

**DEATH PENALTY/LIFE WITHOUT PAROLE CASE**  
IN THE SUPERIOR COURT OF GORDON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
STATE OF GEORGIA, )  
 )  
 )  
v. )  
 )  
JERRY WILLIAM JONES, )  
 )  
 )  
 )  
\_\_\_\_\_ )

Indictment No.16471

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

**MOTION RESERVING THE RIGHT TO FILE ADDITIONAL MOTIONS**

JERRY WILLIAM JONES, through undersigned counsel, respectfully moves this Court, pursuant to the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, 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, international law, as well as statutory and jurisprudential authorities cited below, and all other applicable constitutional, statutory, treaty, customary international law, evolving international standards, and jurisprudential authority to produce an order reserving his right to file such additional motions as the future progression of this case may merit.

In support, counsel states:

1.

Mr. Jones is on trial for his life. The State, through the District Attorney, has announced its intention to kill Mr. Jones, a human being, by lethal injection.

2.

"The fundamental respect for humanity underlying the Eighth Amendment's prohibition

against cruel and unusual punishment gives rise to a special 'need for reliability in the determination that death is the appropriate punishment' in any capital case." Johnson v. Mississippi, 486 U.S. 578, 584 (1988) (citations omitted). It is well established that when a defendant's life is at stake, a court must be "particularly sensitive to insure that every safeguard is observed." Gregg v. Georgia, 428 U.S. 153, 187 (1976). This heightened standard of reliability is "a natural consequence of the knowledge that execution is the most irremediable and unfathomable of penalties; that death is different." Ford v. Wainwright, 477 U.S. 399, 411 (1986).

Death, in its finality, differs more from life imprisonment than a 100-year prison term differs from one of only a year or two. Because of that qualitative difference, there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case.

Woodson v. North Carolina, 428 U.S. 280, 305 (1976). The United States Supreme Court has repeatedly emphasized the principle that because of the exceptional and irrevocable nature of the death penalty, "extraordinary measures" are required by the Eighth and Fourteenth Amendments to ensure the reliability of decisions regarding both guilt and punishment in a capital trial. Eddings v. Oklahoma, 455 U.S. 104, 118 (1982) (O'Connor, J., concurring). See also Beck v. Alabama, 447 U.S. 625, 637-38 (1980); Lockett v. Ohio, 438 U.S. 586, 604 (1978); and Gardner v. Florida, 430 U.S. 349, 357-58 (1977).

3.

As of the time of this filing, Mr. Jones has not received any discovery. Every issue of this case must be carefully investigated and researched by the defense because death by lethal injection is a possible sentence in this case. Based on the evidence that the State indicates it intends to introduce at trial, Mr. Jones will have additional motions to file.

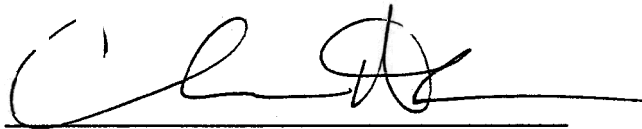
4.

The inordinate complexity of the charges brought by the State against Mr. Jones mandate a continuing analysis of the materials provided by the state and in the process of being discovered that may lead to the necessity for additional substantive motions.

WHEREFORE, JERRY WILLIAM JONES respectfully requests the right to file additional motions in this case.

DATED this 12 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

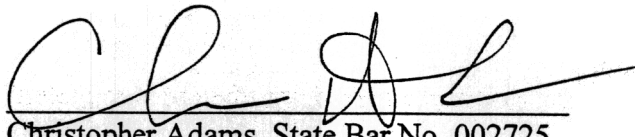


E. Michelle Drake, State Bar No. 229202  
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Counsel for Jerry Jones

#### 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 14th day of May, 2005.

A handwritten signature in black ink, appearing to read 'C Adams', written over a horizontal line.

Christopher Adams, State Bar No. 002725  
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(404) 739-5172.

IN THE SUPERIOR COURT OF GORDON COUNTY  
STATE OF GEORGIA

	)	
STATE OF GEORGIA,	)	
	)	Indictment No. 16471
	)	
v.	)	
	)	
JERRY WILLIAM JONES,	)	
	)	
	)	

**ORDER**

Upon consideration of Jerry Jones’s *Motion Reserving the Right to File Additional Motions*, the Court being otherwise sufficiently advised, and good grounds appearing therefore,

IT IS HEREBY ORDERED AND DECREED, that the defense shall be allowed to file additional motions in this matter at any time.

SO ORDERED this        day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
The Honorable G. Carey Nelson  
Judge, Gordon County Superior Court  
State of Georgia

Prepared by:  
Christopher Adams, State Bar No. 002725  
E. Michelle Drake, State Bar No. 229202  
Counsel for Jerry Jones