

DEATH PENALTY/LIFE WITHOUT PAROLE CASE

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

v.
JERRY WILLIAM JONES,

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Indictment No. 16471

FILED
Clerk Superior Ct., Gordon County

JUL 26 2006

Brian Brannon
Clerk

EX PARTE MOTION FOR CERTIFICATES NECESSARY TO SECURE
ATTENDANCE OF OUT OF STATE WITNESSES

Defendant Jerry William Jones, by and through his attorneys of record, hereby moves the Court, pursuant to O.C.G.A. §24-9-40(a) of the Uniform Act to Secure the Attendance of Witnesses from Without the State, for Certificates under the Seal of the Court for the purpose of compelling the attendance of witnesses residing outside Georgia.

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Defendant Jones pled guilty to each charge in a sixteen count indictment. The District Attorney's office continues with its intention to seek the death penalty.

-2-

On January 8, 2004, Mr. Jones was involved in a chase with the police. Georgia State Patrol Officers executed a "pit" maneuver upon Mr. Jones's vehicle, wherein they bumped his car with one of their cars, causing Mr. Jones and the three young children in his car to crash into a utility

pole. Immediately after the crash, Mr. Jones suffered a self-inflicted gunshot wound to the face.

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The Defendant was immediately arrested on these charges and brought by helicopter to Erlanger Hospital in Chattanooga, Tennessee. Mr. Jones arrived in critical condition, and had surgery immediately upon his arrival at the hospital.

Due to the severity of his injuries, Mr. Jones was unable to be brought back to Georgia to face the charges against him. Mr. Jones stayed in the hospital's intensive care unit for over two weeks, during which time he underwent multiple surgeries and was medicated with a variety of pain medications. At all times during the first days of his stay, Mr. Jones's arms and legs were handcuffed to his hospital bed. At all times during his stay at Erlanger, an East Ridge Tennessee police officer was positioned inside Mr. Jones's hospital room.

On January 10, 2004, less than 48 hours after sustaining life threatening injuries, Mr. Jones was interrogated at Erlanger Hospital by GBI Agent James Harris. Also present during the interrogation was East Ridge Tennessee Police Officer Eric Chadwick.

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Numerous individuals whose testimony will be informative with respect to the voluntariness of Mr. Jones's statement reside in Tennessee.

LifeForce crew members Charles Newman, Jr. and Liane McBurnett can testify to the trauma Mr. Jones sustained during the car crash. They can also testify to Mr. Jones's condition immediately after receiving the gunshot wound to his face and to the medicine and emergency intervention he received en route from the crash site to Erlanger hospital.

Dr. Mark Gilbert, Dr. Alexander Davit, Dr. Robert Maxwell, Dr. Larry Sargent, and Dr. Edward Burton, were all Mr. Jones's treating doctors. These doctors can testify to the following:

the trauma Mr. Jones sustained in the car crash; the effects of anesthetics he was given upon arrival and before and after his operations; the bases for the hospital's decision to physically restrain him; Mr. Jones' physical condition before, during and after his interrogation; the effects of the medications Mr. Jones was taking before, during, and after the interrogation; Mr. Jones's mental state before, during and after the interrogation.

Licensed Professional Nurse Kim McDonald was the nurse in charge of Mr. Jones' care at the time of his interrogation. Nurses Julia Ward Lively, Peggy Miller, Jacqueline E. Jones, Libby Hooper and Eloise Wolfe were all nurses who cared for Mr. Jones in the relevant time period from the time he was admitted into Erlanger hospital up to and through his interrogation. From the time of his arrival at Erlanger up through his interrogation, Mr. Jones was receiving twenty-four hour care; at certain times, his status was being checked every fifteen minutes. The aforementioned nurses were charged with the responsibility for assessing both Mr. Jones's physical and mental health on a regular basis throughout his stay. These nurses were also charged with carrying out physicians' orders.

Douglas Beck was an employee of Erlanger Hospital and was in possession of Mr. Jones's personal effects while Mr. Jones was incapacitated because of his injuries. He turned Mr. Jones's property over to officer J.D. Montgomery of the Georgia Bureau of Investigation without Mr. Jones's permission or consent. Mr. Jones has filed a motion contesting the legality of this seizure. Mr. Beck is a critical witness for the defense because of his first-hand knowledge of the facts and circumstances of that seizure.

In addition to requiring the physical presence of witnesses, Mr. Jones also requires the production of documents relevant to his defense. Erlanger Hospital is known to have maintained records documenting the care Mr. Jones received in the moments preceding and during the time of

the contested interrogation. These records include, but are not limited to: physicians' orders; nurses notes; operative reports; restraint orders; X-Ray photographs; CT scans; MRI scans; and any and all other images of any kind. Jerry Jones requests that any existing images be produced by the custodian of records for use by Mr. Jones at this hearing. The addresses (both home and professional where available) of the aforementioned witnesses follow:

Life Force EMT's

- 1) Charles Newman, Jr.
Professional Address:

[REDACTED]

Home Address:

[REDACTED]

- 2) Liane McBurnett
Professional Address:

[REDACTED]

Home Addresses:

[REDACTED]

[REDACTED]

Doctors

- 3) Dr. Mark A. Gilbert
Professional Addresses:

[REDACTED]

OR

Department of Internal Medicine
UT College of Medicine Chattanooga
Internal Medicine Residency

[Redacted]

Home Address:

[Redacted]

- 4) Dr. Alexander Davit
Professional Address:

[Redacted]

Home Address:

[Redacted]

- 5) Dr. Robert Maxwell
Professional Address:
UT College of Medicine Chattanooga
Robert D. Maxwell, Director
Surgical Critical Care Fellowship

[Redacted]

Home Address:

[Redacted]

- 6) Dr. Larry Sargent
Professional Address:
Larry A. Sargent, M.D., Professor, Chairman, and Residency
Program Director
UT College of Medicine Chattanooga
Department of Plastic Surgery

[Redacted]

Home Address:

[REDACTED]

- 7) Dr. Edward Burton
Professional Address:

[REDACTED]

Home Address:

[REDACTED]

Nurses and other staff members

- 8) Libby Hooper
Professional Address:

[REDACTED]

- 9) Kim McDonald
Professional Address:

[REDACTED]

- 10) Eloise L. Wolfe
Professional Address:

[REDACTED]

Home Address:

[REDACTED]

- 11) Jacqueline Jones
Professional Address:

[REDACTED]

- 12) Peggy Miller
Professional Address:

[REDACTED]

- 13) Julia W. Lively, RN (last name unclear, records attached)
Professional Address:

[REDACTED]

Home Address:

[REDACTED]

- 14) Douglas R. Beck
Professional Address:

[REDACTED]

Home Address:

[REDACTED]

In addition to the above mentioned medical personnel, at all times from the time of his arrest to the time of the interrogation Mr. Jones was in the physical custody of the East Ridge Police Department. There was an East Ridge Police Department Police Officer present in Mr. Jones's room 24 hours a day from the time of his arrest to the time of the interrogation, through the time he was released to the Georgia Department of Corrections. The following police officers are known to have been present in Mr. Jones's room during this period.

- 15) Eric Chadwick
Professional Address:

[REDACTED]

- 16) Tim Spires
Professional Address:

[REDACTED]

- 17) Gwendolyn Yvonne Cribbs
Professional Address:

[REDACTED]

Home address:

[REDACTED]

- 18) Thomas Randall Kerfoot
Professional Address:

[REDACTED]

Home address:

[REDACTED]

Moreover, the East Ridge Police Department is known to have maintained records of both the interrogation of Mr. Jones, which officers were in Mr. Jones's hospital rooms and for what periods of time, as well as records regarding the chase ending with the PIT maneuver that resulted in the GBI taking custody of Mr. Jones. Mr. Jones requests that the custodian of records of the East Ridge Police Department produce a certified copy of any and all documents relating to the arrest and detention of Mr. Jones from January 8, 2004-January 21, 2004 for introduction at the hearings on August 21st and August 25th, 2006. Such documents shall include, but shall not be limited to, the following: any and all documentation regarding the arrest of Mr. Jones, including videotapes or audio tapes made of the arrest, Mr. Jones's life flight; videotapes or audio tapes of Mr. Jones's arrival at Erlanger Hospital; police reports or informal notes regarding Mr. Jones's stay at Erlanger Hospital; names, addresses, and shift information for all officers who supervised Mr. Jones from January 8, 2004-Janary 21, 2004, as well as any other records pertaining to Mr. Jones maintained by the East Ridge Police Department.

WHEREFORE, for all of these reasons and any others the court sees fit, Jerry Jones respectfully requests that the Court issue a Certificate required by O.C.G.A. §24-10-94(a) necessary to secure the attendance at trial of each of these out-of-state witnesses.

This 24 day of July 2006.

Respectfully submitted,

John R. Martin (KW)
John R. Martin
Georgia Bar No. 473325

E. Michelle Drake (KW)
E. Michelle Drake
Georgia Bar No. 229202

Joseph A. Romond (KW)
Joseph A. Romond
Georgia Bar No. 159014