

DEATH PENALTY/LIFE WITHOUT PAROLE CASE

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

~~FILED~~
Clerk Superior Ct., Gordon County
MAR 19 2005
Brian Brannon
Clerk

STATE OF GEORGIA,)
)
)
)
)
v.)
)
)
JERRY WILLIAM JONES,)
)
_____)

Indictment No. 16471

FILED
Clerk Superior Ct., Gordon County
MAY 19 2005
Brian Brannon
Clerk

**TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF ALL MOTIONS, OBJECTIONS, EXCEPTIONS, REQUESTS
AND OTHER APPLICATIONS AND ISSUES OF ANY NATURE WHATSOEVER**

Mr. Jones, through undersigned counsel, submits the following points and authorities in support of all motions, objections, exceptions, requests and other applications and issues of any nature whatsoever.

1.

With regard to all of the foregoing, Jerry Jones relies upon the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution, see, e.g., McKoy v. North Carolina, 494 U.S. 433, 110 S.Ct. 1227, 108 L.Ed.2d 369 (1990); Grady v. Corbin, 495 U.S. 508, 110 S.Ct. 2084, 109 L.Ed.2d 548 (1990); Maynard v. Cartwright, 486 U.S. 356, 108 S.Ct. 1853, 100 L.Ed.2d 372 (1988); Johnson v. Mississippi, 486 U.S. 578, 108 S.Ct. 1981, 100 L.Ed.2d 575 (1988); Mills v. Maryland, 486 U.S. 367, 108 S.Ct. 1860, 100 L.Ed.2d 384 (1988); Hitchcock v. Dugger, 481 U.S. 393, 107 S.Ct. 1821, 95 L.Ed.2d 347 (1987); Gray v. Mississippi, 481 U.S. 648, 107 S.Ct. 2045, 95 L.Ed.2d 622 (1987); Batson v. Kentucky, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986); Turner v. Murray, 476 U.S. 28, 106 S.Ct. 1683, 90 L.Ed.2d 27 (1986); Caldwell v. Mississippi, 472 U.S. 320, 105 S.Ct. 2633, 86 L.Ed.2d 231 (1985); Francis v. Franklin, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d 344 (1985); Eddings v. Oklahoma, 455 U.S. 104, 102 S.Ct. 869, 71 L.Ed.2d 1

(1982); Godfrey v. Georgia, 446 U.S. 420, 100 S.Ct. 1759, 64 L.Ed.2d 398 (1980); Beck v. Alabama, 447 U.S. 625, 100 S.Ct. 2382, 65 L.Ed.2d 392 (1980); Green v. Georgia, 442 U.S. 95, 99 S.Ct. 2150, 60 L.Ed.2d 738 (1979); Lockett v. Ohio, 438 U.S. 586, 98 S.Ct. 2954, 57 L.Ed.2d 973 (1978); Bell v. Ohio, 438 U.S. 637, 98 S.Ct. 2977, 57 L.Ed.2d 1010 (1978); Gardner v. Florida, 430 U.S. 349, 97 S.Ct. 1197, 51 L.Ed.2d 393 (1977); Gregg v. Georgia, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976); Furman v. Georgia, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972); Witherspoon v. Illinois, 391 U.S. 510, 88 S.Ct. 1770, 20 L.Ed.2d 776 (1968); Jordan v. Lippman, 763 F.2d 1265 (11th Cir. 1985); Article I, § I, ¶¶ I, II, IV, V, VII, IX, X, XI, XII, XIII, XIV, XVI, XVII, XVIII, XXIV and XXVIII of the Constitution of the State of Georgia, and the applicable provisions of the *Official Code of Georgia*, see, e.g., *O.C.G.A.* §§15-12-133, 17-8-76, 17-10-35 (c)(1), 24-9-64; Fleming v. Zant, 259 Ga. 687, 386 S.E.2d 339 (1989); Eason v. State, 260 Ga. 445, 396 S.E.2d 492 (1990); Legare v. State, 256 Ga. 302, 348 S.E.2d 881 (1986); McGruder v. State, 213 Ga. 259, 98 S.E.2d 564 (1957); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10 1984, Art 14 and 16, 23 I.L.M. 1027 (Entry into force for the United States November 20, 1994), Inter-American Convention on Human Rights, November 22 1969, Art 4 and 7, 1144 UNTS 123, 9 I.L.M. 673 (Entry into force July 18, 1978), International Covenant of Civil and Political Rights, December 19 1966, Art 2(3) and 6 -7, 999 UNTS 171, 6 I.L.M. 368 (Entry into force for the United States September 8, 1992), Second Optional Protocol to the International Covenant on Civil and Political Rights, December 15 1989, UN GAOR Supp. (No. 49) at 207, UN Doc. A/44/49 (1989) (Entry into force July 11, 1991), Article 18, Vienna Convention on the Law of Treaties, May 23 1969, Art 18, 1155 UNTS 331; 8 ILM 679 (Entry into force January 27, 1980); and all other applicable constitutional, statutory, treaty, customary international law, evolving international standards, and jurisprudential authority

2.

Jerry Jones asserts all applicable grounds with regard to each and every motion, objection, exception, request, and other application made in the trial of this case. He does not waive any ground.

3.

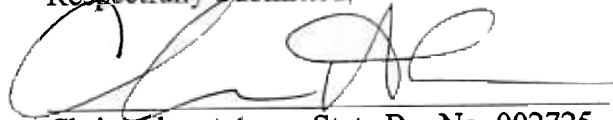
Jerry Jones also continues to assert all of those grounds already asserted in pleadings previously filed with this Court.

4.

Jerry Jones asserts a continuing objection through trial with regard to all matters upon which the Court has ruled adversely to him in response to his pretrial motions.

DATED this 12 day of May, 2007.

Respectfully Submitted,



Christopher Adams, State Bar No. 002725
Georgia Capital Defender
225 Peachtree Street NE Suite 900
Atlanta, Georgia 30303
(404) 739-5172



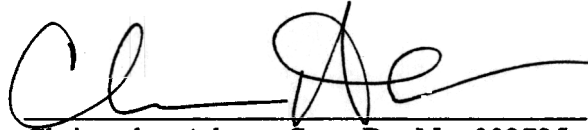
E. Michelle Drake, State Bar No. 229202
Georgia Capital Defender
225 Peachtree Street NE Suite 900
Atlanta, Georgia 30303
(404) 739-5168

Counsel for Jerry Jones

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been mailed to The Office of the District Attorney for Gordon County via first-class United States Postal Service this 19th day of May, 2005.

Respectfully Submitted,



Christopher Adams, State Bar No. 002725
Georgia Capital Defender
225 Peachtree Street NE Suite 900
Atlanta, Georgia 30303
(404) 739-5172 Counsel for Jerry Jones