



# Office of the District Attorney Chattahoochee Judicial Circuit

Circuit Counties  
Chattahoochee  
Harris  
Marion  
Muscogee  
Talbot  
Taylor

**Julia Slater**  
District Attorney

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November 13, 2017

Ms. Clare Gilbert  
Georgia Innocence Project  
2645 North Decatur Road  
Decatur, GA 30033

Re: Open Records Act Request  
State of Georgia vs. Johnny Lee Gates; Case No.: 38335

Dear Ms. Gilbert:

This office has received your recent letter concerning the on-going above referenced matter, specifically requesting to view any and all jury selection material.

OCGA § 50-18-72(a)(42), Exception of Certain Records: Confidential attorney work product; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to confidentiality as attorney work product. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under OCGA § 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;

However, "...Georgia law does not require an in-camera inspection of prosecutor's notes." Chavarria v. State, 248 Ga.App. 398 (2001)

There is supporting case law in Palmer v. State, 253 Ga.App. 16 (2001): "Georgia law does not afford a defendant the right to review a prosecutor's juror notes and records."

If you have additional statute or case law that you would like this office to review regarding its decision to withhold confidential attorney work product, then please forward for further consideration.

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Sincerely,

A handwritten signature in blue ink that reads "Brandy L. Rivera". The signature is written in a cursive, flowing style.

Brandy L. Rivera  
Executive Legal Secretary for Julia Slater

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