

Orlando

DEATH PENALTY/LIFE WITHOUT PAROLE CASE

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

FILED
Clerk Superior Ct., Gordon County

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

JAN 03 2007

Brian Brannon
Clerk

Indictment No. 16471

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.

-1-

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-

This court has ordered that the sentencing trial is scheduled to begin on February 19th, 2006. The sentencing trial will be conducted according to O.C.G.A. 17-10-30, et. seq.

-3-

Defense counsel for Mr. Jones will call numerous witnesses to testify on behalf of Mr. Jones

in mitigation to provide the jury with a "basis for a sentence less than death." Lockett v. Ohio, 438 U.S. 586 (1978). Lockett states that the Eighth and Fourteenth Amendments require that the sentencer, in all but the rarest kind of capital case, not be precluded from considering *as a mitigating factor*, any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death." The state of Georgia has affirmed the protections afforded to capital defendants in Lockett as well. See, e.g., Brooks v. State, 244 Ga. 574, 584 (261 SE2d 379) (1979); Cobb v. State, 244 Ga. 344 (28) (260 SE2d 60) (1979); Spivey v. State, 241 Ga. 477, 479 (246 SE2d 288) (1979); Brown v. State, 235 Ga. 644 (3) (220 SE2d 922) (1975).

-4-

Numerous witnesses will be called in order to introduce evidence of Mr. Jones's character to the jury to consider in whether to impose a sentence less than death.

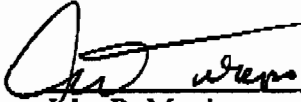
Keith Medeiros, Hope Medeiros, Walter George Jones, Jr., and Janet LeCount are all members of Mr. Jones's family. They have all had interactions with Mr. Jones relevant to Mr. Jones's character or record and their testimony will enlighten the jury as to why Mr. Jones deserves a sentence less than death.

A refusal to compel these witnesses to appear during Mr. Jones's sentencing trial will constitute a denial of Mr. Jones's right to present all relevant evidence to the sentencer afforded to him by Lockett, supra.

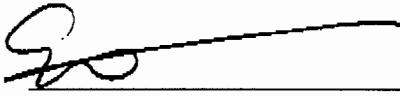
WHEREFORE, for all of these reasons and any others the court sees fit, Jerry Jones respectfully requests that the Court issue a Certificate required by O.C.G.A. §24-10-94(a) necessary to secure the attendance at trial of each of these out-of-state witnesses.

This 29th day of December, 2006.

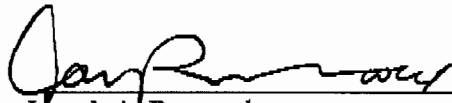
Respectfully submitted,



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