Fulton County Superior Court
EFILEDKS
Date: 6/17/2024 4:59 PM
Che Alexander, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	**INDICTMENT NO. 22SC183572**
v.	)	
	)	
JEFFERY WILLIAMS,	)	**JUDGE GLANVILLE**
Defendant.	)	

i) MOTION TO DISQUALIFY/RECUSE JUDGE GLANVILLE FROM ALL FURTHER DEALINGS IN THE ABOVE-REFERENCED CASE AND (ii) MOTION FOR MISTRIAL WHICH WAS GOADED BY THE IMPROPER CONDUCT COMMITTED IN CONCERT BY THE COURT AND PROSECUTION

COMES NOW, Jeffery Williams, by and through undersigned counsel and hereby files this i) Motion to Disqualify/recuse Judge Glanville from All Further Dealings in the Above-referenced Case and (ii) Motion for Mistrial Which Was Goaded by the Improper Conduct committed in Concert by the Court and Prosecution. In support of this Motion, Mr. Williams shows as follows:

1.

Undersigned counsel represents Mr. Jeffery Williams in the above-referenced case. The jury trial of multiple accused persons commenced January 4, 2023 before Fulton County Superior Court Judge Glanville. The trial is expected to last, at least, through the end of the 2024 calendar year.

2.

On Monday, June 10, 2024, within five (5) days of the filing of this timely Motion, this Court, along with the prosecutors, engaged in an unlawful, improper ex parte meeting with, among other persons, a sworn witness (Kenneth Copeland) for whom an Order of Use Immunity had been issued on Friday, June 7, 2024. No notice of this ex parte meeting was provided to any attorney for any of the criminally accused in the case. In fact, the accused and their counsel were in the dark that

this "star chamber" meeting occurred. Mr. Copeland had previously been called to testify on Friday, June 7, 2024, asserted the fifth amendment privilege in open Court in front of the jury and was held in contempt and summarily incarcerated until such time as he agreed to testify pursuant to the grant of use immunity. Judge Glanville and the prosecutors essentially admitted, by silence and by statements in open Court, that an ex parte meeting occurred on the morning of June 10, 2024, only after undersigned counsel revealed, based upon information and belief, that this impermissible meeting occurred.[1]

3.

At the earliest opportunity, on the afternoon of June 10, 2024, the court was informed, based upon information and belief, that the ex parte meeting with the sworn witness Kenneth Copeland and the prosecution occurred earlier that day, that the witness had made factual admissions and that statements were made to the witness by the court and the prosecutor(s) acting in concert, about the amount of time Mr. Copeland could be held in custody on the contempt. The court denied undersigned counsel's request for the transcript of the ex parte meeting and denied the timely Motion for Mistrial based upon this improper and illegal ex parte meeting which violated Mr. Williams' Constitutional and Statutory rights, including the right to due process, a fair trial, a fair tribunal, ethical prosecutors and the right to be present at every critical stage of the proceedings under the Georgia Constitution.

4.

[1] A transcript of the relevant proceedings on June 10, 2024 has been ordered from the Court Reporter. A video recording of the entire June 10, 2024 trial proceedings can be accessed online at https://www.youtube.com/watch?v=86KY3agxE2I.

Uniform Superior Court Rule 4.1 and Ga. Code of Judicial Conduct 2.9 delineate rules governing ex parte communications. Uniform Superior Court Rule 4.1 generally prohibits ex parte communications: "Except as authorized by law or by rule, judges shall neither initiate nor consider ex parte communications by interested parties or their attorneys concerning a pending or impending proceeding." Ex parte hearings are only authorized in the case of extraordinary matters such as temporary restraining orders and temporary injunctions. "In other judicial hearings, both parties should be notified of the hearing with an opportunity of attending and voicing any objection that may be properly registered." City of Pendergrass v. Skelton, 278 Ga. App. 37, 39, 628 S.E.2d 136 (2006); Anderson v. Fulton Nat'l Bank, 146 Ga. App. 155, 156, 245 SE2d 860 (1978). Ga. Code of Judicial Conduct 2.9 - Assuring Fair Hearings and Averting Ex Parte Communications provides:

> (A) Judges shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. Judges shall not initiate, permit, or consider ex parte communications, or consider other communications made to them outside the presence of the parties, or their lawyers, concerning a pending proceeding or impending matter, subject to the following exceptions.
>
> (1) Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits, provided that:
>
> (a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and
>
> (b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.
>
> (2) Judges may obtain the advice of a disinterested expert on the law applicable to a proceeding before the court, if they give notice to the parties of the person consulted and the substance of the advice, and afford the parties reasonable opportunity to respond.
>
> (3) Judges may consult with court staff and court officials whose functions are to aid in carrying out adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.

(4) Judges may, with the consent of the parties, confer separately with the parties or their lawyers in an effort to mediate or settle pending proceedings.

(5) Judges may initiate, permit, or consider ex parte communications when authorized by law to do so, such as when issuing temporary protective orders, arrest warrants, or search warrants, or when serving on therapeutic, problem-solving, or accountability courts, including drugs courts, mental health courts, and veterans' courts.

5.

This court violated U.S.C.R. 4.1 and Georgia Code of Judicial Conduct 2.9. The court has joined the prosecutors' team and is biased against Mr. Williams and favorable to the prosecutors as objectively demonstrated on June 10, 2024, as well as throughout the pendency of this case.

6.

The trial court rejected undersigned counsel's substantive requests for information about the unlawful ex parte meeting and the court denied undersigned counsel's Motion for Mistrial. Instead, the court stunningly demanded to know how undersigned counsel came into possession of the information about the ex parte meeting. The prosecutors stunningly sat mute and permitted this injustice to occur and for the court to attempt to intimidate undersigned counsel. Later, Love, a lawyer currently employed with the Fulton County District Attorney's Office, argued that the ex parte hearing with Witness Copeland was ethical, just and proper. The other prosecutor still remained mute.

7.

Undersigned counsel declined to join the antics in ignoring rules and ethical provisions and declined to provide information requested by the court, relying on State Bar Rule of Professional Conduct 1.6 which states, in pertinent part, that:

> (a) A lawyer shall maintain in confidence all information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client, unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, or are required by these rules or other law, or by order of the court.

8.

Comment 5 to Rule 1.6 specifically states:

> The principle of confidentiality is given effect in two related bodies of law, the attorney-client privilege (which includes the work product doctrine) in the law of evidence and the rule of confidentiality established in professional ethics. **The attorney-client privilege applies in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. Rule 1.6 applies not merely to matters communicated in confidence by the client but also to all information gained in the professional relationship, whatever its source. A lawyer may not disclose such information except as authorized or required by the Georgia Rules of Professional Conduct or other law.** See also Scope. The requirement of maintaining confidentiality of information gained in the professional relationship applies to government lawyers who may disagree with the client's policy goals. (Emphasis added).

9.

The court ignored the ethical rules relied upon and continued to demand undersigned counsel to reveal the source of the information, claiming that the way that undersigned counsel obtained that information was somehow "unlawful," and baselessly accused undersigned counsel on the Record of potentially acquiring the information through "eavesdropping." In response to the specious accusations and the impermissible demands of the court, undersigned counsel relied on the ethical mandates of Rule 1.6 and the fifth amendment right to remain silent and declined to provide the source of information which had been proffered. The court is so biased against undersigned counsel

and/or Mr. Williams, the court ignored all laws and pursued contempt penalties to attempt to intimidate undersigned counsel to violate the law and ethics in order to continue to help the prosecution convict Mr. Williams and all others.

10.

The court issued a written Order of Contempt and Incarceration for Brian Steel imposing the maximum sentence of incarceration for twenty (20) days. (See, Exhibit A, Order of Contempt and Incarceration for Brian Steel).

11.

The Supreme Court of Georgia has granted a Writ of Certiorari to address the appeal of the Contempt Order and has granted undersigned counsel a Supersedeas Bond.

12.

The court violated the law by failing its duty to recuse from presiding over this contempt proceeding. In such proceedings where the announcement of punishment is delayed, and where the contumacious conduct was directed toward the judge or where the judge reacted to the contumacious conduct in such manner as to become involved in the controversy, the judge may give the attorney notice of specific charges, but the hearing, including the attorney's opportunity to be heard, must be conducted by another judge. In re Schoolcraft, 274 Ga. App. 271, 271, 617 S.E.2d 241 (2005). Here, the court involved itself in these proceedings by joining the prosecution team and conducting the ex parte meeting that violated Mr. Williams' rights. This created a conflict of interest for the court because its own unethical conduct is questioned and at the heart of this issue. The court then compounded its abuse of power by presiding over the very contempt hearing where its own rules violations prompted the controversy. The court should have recused and allowed the contempt proceedings to be handled by a separate court. Further, the prosecutors sat mute and permitted the

court to attempt to interrogate and intimidate another member of the Bar who reported a violation of law and also promoted the court's wrongful conduct by asserting that the ex parte meeting was proper.

13.

The court denied Mr. Williams and undersigned counsel their Due Process rights as undersigned counsel has a right to adequate notice and to be heard, to call witnesses at a hearing, and to be represented by counsel for the entirety of the contempt proceeding and Mr. Williams had the right to learn of all facts and circumstances of this critical stage of the proceeding that occurred in his absence, ex parte.

14.

The court abused its authority by holding undersigned counsel in contempt for refusing to divulge privileged information and for protecting Mr. Williams' Constitutional rights to due process, right to a fair tribunal, right to a fair trial, right to be present and effective assistance of counsel. This court's refusal to acknowledge these rights and protections has created an unfair tribunal based upon bias against Mr. Williams and/or his counsel and favoritism to the prosecutors.

15.

Motion to Disqualify/Recuse Judge Glanville is timely filed as Uniform Superior Court Rule 25.1 mandates that the time for filing a Motion to Recuse shall be not later than five (5) days after the Affiant first learned of the grounds for disqualifications. The Honorable Supreme Court of Georgia has taught that a Motion to Recuse is timely filed under U.S.C.R. 25.1 if it is filed within five (5) days after the Affiant first learned of the alleged grounds for disqualification, excluding Saturdays and Sundays. See Mayor and Aldermen of the City of Savannah v. Batson-Cook Co., 291 Ga. 114, 120, 728 S.E.2d 189 (2012); O.C.G.A. § 1-3-1. Thus, this Motion to Disqualify/Recuse is

timely filed as the reason for this disqualification/recusal was first learned on Monday, June 10, 2024. (See Exhibit B, Joint Affidavit, attached hereto).

16.

The record also reveals numerous instances during trial when the judge's behavior appears to have been biased against Mr. Williams' counsel and partial in favor of the State. See Millhouse v. State, 254 Ga. 357, 359, 329 S.E.2d 490 (1985)(contentions that a trial judge's derogatory or prejudicial statements and demeanor will be considered so long as a reviewable record has been completed; one method of creating such a record is to obtain testimony from witnesses who were in the courtroom at the time of the incident in question). The record reveals other instances, too, when the trial court wrongly berated counsel in front of the jury. After a number of such incidents, Mr. Williams' counsel, out of the jury's presence, moved for the trial judge's recusal and sought a mistrial on grounds that the judge had shown a lack of objectivity, had displayed bias against Mr. Williams and his counsel, and had assisted the prosecutors in making their case before the jury. Judges have an ethical duty to disqualify themselves from any matter in which they have a personal bias or prejudice concerning a party or an attorney appearing before them. In this regard, a trial judge "shall avoid all impropriety and appearance of impropriety." The Code of Judicial Conduct provides that "judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where . . . the judge has a personal bias or prejudice concerning a party or a party's lawyer. Within the context of this requirement, the word "should" means "shall." The Supreme Court is mindful of the extraordinary pressures attending a criminal trial of this magnitude. On the one hand, defense counsel is obligated to vigorously defend his client against all charges brought by the State. Likewise, prosecutors must effectively and ethically present the State's case to a jury. At the same time, the trial judge is charged with ensuring

that the rules of evidence and procedure are followed, and that the proceedings are both orderly, ethical and fair. When these several interests come together in the courtroom during trial, disagreements between the bench and bar are to be expected. The instances discussed above and in the attached Exhibit "B," Joint Affidavit, however, represent more than mere friction between zealous counsel and a diligent jurist. The judge's conduct, as discussed above and herein, created the impression that he harbored an inclination to be biased against Mr. Williams and his counsel and partial toward the prosecution. Higher Courts need not decide whether such bias and impartiality actually existed, because judges are ethically bound to disqualify themselves whenever their "impartiality might reasonably be questioned," including instances where the judge's behavior could indicate that he "has a personal bias or prejudice concerning a party or a party's lawyer." As explained, the trial judge in this case participated in ex parte communications with the prosecutor in which he assisted the State to influence a witness to testify against Mr. Williams. These actions certainly raised reasonable questions concerning the judge's partiality and bias. Because the trial judge's impartiality is reasonably questionable, it is error to deny Mr. Williams' Motion for recusal. See Johnson v. State, 278 Ga. 344(3, fn. 9), 602 S.E.2d 623 (2004).

17.

Our Highest Court has set forth at least three (3) circumstances in which recusal of a court is necessary on the ground of mere appearance of bias, even in the absence of evidence of actual bias. Mr Williams does not waive that actual bias has been objectively shown throughout trial as well as on June 10, 2024, but, for simplicity, the appearance of bias is also met. Two (2) of these circumstances arise in the case at bar.[2]

[2] The third circumstance in which recusal is required on the ground of mere appearance of bias, absent evidence of actual bias, is when a judge has a direct, personal, substantial pecuniary interest in reaching a conclusion against a litigant. Based upon information and belief, this

18.

First, mere appearance of bias requires the recusal of a judge when the judge becomes embroiled in the controversy with one of the litigants. See Mayberry v. Pennsylvania, 400 U.S. 455, 465, 91 S. Ct. 499, 27 L.Ed.2d 532 (1971); Taylor v. Hayes, 418 U.S. 488, 501-502, 94 S. Ct. 2697, 41 L.Ed.2d 897 (1974)(relationship between the judge and the lawyer was such that due process required recusal of the judge). As shown in Exhibit "B," attached hereto, the Court favors the prosecution and is attempting to sabotage the defense.

19.

Georgia Courts have followed this demand for recusal when the judge becomes embroiled in the controversy. See In re Burgar, 264 Ga. App. 92, 94, 589 S.E.2d 679 (2003)(due process requires that the trial judge cannot be both the prosecutor as well as the judge in our judicial system and thus, must be recused); In re Adams, 215 Ga. App. 372, 377, 450 S.E.2d 851 (1994)(where the judge reacted to the supposed contumacious conduct in such a manner to become involved in the controversy, the judge may give the attorney notice of specific charges, but the hearing, including the attorney's opportunity to be heard, must be conducted in front of an unbiased, impartial judge); In re Schoolcraft, 274 Ga. App. 271, 273, 617 S.E.2d 241 (2005)(the trial judge became involved in the controversy as he necessarily applied his impressions from a prior bond hearing in reaching a finding of potential contempt).

20.

Second, due process requires recusal of the judge when the judge takes a role in the accusatory process. See In re Murchison, 349 U.S. 133, 137, 75 S. Ct. 623, 99 L.Ed. 942 (1955). In

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circumstance is not applicable to the case at bar. See Tumey v. State of Ohio, 273 U.S. 510, 47 S. Ct. 437, 71 L.Ed. 749 (1927); Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813, 821-822, 106 S. Ct. 1580, 89 L.Ed.2d 823 (1986).

In re Murchison, supra, our Highest Court explained that the Constitution prohibits a scenario where the judge orders witnesses to appear before him/her in order for the judge to gather facts to determine whether contempt proceedings should occur and then the same judge presides over the contempt trial. This is because such a "Judge-Grand Jury" arrangement caused the judge to become part of the accusatory process and thus, this judge must be recused from further dealings on the case. Here, Judge Glanville has Ordered Mr. Copeland's lawyer and others to appear to give information on a contempt proceeding. Same is against the law.

21.

Importantly, a trial judge has the duty to recuse itself, sua sponte, from any proceeding in which the judge's impartiality might reasonably be questioned, including instances where the judge has a personal bias or prejudice concerning a party. See Marlow v. State, 339 Ga. App. 790(4), 792 S.E.2d 712 (2016). The phrase "impartiality might reasonably be questioned" means the existence of an objectively reasonable perception of lack of impartiality by the judge, held by a fair-minded and impartial person based upon objective fact or reasonable inference. See Baptiste v. State, 229 Ga. App. 691(1), 494 S.E.2d 530 (1997). To warrant recusal, the alleged bias must be of such nature and intensity to prevent the complaining party from obtaining a trial uninfluenced by the judge's pre-judgement. To warrant disqualification of the trial judge, the Affidavit in support of a Motion seeking same must support the charge of a bent of mind that may prevent or impede the impartiality of the judge. See In re Estate of Roberston, 271 Ga. App. 785(5), 611 S.E.2d 680 (2005). Mr. Williams meets this mark. (See Exhibit "B," attached hereto).

22.

Recusal is objectively required when the judge serves both as the accuser and the adjudicator in a case. See Williams v. Pennsylvania, 579 U.S. 1(1)(a), 136 S. Ct. 1899, 195 L.Ed.2d 132 (2016).

23.

In the case at bar, the court met ex parte with prosecutors and sworn witness Copeland and never intended to reveal that ex parte meeting occurred to Mr. Williams and/or his counsel (or to anyone for that matter). The court has become part of the executive branch prosecuting Mr. Williams. Moreover, the prosecutors have abandoned and violated their ethical duties by engaging in this ex parte meeting and sitting silent while the court held undersigned counsel in contempt and failed to reveal any Brady evidence from the meeting, including the fact that this meeting occurred. The court and the prosecutors should not be working together (but they are), teaming up to gain an unlawful advantage over Mr. Williams. Mr. Williams' trial is constitutionally fractured, unfair and lacks all constitutional, statutory and ethical safeguards and protections of due process of law. The court is biased against the accused and his counsel. (See Affidavit, Exhibit B). See U.S.C.R. 25.3. No intellectually honest person could believe that coercing Witness Copeland to testify in a "star chamber" setting meets Constitutional muster.

24.

This court has failed to follow the lawful path. Instead, the court has unlawfully become the prosecutor, "Judge-Grand Jury," biased, partial, potential sentencer and thus, must be removed from this case, in toto, instanter.

25.

On a Motion to disqualify/recuse, it is the duty of the judge to pass only on the legal sufficiency of the facts alleged and to ask whether these facts support a charge of bias or prejudice. Neither the truth of the allegations nor the good faith of the pleader may be questioned, regardless of the judge's personal knowledge to the controversy. The test is whether, assuming the truth of the facts alleged in the attached Affidavit, a reasonable person would conclude bias exists on the part

of the judge. See Post v. State, 298 Ga. 241(3b), 779 S.E.2d 624 (2015); In re Adams, 215 Ga. App. 372(1), 450 S.E.2d 851 (1994).

26.

This court's conduct raises a strong finding that it has become personally embroiled in the case. It is clear, even to a casual observer, that this court's involvement in this controversy requires this court be disqualified/recused/removed from all further proceedings in the above-referenced case, instanter, and another Judge, who will duly exercise the powers of the judicial branch, with partiality, clarity and fairness, must be appointed to this case. See Dowdy v. Palmour, 251 Ga. 135, 304 S.E.2d 52 (1983).

27.

It is critical to the functioning of our courts that the public believe in the absolute integrity and impartiality of its judges and judicial recusal serves as a linchpin for the underlying proposition that the court will be fair and impartial. See Mayor and Aldermen of the City of Savannah v. Batson-Cook Co., 291 Ga. 114, 728 S.E.2d 189 (2012).

28.

The Georgia Code of Judicial Conduct, Rule 2.11(A) mandates that a judge must disqualify himself in any proceeding in which the judge's impartiality must be reasonably questioned or which the judge has a personal bias or prejudice concerning a party or a party's lawyer.

29.

This Motion to disqualify/recuse Judge Glanville, accompanied by the attached Affidavit, mandates that Judge Glanville (i) shall immediately cease to act upon any matters involved in State of Georgia v. Jeffery Williams, et al, supra, (ii) shall immediately determine the timeliness of this Motion and legal sufficiency of the attached Affidavit, and (iii) assuming that any and/or all facts

alleged in the Affidavit to be true, whether recusal would be warranted. If it is found that this Motion is timely filed (which it is), the Affidavit is legally sufficient (which it is), and that recusal would be authorized if some or all of the facts set forth in the Affidavit are true (which it does), Judge Glanville must cease from any further contact with this case and another judge shall be assigned to hear this Motion to disqualify/recuse Judge Glanville. Judge Glanville cannot, in any way, oppose this Motion. See Mondy v. Magnolia Advanced Material, Inc., 303 Ga. 764, 815 S.E.2d 70 (2018).

30.

The attached Joint Affidavit clearly set forth the facts and reasons for the belief that bias and/or prejudice exist on the part of Judge Glanville. The allegations in the attached Affidavit are not just bare conclusions and opinions, but are facts. See Mundy v. Magnolia Advanced Materials Inc., 303 Ga. 764, 766, 815 S.E.2d 70 (2018).

31.

Georgia Code of Judicial Conduct Rule 2.11 mandates that Judge Glanville must disqualify/recuse himself from this case, instanter. In the alternative, another judge must be assigned to this case and then order Judge Glanville recused based upon his conduct as stated herein and in the attached Affidavit. The facts cannot be ignored, to wit: Judge Glanville's impartiality might reasonably be questioned by an objective observer and thus, Judge Glanville must be disqualified/recused from this case. See Birt v. State, 256 Ga. 483, 486, 350 S.E.2d 241 (1986). A fair minded and impartial person would hold a reasonable perception that Judge Glanville lacks impartiality based upon objective facts set forth in this Motion and the attached Affidavit or reasonable inferences therefrom. See Ellicott v. State, 320 Ga. App. 729, 735, 740 S.E.2d 716 (2013)(reasonable perception of a lack of impartiality held by a fair minded and impartial person is based upon objective facts or reasonable inferences). Furthermore, Judge Glanville's potential bias

is of such a nature and intensity to prevent Judge Glanville from being uninfluenced by his pre-judgements. Judge Glanville's conduct gives fair support to a charge of a bent of mind that may prevent or impede the impartiality of justice if Judge Glanville is not disqualified/recused from this case. See Johnson v. State, 278 Ga. 344, 349, 602 S.E.2d 623 (2004); Kappelmier v. PDQ Property Mgmt., 309 Ga. App. 430, 431, 710 S.E.2d 631 (2011).

32.

Further, this Indictment must be dismissed, a mistrial granted based upon the court's and prosecution's continued misconduct as shown in Exhibit "B," attached hereto. A Constitutionally required fair trial, occurring before a fair tribunal with ethical prosecutors, has been violated. This includes, but is not limited to witness intimidation. See, for example, United States v. MacCloskey, 682 F.2d 468, 479 (4th Cir. 1982); United States v. Linder, 2013 WL 812382 (N.S. Ill. March 5, 2013); United States v. Morrison, 535 F.2d 223, 228 (3rd Cir. 1976); United States v. Golding, 168 F.3d 700 (4th Cir. 1999).

33.

Judge Glanville, lawyers for the State Love and Hylton will be called as witnesses at trial for the jury to understand this ex parte meeting and determine demeanor and credibility. Additionally, Mr. Williams demands all ex parte meetings to be disclosed, instanter, in order to properly reveal the full extent of all violations of law/ethics. Again, lawyers for the State Love and Hylton and Judge Glanville are necessary witnesses at this hearing and trial to determine the correctness of the Motion for Mistrial goaded by conduct of these parties/judge.

WHEREFORE, based upon the above and the attached Affidavit, if Judge Glanville does not immediately recuse from any and all further dealings on this case, this Motion must be set down

before another Judge to determine why Judge Glanville can continue to serve as Judge in this case. Further, a mistrial must be granted based upon these judicial and prosecution violations of law/ethics.

This 17th day of June, 2024.

Respectfully submitted,

/s/ Brian Steel
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Attorneys for Mr. Williams

EXHIBIT A

Fulton County Superior Court
EFILEDNY
Date: 6/10/2024 8:02 PM
Che Alexander, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	INDICTMENT
v.	)	NO. 22SC183572
	)	
JEFFERY WILLIAMS,	)	
	)	
Defendant.	)	

ORDER OF CONTEMPT AND INCARCERATION FOR BRIAN STEEL

During the proceedings in the above-styled case on the afternoon of June 10, 2024, one of the two representatives for Defendant Jeffery Williams, Mr. Brian Steel, took to the podium and stated to the Court that he had been informed of an *ex parte* communication which took place in the Court's chambers that morning. The only parties present for this *ex parte* matter were the Court, the Court's official court reporter, representatives from the State, the State's witness Mr. Kenneth Copeland, and counsel for Mr. Copeland. In addition to the Court's serious concern with how this information was improperly disclosed to Defense counsel, Mr. Steel made several claims regarding the sum and substance of the communication that the Court found troubling. The Court having told Mr. Steel multiple times that he needs to tell the Court how he came into that information, and the Court having explicitly warned Mr. Steel that he faces contempt of court should he not comply, the Court finds Mr. Steel has repeatedly refused to follow the Court's order.

"Every court has the power to compel obedience to its orders and to control the conduct of persons connected with a judicial proceeding. *See* O.C.G.A. § 15-1-3 (3), (4). One who disobeys an order or command of the court may be found in criminal contempt." In re Syvertson, 368 Ga. App. 865, 866, 891 S.E.2d 424, 425 (2023). "Before a person may be held in contempt for

violating a court order, the order should inform him in definite terms as to the duties thereby imposed upon him, and the command must therefore be express rather than implied." Id. at 867.

> [T]he question of whether a contempt has occurred is for the trial court, and its determination will be overturned only if there has been a gross abuse of discretion. Once an act has been determined to constitute contempt of court, the action the court takes to deal with the contempt determines whether the contempt is deemed 'criminal' contempt or 'civil' contempt. The distinction between criminal and civil contempt is that *criminal contempt imposes unconditional punishment for prior contempt, to preserve the court's authority and to punish disobedience of its orders.*

Yntema v. Smith, 371 Ga. App. 19, 28, 899 S.E.2d 543, 553 (2024) (emphasis added).

> "Direct summary criminal contempt which arises in the presence of the court and tends to scandalize it and hinder or obstruct the orderly processes of the administration of justice, the preservation of order and decorum in the court, etc. is exempt from the due process requirements of notice and hearing."

Moody v. State, 131 Ga. App. 355, 206 S.E.2d 79 (1974).

Accordingly, **IT IS HEREBY ORDERED** that, pursuant the Court's authority under O.C.G.A. § 15-1-3(3), the Court holds Mr. Steel in direct criminal contempt for failure to comply with the Court's order. **IT IS FURTHER ORDERED** that Mr. Steel shall be taken into the custody of the Fulton County Sheriff and incarcerated at the Fulton County Jail for no more than twenty (20) days for this contempt, with those twenty days consisting of every weekend for the next ten (10) weekends. Mr. Steel is to report to the Fulton County Jail, 901 Rice Street NW, Atlanta, Georgia 30318, at 7:00 PM on Fridays, and will be released at 7:00 PM on Sundays. Mr. Steel's incarceration is to start this Friday, June 14, 2024 at 7:00 PM and is not to end until Sunday, August 18, 2024 at 7:00 PM, subject to further order of the Court.

SO ORDERED this 10th day of June, 2024.

The Honorable Ural Glanville, Chief Judge
Superior Court of Fulton County

EXHIBIT B

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	**INDICTMENT NO. 22SC183572**
v.	)	
	)	
JEFFERY WILLIAMS,	)	**JUDGE GLANVILLE**
Defendant.	)	

JOINT AFFIDAVIT OF BRIAN STEEL AND KEITH ADAMS, ESQ.

1. We are over the age of 18 and suffer no legal disability. We make this joint affidavit based upon our own personal knowledge.

2. We are counsel for Jeffery Williams in the above-styled case.

3. On Monday, June 10, 2024 and thereafter, Affiants learned the following events in fact occurred outside of Mr. Williams' presence and outside of Affiants' presence and in a "star chamber"-like environment.

4. On Monday, June 10, 2024, undersigned Affiants, specifically Brian Steel, asked to have a transcript of whatever conversations were memorialized and Affiants requested the actual recording of anything discussed at this improper in-chambers meeting on said date. This court has obstructed Mr. Williams and below Affiants from having an exact image of what was said. This obstruction, alone, shows that this court is biased as there is absolutely no privilege in communications in this court's chambers as this court argued on June 10, 2024 and there is certainly no attorney-client privilege under any stretch of the imagination as this court asserted. This obstructionist conduct by this court shows bias and that this court is intrinsically intertwined in the facts of this case and has prevented Mr. Williams from Due Process, fair trial, effective assistance of counsel, right to know every material and critical happenings in his case. Further, this court by its words used on the Record when speaking in open Court with Affiants as well as the court's silence as well as lawyer Love's statements in open court, clearly demonstrate that the facts below are true and accurate. The court has also silenced witnesses by improperly issuing a show cause Order for contempt and thus, making all witnesses in fear of going to jail if the truth is told about this improper violation of Mr. Williams' Constitutional right to be present at every critical stage of his trial, fair trial, fair tribunal, effective assistance of counsel, Due Process under the law, the right to make a Record in the case. This court is biased and must be recused. Further, the cross-examination of Mr. Copeland will include facts that occurred at this star chamber meeting which puts the credibility of lawyer Love, lawyer Hylton, this court in issue and this court should never be the person who is in charge of the jury when the court's conduct is being questioned based upon the court's and lawyers for the State of Georgia's actions. Mr. Williams has been put into a "trick box" by the misconduct of lawyer Love, lawyer Hylton and this court. This court must be recused, a mistrial declared, barred by Double Jeopardy based upon prosecutorial misconduct and judicial misconduct.

5. Mr. Kenneth Copeland, a witness who had been called by the State and sworn on Friday, June 7, 2024 and who invoked his Fifth Amendment and was held in civil contempt by this court, was brought to the Fulton County Courthouse on Monday morning, June 10, 2024. Unbeknownst to Affiants, Mr. Williams or anyone else on the defense side of this case, this court met in its chambers with Mr. Copeland, his counsel, lawyer Love and/or lawyer Hylton and, at times, Court Reporter Weaver as well as Sheriff Deputies and other persons.

6. Deputies may have been instructed to turn off their body cameras.

7. There was and is nothing privileged under law about this improper ex parte meeting.

8. This court and the others met with Mr. Copeland for a lengthy period of time, the total ex parte "meeting" lasted for more than one (1) hour, approximately two (2) hours, with the above named people at the meeting at all or various times. Mr. Copeland continued to make known his assertion that he would not testify even in the face of being held in contempt and Order to testify under use immunity. This court and lawyer for the Fulton County District Attorney's Office Love and/or Hylton ignored Mr. Copeland's decision and continued to declare to Mr. Copeland that he would be held in custody until he testifies or alternatively, if he persists in refusing to testify, he would be held in custody until not only Mr. Williams' current trial resolves, but until all twenty six (26) indicted persons' cases are resolved, whichever is longer. This court was a participant and was present during these admonitions/threats to Mr. Copeland. This is witness intimidation, coercion and the court has become a member of the prosecution team in assisting the prosecution to induce a material witness to testify. This court, lawyers Hylton and Love are now all witnesses in this case and will be called by Mr. Williams and/or possibly other accused so the jury can determine demeanor and credibility of what occurred at this in-chamber meeting. Please note that the Witness List is hereby amended by this Joint Affidavit to include the court, lawyers Love and Hylton and all other relevant material persons that have information to share with the jury regarding the conduct, words and actions at this ex parte communication.

9. This court provided Mr. Copeland with a written copy of the statute on crimes of perjury as well as false swearing. This is no subtle gesture and one that helped the prosecution team to obtain their mission for Mr. Copeland to change his mind and testify.

10. Lawyer Love made representations to this court in front of Mr. Copeland and his counsel, Sheriff Deputies, the Court Reporter and others that Jonathan Melnick, Esq., counsel for Mr. Copeland, committed misconduct during his representation of Mr. Copeland and was not representing the interest of Mr. Copeland. These are knowing misrepresentations by Lawyer Love to this court (which lawyer Love continues to do) which biases this court in favor of the State and against the accused, their lawyers and other members of the Bar. Further, the court permitting lawyer Love to speak ill of Mr. Copeland's counsel, in front of Mr. Copeland, adds to the coercion and witness intimidation.

11. This ex parte discussion violated Mr. Williams' Constitutional right pursuant to Article I, Section I, Paragraph XII of the Georgia Constitution to be present at every material stage of his trial. The court and lawyer Love and/or Hylton speaking with Mr. Copeland, a sworn witness, about his testimony and whether he would change his mind and testify is

clearly a critical stage of the proceedings. See, for example, Scudder v. State, 298 Ga. 438(2), 782 S.E.2d 638 (2016).

12. As asserted in her Motion to Recuse this Court filed at 10:40 P.M. on June 14, 2024, Attorney Bumpus, by her counsel, verified the below facts. These facts are adopted into Affiants' Affidavit, as below. These facts are assertions of Attorney Bumpus as statements of her lawyers. See Parrish v. State, 362 Ga. App. 392(1), 868 S.E.2d 270 (2022), as follows: On Monday, June 10, 2024 at approximately 8:30 A.M., Mr. Copeland and his lawyer, Attorney Kayla Bumpus, were escorted to the court's chambers and conducted an ex parte meeting regarding whether Mr. Copeland would testify. Those present for the substantive portion of this ex parte meeting were Judge Glanville, Mr. Copeland, Attorney Bumpus, lawyers Love and Hylton, members of the court's security staff and deputies, two (2) investigators from the Fulton County District Attorney's Office and the Court Reporter. In chambers, this court asked Mr. Copeland whether he was prepared to testify. Mr. Copeland announced that he planned to again invoke his Fifth Amendment privilege on the stand. A conversation among the parties ensued regarding Mr. Copeland's understanding of immunity, how Mr. Copeland thought he may testify if he did not invoke the Fifth and certain facts of the case. Once Mr. Copeland learned that he could be held indefinitely by the court if he refused to testify (not just two years as he initially believed), Mr. Copeland decided that he would testify. Mr. Copeland added that his testimony would be a lie. The meeting ended and the parties went to the Courtroom.

13. This court never assured that this Brady evidence would be revealed to Mr. Williams or his counsel and Brady evidence includes the fact that this meeting occurred. Instead, this court takes the position that no information about this meeting should have been revealed to Mr. Williams, his counsel or anyone outside of the star chamber where same occurred. This shows that the court has become a member of the prosecution team in an effort to thwart Mr. Williams' Constitutional right to a fair trial and a fair tribunal and Due Process and right to be present for each critical stage of the proceedings, right to call witnesses, right to present a defense, right to cross-examine witnesses on critical topics including that facts of this case were discussed with the court during the intimidation of the witness. This court must be recused, the court and the prosecution have violated Mr. Williams' rights and the Indictment must be dismissed after a mistrial is declared as the court and the State has goaded Mr. Williams into moving for this mistrial/recusal of the court.

14. On Monday afternoon, June 10, 2024 at approximately 1:00 P.M., once Affiants made the above known in open Court, the court refused to release the transcript of this improper ex parte occurrence, held Mr. Williams' lawyer in contempt of court, Ordered Mr. Williams' lawyer to serve the maximum period of time in custody for contempt, all in an attempt to intimidate Mr. Williams and his counsel from understanding and learning about the court's and the prosecution's wrongdoing.

15. The court has become a material witness because undersigned counsel has the right for the jury to understand that this court met with Mr. Copeland and the prosecutors in order to convince Mr. Copeland to testify against Mr. Williams.

16. The improper ex parte meeting on June 10, 2024 with a sworn witness concerning the witness' willingness or non-willingness to testify and this court giving the witness a copy

of the law of perjury and false statements and discussing facts of the case is unforgivable. This is not an ex parte meeting that the court has had with Affiants, ever. On the very few occasions that Affiants have had an ex parte hearing with this court, Affiants announced, in open court, that it needed to speak with the court ex parte, there was no objection by the prosecution and same occurred. Never was a witness involved in these rare ex parte meetings. Affiants demand to question this court and the above lawyers for the District Attorney's Office, as to how many ex parte hearings they have had, the substance of those meetings, who was present and the like. Even if just one (1) ex parte meeting occurred, as did on June 10, 2024, this mandates that the court has forfeited its role as an impartial judge and has become a member of the prosecution team. The court must recuse itself.

17. The court on at least on one (1) occasion has been fed improper, ex parte, information about facts of this case and a witness' statement about his refusal to testify. The court met with a witness and spoke with the witness about the witness' willingness or non-willingness to testify along with the prosecutors and then, held undersigned counsel in contempt when undersigned counsel simply wanted to know why he was not notified of this ex parte, judicially and ethically prohibited, meeting.

18. The court has now placed the lawyer for Mr. Copeland and other unknown persons in a position that they need to come before the court on a date certain to give testimony as to who gave information to Affiants concerning this improper June 10, 2024, star chamber meeting with Mr. Copeland, the prosecutors and the court. The court has become the Executive Branch, conducting an investigation as a Grand Juror/prosecutor. This court has lost all impartiality and Mr. Williams cannot receive a fair trial with this court being present over the proceedings.

19. This court has falsely and wrongly accused Affiant, specifically Brian Steel, of being unprofessional and unprepared in front of the jury. Neither claim was close to the truth or was accurate. The prosecutor sat silent as Affiant was wrongly and falsely accused of improper conduct. This court has violated every neutrality, impartiality that it was sworn to undertake. See Johnson v. State, 278 Ga. 344(3, fn. 9), 602 S.E.2d 623 (2004)(relevant law quoted in the attached Motion and adopted and relied upon herein). Even knowing that the court has falsely accused Brian Steel of being unprofessional and unprepared in front of the jury, the court has refused to instruct the jury to disregard the court's improper comments. This clearly shows that this court is biased and impartial against Mr. Williams and/or his counsel and in favor of the State as no fair judge would not correct such a serious misstatement made in front of the jury. The bias of the court is objectively proven.

20. When Mr. Copeland took the witness stand on Friday, June 7, 2024, he refused to testify and was taken into custody by this court. This court knew, as did the prosecution, that Mr. Copeland would refuse to testify in front of the jury but the court did not reveal that fact or take any action to stop Mr. Copeland's refusal to testify in front of the jury. Mr. Copeland's refusal to testify in front of the jury prejudiced Mr. Williams a great deal and the jury should never have heard Mr. Copeland exercise his Fifth Amendment right. This court told the courtroom deputies to prohibit the media from filming Mr. Copeland if/when the court Ordered him to be arrested. This direction occurred before Mr. Copeland even took the witness stand on Friday, June 7, 2024. The court has harmed Mr.

Williams by hiding this information from Mr. Williams, having ex parte communications with the Deputy and media and permitting Mr. Copeland to assert his Fifth Amendment right in front of the jury. When the Honorable David Botts, Esq. brought to the court's attention that he had evidence that the prosecution knew that Mr. Copeland was going to invoke his Fifth Amendment right in front of the jury, this court refused to have a hearing to determine whether the prosecution knew that this witness would invoke his right to remain silent or refuse to testify and instead, the court had a "problem" with Attorney Botts. This is backwards. This court has shown bias against Mr. Williams/his lawyers and in favor of the prosecution. This court must be removed from further dealings on this case, this trial must be mistried based upon goading and improper conduct by the court and the prosecution and another trial is prohibited and barred by Double Jeopardy.

21. In sum, the court must be recused and/or the trial be declared mistried based upon the improper judicial and prosecutorial conduct that includes, but not limited to:

(i) The court, lawyers Love and/or Hylton are now witnesses because they helped Mr. Copeland change his mind and testify by coercion;

(ii) the court, ex parte, assisted the prosecution team by convincing Mr. Copeland to change his mind and to testify against Mr. Williams;

(iii) the court has obstructed justice by Ordering any transcript of the June 10, 2024, ex parte meeting not to be produced to Affiants to use to particularize this Affidavit as well as to cross examine Mr. Copeland, the court, the lawyers for the State and/or others before the jury;

(iv) facts of the case were discussed with the court at this impermissible ex parte meeting and Brady evidence was not revealed to Affiants by the court and/or the lawyers for the State; and

(v) Mr. Williams has questions for Mr. Copeland, this court, lawyers for the State and others about this improper ex parte meeting, how same occurred, who discussed the fact that this secret meeting would occur and the substance of this meeting so the jury can decide whether the court and the State have colluded against Mr. Williams.

22. I swear that the above is true and accurate.

FURTHER AFFIANT SAITH NOT:

6-17-24

BRIAN STEEL

Sworn to and subscribed before me on
this 17th day of June, 2024

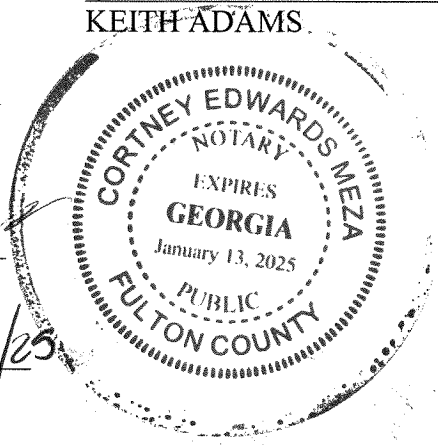
NOTARY PUBLIC
MY COMMISSION EXPIRES: 1/13/25

CORTNEY EDWARDS NOTARY PUBLIC FULTON COUNTY GEORGIA EXPIRES January 13, 2025

KEITH ADAMS

Sworn to and subscribed before me on
this 17th day of June, 2024

NOTARY PUBLIC
MY COMMISSION EXPIRES: 1/13/25



CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **i) MOTION TO DISQUALIFY/RECUSE JUDGE GLANVILLE FROM ALL FURTHER DEALINGS IN THE ABOVE-REFERENCED CASE AND (ii) MOTION FOR MISTRIAL WHICH WAS GOADED BY THE IMPROPER CONDUCT COMMITTED IN CONCERT BY THE COURT AND PROSECUTION** via electronic filing as well as via e-mail to the following:

Demetrius.Smith@fultoncountyga.gov
Adriane.Love@fultoncountyga.gov
Simone.Hylton@fultoncountyga.gov
Dane.Uhelski@fultoncountyga.gov
Demetrius Smith, Esq.
Adriane Love, Esq.
Simone Hylton, Esq.
Dane Uhelski, Esq.
Fulton County District Attorney's Office
136 Pryor Street SW
Atlanta, GA 30303

This 17th day of June, 2024.

Respectfully submitted,

/s/ Brian Steel
BRIAN STEEL
GA Bar No. 677640
Attorney for Mr. Williams