COURT: Okay. You may step down.

11          MS. GONZALEZ: Thank you, Your Honor.

12          THE COURT: Let's take a short five-minute break.

13          MR. EPPS: Thank you, Judge.

14                (The proceedings were in recess at 2:34 p.m. and  
15 resumed at 2:44 p.m.)

16          THE COURT: Who's your next witness?

17          MR. EPPS: Your Honor, I'm waiting for my co-counsel,  
18 Ms. --

19          THE COURT: Okay. I mean, that's fine.

20                (Victim's Exhibit 5 was marked for identification.)

21          MR. EPPS: But before I begin, these emails that were  
22 delivered to me, I'm going to introduce these as V-5 from  
23 the office --

24          THE COURT: All right.

25          MR. EPPS: -- so that you can have those introduced at

1 this point. And then -- let's just do this, Your Honor, to  
2 keep it flowing. I'll call Mr. Penney to the stand, Your  
3 Honor.

4 THE COURT: All right, Mr. Ogletree, if you'll ask Mr.  
5 Penney -- Mr. Penney -- to come in, please.

6 BAILIFF OGLETREE: Yes, Your Honor.

7 ATTORNEY DUSTIN KIRBY: Judge, before we do that, may  
8 I just interject here for just a second?

9 THE COURT: Sure.

10 ATTORNEY KIRBY: What standing do I have here?

11 THE COURT: Everybody assumes I'm the expert on this  
12 right now, but -- no, I'm joking. I am, I guess.

13 Really, there's not any standing other than the fact  
14 that your client is the one who is the involved party for  
15 the underlying case. Marsy's Law requires that I have a  
16 hearing, and, depending on whether there is an admission or  
17 not an admission as to a violation, if there's not an  
18 admission, then it becomes an evidentiary hearing, and at  
19 the end I would determine whether there is a violation.

20 I am going to give Ms. Pierce the opportunity to give  
21 her information as to her standing as the victim, or really  
22 the person that Marsy's Law was created for.

23 You would have a right for you or your client to be  
24 present. But there's really not anything that you're  
25 proving or disproving; it's just I have to make a decision

1           whether there is a violation under Marsy's Law.

2           Because we're never going to get into the substantive  
3 issues of your case.

4           ATTORNEY KIRBY: Yes, sir. But if we are entitled to  
5 be here --

6           THE COURT: Uh-huh (affirmative).

7           ATTORNEY KIRBY: -- and I would just make this, I  
8 guess, quick so that I can perhaps just leave.

9           THE COURT: Oh, you're -- yeah, yeah.

10          ATTORNEY KIRBY: Because I would assert a right if  
11 given -- if I am given -- if we could just have a Court's  
12 ruling on that for -- I don't know what it would be for  
13 unless there is some change in the appellate procedure.

14          THE COURT: Well --

15          ATTORNEY KIRBY: Which I know it's not granted --

16          THE COURT: That's right.

17          ATTORNEY KIRBY: -- as part of this law. But because  
18 we are entitled to be here -- and I'll just give you my  
19 argument real quick and I can get the Court's ruling on it.  
20 Because we are entitled to be here, I would assert a right  
21 to cross-examination of any witness, just like any other  
22 witness who's taken the stand. While I recognize that --  
23 is it 17-17-15? --

24          MR. EPPS: You're right.

25          THE COURT: Yes.

1           ATTORNEY KIRBY: -- grants me the right to be here.  
2           It doesn't make any sense to read it that I wouldn't be  
3           allowed to participate in the proceedings. Otherwise, we  
4           wouldn't be allowed to be here or we wouldn't be given the  
5           right to be here. And so I would assert a right to cross-  
6           examine any other witness just like any other court  
7           proceeding.

8           And one of the difficulties of this, Judge, is that  
9           this -- well, what I've listened to, I think, is kind of a  
10          -- it's not quite the whole read into Marsy's Law that I  
11          have. Because when I read 17-17-15(c)-something-or-other,  
12          it suggests that it is not just the prosecuting attorney  
13          who is responsible for that, but that the victim could also  
14          bring that against the court.

15          And so if I'm a part of this proceeding and I am  
16          asserting that right, then I think that I need to be able  
17          to pursue some of that just like any other participant in  
18          the proceeding.

19          So I think that it would complicate things, I have no  
20          doubt. But, and again, I don't have anything to add or  
21          subtract or anything like that about the criminal case.  
22          But if I'm here, I'd like to be a part of it.

23          THE COURT: Let's pull the statute.

24          MR. EPPS: So this is Mr. Kirby, and I would not  
25          expect anything else but for Mr. Kirby to raise the first

1 Marsy's Law attempt at this. So, Dustin -- and I call him  
2 Dustin sometimes. But Mr. Kirby, as I know him, is almost  
3 spot on to the Code with 17-17-15(c)(3). So it is clear --  
4 it is clear -- that from the statute that Ms. Pierce is not  
5 a party to the proceeding. We know that. To the criminal  
6 --

7 THE COURT: To the criminal proceeding.

8 MR. EPPS: To the criminal -- correct. And it says,  
9 if the court conducts a hearing, the prosecuting attorney  
10 and the defendant shall have a right to be present at such  
11 hearing.

12 Now, I completely understand what Mr. Kirby just said:  
13 You know, I'm on behalf of the Defendant; you know, it's a  
14 hearing, I should be able to participate.

15 I don't know the wisdom of the Gold Dome. And you and  
16 I have had this back and forth as to what this actually  
17 means as to be present. To be fair to Mr. Kirby, to truly  
18 be fair to him, I think that it -- the problem that I have  
19 is what is the nature of the proceeding; right?

20 The nature of the proceeding is for you to determine  
21 whether or not there's a Marsy's Law violation. It's not  
22 -- and the Defendant doesn't or Mr. Kirby doesn't play a  
23 part in that. And I think I understand what he was saying.  
24 He said "or if the court has violated the Marsy's Law  
25 violation."

1 Well, the only one that can assert that is Ms. Pierce,  
2 and we're not asserting that. We're just not. And so, I  
3 don't know from his perspective -- maybe he can enlighten  
4 me with it -- what a defendant's attorney would add because  
5 we're not getting into the underlying indictment, into the  
6 case of this.

7 But if she takes -- she will. Ms. Pierce wants to  
8 testify to you. If she takes the stand, and we -- and Mr.  
9 Kirby comes in and gets to take a -- I wouldn't think you  
10 would do this; I think we've already talked about this --  
11 but starts asking about the underlying case, we've got a  
12 problem here because we're outside the scope of the Marsy's  
13 Law, which would be a relevance aspect of it.

14 So I just don't know how you would define it to have  
15 their role to be played other than present.

16 ATTORNEY KIRBY: And certainly, Judge, motions in  
17 limine or objections, like any other court proceeding,  
18 would be the appropriate means of dealing with a question  
19 that isn't relevant. That's how we deal with evidentiary  
20 problems in the court system.

21 And while I agree that it doesn't seem like we would  
22 have any standing, the other way to read that statute is  
23 that it is specifically giving us standing. Because the  
24 only reason to put that in 17-17-15(c) (3) -- thank you --  
25 is that we have a specific standing, because otherwise

1 everyone is welcome to be present at any hearing that's  
2 held in the courtroom. We have open courtrooms.

3 So why wouldn't we be welcome except that because it's  
4 attorneys, because it is a court proceeding and an  
5 evidentiary matter, the only way to read it to make sense  
6 as lawyers would be to grant us some standing in there, and  
7 they've specifically done it.

8 MR. EPPS: And, Judge, I'd only note that it's  
9 interesting, the 2018 amendment, I think you see it,  
10 effective January 1st, 2019 --

11 THE COURT: Uh-huh (affirmative).

12 MR. EPPS: -- which rewrote that provision of  
13 subsection (c), which formerly read: The chapter does not  
14 confer upon a victim any standing to participate as a party  
15 in a criminal proceeding or to contest the disposition of  
16 any charge.

17 So, you know, as I read it, and, believe me, a lot  
18 smarter legal minds than me, is that I would have thought  
19 that it would have said present and the ability to  
20 participate. But I guess, Judge Norris, is this: It's not  
21 like -- and Mr. Kirby's right. If it got out of line  
22 related to the victim, I know the Court's not going to  
23 allow it to happen and I'm not going to allow it to happen.  
24 But it's not appealable.

25 And so what's happening here in this courtroom is not



1 going to set precedent down the line. So I guess what I'm  
2 saying from the victim's standpoint, if it's kept within  
3 the means of what this is, I do not have an objection to  
4 Mr. Kirby participating if it falls within the realm of  
5 Marsy's Law.

6 And I think that's -- if I'm being fair, if I was in  
7 his shoes and said, well, why am I here and what am I  
8 doing, I've got to be fair to him in that way.

9 THE COURT: So here's my view on it. Obviously, you  
10 know, this statute has only been tested once, okay, in  
11 Georgia law. And, as I said at our very first one, it's  
12 very narrow in its scope but it can be broad in its  
13 flexibility. It just depends on what the purpose is.

14 Ultimately, I believe when it says you may be present  
15 -- so for any -- I don't know of any other hearing where  
16 that is -- I mean, if you didn't show up, there's no  
17 problem. No one would get in trouble, no one gets held in  
18 contempt, there's no effect on the case whatsoever. And  
19 because it is purely something that you can choose to  
20 attend or not attend, I don't think that confers a right  
21 for necessary participation.

22 I think the intent of it is much like the other case I  
23 had. If there is a violation, is there a remedy beyond  
24 giving the person who is the named victim in the case an  
25 opportunity to give their statement to the Court.

1           However, you know, remedies -- like the last one was  
2 whether or not the case should be the nolle pros dismissed,  
3 and in that case -- well, like to actually vacate the  
4 dismissal on a nolle pros and have the case come back and  
5 reinstated before the end of the term of court. Or if it  
6 was after the term of court, whether or not the case should  
7 go back and have another prosecutor come in and go back and  
8 re-indict the case for the last time that it could.

9           And that way your client would be aware, oh, my case  
10 isn't really dismissed; it's coming back again.

11           In this particular matter, since -- and I'll say under  
12 *Walker v. State*, 312 Ga. 640; it's a 2021 case, where --  
13 and it's 312 Ga. 640, a 2021 case: "Georgia trial courts  
14 have long exercised authority to dismiss criminal cases for  
15 want of prosecution without prejudice," under the reasoning  
16 courts are authorized to dismiss accusations and  
17 indictments rather than judgments of acquittal.

18           And because those are orders without prejudice, it  
19 does not bar the State from coming back and being able to  
20 file another accusation as long as it's before the  
21 expiration of the statute of limitations.

22           And then it goes on: For decades the law has been,  
23 and it appears to be the practice in courts, that courts  
24 have the authority to dismiss criminal cases without  
25 prejudice for want of prosecution.

1           And I think it would go to the issue at hand that the  
2 State was on notice in August of 2023 at your request for  
3 the case to be accused, and if it was not accused that  
4 could be a basis for dismissing the case without prejudice.

5           And that --

6           ATTORNEY KIRBY: Under the Court's authority.

7           THE COURT: Yes. And obviously the State has the  
8 right, and they have chosen to come back and then re-accuse  
9 or now indict the case, so your client's on notice that  
10 that dismissal is no longer there and the case goes  
11 forward.

12           That's really, I think, the -- I think that's the only  
13 part y'all play is having notice and aware of what the  
14 issues are, but I don't think it goes to the issue of  
15 whether or not --

16           I mean, I've just got to make the decision of whether  
17 there was a violation and if there's any other remedy.  
18 There probably wouldn't be.

19           MR. EPPS: And obviously, Judge, and for Mr. Kirby,  
20 because you can see in my motion I was asking that the case  
21 be re-accused, but that's moot now.

22           THE COURT: I agree.

23           MR. EPPS: So now it's just straight up is there a  
24 Marsy's Law violation as it relates to Ms. Pierce and, if  
25 so, that's it. That's all the Court does. There's nothing

1 left to be done to the Defendant.

2 THE COURT: I would agree with that. I mean, you're  
3 welcome to be a part of it. If you've had enough of your  
4 time today, you're free to leave, too.

5 ATTORNEY KIRBY: My -- and I'll just ask the Court  
6 this: My motion to participate is denied?

7 THE COURT: I think yes. It would be denied to the  
8 extent that you are not -- you are not required to be here  
9 and, therefore, if it's not a requirement I don't think you  
10 would have a right to participate.

11 ATTORNEY KIRBY: May I be excused then, Judge?

12 THE COURT: Yes, sir. You are free to leave. Thank  
13 you. It was good to see you.

14 Okay.

15 MR. EPPS: Mr. Penney, if you will raise -- please  
16 raise your right hand.

17 THE WITNESS: Sure.

18 (Witness sworn)

19 Whereupon,

20 GRAHAM PENNEY,  
21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. EPPS:

24 Q Mr. Penney, if you could just state your full name for  
25 the court record.

1 A Graham Penney, G-r-a-h-a-m P-e-n-n-e-y.

2 Q And are you licensed to practice law in the State of  
3 Georgia?

4 A I am.

5 Q And are you currently an Assistant District Attorney  
6 under Deborah Gonzalez?

7 A I am.

8 Q I should have said this --

9 MR. EPPS: You know what, Your Honor, forget the  
10 cross-examination. It's just a -- I'll just move forward  
11 to keep it going.

12 THE COURT: That's fine.

13 Q (BY MR. EPPS:) Mr. Penney, I know we haven't had an  
14 opportunity to meet. I was given the notes, the Tracker and all  
15 that information, and I was able to see some things in the  
16 transcripts. So I'm going to just take us back for a second.  
17 And there's some exhibits next to you --

18 A Okay.

19 Q -- and I'm going to show you one of them. This is V-1  
20 --

21 A Uh-huh (affirmative).

22 Q -- and this is the excerpt from the status conference  
23 -- status calendar on August 21st, 2023 --

24 A Okay.

25 Q -- and the excerpt from the arraignment on the

1 calendar, October 2nd, 2023. Have you seen this?

2 A I have not.

3 Q Okay. And as you can see, it says Mr. Penney appeared  
4 on 8/21/23 and Ms. Gonzalez appeared on 12[sic]/2/2023.

5 A Yep.

6 Q Would that be an accurate statement that on August  
7 21st, 2023, that you were the assigned attorney to the Oconee  
8 County docket that day that would have had Ms. Pierce's case as  
9 the victim?

10 A I do not recall if I appeared, but if it says I did  
11 there, then, yes, I probably did.

12 Q And then the whole thing is -- I'll just let you take  
13 a look at it and give you an opportunity to read it. There's  
14 nothing that's said by you in this excerpt.

15 (Brief pause in the proceedings)

16 A Okay.

17 Q Okay, so here's where my question goes, Mr. Penney.  
18 And you weren't in here when Judge Norris gave a good narrative  
19 of the CT cases.

20 A Uh-huh (affirmative).

21 Q How long have you been out here in Oconee County?

22 A I'm no longer out here in Oconee County. I think I  
23 left in either July or August?

24 Q And so you left in July -- so soon after I would  
25 assume this August -- because this is a late hearing date -- you

1 would have left the Oconee County office?

2 A Yes. I now handle all of Judge Haggard's cases, both  
3 in Oconee as well as Athens.

4 Q Okay. So you do come over just for when it's Judge  
5 Haggard's cases in Oconee County?

6 A Yeah. For example, tomorrow.

7 Q All right. So on this -- are you familiar with these  
8 CT cases?

9 A Yes.

10 Q And just so we know, it's cases that are brought up  
11 --

12 A Pre-accusation.

13 Q -- pre-accusation for Probate and Municipal in  
14 Watkinsville.

15 A Yeah.

16 Q So tell me, just so I can understand and Judge Norris  
17 understands, what you understand what the procedure is when a CT  
18 case hits your desk. For instance this one -- and we look back  
19 in Tracker -- the case hit the DA's office in April of 2023.

20 A Okay.

21 Q April 28th, 2023, it got up here.

22 A Uh-huh (affirmative).

23 Q So what do you all do when you get a CT case in April  
24 of 2023? What happens?

25 A Well, when I initially came out to Oconee, we received

1 a bunch of cases, several hundred from Probate Court. They were  
2 bound over, and I remember the Public Defender's office  
3 initially filed a bunch of motions to dismiss because they  
4 thought the statute of limitations had run out. However,  
5 there's case law saying that the citation serves as the charging  
6 document --

7 Q Uh-huh (affirmative).

8 A -- and you can actually just proceed on the citations.  
9 You don't actually have to accuse or indict it.

10 Q Sure.

11 A And so that's what I had previously done in other  
12 jurisdictions is, you know, just proceed on the citations  
13 instead of accusing all the cases.

14 Q Got it. And, so, my understanding -- again, you  
15 weren't here when Judge Norris said this -- is that they created  
16 these CT cases to bring them before the court to give the  
17 defense the opportunity to say, hey, we want to go under an  
18 accusation or we want to go on and do a citation. Is that  
19 right?

20 A That's what they have been doing, but I don't think  
21 that they have the authority to say, you know, we're forcing the  
22 State to accuse the case. But ...

23 Q That the defense doesn't?

24 A Yes.

25 Q And can you tell me why?



1           A     Because the citation is the charging document.

2           Q     I understand.

3           A     It's already been charged.

4           Q     I got it. So you view it that when the citation comes  
5 up to a court of record that the citation can serve as the  
6 accusation?

7           A     That's correct.

8           Q     But internally, just so I can understand it, y'all are  
9 not proceeding -- the DA's office is not proceeding in that  
10 course because Ms. Gonzalez has testified that now when the  
11 cases come up on CT case you evaluate whether or not it should  
12 be accused or dismissed.

13          A     I guess the judges have ordered us to accuse cases and  
14 so that's what we've been doing.

15          Q     Okay. All right. So we're there. So this scenario  
16 -- and Judge Norris has kind of given it -- August 21st, 2023,  
17 you're here, Mr. Kirby shows, and Judge Norris says are we  
18 proceeding under the citation or do we want it accused?

19                 Mr. Kirby says, I want it accused. Right? Have you  
20 followed me on the transcript?

21          A     Yes.

22          Q     Okay. Then what happens in your office once that  
23 happens?

24          A     I guess it got continued to the next court date and it  
25 was, I guess, supposed to be accused before then.

1 Q Do you have any knowledge whatsoever, Mr. Penney, as  
2 to why it was not accused?

3 A I do not. I looked through my emails and the only  
4 record I have is an email from Mr. Kirby on October 1st asking  
5 me about the case, and I said that I was not handling it.

6 Q But did you tell him who was handling it?

7 A Yes.

8 Q Mind if I -- sorry; I didn't see that one, so let me  
9 just take a look at it.

10 Okay. So when he wrote you on October 1st of 2023, he  
11 wanted to go over the case announcement with you, and you wrote  
12 back on Monday, October 2nd, the day that the court hearing was  
13 scheduled, at 8:43, that DA Gonzalez would be handling it. Is  
14 that right?

15 A Yeah.

16 Q How did you know that DA Gonzalez would be handling  
17 it?

18 A Because I guess I was probably handling all of Judge  
19 Haggard's court cases at that time and she was handling all of  
20 Judge Norris's.

21 Q And did she just tell you -- I'm just trying to say  
22 how did you come to the knowledge to send that email to Mr.  
23 Kirby?

24 A It's just I think that those were our assignments.

25 Q Okay.

1 A I was no longer permanently here in Oconee.

2 Q All right. So he emailed you on Sunday night and  
3 Monday --

4 A Uh-huh (affirmative).

5 Q -- was when you -- Monday you replied that morning to  
6 him.

7 A Uh-huh (affirmative).

8 Q Were you involved in the indictment at all?

9 A No.

10 Q Okay.

11 MR. EPPS: Your Honor, I don't have any further  
12 questions for Mr. Penney.

13 THE COURT: All right, sir. Thank you very much for  
14 your time.

15 THE WITNESS: Thank you. Do you want me to leave this  
16 transcript here?

17 MR. EPPS: Yes, sir, if you don't mind.

18 THE WITNESS: Sure.

19 (Victim's Exhibit 6 was marked for identification.)

20 MR. EPPS: I'll just tender this as V-6, Your Honor,  
21 for whatever it's worth.

22 THE COURT: All right. It's admitted.

23 MR. EPPS: Ms. Waller's going to handle the statement  
24 from Ms. Pierce, Judge Norris.

25 THE COURT: All right, Ms. Pierce.

1 MS. WALLER: Would you like her to take the stand,  
2 Judge, or --

3 THE COURT: I don't know. What --

4 MS. WALLER: -- or stay at the table?

5 THE COURT: What would y'all like to do?

6 MR. EPPS: Where do you feel more comfortable? Do you  
7 want to do it from here or would you want to go up to the  
8 stand?

9 THE COURT: Why don't we go ahead and just do the  
10 stand?

11 MR. EPPS: All right, all right.

12 MS. WALLER: Please raise your right hand.

13 (Witness sworn)

14 Whereupon,

15 ANSLEY PIERCE,

16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. WALLER:

19 Q Please state and spell your name for the court  
20 reporter.

21 A Ansley Pierce. A-n-s-l-e-y, Pierce, P-i-e-r-c-e.

22 Q And, Ms. Pierce, were you involved in a traffic crash  
23 in Oconee County on August 4th of 2022?

24 A A drunken hit and run, yes.

25 Q At the time of the crash, were you driving or still in

1 traffic?

2 A I was at a stop sign -- or stoplight.

3 Q Was the light red?

4 A Red light.

5 Q And the vehicle that crashed into you, was it  
6 approaching you from behind?

7 A Yes.

8 Q And what happened?

9 MS. GONZALEZ: Objection, Your Honor. Is this not  
10 about the Marsy's Law violation but not the underlying  
11 case?

12 MR. EPPS: She doesn't get to do that. So she would  
13 just be denied. But at the end of the day, it's just  
14 giving you a background as to -- at the end of the day,  
15 Judge, the Court needs to have a little bit of background  
16 as to why she made certain phone calls to Ms. Gonzalez's  
17 office, and what she was following up with, and her  
18 understanding of what happened.

19 THE COURT: All right. So, technically, Ms. Gonzalez  
20 doesn't have standing for -- again, just like the defense  
21 attorney can be present. Maybe a brief on what happened  
22 with the accident, and then we'll just move to the  
23 communication part.

24 MS. WALLER: May I have permission to lead?

25 THE COURT: Yes.

1 MS. WALLER: Thank you, Judge.

2 THE COURT: I think it's just a little bit easier that  
3 way.

4 MS. WALLER: Appreciate it, Judge.

5 THE COURT: All right.

6 Q (BY MS. WALLER:) So a vehicle crashed into the back  
7 of your car and pushed you into the intersection of Highway 316  
8 and the Oconee Connector?

9 A Thirty-four yards into oncoming traffic, yes.

10 Q And there was traffic coming at your vehicle?

11 A Yes.

12 Q And you believed that the person who crashed into you  
13 was going to try to stop traffic; correct?

14 A What do you mean, going to stop traffic?

15 Q He pulled around you --

16 A Oh, yes. I thought he was going to pull up to the  
17 left side of my car, as he did, and I thought he was going to  
18 block the oncoming traffic that was coming. But that wasn't the  
19 case, as he kept on driving and they found his car a quarter  
20 mile on 316.

21 Q So you were alone after the crash in the middle of the  
22 road.

23 A Getting honked at to move, because I was blocking one  
24 of the three lanes.

25 Q And you had contact with police officers that night?

1           A     Uh-huh (affirmative).

2           Q     And you gave correct information, your phone number,  
3 address?

4           A     Yeah.

5           Q     And did you have contact from any prosecutors or did  
6 you have any knowledge that he was arrested --

7           A     Yes.

8           Q     -- as a result of that crash?

9           A     Because I looked it up.

10          Q     Where did you look it up?

11          A     On the -- I can't remember what web site -- what web  
12 site it was. But I saw that he was arrested, and I knew he was  
13 caught 40 minutes after they found his car abandoned on the side  
14 of the road with an open container inside it.

15          Q     And eventually were you contacted by the District  
16 Attorney's office?

17          A     A year later.

18          Q     Prior to being contacted by the District Attorney's  
19 office, did you contact a law enforcement agency?

20          A     Yes.

21          Q     What questions did you have for the law enforcement  
22 agency?

23          A     I wanted to know if anything had happened because I  
24 knew his bail -- he got out just by paying \$200, which was a  
25 slap on the wrist in my opinion. And I wanted to know what his

1 BAC was.

2 Q And were they able to answer that question for you?

3 A No. They told me usually it takes six months to get  
4 results back.

5 Q So do you remember about when you were contacted by  
6 the District Attorney's office?

7 A It was August 17th, 2023. So a year and 13 days after  
8 the accident.

9 Q Did you ask similar questions to the person who  
10 contacted you about his blood alcohol level?

11 A I had asked them about the blood alcohol level when  
12 they had called, just because at that point that was a year.  
13 They should have had results in. And I was just told that they  
14 would look into it and see what information they could give me.

15 Q And in that conversation with the representative from  
16 the District Attorney's office, was the person able to answer  
17 that question?

18 A No.

19 Q Did they tell you they were going to seek that  
20 information and call you back with it?

21 A Yes.

22 Q Have you ever been given that information?

23 A No.

24 Q During the phone call with the District Attorney's  
25 office, did they ask for your input with regard to the outcome



1 if the person were to enter a guilty plea?

2 A No.

3 Q Did they ask you about whether or not you needed  
4 restitution in the case?

5 A Yes.

6 Q And what do you recall about that?

7 A They -- when it came to the restitution, I told them I  
8 had the rental car and they asked if there was any amount that  
9 was needed to be paid overage. And at that point it was just a  
10 couple hundred bucks, but other than that ...

11 I asked about loss of wages from work because I'm a  
12 Realtor. When you're not working, there is no income. There  
13 was no restitution for that, though.

14 Q And what did they tell you was happening in the case?

15 A I was told he was going to be going to court and he  
16 was going to be accused or he would be pleading.

17 Q And did anyone call you after the court date happened?

18 A No.

19 Q Were you told the date of court in case you wanted to  
20 appear?

21 A I was told that court was going to be on a Monday --

22 Q Uh-huh (affirmative).

23 A -- but I wasn't told I could be there to witness  
24 anything.

25 Q After that phone call, were you contacted again by the

1 District Attorney's office?

2 A Not until I had a voice mail on October 26th.

3 Q Did you get a phone call in October about a second  
4 date?

5 A I just had a voice mail from the 26th, and the voice  
6 mail had mentioned that they called me on the 16th but there's  
7 no record of them calling me.

8 Q But you remember they contacted you in August --

9 A Uh-huh (affirmative).

10 Q -- right?

11 A Yep.

12 Q And told you that court was going to happen. Did they  
13 contact you at the end of September as well?

14 A Yes.

15 Q That's what I was trying to talk about.

16 A Yes. They said that there was going to be -- it was  
17 the end of September and they said they were going to be going  
18 to court that following Monday.

19 Q Did anyone tell you there was a possibility the case  
20 might be dismissed?

21 A No.

22 Q Did anyone ask you on that second occasion your  
23 opinion about what punishment the person who ran into you should  
24 receive?

25 A No.

1 Q Did you again on that date ask for the information  
2 regarding his blood alcohol level?

3 A Yes.

4 Q What were you told on that second occasion?

5 A Same thing. They didn't have any -- they didn't have  
6 it.

7 Q Okay. And did they tell you that they would call you  
8 back with that information?

9 A Yes. For a second time.

10 Q And did anyone ever do that?

11 A No.

12 Q Did you learn -- how did you learn that the case was  
13 indicted?

14 A I didn't know -- I was -- I didn't know it was  
15 indicted until I believe I was called and told it was indicted?

16 Q By our office?

17 A Yes.

18 Q And so after the end of September, when they told you  
19 it would either be accused --

20 A Uh-huh (affirmative).

21 Q -- or he would enter a guilty plea --

22 A Uh-huh (affirmative).

23 Q -- no one from the District Attorney's office  
24 contacted you. You haven't spoken to anyone from the District  
25 Attorney's office.

1           A     About it being dismissed, no.

2           Q     Did you have the opportunity to review your call  
3 history?

4           A     Except for when I had the voice mail on October 26th.

5           Q     Did you have a voice mail from October 16th?

6           A     Nope.

7           Q     And when did you discover that you had a voice mail  
8 from October 26th?

9           A     When I was looking in the car this morning.

10          Q     Okay.

11          A     Because I get -- as a Realtor, I get about 20 calls a  
12 day, and I answer my phone religiously if I can. Unless it's --  
13 if I'm with someone else or whatever it may be. But there was  
14 no call on the 16th, or prior to that on the 5th, on the 2nd,  
15 nothing about the case whatsoever being dismissed.

16                 I was only told when they called me at the end of  
17 September that they were going to be going to court on that  
18 Monday, and he was either going to plead or be accused. And I  
19 said, well, what happens if he, you know, pleads guilty? She  
20 said he would be sentenced. It could be one to three months; it  
21 could be six to 12 months. But never once was I told there was  
22 any kind of possibility of him just walking away. Free man.

23          Q     Is there anything else that you want the Court to  
24 consider?

25          A     The fact that had the accident happened ten seconds

1 later I would not be here to have this conversation. Because  
2 imagine you're the only ones on the road between 316 and Oconee,  
3 which is a busy road no matter the time of the day. This is  
4 10:50 at night. Smacks my car 30 to 40 feet -- or 30 to 40  
5 yards into oncoming traffic, and you see the cars coming at you.  
6 Nothing you can do. They are honking at you to move out of the  
7 way, but you can't; your car is stuck.

8 And you see him come around and you think he's just  
9 going to stop his car and block everything from hitting you.  
10 But, no, he just keeps on going.

11 It was petrifying to just -- I mean, I'm shaking even  
12 thinking about it. Even literally just ten seconds later those  
13 cars would not have had time to stop or maneuver around my car  
14 like they were at that moment.

15 Thankfully I wasn't T-boned and it wasn't worse, and I  
16 didn't have my dogs or anyone else in the car with me except for  
17 myself. But it could have been much, much worse.

18 And so I think, for me, it's extremely infuriating  
19 that it was just done; it was just dismissed. And then he did  
20 it again in March. A slap on the wrist. What -- I mean,  
21 there's nothing that's going to stop him if it's just a slap on  
22 the wrist.

23 Q Thank you.

24 THE COURT: All right. Thank you, Ms. Pierce.

25 All right. Any other witnesses?

1 MR. EPPS: May I see that email? That -- Judge?

2 THE COURT: Which one?

3 MR. EPPS: That one -- the V-6. Can I see that for a  
4 second? That stack.

5 THE COURT: Oh, that one.

6 MR. EPPS: V-5. Sorry.

7 THE COURT: All right. Let me make sure I got  
8 everything ...

9 (Brief pause in the proceedings)

10 MR. EPPS: Judge, he was in the courtroom.

11 THE COURT: Pardon?

12 MR. EPPS: He was in the courtroom, but I don't have  
13 him under subpoena.

14 THE COURT: Oh.

15 MR. EPPS: Mr. Josh Neal. I'm assuming -- his stuff's  
16 here; he's probably somewhere still in the building. I'd  
17 like to call him as a witness since he was invoked by Ms.  
18 Gonzalez as to why exactly this wasn't accused. If he's  
19 here; he's an officer of -- well, I shouldn't say he's an  
20 officer of the Court. He's an intern. His stuff's still  
21 here. I'm not sure why he's not here.

22 He's here? Oh, he's right here. So I call Mr. Neal  
23 to the stand. It's for the limited purpose as to know what  
24 she said. There was an oversight, why it wasn't accused.  
25 I just want to know. Because in her response, she threw

1 the Court under the bus. And I want to know why.

2 THE COURT: All right, Mr. Neal, come on up.

3 MR. EPPS: Mr. Neal, if you'll raise your right hand.

4 (Witness sworn)

5 Whereupon,

6 JOSHUA NEAL,

7 having been first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. EPPS:

10 Q State your full name and spell your last name for the  
11 record.

12 A Joshua Neal, N-e-a-l.

13 Q Mr. Neal, I know that I didn't invoke the rule with  
14 you because I didn't know that you were going to be a witness.  
15 But I assume that you sat in here while Ms. Gonzalez testified?

16 A Yes, sir.

17 Q You understand she threw you under the bus and said  
18 that you didn't do the accusation?

19 THE COURT: Well, let's don't do that.

20 MS. GONZALEZ: That's not fair, Your Honor.

21 MR. EPPS: I'll strike that; I'm sorry.

22 THE COURT: All right --

23 MS. GONZALEZ: That was not fair.

24 THE COURT: Okay. All right.

25 MR. EPPS: I'll strike that.

1 THE COURT: All right, hold on, hold on. So let me  
2 just say, Mr. Neal will be entering the bar in the near  
3 future, and so I --

4 MR. EPPS: I'll give him -- I shouldn't have done  
5 that. I'll strike that and I apologize to Mr. Neal. That  
6 was not directed at you. That was directed at testimony  
7 that didn't line up for me. So let me ask you the  
8 question, Mr. Neal.

9 Q (BY MR. EPPS:) You're studying for the bar; is that  
10 right?

11 A Yes, sir.

12 Q And so you're not barred yet in the state of Georgia,  
13 but your plan is to do that.

14 A Yes, sir.

15 Q And you're working under the title of intern right  
16 now.

17 A Apprentice.

18 Q Apprentice; I'm sorry. So was there a time in which  
19 you were working -- did you take the bar in the summer?

20 A I did. In July.

21 Q So was there a time that you were operating as an  
22 attorney until you got bar results?

23 A Yes, under supervision.

24 Q All right. So you were handling accusations; is that  
25 right?



1           A     Yes, sir.

2           Q     All right.  And I'm just stating what Ms. Gonzalez  
3 said.  Were you, as it relates to this case, responsible for  
4 drafting the accusation from the August hearing until the  
5 October hearing?

6           A     The August hearing, it was, I believe, on my fifth day  
7 of work.  I don't -- of my fifth day in the office.

8           Q     Yes.

9           A     And then I was given that CT calendar after that date  
10 to accuse cases on that calendar.

11          Q     All right.  And did you accuse cases on that calendar?

12          A     I drafted most of the accusations on that calendar.

13          Q     Do you know why the accusation was not drafted in this  
14 case?

15          A     I know there were some issues with a police report and  
16 some questions I had about it, given I was unaware of a lot of  
17 the processes.  So I had asked some questions, and I guess I --  
18 and then by the time that court rolled around I was unaware of  
19 it not being officially accused.  And then going from there, I  
20 didn't know the repercussions from that fully.  Obviously, I  
21 understand that things need to be accused, but ...

22          Q     So what I understood Ms. Gonzalez to say is that there  
23 was a draft of the accusation in Tracker.  Do you understand  
24 that?

25          A     Yes, sir.

1 Q So on October 2nd, when this case came back up in  
2 front of Judge Norris and he said I'm getting ready for it to be  
3 dismissed for want of prosecution, inside the DA's computer and  
4 in the system was a draft of an accusation.

5 A I believe so and I'm not sure if that accusation was  
6 cohesive. I know that sometimes when I start drafting  
7 accusations that I'll get parts of it that I can't understand  
8 how to do it and then I'll ask questions and then fill in the  
9 gaps.

10 Q Okay.

11 A So I'm not sure if it was a complete accusation or  
12 not, but I do -- I'm sure that there was one there.

13 Q I got educated about this by PAC, that Tracker  
14 generates accusations; is that right?

15 A Yeah, the base format.

16 Q Put the name in, select the charges, it creates it in  
17 a document folder, and that's how they create that.

18 A Yeah, and then the attorney's initially tasked with  
19 drafting the language that goes into the templates.

20 Q And that was your job at this point.

21 A Yes, sir.

22 Q So up until October 2nd you were not aware that an  
23 accusation had not been put into the file?

24 A No.

25 Q And, now, Ms. Gonzalez said that y'all had a big

1 meeting about this. And were you a part of that meeting?

2 A Prior to October 2nd?

3 Q No. After the Marsy's Law violation was filed.

4 A Yes.

5 Q Were you in to that meeting?

6 A Yes.

7 Q What was that meeting about?

8 A Just what happened with the accusation not being  
9 filed.

10 Q Who was in that meeting?

11 A I believe like it was said, it was me, Heather, Ms.  
12 Gonzalez, and Ms. Redd, I believe.

13 Q Okay.

14 A And maybe Mr. Horton; I'm sorry.

15 Q And was that meeting to address what happened in the  
16 Marsy's -- what was being stated in the Marsy's Law motion? Or  
17 was that meeting to figure out why the case wasn't accused?

18 A I may have it mixed up with which meeting you're  
19 talking about. I'm sorry.

20 Q Sure, let me see if I can help you with it. Marsy's  
21 Law violation, the motion's filed on October 5th.

22 A Yes.

23 Q Ms. Gonzalez reaches out to PAC, learns that they can  
24 re-accuse or indict it.

25 A Yes.

1 Q And was there a meeting after October 5th?

2 A I'm not aware of one that I -- if there was one, I  
3 can't recall it.

4 Q So do you recall at all this meeting that Ms. Gonzalez  
5 talked about, was it after October 2nd but before the Marsy's  
6 Law violation occurred?

7 A Yes, I believe so. That we were told to -- or we were  
8 trying to figure out what had happened with that case. If  
9 that's what you're asking.

10 Q Yes, sir, that's exactly what I was asking. At any  
11 point during that meeting was the victim discussed and  
12 notification about that debt to the victim?

13 A Yes.

14 Q And what was discussed about the victim and notifying  
15 the victim?

16 A I believe that Ms. Gonzalez had asked the victim's  
17 advocate to call the victim.

18 Q And you now know that never happened.

19 A Yes.

20 Q So, Ms. Gonzalez, in that meeting, after the dismissal  
21 happened and before the Marsy's Law violation was filed, knew  
22 that the victim advocate was to contact the victim and told that  
23 victim advocate to do that; is that right?

24 A As far as I'm aware.

25 Q Who was that victim advocate that was instructed to do

1 that?

2 A I believe it was Heather Moore.

3 MR. EPPS: That's all the questions I have, Judge.

4 THE COURT: All right. And let me just put on the  
5 record, Mr. Neal has finished law school and there's a lot  
6 of years of practice before you get to the point where you  
7 understand all that. So being new is not a bad thing;  
8 okay? You've gone before this court and other courts and  
9 you've done a good job, so I just want you to know that for  
10 the record.

11 MR. EPPS: And let it be stated, Mr. Neal, that nobody  
12 from this side of the table, not a single person from this  
13 side of the table is blaming you for anything as it relates  
14 to this. I want you to know that, Mr. Neal. And best of  
15 luck with the bar results.

16 THE COURT: All right. Thank you. Any other  
17 witnesses?

18 MR. EPPS: Yes, I would like to call as my last  
19 witness, Judge, and I'll make this very brief -- sorry --

20 THE COURT: That's okay.

21 MR. EPPS: -- Heather Moore.

22 THE COURT: All right. Let's have Heather Moore come  
23 in, please.

24 MR. EPPS: Heather, if you'll raise your right hand.

25 (Witness sworn)

1           Whereupon,

2                                 HEATHER MOORE,

3           having been first duly sworn, testified as follows:

4                                 DIRECT EXAMINATION

5           BY MR. EPPS:

6           Q     You may be seated. Heather, I've known you for a long  
7     time.

8           A     Yeah.

9           Q     Is it okay for me just to call you Heather?

10          A     Yes.

11          Q     You've got a folder. Was that in response to the  
12     subpoena that I sent?

13          A     I've got a what?

14          Q     You've got a folder. Is that in response to the  
15     subpoena?

16          A     Yes.

17          Q     Can I just see that?

18          A     Yes.

19          Q     Thank you. And I'm assuming that's just --

20                 MS. GONZALEZ: There were copies already given --

21          A     It's the stuff I gave you --

22          Q     (BY MR. EPPS:) Then I'm --

23                 MS. GONZALEZ: -- earlier.

24          A     Yeah. I just made two copies in case I needed to look  
25     at it.

1 Q (BY MR. EPPS:) Then I'm good to go.

2 THE COURT: Okay. All right. If he's got the  
3 documents, we're good to go.

4 MR. EPPS: We're good to go.

5 Q (BY MR. EPPS:) Thank you, Heather.

6 A Uh-huh (affirmative).

7 Q Heather, you're still working out here in the Oconee  
8 County office?

9 A Yes.

10 Q And I guess I've known this through both two  
11 administrations now that you wear a tremendous amount of hats  
12 out here.

13 A Yes.

14 Q But do you serve both kind of as a paralegal, legal  
15 assistant, and victim advocate still, or is more just victim  
16 advocacy work?

17 A Victim advocate.

18 Q Okay.

19 A And more like the phone and stuff; so, like, you know,  
20 front desk.

21 Q Okay. You're familiar with Ms. Pierce as the victim  
22 in this case?

23 A Ansley?

24 Q Ansley, yes.

25 A Not face to face, but yes.

1 Q But you're aware of the victim's name --

2 A Yes, talked to her on the phone.

3 Q -- and you've left a voice mail and you've talked to  
4 her on the phone.

5 A Uh-huh (affirmative). Yes.

6 Q Just so that we can kind of put this together --

7 THE COURT: Do you need some water?

8 THE WITNESS: Yes, please.

9 THE COURT: Okay.

10 MR. EPPS: I'll get you some.

11 THE COURT: I've got it.

12 MR. EPPS: You got it.

13 THE COURT: Judge's water's good.

14 MR. EPPS: It's the best water.

15 THE WITNESS: Thank you.

16 THE COURT: There you go; thanks.

17 Q (BY MR. EPPS:) So you would have been the individual  
18 from the DA's office that would have contacted Ms. Pierce in  
19 August of 2022 and September of 2022.

20 THE COURT: Twenty-three.

21 Q (BY MR. EPPS:) 2023.

22 A I was going to say, 2022's wrong.

23 Q Sorry, I got the dates wrong. All right, so here we  
24 go. So, I'll give you the dates. August 17th, 2023 --

25 A Yes.



1 Q -- you were the one that spoke to her, because these  
2 are all indicated in the notes --

3 MR. EPPS: And, Judge, I'll just tender this so you  
4 can have this when it's done, but I just have this copy.

5 Q August 21st of 2023 you reached out to her?

6 A Uh-huh (affirmative).

7 Q And then --

8 A Yes.

9 Q -- so based on Tracker, what I see is, is that the  
10 case came up from the Probate Court and became a CT case April  
11 28th of 2023. Is that what you have indicated in it?

12 A The April date, don't quote me on that. But, yes, it  
13 came up from Probate Court. I don't remember the date, but yes.

14 Q That's okay. And so as part of y'all's procedure, you  
15 open up a file?

16 A Yes.

17 Q Is that right?

18 A Uh-huh (affirmative).

19 Q And then the CT calendar hits and the calendar date's  
20 set.

21 A Correct.

22 Q And the first calendar would have been in August; is  
23 that right?

24 A Yes.

25 Q So you actually attended court on August 21st, 2023,

1 for this case?

2 A Yes. Because she was not there.

3 Q And were you aware, Heather, at that point that Judge  
4 Norris as part of the CT structure said that the case needs to  
5 be accused?

6 A My --

7 THE COURT: I think the more accurate part would be is  
8 that the attorneys have asked for the accusations.

9 MR. EPPS: Yeah, I'm sorry, Judge Norris, strike it.

10 A Yeah, the defense attorneys ask --

11 Q (BY MR. EPPS:) If the defense attorney asks Judge  
12 Norris when he requests whether or not you want to proceed under  
13 the citation or accused, would you -- I know as victim advocate,  
14 sometimes you sit in the back and you take notes and that sort  
15 of thing.

16 A Yes.

17 Q You wrote attend court on victim's behalf?

18 A Yes.

19 Q And that's so that you could update the victim on  
20 anything that happened in court; right?

21 A Yes.

22 Q And so you would have known then that Mr. Kirby  
23 requested that an accusation be filed. Would you have known  
24 that?

25 A Yes. I mean, I don't remember -- yes.

1 Q Would you have noted anything in the file about that  
2 or put anything in Tracker?

3 A Sometimes, sometimes not, because that's not my  
4 responsibility to do that --

5 Q I understand.

6 A -- but sometimes I do to help, you know, remember.

7 Q Now, Ansley's already testified, and I think this  
8 lines up with what you said in Tracker. On 9/28/2023, you  
9 contacted Ansley and notified her about the status of the case,  
10 about October 2nd coming up.

11 A Yes.

12 Q Is that right?

13 A Yes.

14 Q And based on your notes, what you told her is that the  
15 case may be accused, and they do an arraignment, confirmed  
16 restitution, \$150, and if it covers if \$570 for rental out-of-  
17 pocket, asked to call with the results -- she asked to call with  
18 the results -- and explain -- and you explained the process.

19 Those are your notes that you put in there?

20 A Yes. It's, like, my shorthand, yeah.

21 Q And, you know what, Heather, that's all I've got to  
22 ask you. There's nothing more to ask you, Heather. Thank you.

23 A Okay.

24  
25 THE COURT: All right. Thank you so much.

1 MR. EPPS: Judge, can I borrow your pen for a second?

2 THE COURT: Yeah.

3 MR. EPPS: I'm going to make this V-7.

4 (Victim's Exhibit 7 was marked for identification.)

5 THE WITNESS: May I leave?

6 THE COURT: Yeah. You're good; yeah.

7 MR. EPPS: You're excused, Heather. And, Judge, I  
8 will release Megan from the subpoena also.

9 THE COURT: Okay. They're released. Any other  
10 evidence?

11 MR. EPPS: No, Your Honor. That's all the evidence  
12 that we have.

13 THE COURT: All right.

14 MR. EPPS: I guess you just want to hear what I've got  
15 to say or --?

16 THE COURT: You know, I mean, if there's something  
17 more that you think I need to know that I haven't gleaned  
18 from the evidence, today, I mean, I'll be glad to give you  
19 that opportunity.

20 CLOSING ARGUMENT

21 MR. EPPS: The evidence is the evidence, Judge. And I  
22 don't think that there's any doubt at this point that there  
23 have been Marsy's Law violations from the evidence. The  
24 question is what do you want to travel under; what part of  
25 Marsy's Law do you want to travel under.

1 I think there are various provisions of Marsy's Law  
2 that you can travel under. 17-17-11, The Right of Victim  
3 to Express an Opinion on Disposition of Accused Case: The  
4 prosecuting attorney shall offer the victim the opportunity  
5 to express the victim's opinion on the disposition of an  
6 accused case, including the views of the victim regarding  
7 the plea, sentence negotiation, and participation pretrial,  
8 post-conviction, and shall not limit any right created  
9 pursuant to law.

10 And here, Judge, I brought enough copies for everybody  
11 of this.

12 THE COURT: Okay.

13 MR. EPPS: So, you know, it was not lost upon me,  
14 Judge Norris, as to when you opened up the case and you  
15 said, look, hey, this is what happened that day and, you  
16 know, this is how it all went down. And, of course, we're  
17 not asserting anything, Judge Norris, that you did anything  
18 improper violating Marsy's Law.

19 The point is, and I think it was very telling about  
20 with Heather at the end of all of this, is what Ms. Pierce  
21 was told the few days before, on October 2nd, was this:  
22 May be accused, here's your plea, here's what the sentence  
23 looks like, and this is the restitution as it associates  
24 with that.

25 And if you just take to the basics of Marsy's Law to

1 what it was intended for under 17-17-1, the right to  
2 reasonable, accurate, and timely notice of any scheduled  
3 court proceedings or any changes to the proceedings, well,  
4 she certainly wasn't given accurate information of what was  
5 going to happen on Monday.

6 In fact, Heather, in her notes, show -- and it's  
7 unrefuted -- that she told that it was going to be accused  
8 or he's going to plea. And she was not given accurate  
9 information of what Monday was going to happen, that there  
10 wasn't an accusation and that did not occur.

11 You also have the issue of the right to be heard of  
12 any scheduled court proceedings involving the release,  
13 plea, or sentencing of the accused. That's part of it.

14 You know, I did something for you that I had to go  
15 back and say -- because you did it, I think, in the last  
16 Marsy's Law. I had to go to *Black's Law Dictionary* to  
17 say, well, what does release mean?

18 And what it means under *Black's Law Dictionary* is  
19 release of any restraint. So, if you're going to dismiss  
20 it, then they're released of anything that the Court can do  
21 to them.

22 And then, you know, you've got the catch-all, the  
23 right to be treated fairly, with dignity by all criminal  
24 justice agencies involved. If you go to the definition of  
25 criminal agencies involved, it involves the prosecutor's

1 office.

2 While Ms. Gonzalez did not want to openly admit to it,  
3 if you take a look at the response and you take a look at  
4 what they said and you take a look at the proceeding and  
5 how this went down, Judge Norris, they never informed her,  
6 they never told her that it was dismissed.

7 They didn't -- they -- she was proceeding and cooking  
8 right along under this. And, you know, I know that from  
9 this standpoint, it's a little bit of a different hearing,  
10 but I think it's important for you just to know this.

11 Sorry. I took my folders and moved them around.

12 When she dismissed this DUI, in March he did the same  
13 thing in Athens-Clarke County. So high and aggravated,  
14 second in five in all of this, and that was in Tracker.

15 And so, you know, Judge, this is not, you know, the  
16 sex crime cases that we see that I've asserted these  
17 Marsy's Laws. But I think you would agree and I would  
18 agree and I hope Ms. Gonzalez's office agrees that no  
19 matter what the crime is, that the victim is extremely  
20 important in the process. And each one has the right to be  
21 treated with dignity, be informed, and told what's going on  
22 in their case.

23 And it would be a different case with this guy if that  
24 hit happened ten seconds before and the tractor-trailer  
25 killed her on 316. By the grace of God, she's here today.

1 But she stands for herself as a victim and all victims.

2 As I've heard Ms. Gonzalez say I've got a lot going  
3 on, I've got a lot of other victims, I've got this going  
4 on. I'm sorry. That's the job she signed up and she was  
5 elected to do. That's what she's supposed to do.

6 But every one of them counts. Every one of them. And  
7 to sit here and tell you that she was willing and ready and  
8 able to prosecute the case and they always were ready to do  
9 it, and she can't even tell you how he was caught and where  
10 the accident happened. I bet you could ask anybody in this  
11 courtroom: Where did the accident happen? 316. I said  
12 it. 316. She couldn't even tell you those basic facts,  
13 which tells you a lot.

14 When she stepped up in front of you that day, she  
15 hadn't reviewed the file, she didn't know there was an  
16 accusation. There was an accusation sitting in that  
17 computer, and she didn't have the basic knowledge to tell  
18 you, hey Judge Norris, hold up. Let me go file this  
19 accusation real fast, get it printed, and bring it in here,  
20 and sign it and deal with it. She just admitted she  
21 doesn't know that.

22 So where does that put you? If you don't have a basic  
23 understanding of procedure in law, how in the world can you  
24 represent victims? How in the world can you make sure  
25 Marsy's Law is not violated? You can't. It's 101.



1 Misdemeanor Accusation 101.

2 And I asked her: Have you ever asked Judge Norris for  
3 a break in a case and he didn't give it to you? No. And  
4 that transcript tells you. And I'm offended. I've known  
5 you, I've known this Court, I've known this circuit for a  
6 long time. And when I got that response -- and I'm sorry I  
7 did it up here, but I will say it right here. That  
8 response attempted to throw you and this Court and these  
9 clerks and this deputy and the deputy clerk and everybody  
10 else instead of -- when she points her finger at somebody,  
11 she's got three pointed right back at her. It was her that  
12 did it that day.

13 Her. Not you. Her. And if she didn't understand the  
14 law, ignorance, as you well know, is no defense.

15 I ask you to do this. And I'll submit the order for  
16 you. I'm going to withdraw, obviously, asking for her to  
17 be recused; right? I think it's great that she said that  
18 it's in the discretion of the Court to recuse her. And I  
19 want you to exercise that. She has no business prosecuting  
20 this case. Zero.

21 How could you stand here, on the day in which you were  
22 supposed to be the representative of the victim at a  
23 Marsy's Law, and not even be able to tell the victim to her  
24 face that she knows the case? Recuse. Do that.

25 Find the Marsy's Law violation, Judge. And if you'll

1 let me, I'll submit the order to this.

2 THE COURT: You can always submit a proposed order,  
3 and then I'll -- if you put it in a Word document and then  
4 I'll --

5 MR. EPPS: I will.

6 THE COURT: I'm not going to make a ruling today. I'm  
7 just going to go back, review the notes, and look at the  
8 evidence.

9 MR. EPPS: And I just want to say this. Because I --  
10 and I end on this. I end on this. I'm tired of being told  
11 that this is political. Because you've said it from the  
12 bench, and I'll say it too: This has nothing to do with  
13 politics. This has everything to do with this young lady  
14 right here that could have been killed and not going home  
15 to her family. That's why.

16 Thank you, Judge.

17 THE COURT: All right. Thank you very much. That  
18 will conclude the hearing, and I'll get you a ruling as  
19 soon as I can.

20 MR. EPPS: Thank you, Judge.

21 THE COURT: All right. Thank you all.

22 (The proceedings were concluded at 3:35 p.m.)  
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OCT 09, 2023 03:26 PM

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

*Angela Elder Johnson*  
Angela Elder-Johnson, Clerk  
Oconee County, Georgia

STATE OF GEORGIA )  
 )  
vs. ) Case No. 2023-SU-CT-125  
 )  
CARLOS ALBERTO MEJIA, )  
 )  
Defendant. )

**EXCERPT FROM STATUS CALENDAR/AUGUST 21, 2023**  
**EXCERPT FROM ARRAIGNMENT CALENDAR/OCTOBER 2, 2023**  
BEFORE THE HONORABLE ERIC W. NORRIS  
WESTERN JUDICIAL CIRCUIT  
OCONEE COUNTY COURTHOUSE, WATKINSVILLE, GEORGIA

APPEARANCE OF COUNSEL:

ON BEHALF OF THE STATE:

Ms. Deborah Gonzalez\*  
Mr. Graham Penney\*  
Western Judicial Circuit District Attorney's Office  
325 East Washington Street  
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(706) 613-3240

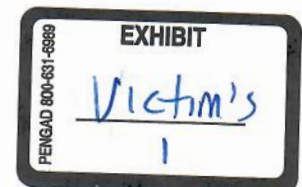
ON BEHALF OF THE DEFENDANT:

Mr. Dustin Kirby  
P.O. Box 1026  
Athens, Georgia 30603  
(706) 540-5480

**\*Mr. Penney appeared on 8/21/23**

**\*Ms. Gonzalez appeared on 10/2/23**

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1 **Proceedings of August 21, 2023, commencing at 10:31 a.m.**

2 THE COURT: Mr. Kirby, what have you got?

3 MR. KIRBY: Good morning, Judge. Same announcement on  
4 Mr. Mejia, Carlos Mejia.

5 THE COURT: All right. Do you wish to go on  
6 accusation or citation?

7 MR. KIRBY: Accusation.

8 THE COURT: All right; accusation. October 2nd  
9 arraignment; November 27th trial week pending.

10 Is he in custody or out of custody?

11 MR. KIRBY: He's here.

12 THE COURT: All right.

13 MR. KIRBY: Judge, that concludes my business. May I  
14 be excused?

15 THE COURT: Yes, sir.

16 MR. KIRBY: Thank you.

17 THE COURT: Thank you.

18 (The proceedings were concluded at 10:32 a.m.)

19 **Proceedings of October 2, 2023, commencing at 9:29 a.m.**

20 MS. GONZALEZ: The next case is State of Georgia  
21 versus Carlos Alberto Mejia.

22 THE COURT: Is Mr. Kirby -- let's see. Have you  
23 talked to Mr. Kirby recently?

24 MS. GONZALEZ: Apparently, Your Honor, he's in Athens.  
25 So we have here an email from Dustin Kirby. He's scheduled

1 to be in Judge Lott's courtroom for her trial calendar in  
2 Athens, and then he'll be heading here after that.

3 THE COURT: Okay.

4 MS. GONZALEZ: He did send this to Migdai, but it was  
5 sent yesterday.

6 THE COURT: She probably wasn't in the office, I  
7 doubt.

8 All right, Mr. Mejia, if you'll just hang tight we'll  
9 see if Mr. Kirby's able to be here today. I've got an  
10 afternoon calendar so I'll be around.

11 And if you want to reach out to his office and find  
12 out if you think he's going to arrive sooner or later or  
13 whatever, that might help us decide what we do with your  
14 time today; okay?

15 THE DEFENDANT: Yes, sir.

16 (The proceedings were suspended at 9:31 a.m. and  
17 resumed at 9:49 a.m.)

18 THE COURT: Mr. Kirby's here.

19 Your client was in here a few minutes ago.

20 (Brief pause in the proceedings)

21 THE COURT: So, Mr. Kirby, is Mr. Mejia -- did he just  
22 step out or --?

23 MR. KIRBY: He was under the impression that he was --  
24 that you had told him to leave. I can get him back here.

25 THE COURT: Yeah, I think I told him to hang tight and



1 we'd just wait and see.

2 MR. KIRBY: Okay.

3 THE COURT: It wasn't too long ago. It was maybe ten  
4 minutes ago. See if you can put out a wide net.

5 MR. KIRBY: Do we have an interpreter?

6 THE COURT: No, sir. We didn't know if he needed one  
7 or not. Unless you're doing a plea it would just be an  
8 entry of a not guilty.

9 MR. KIRBY: Let me just talk to him. I might be able  
10 to just sign for him --

11 THE COURT: Okay.

12 MR. KIRBY: -- and it would be the same as a waiver.

13 THE COURT: All right. Let's just see what you find  
14 out.

15 (The proceedings were suspended at 9:52 a.m. and  
16 resumed at 9:58 a.m.)

17 MR. KIRBY: And, Judge, if I could just address Mr.  
18 Mejia's case. I have spoken with him. There was a  
19 misunderstanding. Obviously it would be me explaining to  
20 him everything anyway. So I have spoken with him; he has  
21 given me permission to sign on his behalf or I can just  
22 sign it. Maybe it would be effectively the same as a  
23 waiver if we can enter that not guilty plea.

24 THE COURT: Any objection?

25 MS. GONZALES: No objection, Your Honor.

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THE COURT: All right. Let's have Mr. Kirby --  
(Deputy Clerk of Court conferring with the Court.)

THE COURT: Oh, he doesn't have an accusation?

DEPUTY CLERK OF COURT: No.

THE COURT: Okay. So, actually -- are you asking for  
an accusation on this case?

MR. KIRBY: Yes, sir. And we asked for that before,  
and this would be the second time that Mr. Mejia has shown  
up here.

THE COURT: Ah, okay. All right. Do y'all have a  
nolle pros? Can I get a blank nolle pros?

If you'll do me a favor. If you'll fill it out in the  
front part here.

When was our last court date?

DEPUTY CLERK OF COURT: The 21st, August 21st.

THE COURT: If you'll just write in there Counts 1  
through 4 are being dismissed.

MS. GONZALEZ: Your Honor, we note that an accusation  
was completed on August 21st.

THE COURT: We don't have an accusation. August 21st  
was the original CT date; is that correct?

DEPUTY CLERK OF COURT: (Nods head affirmatively.)

THE COURT: Yes. Anyway, it's being dismissed because  
it was set for hearing on August 21st, 2023. It was to be  
accused by today's date. It has not been accused, so --

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MS. GONZALEZ: Your Honor, would that be a dismissal instead of a nolle pros?

THE COURT: It's a dismissal, yeah.

MS. GONZALEZ: So we don't need the nolle pros form, we need a dismissal.

THE COURT: Well, let me see what we've got.

MS. GONZALEZ: We can do one, Your Honor.

THE COURT: I've got it. I have a big form book.

(Brief pause in the proceedings)

THE COURT: Okay. Here we go.

MR. KIRBY: Thank you, Judge. May I be excused?

THE COURT: Yeah. Just inform Mr. Mejia that his case has been dismissed.

(The proceedings were concluded at 10:01 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 Oconee 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 - 6, inclusive, comprise a true, complete, and correct transcript of said proceedings which I reported.

This 5th day of October 2023.

*Debbie Seymour*

DEBBIE SEYMOUR  
Official Court Reporter  
Certificate Number B-2091

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

FILED IN CLERK'S OFFICE  
SUPERIOR/MAGISTRATE/  
JUVENILE COURT

23 OCT -2 AM 11:27

STATE OF GEORGIA

vs.

Carlos Alberto Mejia,  
DEFENDANT.

CASE NO.: 2023 SUCF 105

ANGELA ELDER-JOHNSON  
CLERK OF SUPERIOR COURT, GEORGIA

WARRANT NO.: \_\_\_\_\_ DEP. CLK.

CHARGE(S): DUI  
Hot Rod Run  
Following the closely  
open container

DISMISSAL PRIOR TO INDICTMENT

COMES NOW the State of Georgia, by and through the Assistant District Attorney, and prior to indictment, hereby dismisses the above-referenced charges for the following reasons:

not secured by status calendar deadline

WHEREFORE, the State hereby DISMISSES the above-referenced warrant and charges prior to indictment.

This 2nd day of October, 2023.

[Signature]  
Assistant District Attorney  
Western Judicial Circuit





IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

THE STATE OF GEORGIA

v.

CARLOS ALBERTO MEJIA  
Defendant

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CASE #: SUCT2023000125

**STATE'S RESPONSE TO MOTION FOR HEARING ON MARSY'S LAW VIOLATION**

COMES NOW the State of Georgia, by and through the undersigned District Attorney in the above-styled case, and files this Response to the Movant's Motion for Hearing on Marsy's Law Violation.

1.

The State agrees that Movant, Ansley Pierce, is the person the Defendant crashed into on August 4, 2022.

2.

The State agrees that Defendant was served warrants and that the case had not been accused by October 2, 2023.

3.

The State presents that on October 2, 2023, Defendant's attorney Dustin Kirby did appear in front of Judge Norris who asked the State if they had accused the Defendant so as to proceed with an arraignment and an entrance of a Not Guilty Plea by the Defendant.

4.

The State presents that the Court, on notification that there was no accusation filed, demanded to have a blank Nolle Prosequi form and that the case was going to be dismissed:

"The Court: Yes. Anyway, it's being dismissed because it was set for a hearing on August 21, 2023. It was to be accused by today's date. It has not been accused."

*(Transcript from Arraignment Calendar, Octo. 2, 2023).*

5.

The Court did not allow the State any time to notify the victim. The State provided an Administrative Dismissal form as ordered by the Court at that immediate time. The State recognizes that it should have included in the Dismissal form addition information as to the reason for the dismissal, essentially “by Order of the Court.”

6.

The State went to the Arraignment with the intention to prosecute this case. The State was precluded from doing so by the court.

7.

After Court was dismissed, the State reached out to the Prosecuting Attorney’s Council (PAC) to inquire about the incident and the validity of the dismissal as the State still intended to prosecute the case.

8.

Robert Smith, General Counsel of PAC, let the State know that this dismissal was without prejudice as the Statute of Limitations had not run out, and therefore the State could re-accuse or re-indict.

“Specifically, a trial court's power to control the proceedings before it entails the discretion to dismiss criminal charges without prejudice for want of prosecution. But a trial court abuses its discretion when it interferes with the State's right to prosecute by dismissing an accusation without a legal basis to do so.” *State v Miller, 335 Ga. App. 876.*

9.

On October 17, 2023, the State presented an indictment to an Oconee Grand Jury, which returned a True Bill. The case is now in Active Status and waiting to be scheduled for Arraignment. The proceedings of a Grand Jury presentation are confidential.

10.

On October 17, 2023, the Victim Advocate assigned to this case, tried to contact the Movant,



to let them know about the Grand Jury result and the Active Status of the case. The Movant did not respond and a message was left for them to contact the office.

WHEREFORE, the State of Georgia prays this Court not find our Office in violation of Marsy's Law as we were precluded from notifying the victim prior to the dismissal by immediate order of the Court and that the State has addressed Movant's pressing concern that the case be prosecuted.

Respectfully submitted this 30<sup>th</sup> day of October, 2023.

    /s/ Deborah Gonzalez    

Deborah Gonzalez  
District Attorney  
Western Judicial Circuit  
Georgia Bar Number 432657

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

THE STATE OF GEORGIA

v.

CARLOS ALBERTO MEJIA  
Defendant

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CASE #: SUCT2023000125

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the **STATE'S RESPONSE TO MOTION FOR HEARING ON MARSY'S LAW VIOLATION** on the Defendant through their attorney, Dustin Kirby, and to the Movant through their attorney, Kevin Epps, by email on the 30<sup>th</sup> day of October, 2023 at [dustin.kirby@gmail.com](mailto:dustin.kirby@gmail.com) and [kevin@ehdhlaw.com](mailto:kevin@ehdhlaw.com) respectfully.

  /s/ Deborah Gonzalez  

Deborah Gonzalez  
District Attorney  
Western Judicial Circuit  
Georgia Bar Number 432657

## State v Mejia Marsey's Law Response

Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

Mon 10/30/2023 1:14 PM

To: Dustin Kirby <dustin.kirby@gmail.com>; Kevin Epps <kevin@ehdhlaw.com>

Cc: Deborah Gonzalez <Deborah.Gonzalez@accgov.com>; Eric Norris <Eric.Norris@accgov.com>; Heather Moore <Heather.Moore@accgov.com>

📎 1 attachments (107 KB)

Mejia Repsonse to Marsys Law Violation.pdf;

Good afternoon:

Please see attached State's Response to the Movant's Motion for Hearing of Marsy's Law Violation. I am in the process of e-filing it via Peachcourt.

Let me know if you have any questions,

**Deborah Gonzalez**

*District Attorney*

Western Judicial Circuit

Athens-Clarke & Oconee Counties

[www.westerncircuitda.com](http://www.westerncircuitda.com)

[Deborah.gonzalez@accgov.com](mailto:Deborah.gonzalez@accgov.com)

706-613-3240



IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

THE STATE OF GEORGIA

v.

CARLOS ALBERTO MEJIA  
Defendant

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CASE #: SUCT2023000125

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*(Transcript from Arraignment Calendar, Octo. 2, 2023).*

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“Specifically, a trial court's power to control the proceedings before it entails the discretion to dismiss criminal charges without prejudice for want of prosecution. But a trial court abuses its discretion when it interferes with the State's right to prosecute by dismissing an accusation without a legal basis to do so.” *State v Miller, 335 Ga. App. 876.*

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to let them know about the Grand Jury result and the Active Status of the case. The Movant did not respond and a message was left for them to contact the office.

WHEREFORE, the State of Georgia prays this Court not find our Office in violation of Marsy's Law as we were precluded from notifying the victim prior to the dismissal by immediate order of the Court and that the State has addressed Movant's pressing concern that the case be prosecuted.

Respectfully submitted this 30<sup>th</sup> day of October, 2023.

/s/ Deborah Gonzalez

Deborah Gonzalez  
District Attorney  
Western Judicial Circuit  
Georgia Bar Number 432657

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

THE STATE OF GEORGIA

v.

CARLOS ALBERTO MEJIA  
Defendant

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CASE #: SUCT2023000125

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the **STATE'S RESPONSE TO MOTION FOR HEARING ON MARSY'S LAW VIOLATION** on the Defendant through their attorney, Dustin Kirby, and to the Movant through their attorney, Kevin Epps, by email on the 30<sup>th</sup> day of October, 2023 at [dustin.kirby@gmail.com](mailto:dustin.kirby@gmail.com) and [kevin@ehdhlaw.com](mailto:kevin@ehdhlaw.com) respectfully.

/s/ Deborah Gonzalez

Deborah Gonzalez  
District Attorney  
Western Judicial Circuit  
Georgia Bar Number 432657

**efile please**

Heather Moore <Heather.Moore@accgov.com>

Thu 10/19/2023 2:32 PM

To:Graham Penney <Graham.Penney@accgov.com>

 1 attachments (291 KB)

Carlos Mejia GJ BW.pdf;

*Heather Moore  
Victim Advocate  
District Attorney's Office*



**BENCH WARRANT**


GEORGIA, Oconee County.


To All and Singular, the Sheriffs, Deputy Sheriffs, and Peace Officers of said State - GREETING:

Whereas, at March Term 2023 of the Superior Court of said County, a True Bill of Indictment was returned on **October 16, 2023** against Carlos Mejia for the following offenses for which he has not been previously arrested: **Driving Under the Influence (Less Safe) (alcohol), Hit and Run, Following Too Closely, and Open Container.**

You, and each of you, are therefore commanded, in the name of the State, to apprehend the said defendant and bring him before me to be dealt with as the law directs.

Given under my hand and seal, the 19 day of October, 2023.

  
**Graham Penney**  
Assistant District Attorney, Western Circuit

  
**Eric W. Norris**  
Judge, Superior Court, Western Circuit

GEORGIA, Oconee County

Know All Men by these presents, That we **Carlos Mejia** Principal, and \_\_\_\_\_ Securities, are held and firmly bound unto his Excellency \_\_\_\_\_ Governor of said State, and his successors in office, in the penal sum of \_\_\_\_\_ Dollars, for the true payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of the Above obligation is Such, That if the above bound Principal shall personally be and appear in the next Superior Court of said County, to be held at \_\_\_\_\_ on \_\_\_\_\_ and, from day to day, and Term to Term, then and there to answer to an indictment for the offense(s) of **Driving Under the Influence (Less Safe) (alcohol), Hit and Run, Following Too Closely, and Open Container** returned by the Grand Jury of said County as true, and shall not depart thence without the leave of said Court, then the above obligation be null and void, else to remain in full force and virtue. And the better to secure the payment of this bond, in the event of forfeiture, we, each of ourselves and families, and as the head of respectable families, renounce and waive all right and benefit of the homestead exemption laws of this State, whether the same be guaranteed by constitutional or legislative provisions providing for homestead and exemptions to the People of Georgia, and each of us assert and say that we have never taken or availed ourselves of any homestead or exemption under the laws of this State, or of the United States, or elsewhere.

Signed with our hands, and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Approved by \_\_\_\_\_ (Principal)

\_\_\_\_\_ (Security)

---

CASE NO. 2023-CR-337-N

**BENCH WARRANT**

**CRIMINAL BOND**

**STATE OF GEORGIA**

**VS.**

**Carlos Mejia**

**Driving Under the Influence (Less Safe) (alcohol), Hit  
and Run, Following Too Closely, and Open Container**

**Address 155 Morningview Circle  
Athens, GA 30605**

**DOB 11/28/1979 Race H Sex Male**

**unknown  
Social Security Number**

---

[EXT]PeachCourt - STATUTORY ELECTRONIC SERVICE: Oconee Superior Case  
#SUCR2023000337

PeachCourt Notifications <notifications@peachcourt.com>

Wed 10/18/2023 2:59 PM

To: Megan Redd <Megan.Redd@accgov.com>; Heather Moore <Heather.Moore@accgov.com>; Deborah Gonzalez  
<Deborah.Gonzalez@accgov.com>

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You are receiving an ELECTRONIC SERVICE COPY of the following filing. We invite you to reply to this  
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Filing Date: 10/17/2023 at 10:44 AM

Filer: Oconee County

Peach #: C-GSGSHNMR

Case #: SUCR2023000337

Assigned Judge: EWN

Case Name: State of Georgia v Mejia

Court: Oconee County Superior

A file-stamped copy of each document is available for you to download. The download link is available  
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If the links below are not clickable, please copy and paste each link into your browser.

Indictment | Indictment | <https://peachcourt.com/Redirect?id=NOXYH35K>

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IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
OCONEE COUNTY, GEORGIA  
**SUCR2023000337**  
EWN  
OCT 17, 2023 10:44 AM

STATE OF GEORGIA

September Term 2023

vs.

Charge(s):

CARLOS MEJIA,  
Defendant(s).

Ct. 1: Driving Under the Influence (~~Loss of~~ ~~Safe~~ ~~Alcohol~~) *Johnson*  
Ct. 2: Hit and Run  
Ct. 3: Following Too Closely  
Ct. 4: Open Container

*Angela Elder-Johnson, Clerk  
Oconee County, Georgia*

INDICTMENT

*True*

Bill

Returned in Open Court,

*R. Keith Odum* Foreperson

This 16 day of October, 2023

At 12:51 o'clock ~~A~~/PM

*Angela Elder Johnson* Clerk

Lex Ogan, Prosecutor  
DEBORAH GONZALEZ, District Attorney

ARRAIGNMENT

The Defendant, CARLOS MEJIA

hereby waives formal arraignment and pleads \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Defendant

Attorney for Defendant

DEBORAH GONZALEZ, District Attorney



GEORGIA, OCONEE COUNTY

IN THE SUPERIOR COURT OF OCONEE COUNTY

The Grand Jurors selected, chosen and Sworn for the County of OCONEE, to wit:

I, Raymond Keith Odom, FOREPERSON

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 2. <u>Cody Alexander Laas</u>       | 14. <u>Angela Suzanne Logue</u>      |
| 3. <u>Angela Verstraete</u>         | 15. <u>Paul Joseph Maultsby</u>      |
| 4. <u>Frederick C Arrington</u>     | 16. <u>Christopher W McClure</u>     |
| 5. <u>Jodi Frances Azeltine</u>     | 17. <u>Alicia Ann Meyer</u>          |
| 6. <u>Robert William Belnap</u>     | 18. <u>Kate Marie Millington</u>     |
| 7. <u>Phillip Melvin Bruce</u>      | 19. <u>James Gabriel Norris</u>      |
| 8. <u>David Randall Bundy</u>       | 20. <u>Lee Terry Rushton</u>         |
| 9. <u>Alison Maynard Cunningham</u> | 21. <u>Louis Franklin Shelton</u>    |
| 10. <u>Kasey Hillsman Dickerson</u> | 22. <u>Jesse Jeongki Son</u>         |
| 11. <u>Jamie Mason Hodgson</u>      | 23. <u>Jacob Christopher Summers</u> |
| 12. <u>Priscilla M Houseman</u>     | 24. <u>Sharon Melanie Tweedell</u>   |
| 13. <u>Larry Wilburn Loggins</u>    | 25. <u>Brian Oliver Vernon</u>       |

COUNT 1: In the name and on behalf of the citizens of the State of Georgia, do hereby charge and accuse CARLOS MEJIA with the offense of **DRIVING UNDER THE INFLUENCE (LESS SAFE) (ALCOHOL)** for that the said CARLOS MEJIA on the 4th day of August, 2022, in the County aforesaid, did drive or was in actual physical control of a moving vehicle while under the influence of alcohol to the extent that it was less safe for said accused to drive; in violation of O.C.G.A. § 40-6-391(a)(1); Contrary to the laws of said State.

COUNT 2: In the name and on behalf of the citizens of the State of Georgia, do hereby charge and accuse CARLOS MEJIA with the offense of **HIT AND RUN** for that the said CARLOS MEJIA on the 4th day of August, 2022, in the County aforesaid, being the driver of a vehicle on Oconee Connector at State Route 316 which was involved in an accident resulting in damage to a vehicle driven by Ansley Pierce, did knowingly fail to immediately stop his vehicle at the scene of the accident and as close to the scene of the accident as possible and return to the scene of the accident as required by code section 40-6-270 of the official Code of Georgia, ; in violation of O.C.G.A. § 40-6-270(a); Contrary to the laws of said State.

COUNT 3: In the name and on behalf of the citizens of the State of Georgia, do hereby charge and accuse CARLOS MEJIA with the offense of **FOLLOWING TOO CLOSELY** for that the said CARLOS MEJIA on the 4th day of August, 2022, in the County aforesaid, while driving a motor vehicle, on Oconee Connector at State Route 316, did follow another vehicle, to wit: passenger vehicle driven by Ansley Pierce, more closely than was reasonable and prudent, without having due regard for the speed of such vehicle and traffic upon and the condition of the highway; in violation of O.C.G.A. § 40-6-49; Contrary to the laws of said State.

COUNT 4: In the name and on behalf of the citizens of the State of Georgia, do hereby charge and accuse CARLOS MEJIA with the offense of **OPEN CONTAINER** for that the said CARLOS MEJIA on the 4th day of August, 2022, in the County aforesaid, while operating a motor vehicle, on Oconee Connector at State Route 316, a public highway, did unlawfully possess an open alcoholic beverage container in the passenger area of said motor vehicle; in violation of O.C.G.A. § 40-6-253; Contrary to the laws of said State.

Contrary to the laws of said State, the good order, peace and dignity thereof.

Indictment  
OCONEE COUNTY SUPERIOR COURT, September Term 2023

Lex Ogan, Prosecutor  
DEBORAH GONZALEZ, District Attorney

Re: [EXT]PeachCourt - STATUTORY ELECTRONIC SERVICE: Oconee Superior Case #SUCT2023000125

Heather Moore <Heather.Moore@accgov.com>

Fri 10/6/2023 9:20 AM

To: Deborah Gonzalez <Deborah.Gonzalez@accgov.com>; Josh Neal <Josh.Neal@accgov.com>

I was not able to contact her Monday afternoon, no. We got pretty busy here in Oconee after court and it's been like that the rest of the week. I planned on making the calls and doing the Bench Warrants after I finished dealing with the stuff that popped up about the murder case, and then I got the call about my daughter being sick.

*Heather Moore  
Victim Advocate  
District Attorney's Office*

---

**From:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Sent:** Thursday, October 5, 2023 5:00 PM

**To:** Heather Moore <Heather.Moore@accgov.com>; Josh Neal <Josh.Neal@accgov.com>

**Cc:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Subject:** FW: [EXT]PeachCourt - STATUTORY ELECTRONIC SERVICE: Oconee Superior Case #SUCT2023000125

After court did you not notify the victim?

---

**From:** PeachCourt Notifications <notifications@peachcourt.com>

**Date:** Thursday, October 5, 2023 at 4:57 PM

**To:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>, dustinkirbylaw@gmail.com  
<dustinkirbylaw@gmail.com>

**Subject:** [EXT]PeachCourt - STATUTORY ELECTRONIC SERVICE: Oconee Superior Case #SUCT2023000125

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You are receiving an ELECTRONIC SERVICE COPY of the following filing. We invite you to reply to this message if you have any questions.

Filing Date: 10/5/2023 at 4:48 PM

Filer: Kevin Epps

Peach #: C-ZQBKXMFN

Case #: SUCT2023000125

Assigned Judge: EWN

Case Name: State of Georgia v. CARLOS MEJIA

Court: Oconee County Superior

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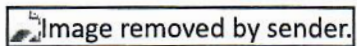
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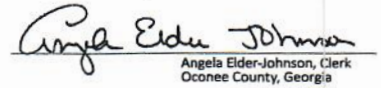
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Image removed by sender.

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

  
Angela Elder-Johnson, Clerk  
Oconee County, Georgia

STATE OF GEORGIA, :  
 :  
vs. : CASE NO. SUCT2023000125  
 :  
CARLOS ALBERTO MEJIA, :  
 :  
Defendant. :  
 :  
\_\_\_\_\_ :

**MOTION FOR HEARING ON MARSY’S LAW VIOLATION**

COMES NOW ANSLEY PIERCE, [hereinafter “Movant”], victim in the above-styled case, by and through counsel, and shows the Court as follows:

1.

Movant is the person who the Defendant crashed into on August 4, 2022, receiving citations for multiple traffic violations that were transferred to the Superior Court of Oconee County because of a demand for jury trial made by the Defendant, and Movant has standing to file this motion.

2.

The Movant provided valid contact information to law enforcement and the prosecuting attorney’s office through the Oconee County Incident Report Number 202208000048.

3.

The subsequent dismissal of all charges on October 2, 2023 violated the constitutional and statutory rights afforded to Movant. Further, the motion to dismiss filed by the District Attorney stated “not accused by the status calendar deadline” as the reason for dismissal, although the Statute of Limitations would allow filing up to August 4, 2024.

4.

This motion is being filed no later than ten (10) days of the denial of the constitutional and statutory rights afforded to Movant pursuant to the Georgia Crime Victims' Bill of Rights as codified in O.C.G.A. 17-17-1 *et seq.* and the Constitution of the State of Georgia, Article I, Section I, Paragraph XXX.

5.

Upon information and belief, Movant was told by a representative of the Western Circuit District Attorney's Office, that the Defendant was coming to Court and that if he did not plead guilty, that an accusation would be filed.

6.

Upon information and belief, Movant was never asked if she objected to the dismissal of the charges against the Defendant. Movant was not asked about her need for restitution in the matter. Movant was not asked for input regarding sentencing in the matter and when Movant asked what the blood test results showed regarding intoxication of the Defendant, that question was not answered.

7.

Pursuant to O.C.G.A. § 17-17-15(c)(6), the Western Judicial Circuit District Attorney's Office should be recused, and a special prosecutor appointed to accuse the case.

**WHEREFORE**, the Movant respectfully prays for relief as follows:

- (a) That this Court immediately schedule a hearing on Movant's *Motion for Hearing on Marsy's Law Violation* with notice to both the State and the Defendant;
- (b) That this Court issue an Order requiring the District Attorney, the Chief Assistant District Attorney, and the Victim Advocate immediately preserve all Tracker notes,

emails, written communications regarding the Movant, case file and any other documents, whether digital or paper, now in the possession of the District Attorney's Office of the Western Judicial Circuit;

- (c) That this Court find that Movant's rights under the Georgia Crime Victims' Bill of Rights as codified in O.C.G.A. 17-17-1 *et seq.*, and the Constitution of the State of Georgia, Article I, Section I, Paragraph XXX were violated by the prosecuting attorney on April 25, 2023;
- (d) That the Court recuse the Western Judicial Circuit District Attorney's Office if they do not voluntarily recuse from further prosecution in this matter;
- (e) For such other and further relief as allowed by Marsy's Law and the Georgia Crime Victims' Bill of rights;
- (f) For any additional relief that the Court deems just and proper in this case.

Respectfully submitted this 5<sup>th</sup> day of October, 2023.

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

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

1220 Langford Drive  
Building 200-101  
Watkinsville, Georgia 30677  
(706) 508-4000  
[kevin@ehdhlaw.com](mailto:kevin@ehdhlaw.com)

IN THE SUPERIOR COURT OF OCONEE COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,	:	
	:	
vs.	:	CASE NO. SUCT2023000125
	:	
CARLOS ALBERTO MEJIA,	:	
	:	
Defendant.	:	
_____	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the *Motion for Hearing on Marsy's Law Violation* upon the following via Electronic Transmission:

District Attorney Deborah Gonzalez (Deborah.Gonzalez@accgov.com)  
Dustin Kirby, Attorney for Defendant (dustinkirbylaw@gmail.com)

This 18<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 Movant*

1220 Langford Drive  
Building 200-101  
Watkinsville, Georgia 30677  
(706) 508-4000  
kevin@ehdhlaw.com



RE: [EXT]RE: Copy of Mejia Dismissal

Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

Wed 10/11/2023 8:59 AM

To: Josh Neal <Josh.Neal@accgov.com>

Cc: Charles Rettiger <Charles.Rettiger@accgov.com>; Heather Moore <Heather.Moore@accgov.com>

Looks good – thank you.

Deborah

**From:** Josh Neal <Josh.Neal@accgov.com>

**Sent:** Wednesday, October 11, 2023 8:54 AM

**To:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Cc:** Charles Rettiger <Charles.Rettiger@accgov.com>; Heather Moore <Heather.Moore@accgov.com>; Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Subject:** RE: [EXT]RE: Copy of Mejia Dismissal

Mejia indictment is in Tracker for review. Working on subpoena with Will now.

Thanks,

Joshua P. Neal

Assistant District Attorney (Apprentice)

Western Judicial Circuit District Attorney's Office – Oconee

(706) 769-3954

**From:** Deborah Gonzalez

**Sent:** Wednesday, October 11, 2023 8:15 AM

**To:** Josh Neal

**Cc:** Charles Rettiger; Heather Moore; Deborah Gonzalez

**Subject:** Re: [EXT]RE: Copy of Mejia Dismissal

Good morning Josh – please make sure this is ready today – I would like this to go to Grand jury on Monday and we need to subpoena the officer today.

Deborah

---

**From:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Date:** Friday, October 6, 2023 at 10:58 AM

**To:** Josh Neal <Josh.Neal@accgov.com>

**Cc:** Charles Rettiger <Charles.Rettiger@accgov.com>, Deborah Gonzalez <Deborah.Gonzalez@accgov.com>, Heather Moore <Heather.Moore@accgov.com>

**Subject:** FW: [EXT]RE: Copy of Mejia Dismissal

Josh – please prepare this for grand jury ASAP.

Thank you,

Deborah



**From:** Robert W Smith <[rwsmith@pacga.org](mailto:rwsmith@pacga.org)>  
**Sent:** Friday, October 6, 2023 10:57 AM  
**To:** Deborah Gonzalez <[Deborah.Gonzalez@accgov.com](mailto:Deborah.Gonzalez@accgov.com)>  
**Cc:** Lalaine Briones <[lbriones@pacga.org](mailto:lbriones@pacga.org)>; Pete Skandalakis <[pskandalakis@pacga.org](mailto:pskandalakis@pacga.org)>  
**Subject:** [EXT]RE: Copy of Mejia Dismissal

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Deborah

It seems like the case should be considered dismissed for want of prosecution but WITHOUT PREJUDICE because the SOL has not expired.

See State v. Miller attached: "Specifically, a trial court's power to control the proceedings before it entails the discretion to dismiss criminal charges without prejudice for want of prosecution. But a trial court abuses its discretion when it interferes with the State's right to prosecute by dismissing an accusation without a legal basis to do so."

We think you can simply file an accusation or seek an indictment on the same charges because SOL has not expired.

*RWS*

**From:** Deborah Gonzalez <[Deborah.Gonzalez@accgov.com](mailto:Deborah.Gonzalez@accgov.com)>  
**Sent:** Friday, October 6, 2023 8:59 AM  
**To:** Robert W Smith <[rwsmith@pacga.org](mailto:rwsmith@pacga.org)>  
**Cc:** Lalaine Briones <[lbriones@pacga.org](mailto:lbriones@pacga.org)>; Pete Skandalakis <[pskandalakis@pacga.org](mailto:pskandalakis@pacga.org)>; Deborah Gonzalez <[Deborah.Gonzalez@accgov.com](mailto:Deborah.Gonzalez@accgov.com)>  
**Subject:** Fwd: Copy of Mejia Dismissal

Get [Outlook for iOS](#)

**From:** Heather Moore <[Heather.Moore@accgov.com](mailto:Heather.Moore@accgov.com)>  
**Sent:** Friday, October 6, 2023 8:58:22 AM  
**To:** Deborah Gonzalez <[Deborah.Gonzalez@accgov.com](mailto:Deborah.Gonzalez@accgov.com)>; Josh Neal <[Josh.Neal@accgov.com](mailto:Josh.Neal@accgov.com)>  
**Cc:** Lynn Bradberry <[Lynn.Bradberry@accgov.com](mailto:Lynn.Bradberry@accgov.com)>  
**Subject:** Re: Copy of Mejia Dismissal

Here it is

*Heather Moore*

*Victim Advocate*

*District Attorney's Office*

**From:** Deborah Gonzalez <[Deborah.Gonzalez@accgov.com](mailto:Deborah.Gonzalez@accgov.com)>

**Sent:** Thursday, October 5, 2023 5:26 PM

**To:** Heather Moore <[Heather.Moore@accgov.com](mailto:Heather.Moore@accgov.com)>; Josh Neal <[Josh.Neal@accgov.com](mailto:Josh.Neal@accgov.com)>

**Cc:** Deborah Gonzalez <[Deborah.Gonzalez@accgov.com](mailto:Deborah.Gonzalez@accgov.com)>; Lynn Bradberry <[Lynn.Bradberry@accgov.com](mailto:Lynn.Bradberry@accgov.com)>

**Subject:** Copy of Mejia Dismissal

Heather/Josh – please get me a copy of the Mejia dismissal from Monday and email to me.

Thank you,

Deborah

Re: Carlos Mejia

Heather Moore <Heather.Moore@accgov.com>

Mon 10/23/2023 8:58 AM

To: Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

Good morning,

They are uploaded.

Hope you have a happy Monday 😊

*Heather Moore  
Victim Advocate  
District Attorney's Office*

---

**From:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Sent:** Sunday, October 22, 2023 7:13 AM

**To:** Heather Moore <Heather.Moore@accgov.com>

**Cc:** Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

**Subject:** Carlos Mejia

Good morning Heather – please make sure to upload the dismissal, the true billed indictment, and the Marsy's Law Motion to this case ASAP.

Thank you,

Deborah

[EXT]PeachCourt Activity Case # SUCR2023000337

PeachCourt Notifications <notifications@peachcourt.com>

Thu 10/19/2023 3:41 PM

To:Graham Penney <Graham.Penney@accgov.com>;Heather Moore <Heather.Moore@accgov.com>;Megan Redd <Megan.Redd@accgov.com>;Josh Neal <Josh.Neal@accgov.com>;tanya.wingfield-willis@accgov.com <tanya.wingfield-willis@accgov.com>;Will Horton <Will.Horton@accgov.com>;cswisher@oconee.ga.us <cswisher@oconee.ga.us>;aelder-johnson@oconee.ga.us <aelder-johnson@oconee.ga.us>;cbrank@oconee.ga.us <cbrank@oconee.ga.us>;mhardigree@oconee.ga.us <mhardigree@oconee.ga.us>

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The following filing was received by PeachCourt and has been successfully transmitted to the Clerk of Oconee Superior Court. You will receive a separate confirmation message if this filing is accepted by the clerk. We invite you to reply to this message if you have any questions.

Submission Date: 10/19/2023 at 3:40 PM

Peach #: C-HWB4EG3C

Case #: SUCR2023000337

Case Name: State of Georgia v. CARLOS MEJIA

Documents

Bench Warrant:

Carlos Mejia GJ BW.pdf

Filer: Graham Penney

Payment amount: \$0.00

Thank you for filing with PeachCourt, Georgia's eFiling and Document Access Solution.

If you have any questions about the status of this filing, please call the PeachCourt Support Center at 844-GA-EFILE (844-423-3453) and refer to Peach #C-HWB4EG3C.

**We are here to help! Reach out however you like:**

**Reply to this message**

**Call toll-free 844-GA-EFILE**

**Chat at <https://www.peachcourt.com/>**

**Learn a lot at <http://awesome.peachcourt.com/>**



Fw: [EXT]PeachCourt Activity SUCR2023000337: Filing Confirmed

Heather Moore <Heather.Moore@accgov.com>

Fri 10/20/2023 9:20 AM

To:Deborah Gonzalez <Deborah.Gonzalez@accgov.com>

Grand Jury Bench Warrant has been e-filed.

*Heather Moore*

*Victim Advocate*

*District Attorney's Office*

---

**From:** PeachCourt Notifications <notifications@peachcourt.com>

**Sent:** Friday, October 20, 2023 9:19 AM

**To:** Graham Penney <Graham.Penney@accgov.com>; Heather Moore <Heather.Moore@accgov.com>; Megan Redd <Megan.Redd@accgov.com>; Josh Neal <Josh.Neal@accgov.com>; tanya.wingfield-willis@accgov.com <tanya.wingfield-willis@accgov.com>; Will Horton <Will.Horton@accgov.com>; cswisher@oconee.ga.us <cswisher@oconee.ga.us>; aelder-johnson@oconee.ga.us <aelder-johnson@oconee.ga.us>; cbrank@oconee.ga.us <cbrank@oconee.ga.us>; mhardigree@oconee.ga.us <mhardigree@oconee.ga.us>

**Subject:** [EXT]PeachCourt Activity SUCR2023000337: Filing Confirmed

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The following filing information has been accepted by the Clerk of Oconee Superior Court. We invite you to reply to this message if you have any questions.

Filing Date: 10/19/2023 at 3:40 PM

Filer: Graham Penney

Peach #: C-HWB4EG3C

Case #: SUCR2023000337

Assigned Judge: EWN

Case Name: State of Georgia v. CARLOS MEJIA

#### Documents

A file-stamped copy of each document is available for you to download. The download link is available for 365 days from the time this message was sent.

If the links below are not clickable, please copy and paste each link into your browser.

Miscellaneous | WARRANTS | <https://peachcourt.com/Redirect?id=HBZ1ZYJG>

Payment amount: \$0.00

Method of payment:

Client Reference #: N/A


A file-stamped copy of this filing has been electronically mailed to:  
Angela.Elder-Johnson@gsccca.org

Thank you for filing with PeachCourt, Georgia's eFiling and Document Access Solution.  
If you have any questions about the status of this filing, please call the PeachCourt Support Center at  
844-GA-EFILE (844-423-3453) and refer to Peach #C-HWB4EG3C.

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**Chat at <https://www.peachcourt.com/>**  
**Learn a lot at <http://awesome.peachcourt.com/>**

**BENCH WARRANT**

GEORGIA, Oconee County.


To All and Singular, the Sheriffs, Deputy Sheriffs, and Peace Officers of said State - **GREETING:** 


Angela Elder-Johnson, Clerk  
Oconee County, Georgia

Whereas, at March Term 2023 of the Superior Court of said County, a True Bill of Indictment was returned on **October 16, 2023** against Carlos Mejia for the following offenses for which he has not been previously arrested: **Driving Under the Influence (Less Safe) (alcohol), Hit and Run, Following Too Closely, and Open Container.**

You, and each of you, are therefore commanded, in the name of the State, to apprehend the said defendant and bring him before me to be dealt with as the law directs.

Given under my hand and seal, the 19 day of October, 2023.

  
**Graham Penney**  
Assistant District Attorney, Western Circuit

  
**Eric W. Norris**  
Judge, Superior Court, Western Circuit

GEORGIA, Oconee County

Know All Men by these presents, That we **Carlos Mejia** Principal, and \_\_\_\_\_ Securities, are held and firmly bound unto his Excellency \_\_\_\_\_ Governor of said State, and his successors in office, in the penal sum of \_\_\_\_\_ Dollars, for the true payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of the Above obligation is Such, That if the above bound Principal shall personally be and appear in the next Superior Court of said County, to be held at \_\_\_\_\_ on \_\_\_\_\_ and, from day to day, and Term to Term, then and there to answer to an indictment for the offense(s) of **Driving Under the Influence (Less Safe) (alcohol), Hit and Run, Following Too Closely, and Open Container** returned by the Grand Jury of said County as true, and shall not depart thence without the leave of said Court, then the above obligation be null and void, else to remain in full force and virtue. And the better to secure the payment of this bond, in the event of forfeiture, we, each of ourselves and families, and as the head of respectable families, renounce and waive all right and benefit of the homestead exemption laws of this State, whether the same be guaranteed by constitutional or legislative provisions providing for homestead and exemptions to the People of Georgia, and each of us assert and say that we have never taken or availed ourselves of any homestead or exemption under the laws of this State, or of the United States, or elsewhere.

Signed with our hands, and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Approved by \_\_\_\_\_ (Principal)

\_\_\_\_\_ (Security)



---

CASE NO. 2023-CR-337-N

**BENCH WARRANT**

**CRIMINAL BOND**

**STATE OF GEORGIA**

**VS.**

**Carlos Mejia**

**Driving Under the Influence (Less Safe) (alcohol), Hit  
and Run, Following Too Closely, and Open Container**

Address 155 Morningview Circle  
Athens, GA 30605

DOB 11/28/1979 Race H Sex Male

unknown  
Social Security Number

---



## Graham Penney

---

**From:** Graham Penney  
**Sent:** Monday, October 2, 2023 8:43 AM  
**To:** Deborah Gonzalez; Josh Neal; Heather Moore  
**Subject:** FW: [EXT]Carlos Mejia 2023-SUCT-125N

Hi Dustin,

DA Gonzalez will be handling the calendar for Judge Norris. I've copied her on the email.

Graham Penney  
Assistant District Attorney  
Office of the District Attorney for the Western Judicial Circuit

**From:** Dustin Kirby <dustin.kirby@gmail.com>  
**Sent:** Sunday, October 1, 2023 12:47 PM  
**To:** Graham Penney <Graham.Penney@accgov.com>; Migdai Marin <Migdai.Marin@accgov.com>  
**Subject:** [EXT]Carlos Mejia 2023-SUCT-125N

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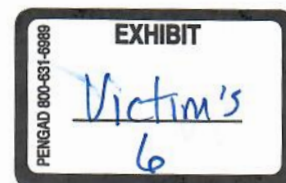
All,

Mr. Mejia is scheduled for court tomorrow at nine. I am scheduled to be in Judge Lott's courtroom for her trial calendar on Mr. Marcus Dowdy SU-22-CR-1027 at the same time in Athens. There is a good chance I can be over in Oconee after making my announcement, but I just wanted to keep the court aware of what was going on after having mistakenly failed to file a formal conflict letter. My apologies.

Dustin Kirby

--  
Dustin K. Kirby  
(706) 540-5480

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LE Interview Advocacy       Legal ~~Post Adjudication~~-----  
-----Other Services-----      -----Victim Comp-----       Begin Post-Adjudication Services  
 Provided OPM       Victim Comp Notification      GOVS Explanation  
 Other VSSR Service       Victim Comp Assistance      Interacted w/GOVS on behalf of Vic

**Short Note**

---

Save

Cancel

Victim/Witness	Date	Service	Note	Staff	
Ansley Morgan Pierce	10/26/2023	4 services	left msg following up since hadn't heard back from v, asked to call back so can give update about what happened on the 16th	Heather Moore	Show/Edit
Ansley Morgan Pierce	10/16/2023	4 services	left msg asking to call back - have an update about the case about a proceeding that happened today	Heather Moore	Show/Edit
Ansley Morgan Pierce	09/28/2023	7 services	notified abt status, may accuse and do Arraignment, confirmed restitution - \$150 and if covers if \$500-700 for rental out of pocket. asked to call with results, expained process	Heather Moore	Show/Edit
Ansley Morgan Pierce	08/21/2023	2 services	attended court on victims behalf	Heather Moore	Show/Edit
Ansley Morgan Pierce	08/17/2023	9 services	spoke with v about status conf - see notes, checking on restitution	Heather Moore	Show/Edit

[Back to Case](#) | [VSSR Quick Guide](#) | [VSSR Examples](#)

[victims:index](#)



Defendant	DA#	Status	Status Note	Court#	Case Type
Carlos Mejia	23OC000577	PreArr		2023-CR-337-N	<b>DUI</b> Pros: Deborah Gonzalez

- Attributes
- Parties
- Charges
- Events
- Notes
- Victims
- Documents
- Attachments
- Discovery

Victim Stats							(Show Witnesses)
Role	Notify	Victim	County	Dem	VSSR	VAWA	Disp.
Victim	Y	Ansley Morgan Pierce	Oconee	W/F/25	DUI/DWI Crashes	Other/Non-VAWA	Edit   Del

| [Set Notifications](#) | [Set Restitution](#) | [Set Dispositions](#)

Victim Services		Add Service   Add Information/Referral	
<p><b>New Service...</b></p> <p><b>Victim</b></p> <p>Victim: Pierce, Ansley Morgan <b>Select...</b></p>		<p><b>VSSR Quick Guide   VSSR Examples</b></p> <p><b>Date</b></p> <p>10/31/2023</p> <p><b>Staff</b></p> <p>Heather Moore</p>	
<p><b>VSSR Services (select all that apply)</b></p>			
<input type="checkbox"/>	CJS Victim Notification	<input type="checkbox"/>	Individual Support
<input type="checkbox"/>	CJS Victim Support & Advocacy	<input type="checkbox"/>	Referral: Other VS Program
<input type="checkbox"/>	CJS Explanation	<input type="checkbox"/>	Referral: Other Non-VS Program
<input type="checkbox"/>	CVBOR Explanation	<input type="checkbox"/>	Intervention: Non-CJS Entities
<input type="checkbox"/>	CJS Restitution Assistance	<input type="checkbox"/>	Immigration Assistance
<input type="checkbox"/>	CJS Victim Impact	<input type="checkbox"/>	Crisis Coordination
<input type="checkbox"/>	Pros. Interview Advocacy	<input type="checkbox"/>	On-Scene Crisis Response
<input type="checkbox"/>		<input type="checkbox"/>	Assistance with Language Access
<input type="checkbox"/>		<input type="checkbox"/>	Asst. Applying for TANF/Social Services
<input type="checkbox"/>		<input type="checkbox"/>	Child/Dependent Care Assistance
<input type="checkbox"/>		<input type="checkbox"/>	Transportation Assistance
<input type="checkbox"/>		<input type="checkbox"/>	Support Group (non-clinical)
<input type="checkbox"/>		<input type="checkbox"/>	Therapy (licensed therapist)
<input type="checkbox"/>		<input type="checkbox"/>	Advocate/Accompany Emerg. Medical



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 Oconee 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 4 - 106, inclusive, comprise a true, complete, and correct transcript of said proceedings which I reported, and that Pages 107 - 147 reflect exhibits that were admitted.

This 15th day of November, 2023.

*Debbie Seymour*



DEBBIE SEYMOUR  
Official Court Reporter  
Certificate Number B-2091