

17CV1013

**DEKALB COUNTY GRAND JURY PRESENTMENTS  
JANUARY - FEBRUARY TERM, 2017**

TO THE HONORABLE JUDGES:

COURTNEY L. JOHNSON  
ASHA F. JACKSON  
CLARENCE F. SEELIGER  
GAIL C. FLAKE  
GREGORY A. ADAMS  
J P BOULEE  
DANIEL M. COURSEY, JR.  
LINDA W. HUNTER  
MARK ANTHONY SCOTT  
TANGELA BARRIE

Of the Superior Court of DeKalb County, Georgia, Stone Mountain Judicial Circuit  
This Grand Jury, sworn in by the **Honorable Mark Anthony Scott** in the DeKalb Superior Court on **January 3, 2017** respectfully submits the following presentments.

**INDICTMENTS**

This Grand Jury was presented with (442) cases during the **January - February 2017** term. Of these cases (438) True Bills and (4) No Bills were returned. An additional (230) cases proceeded by Accusation.

**REQUEST FOR PUBLICATION**

Pursuant to the O.C.G.A. § 15-12-80, we the presently constituted Grand Jury recommend to the **Honorable Mark Anthony Scott** that these general presentments be published in whole in the County Legal Organ.

## Recommendations

- Daily access to an updated law handbook
- Consistency in the process and with how the Assistant District Attorneys interact with the grand jury:
  - Introduce themselves and everyone that comes into the room
  - There are often inconsistencies with how the ADAs answer questions
    - EX: what happens when the Grand Jury doesn't agree on each charge? Do we have the ability to take charges off or challenge the charge? Some said yes, some said no.
    - EX: some ADA's allowed grand jurors to look at evidence, others said it was inappropriate.
  - The jury would prefer only to hear the race of the defendant when it is pertinent to the case. Often that information is shared when it is not necessary.
- Witnesses come prepared and ready to testify
  - The Grand Jury would rather wait in between witnesses than to have a witness unable to articulate the facts of a case. Fumbling through a file to check basic facts is not acceptable. A thorough review of the case and a reminder to the witnesses that the jury is looking for probable cause is necessary before the witness testifies.
- A change in the orientation process on the first day of service
  - Don't need to be educated on different types of guns
  - Do need to be educated about why an ADA counts multiple charges on the same indictment

- Do need to educate jurors on drug paraphernalia instead of guns (ex: pipes, individual baggies, unmarked pill containers)
- A presentation on the idea of probable cause would be very helpful. This should be the main focus of the legal presentation during orientation.

Advice to future grand jurors:


- We recommend having a quick reminder at the beginning of each session about why the jury is here – to find probable cause. Not to see evidence beyond a reasonable doubt.
- From the beginning, it's important to enforce attendance and being on time. Several jurors come in late, take long lunches, leave early, which creates animosity amongst the jury. This is the responsibility of the foreperson and assistant foreperson to enforce and should be addressed as soon as possible. It is unfair for people to show up late – but is also unfair if the offender is not notified that this is unacceptable behavior.
- Foreperson, and assistant foreperson and fellow members need to all follow the rules set in place.
- It's not only bad manners but it is distracting for the members in the Grand Jury to be having conversations with each other while the ADA and the investigators are giving evidence. This needs to be strictly enforced.
- The cell phone rule needs to be strictly enforced. Having most members turn in their phone only to have some members keep their phones sends a mixed message.

Advice to DA:

- All legal documents distributed and/or made available to grand jury should be of the most up to date legal codes and rulings.
- Some grand jury members recommend that cases involving Failure to Register as Sex Offender should not be presented to Grand Jury as there is no quality of evaluation to


present. It's a binary condition without the need for witnesses. As such it would allow more pressing cases to be heard and save taxpayer money in processing across all counties.

- Educate fore members that they have the option to decide whether or not someone gets paid based on absences, late arrivals, long breaks, etc.



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ROBERT L. SCHULTZ, FOREMAN




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BRITTANY ESPARZA, ASST. FOREMAN



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KELLY HACKETT, SECRETARY



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KIRSTIN R. TESTONI, ASST. SECRETARY

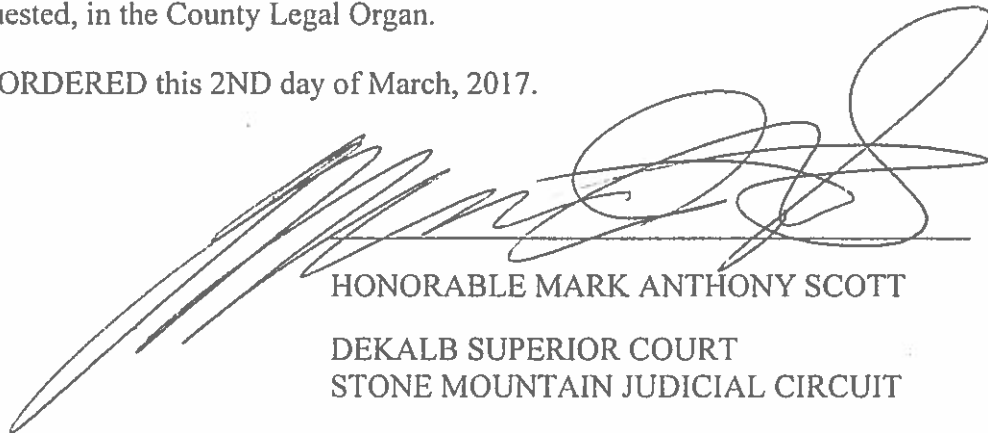
STACY R. BROOM  
KALESHA BROWN  
GENEVA P. CARR  
DANA DURRETT  
OLIVE G. FULLER  
DOUGLAS GADDY  
JACQUELYN V. GLOVER  
PATRICIA C. HARKNESS  
JANET S. HERZBERG  
LUCY A. HICKS  
ARCHIE K. HOLLIS  
MARIAH D. JACOBS  
EVERTON KETTLE  
JOHN D. LAMBERT  
GRETCHEN J. MANN  
BRENDA QUINLAND  
KENETH SAULSBERRY  
BENJAMIN SILVERBERG  
GLORIA STAPLES  
KIMBERLY TAYLOR  
DEBORAH J. WALKER  
DOUGLAS WHITE

ORDER

The within and forgoing presentments have been filed in open Court,

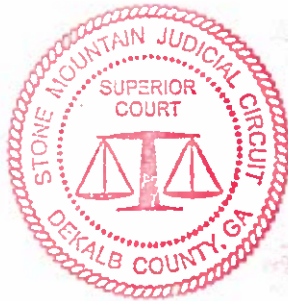
IT IS HEREBY ORDERED that said presentment be filed and published, as requested, in the County Legal Organ.

SO ORDERED this 2ND day of March, 2017.

  
HONORABLE MARK ANTHONY SCOTT  
DEKALB SUPERIOR COURT  
STONE MOUNTAIN JUDICIAL CIRCUIT

ACKNOWLEDGED:

  
SHERRY BOSTON  
DISTRICT ATTORNEY



State of Georgia, DeKalb County,  
The undersigned officer of DeKalb Superior Court certifies that this is a true and correct copy of the original document which is on file and record in the Office of the Clerk of Superior Court. Witness my hand and seal of the Superior Court of DeKalb County Georgia.

This 2nd day of March 2017  
Signature: Ameer Mohamed  
Deputy Clerk, DeKalb County Superior Court

2017 MAR -2 PM 12: 24  
CLERK OF SUPERIOR COURT  
DEKALB COUNTY GA

FILED