

IN THE SUPERIOR COURT OF OCONEE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)	
)	
Vs.)	SU-CR-2024-000224
)	
Charles Wayne Franklin,)	
)	
Defendant.)	

ORDER ON MOTION FOR HEARING ON MARSY'S LAW VIOLATION

The Court held a hearing on August 23, 2024 ("Hearing") as to the filing of a Motion for Hearing on Marsy's Law Violation ("Motion") by Vance Sanders and Brandon Wilkes [hereinafter "Movant Sanders" and "Movant Wilkes" respectively, "Movants" collectively] in their parental capacity for Lauren Sanders and Clara Wilkes, alleged victims in the above-styled case. At the hearing, Movants, who are citizens of Oconee County, were represented by Attorney Kevin Epps with Epps, Holloway, DeLoach and Hoipkemier, Assistant District Attorney Burke Doherty appeared on behalf the Office of District Attorney Western Judicial Circuit ("District Attorney"), and Defendant's Counsel waived his client's appearance.

Movants have requested a finding by the Court that Marsy's Law was violated, and move the Court to disqualify the District Attorney's office from prosecuting the case based on an alleged conflict of interest. Movants also request that the District Attorney be required to obtain Continuing Legal Education

through the Prosecuting Attorneys Council on how to comply with the Crime Victim's Bill of Rights under Georgia Law.

Finding of Fact

The Motion was filed no later than twenty (20) days of the alleged denial of the constitutional and statutory rights afforded to Movants 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 ("Marsy's Law"). The District Attorney in both its response to the Motion and at the Hearing admitted that it violated Marsy's Law as to the Movants. At the hearing, the District Attorney further admitted that an Assistant District Attorney's statements to the Court concerning the "attempted contact" with the Movants were inaccurate and that the District Attorney in fact had made no attempt to contact the Movants in violation of Marsy's Law.

Conclusions of Law

Based on the admissions in the District Attorney's Response and at the Hearing, the Court finds that the District Attorney violated Marsy's Law, specifically the District Attorney violated O.C.G.A §17-17-1 subsections (1), (3), (4), (6), (9), O.C.G.A. §17-17-5 subsection (3), and O.C.G.A § 17-17-7(d) by failing to notify the Movants of the Bond Hearing. The Court also makes the specific finding that the District Attorney


violated O.C.G.A §15-18-6 subsection (12) in that the District Attorney failed to assist the Movants in the above-styled case and apprise the Movants of the rights afforded to them under Marsy's Law.

The District Attorney argues this Court does not have statutory authority to provide for any other remedy pursuant to Marsy's Law except for allowing a victim a hearing for any alleged Marsy's Law violation and entering an order finding that the District Attorney violated Marsy's Law. The District Attorney has not opted to recuse under O.C.G.A. § 17-17-15(c) (6). The Court does not find that the District Attorney has committed forensic misconduct nor has an actual conflict of interest in this particular case. However, the Court notes that this case is the District Attorney's fourth (4th) documented Marsy's Law violation in the last two years. First, State of Georgia v. Michael Lareco Daniel, Athens-Clarke County Case No. SU-22-CR-0888. Second, State of Georgia v. Luke Harrison Waldrip, Athens-Clarke County Case No. SU-22-CR-0321. Third, State of Georgia v. Carlos Alberto Mejia, Oconee County Case No. 2023-CT-0125.

Based on these repeated violations, the Court deems it necessary and appropriate to require that the elected District Attorney and each of her Assistant District Attorneys shall enroll in and complete an approved continuing legal education

course offered through the Prosecuting Attorneys' Council on the duties and responsibilities required of Prosecutors under the Crime Victim's Bill of Rights, O.C.G.A. §17-7-1 et seq. The course shall be completed within sixty (60) days of this Order and proof thereof submitted in writing to the Court.

SO ORDERED THIS 11th September 2024



HONORABLE LAWTON STEPHENS

LAWTON E. STEPHENS
SUPERIOR COURT JUDGE
WESTERN JUDICIAL CIRCUIT
Athens-Clarke and Oconee Counties

9-11-24
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dr