

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY  
STATE OF GEORGIA

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STATE OF GEORGIA,

v.

JOHNNY LEE GATES,  
Defendant.

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Case No. SU-75-CR-38335

WILL HARMAN  
MUSCOGEE COUNTY  
SUPERIOR COURT

**ORDER REGARDING RULINGS**  
**MADE AT THE JANUARY 31, 2018 HEARING**

This Court held a hearing on January 31, 2018 and made rulings on several matters in this case. The Court now issues this order to reflect the rulings made at the hearing:

1. Upon consideration of Defendant's Response to State's Suggestion that Gates Waived His Right to Challenge His Conviction, the State's Response, and the arguments made at the January 31, 2018 hearing, it is hereby:

**ORDERED** that Gates did not waive his right to challenge his conviction through the November 12, 2003 "Settlement Agreement and Waiver."

2. Upon consideration of Defendant's Motion to Compel Discovery, the State's Response, and the arguments made at the January 31, 2018 hearing, it is hereby:

**ORDERED** that the Defendant's request for access to the evidence vault at the Muscogee County District Attorney's Office is denied. At the hearing, the

State asserted it had made efforts to locate evidence pertaining to Gates in its evidence vault. By March 2, 2018, the Muscogee County District Attorney's Office shall file with this Court affidavits from Assistant District Attorney Frederick Lewis and any additional individuals who were involved in the search regarding when, where, and how the evidence vault was searched. These affidavits will also detail the State's efforts to locate the correspondence referenced by Gray Conger at the November 2002 hearing that was sent from the Georgia Bureau of Investigations ("GBI") to the District Attorney's Office identifying the evidence still in the GBI's possession as of the late 1990s.

**ORDERED** that by March 2, 2018, the Muscogee County District Attorney's Office shall locate and produce to the defense all of its materials and information concerning jury selection in the following six capital cases: Joseph Mulligan, Jerome Bowden, Jimmy Lee Graves, William Brooks, Johnny Lee Gates, William Spicer Lewis.

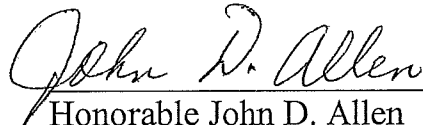
**ORDERED** that by March 8, 2018 the Columbus Police Department shall respond to defense counsel's November 15, 2017 Georgia Open Records Act request.

3. Upon consideration of Defendant's request that the Court unseal all sealed records in this case, the Court unsealed all sealed records in the presence of counsel for both parties. Defense counsel and the State reviewed and were

provided with complete and accurate copies of the sealed records. After this limited unsealing, this Court resealed the records. The records will remain sealed in this case until further order from this Court.

4. It is hereby **ORDERED** that Gates is directed to file a supplement to his Amended Extraordinary Motion for New Trial by February 21, 2018. The State is directed to file any response by March 7, 2018. This Court will hold a hearing beginning at 9:00 a.m. on May 7, 2018.

Date: February 8, 2018

  
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Honorable John D. Allen  
Superior Court Judge  
Chattahoochee Judicial Circuit