

Elisa Zarate
ELISA ZARATE, Clerk

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

STATE OF GEORGIA : **CASE NO. SU-23-CR-0226**
:
vs. :
:
:
TYLER RIDGEWAY, :
Defendant :

**MOTION TO EXCLUDE EVIDENCE OR, IN THE ALTERNATIVE,
MOTION TO CONTINUE**

Comes now, the Defendant, through counsel, pursuant to his right to due process, right to confront witnesses, right to effective assistance of counsel, the Georgia evidence code, Article 1 of Title 17 Chapter 16 of the Georgia Code governing discovery in felony cases, Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. U.S., 405 U.S. 150 (1972), and requests that this Honorable Court exclude certain evidence in this case based on it being turned over at the end of the day on November 30, 2023, and Thursday December 7, 2023, or, in the alternative, continue this case off of the December 11, 2023, trial calendar. See U.S. Const. V, VI, XIV; GA Const. Art. I, § I, ¶¶ I and XIV. In support of this motion the Defendant shows the following:

1.

At the end of the business day on November 30, 2023, undersigned counsel was provided multiple jail phone calls in this case. Without a guide or reference, all were reviewed and notes taken which took until the end of the day on December 4, 2023. Late on December 6, 2023, undersigned counsel tried to find a report referenced by the State to her during a conversation. It was not part of the discovery provided to the Defense. At that time, undersigned counsel emailed the State and Detective Harrison regarding the existence of this report. It was turned over by Detective Harrison to the defense early this morning December 7, 2023.

2.

The report turned over today includes both Detective Harrison’s interpretations of the words in the jail calls provided November 30, 2023, as well as his interpretation

of the implication of such words. Not all of the information contained in Detective Harrison's summary was information undersigned counsel heard on her initial review.

3.

Furthermore, the additional report turned over today contained Detective Harrison's Instagram research in the case based on information he learned during the calls. The fact that Detective Harrison had conducted an Instagram search or had any information related to that search was previously unknown to the defense. The report also contained only a few screen shots of said research that are not easy to read in the report format. Detective Harrison believes he identifies certain people who might be involved in the armed robbery based on the calls and his Instagram research. He also identifies phone numbers. He references another case number in this report that the Defense does not have related to a potential person involved in the armed robbery and leads on how to locate the above-referenced individuals.

4.

The case against Mr. Ridgeway is circumstantial and he maintains he was not a participant of the armed robbery even if people he associates did participate in said robbery. After reviewing the report it became clear that the State will, in part, attempt to incriminate Mr. Ridgeway by association. It is now clear that a more extensive pretrial hearing than originally anticipated regarding the admissibility of the phone calls is needed as they relate to the armed robbery case. Specifically, what portions would be admissible based on the speaker and the content, whether a witness can testify to what he or she hears in the calls, and to what extent a witness will be allowed to draw conclusions from those statements. Additionally, undersigned counsel needs additional time to better form its own transcripts of the calls to appropriately litigate these matters.

5.

Additionally, a pretrial hearing as to whether any of the Instagram screen shots or information learned from Detective Harrison's Instagram research is admissible. Defense counsel needs time to research and prepare these legal arguments and the factual basis for the arguments. Additionally, defense counsel needs time to conduct independent Instagram research that can potentially refute the State's evidence now that it has account information of potential suspects and Mr. Ridgeway.

6.

Finally, as stated, the Defendant maintains his innocence to the armed robbery charge. Now that the defense has names of other potential suspects, the defense must be allowed to investigate these individuals to determine if there is evidence of their involvement that produces exculpatory information for Mr. Ridgeway.

7.

Mr. Ridgeway is entitled to due process, effective assistance of counsel, and the ability to effectively confront the witnesses against him. Based on these specific facts and circumstances he cannot do so if any portions of the jail calls are admissible or Detective Harrison's research on Instagram is admissible at trial next week.

8.

If the trial court denies Defendant's request to exclude the above-listed evidence, Defendant requests a continuance for the above-stated reasons. He does not do so for the purpose of delay. Mr. Ridgeway is an 18 year old whose case appears on the trial calendar for the first time and who faces a potential life sentence if convicted. As such, ensuring Mr. Ridgeway receives a fair trial in this case is imperative.

Respectfully submitted this 7th day of December, 2023,

/s/ Erin Wallace

Erin Wallace
Georgia Bar No.: 553400
Attorney for the Defendant

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing MOTION IN LIMINE on Deborah Gonzalez, District Attorney for the Western Judicial Circuit, by electronic service to her or one of her duly authorized agents.

This 7th day of December, 2023.

/s/ Erin Wallace

Erin Wallace
Georgia Bar No.: 553400

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