

GEORGIA

ATHENS-CLARKE COUNTY

It is ordered that the foregoing presentments of the Grand Jury empanelled for the 2024 April Term of the Superior Court of Athens-Clarke County be entered on the minutes of the Court and published at the expense of the County in the official organ of Athens-Clarke County, Georgia. Exhibits are not to be published, but shall be available for inspection and reproduction in the Office of Clerk of Superior Court Athens-Clarke County,

This 3rd day of July, 2024.



**Lisa Lott, Chief Judge
Superior Court Athens-Clarke County
Western Judicial Circuit**

Filed in Open Court this 3rd day of July, 2024.



Elisa Zarate, Clerk of Superior Court

Clerk Superior Court, County, Ga.
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General Presentation and Reports

Athens-Clarke County Grand Jury

April 2024 Term

July 2, 2024

I. Introduction

On the 8th day of April, 2024, the Honorable Lisa Lott selected 25 Grand Jurors from a pool of eligible citizens assembled for that purpose, and subsequently administered the Oath to and charged those jurors empaneled.

The jurors elected leadership as follows:

Foreperson: Ambrey Derber

Assistant Foreperson: Stacy Powell

Secretary: Mitchell Enfinger

Assistant Secretary: Megan Morgan

In addition to the leadership referenced above, the following citizens served as Grand Jurors during the April 2024 term (alternates as noted): Theodore Bergstrand, John Carlson (alternate), LaShawnda Chambliss, David Decker, Stephano Diaz, Ian Drake, Scott Hallberg, Matthew Hartis (alternate), Christian Hathaway, Nora Herrera-Lindsay, Mia La, Johnny McCannon, Stafford McKinney, Megan Morgan, Nakima Olmedo, Benjamin Phillips, Hector Pinto-Cordova, Warner Riley, Christina Serra, Nora Story, and Kathy Warhola. Jerry Johnson was also selected but was unable to serve.

II. Criminal Functions

During the April term, the Grand Jurors convened every Tuesday beginning April 9, 2024, through and including July 2, 2024, excepting Tuesday, April 16, 2024, which session was canceled.

During these sessions, a grand total of 164 cases were brought before the Grand Jury. Of those cases, 161 were returned as True Bills of Indictment, 3 were returned as Split Bills of Indictment, and 0 were returned as No Bills of Indictment.

III. Civil Functions

Owing to a particularly difficult case load (in content rather than number), this Grand Jury waived its right to inspect certain local facilities and documents and therefore has no additional reports to make.

IV. Observations and Recommendations

The Grand Jury would like to take note of the following observations and recommendations:

A. Policies and procedures

The jurors had very little idea of what to expect or how to proceed, other than verbal instructions provided on the first day of service and thereafter on an ad hoc basis. They would therefore request that copies of the juror handbook be made available at all times in the Grand Jury room. They would further note that the leadership was similarly without guidance, and would request that some instructional manual be created and provided to the foreperson and secretary so that they can perform their duties more quickly, efficiently, and confidently. This Foreperson has agreed to draft such a document and provide it to the Court in the hopes that future Forepersons will contribute to its completion.

B. Proofreading assistance

The jurors have noticed a great many delays as a result of errors in indictments. Those delays have been as brief as possible thanks to the assistance of DA support staff available nearby, but the jurors do note that having a second reader review all indictments before they are presented would likely catch a great many of these errors and allow the Grand Jury to proceed more efficiently.

C. Case list

The jurors would like a better idea of what to expect from their days. They understand the fluid nature of the cases scheduled to be heard, but in general the jurors feel that more information is almost always better, even with the caveat that everything is subject to change. The jurors would like to receive a full and complete case list every morning and some idea of which cases might be longer or shorter for purposes of addressing their own comfort and practical needs. There are monitors available in the Grand Jury room, and they could be used in similar fashion to the other monitors throughout the Courthouse, provided that this does not create an unnecessary burden as compared to the provision of paper copies.

D. Witnesses

On more than one occasion, the Grand Jury has been kept waiting because witnesses scheduled to appear have simply not done so. When possible, other witnesses have been kind enough to step in to minimize the time wasted and to get cases presented, and the jury would certainly like to note their appreciation for those who have gone above and beyond to keep the process moving forward for the benefit of all involved. The jury would also like to note that those who do not show up when scheduled cause entirely unnecessary delays and risk adversely affecting the cases. Given the fact that most witnesses are law enforcement officers, failure to appear is both surprising and distressing. While the demands of the job may certainly occasionally interfere with appearance, and all due deference should be afforded to those demands, there is very rarely a case without the involvement of multiple officers such that any one of them could appear. The Jury therefore recommends that cooperative efforts be undertaken to subpoena those officers most likely to be available for testimony, subject, of course, to the evidentiary needs involved in the case.

E. Mental health

The jurors have heard with great distress case after case surrounding incident(s) directly resulting from unmanaged mental health issues, both in the community and inside the ACC jail facility. The Jury recognizes the many challenges associated with meeting community health needs, not least among which are lack of funding and the right of adults to refuse treatment in most cases, including psychotropic medications and other interventions. The Jury acknowledges that the criminal justice system is neither designed nor equipped to manage the mental health of the community that it serves. All that said, the Jury would like to note that the most fundamental and important job of that criminal justice system is the protection of its community, and that rightfully includes not just prosecution of crimes that have already occurred, but also preventing as much criminal behavior as possible. To that end, the Jury recommends continued community investment in and cooperation with data-driven community mental health initiatives in cooperation with law enforcement agencies, including but certainly not limited to the Behavioral Health Unit and continued training and support for all law enforcement officers in identifying mental health issues and connecting individuals with resources proactively.

The Jury would also like to note that they have seen and heard many disturbing things in the course of their duties and recommends that support be made available for all jurors in the County at any time during or after their service. The Jury also recommends that any and all employee assistance programs for public servants involved in the criminal justice system be augmented whenever possible with science-based interventions, better to support those who see these same things on a daily basis.

F. Juror compensation

Citizens should not have to suffer financial setbacks in performing their civic duties, yet the juror compensation structure virtually guarantees that at least some Grand Jurors will feel significant financial strain as a result of their service.

Athens Clarke County compensates at a rate of \$35 per day, which more than once this Term has resulted in an hourly rate that would violate federal law in most any other setting. While the fairest and most appropriate compensation structure would involve at least the minimum hourly rate paid by the ACC government to its regular employees, the jury recognizes that the statutory cap does prevent full and fair compensation for their time and efforts.

The maximum juror compensation rate for the State of Georgia was last adjusted in 1989 (source: Athens Politics Nerd), increasing to a mere \$50 a day. Adjusted for inflation, the actual equivalent rate today would be just under \$130 a day (source: Bureau of Labor Statistics CPI inflation calculator). Conversely, the \$50 sum in 2024 would be equivalent to just over \$20 in 1989 (*ibid*). That \$50 sum, unconscionably low as may be in the year 2024, represents an increase in compensation for jurors in this county, and that is what jurors should be paid going forward. In fact, the juror per diem should be tied to the maximum compensation rate allowable by the State and increase as a direct function thereof. The Court should additionally make available to jurors

the sums earned in a more timely fashion; jurors should not have to wait thirteen weeks for the compensation due to them for their service.

V. Acknowledgments

A. General Thanks and Acknowledgements

The Grand Jury extends its thanks to the Office of the District Attorney, Assistant District Attorneys Charles Rettiger and Stephen Humhpreys for their diligent work, and David Lichter for his frequent assistance. The Jury also extends its sincere gratitude to Sheila Ross and William Johnson of the Prosecuting Attorneys' Counsel of Georgia and all attending attorneys from the Office of the Attorney General of the State of Georgia for their graceful handling of complicated and emotionally charged cases.

The Grand Jury would further like to thank the law enforcement officers from the Athens-Clarke County Police Department, the Clarke County Sherriff's Department, the University of Georgia Police Department, the Georgia State Patrol, the Georgia Bureau of Investigation, and the Drug Enforcement Agency for their cooperation and consideration. The Jury would especially like to thank those officers who showed up prepared to present cases efficiently and effectively, including but certainly not limited to all LEOs from the ACCPD Special Victims' Unit, DV unit, and Drug Task force; all LEOs from the UGAPD Special Victims' unit; each and every LEO involved in cases handled by PAC and the AG; the consultant from the National Disability Without Abuse Project, whom the Jury found particularly impressive for many reasons; and the following individuals: Franco, Moremen, Asinas, Holcombe, Elmore, and many others. The Jury emphasizes that this list is in no way exhaustive, and that a great many LEOs were mentioned in discussion for this section; unfortunately, the Jury does not have all of the names at their disposal and they do not wish to use case facts for identification herein.

Finally, the Grand Jury would like to thank those who meet our material needs: the bailiffs, most notably Jacke Lunsford; the Honorable Elisa Zarate and staff of the Clerk of Court and Court Administration offices; all Court and courthouse security staff; all parking, janitorial, maintenance, and other facilities staff; and any other worker who has in any way contributed to our safety, comfort, or clerical needs.

The jurors have specifically requested that the foreperson and secretary, along with their assistants, be recognized and thanked in this document as well.

B. Point of Executive Privilege

As foreperson to this Grand Jury, I wish to take this opportunity in the first person to recognize the jurors whom it has been my honor and privilege to serve. These fine citizens have been ripped from their lives and laden with responsibilities for which they did not ask. They have heard incredibly emotional and difficult cases and carried that load with grace and compassion. They have struggled mightily with the realities and limitations of the criminal justice system while upholding the laws as appropriate at this stage of the judicial process. They have lost sleep after overnight shifts, lost money, perhaps to the point

of struggle, lost out on social and professional opportunities, and lost time that they will never get back, but not once did they lose their way.

These jurors have showed up, day after day, sat through repeated delays, untangled hopelessly garbled testimony, worked through lunch on more than one occasion, endured evidentiary presentations both graphic and disturbing, and made any number of private sacrifices known only to themselves, and yet they have still exhibited unfailing kindness, wisdom, attentiveness, good cheer, and ability to hold compassion not only for victims but also for perpetrators, law enforcement officers, Court officials, and one another, all the while executing with solemnity and exactitude their lawful duties in the absolute best of faith. If, in my own service as foreperson of this Grand Jury, I was forced to witness and confront the absolute worst that my community has to offer, I did so with the balm and consolation of having the absolute best by my side in the task.

VI. Closing Remarks

It is customary for the Grand Jury to express gratitude for the opportunity to serve its community in these closing remarks. While not a voluntary effort, service on the Grand Jury allows the jurors to contribute and bear witness to the right of due process afforded to all those accused of crimes. This is the first experience that many jurors have had with the judicial process, and it has been revealing and occasionally stressful, but at all times a solemn and heavy responsibility. The Grand Jury as whole is grateful for the effort, sacrifice, and dedication of each of its members in fulfilling its vital functions. The Jury would also like to acknowledge and appreciate the invaluable support of their employers, their co-workers, their families, and the Athens community as a whole.

Respectfully submitted, this 2nd day of July, 2024,



Ambrey Derber
Foreperson



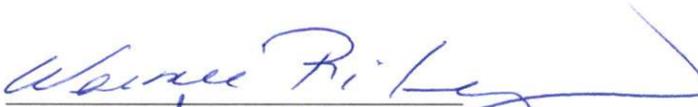
Mitchell Enfinger
Secretary

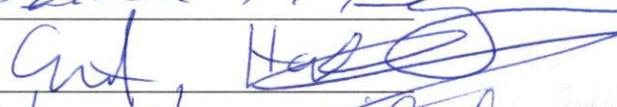
Grand Jurors' signatures:

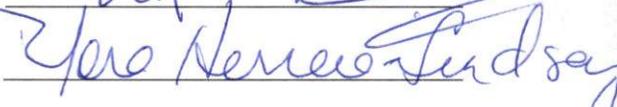
Warner Riley

Christian Hathaway

Nora Herrera-Lindsay







Nora J. Story

Mia La

Stephano Diaz

Christina Serra

Megan Morgan Stoner

Ian Drake

LaShawnda Chambliss

Hector Pinto Cordova

Stacy Powell

Johnny McCannon

Kathy Warhola

Nakima Olmedo

Benjamin Phillips

Stafford McKinney

David Decker

Theodore Bergstrand

Scott Hallberg

John Wesley Carlson (Alternate)

Matthew Blake Hartis (Alternate)