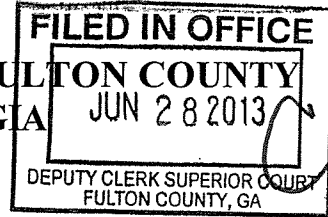


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



COPY

STATE OF GEORGIA)
)
vs.)
)
BEVERLY HALL, ET.al.)

CASE NO. 13SC117954

**ORDER DENYING DEFENDANTS' MOTION TO DISQUALIFY THE
FULTON COUNTY DISTRICT ATTORNEY'S OFFICE**

This Court, having heard arguments of counsel and having read the pleadings related to the above styled issue finds that there is no grounds for disqualification.

Georgia courts have developed their own standard for disqualification of prosecutors. In Williams v. State, 258 Ga. 305, 314 (2)(B) (369 S.E.2d 232) (1988) the Supreme Court of Georgia held:

“There are two generally recognized grounds for disqualification of a prosecuting attorney. The first such ground is based on a conflict of interest, and the second ground has been described as “forensic misconduct.”

[For example, a] conflict of interest has been held to arise where the prosecutor previously has represented the defendant with respect to the offense charges, or has consulted with the defendant in a professional capacity with regard thereto; such conflict also has been held to arise where the prosecutor has acquired a personal interest or stake in the defendant's conviction.”

Williams, Id.

The Supreme Court of Georgia in a later opinion, Lyons v. State, 271 Ga. 639, 640 (2) (522 S.E.2d 225) (1999) stated that such a conflict of interest must be more than a “theoretical or speculative conflict”, an actual conflict must be involved. Whitworth v. State, 275 Ga. App. 790 (622 S.E.2d 21) (2005).

The Court finds no evidence of an actual conflict or any evidence of forensic misconduct.

Defendant’s motion is hereby **DENIED**.

So **ORDERED** this 28 day of June 2013.



Jerry Baxter
Judge, Superior Court of Fulton County