

**State v. Ramirez, (DeKalb County Superior Court, 2003)**

The DeKalb County District Attorney sought the death penalty against Ramirez, a 25 years old Mexican citizen and illegal alien who admittedly shot a Doraville police officer killing him as they struggled when the officer was trying to arrest Ramirez for possession of the weapon. The trial received much media attention and lasted for 2 ½ months with the jury acquitting the Defendant of murder but finding the Defendant guilty of felony murder. In the sentencing phase the jury rejected the death penalty and life without parole and sentenced the Defendant to life with parole. The Defendant spoke no English when the incident occurred but three (3) years later had learned proficient English in jail and was able to testify at trial and did an excellent job of saving his own life.

The Defendant was represented by Dwight L. Thomas, Tom West, and Keith Adams.

**U.S. v. R. Bonds, District of South Carolina, 2003)**

The Defendant was accused of conspiring with at least ten other defendants to possess with the intent to distribute at least fifty (50) kilograms of cocaine in Charleston, South Carolina. Two of his co-defendants (both of whom were related to the Defendant) agreed to testify against him at trial. Following a two-week trial, the jury deliberated for less than forty-five (45) minutes before returning a verdict of not guilty on all counts. The Defendant was represented at trial by Dwight L. Thomas and Brad Gardner.

**State v. C.S. (DeKalb Superior, 2002)**

The defendant, a white male, was accused in 2001 of molesting the four – year – old foster child of two (2) prominent African-American Dekalb County Attorneys. The molestation was alleged to have occurred while the defendant was at a cookout at the Stone Mountain home of the attorneys as the child alleged the defendant took her for a walk to a vacant house next door. Several witnesses saw the defendant walk away with the child but testified the child seemed okay when she returned with the defendant. The child, upon her return, went inside the house and told the foster father (a criminal defense attorney) that the defendant had put his hands inside her panties and hurt her vagina. While out on bond the defendant was re-arrested and charged with six counts of child molestation in May 2002, for allegedly exposing his penis to three (3) African-American middle school girls in Dekalb County. The girls wrote down his tag number but gave conflicting descriptions. The defendant discharged his attorney of one and half years and handsomely retained Dwight L. Thomas, P.C. in December, 2002 knowing that he had a jury trial scheduled for December 9, 2002. Judge Becker refused to grant a continuance knowing the defendant had two (2) indictments. The State presented evidence of the “flashing” case as proof of intent in the 2001 molestation case. Dwight L. Thomas, P.C. prepared the case for trial in four (4) days and began the jury trial on December 9, 2002. The jury comprised of mostly African-Americans came back with a not guilty verdict on all counts in less than thirty minutes. All of the jurors, both white and black, were impressed by the cross

examination and closing argument of Attorney Thomas. Of course, they all wanted a business card for future reference, if needed.

The defendant was represented by Attorneys Dwight L. Thomas and Dana Harrell.

**State v. J. H. (DeKalb Superior Court, 2002)**

The defendant and his co-defendant were charged with rape, aggravated sodomy, aggravated child molestation, and child molestation. The State alleged that a fourteen – year – old female victim had an allergic reaction to her medication and stumbled and fell in front of the defendant’s. The victim’s girlfriend testified that when the victim fell down the co-defendant picked the victim up and took her into the defendant’s house. The victim testified that the defendant and co-defendant both had forcible and non-consensual intercourse with her (since she was fourteen she could not consent to sex). The DNA test result was positive for the co-defendant as to sexual activity and negative as to the defendant. The defendant put the victim outside his house semi-naked and called the police as he thought the victim was high on some bad drugs. After two (2) days of trial and total destruction of the credibility and believability of the State’s witnesses, the State moved to allow the defendant to plead to misdemeanor simple assault and twelve (12) months probation under the First Offender Act. The co-defendant, represented by the Public Defender, one (1) day later pled guilty to rape and was sentenced to the mandatory minimum ten (10) years without parole.

The Defendant was represented by Dwight L. Thomas.

**State v. Senator Van Streat, (Fulton Superior Court, 2002)**

Democratic State Senator Donnie “Levan” Streat from Nicholls, Georgia was indicted in January 2002, by the State Attorney General and charged with violating his oath of office and making false statements to GBI agents. The indictment alleged that Senator Streat accepted eight thousand dollars (\$8,000.00) in payments from a convicted murderer, disguised as campaign contributions, in exchange for helping the inmate get a parole or a transfer to a less secure prison. The inmate, Ron Gaither, had already twice escaped from prison. The defense argued that the payments received from Gaither’s girlfriend were in fact legitimate campaign contributions, that there was no illegal quid pro quo (or promise to the inmate) and that many legislators and public officials make contacts to the parole board on behalf of inmates seeking parole. The defense subpoenaed thousands of documents showing legislator contacts to the parole board on the behalf of prisoners, and some while receiving campaign contributions. The defense showed that moving murder inmates to less secure locations was not unusual as historically all inmates who work at the Governor’s mansion are convicted murderers. The problem with this case was that some of the eight thousand dollars (\$8,000) was reported as campaign contributions and part was used to buy a truck which was used for campaign purposes but not reported on the campaign disclosure forms and that the Senator allegedly told the GBI that he reported all of the

payments as campaign contributions. At the inception of the case the defense requested the Attorney General to withhold indictment until the defense could investigate the case. The Attorney General, Thurbert Baker, refused and the defense took a hard line approach of “take no prisoners” and “hard ball, hats, and bats.” The defense filed motions to dismiss the indictment based on selective prosecution and threatened to have a public hearing and expose every legislator (prior to the election), including then Republican Gubernatorial Candidate Sonny Perdue (and now Governor), and many others, of making contacts to the parole board on the behalf of convicted felons. That motion also included allegations that the Attorney General had done the same thing when he was a legislator and that the defense had Baker’s administrative aide (Sam Tillman) on tape directing persons at the parole board to destroy records showing that then Representative Baker had also made contacts and received contributions on the behalf of inmates. Governor Roy Barnes stepped in and took the Attorney General’s office off Senator Streat’s case and appointed a special prosecutor. After several months of negotiations with the special prosecutor the charges were dismissed without the need to expose and embarrass a number of public officials. The Attorney General threw a hard ball pitch at Senator Streat and the Senator’s defense team hit a line drive back to the pitcher’s mound and knocked out one of the Attorney General’s henchmen (Tillman) for the rest of the season – forever – he was fired, prosecuted, and convicted and Senator Streat won and went free.

Senator Streat was represented by Craig Gillen, Dwight Thomas, Brad Gardner, and Dana Harrell.

**State v. Boulton, Edwards, and Williams (Fulton Superior Court, 2002)**

The Defendants were charged with the “Freaknic” rape, kidnapping, and aggravated assault after allegedly kidnapping a young lady at MARTA Five Points Station and taking her to Mr. Boulton’s apartment where the rape was alleged to have occurred. The victim claimed she and a friend met the defendants at the MARTA Five Points Station during the Black College Spring Break (a.k.a. “Freaknic”). She admitted to talking with the defendants (and two other boys) for approximately an hour and a half and drinking one malt liquor beer and smoking marijuana with the boys during that time period. According to her, shortly after her friend left, one of the boys stuck a gun in her back and he along with the other boys forced her to walk to their car on Butler Street. Although it was very crowded and the area was heavily policed due to Freaknic, the alleged victim stated she did not see a police officer nor out of fear cried out for help. Ironically, she stated she was able to see where the boys took her because she fought with one of the boys while in the car. Finally, she stated she was able to escape because the boys left her at the house with someone who was too high and drunk to stay awake. A physician from the rape crisis center testified that in his opinion the alleged victim had been raped (of course) and that he had never seen injuries so bad before. The Defense called only three witnesses. Defendant Williams testified that he had consensual

sex with the alleged victim. The jury returned a not guilty verdict on all counts for all defendants after deliberating for approximately four hours.

The Defendants were represented by Brad Gardner (Mr. Boulton), Jonathan Goldberg (Mr. Edwards), and Mark A. Scott and Morris Fair (Mr. Williams).

**State v. Frank Williams (Georgia Supreme Court, 2002)**

The Appellant was charged with trafficking cocaine in Fulton County Superior Court. The Appellant filed a direct appeal from an order overruling a plea in bar based on the alleged violation of the constitutional right to a speedy trial. The appeal was dismissed by the Court of Appeals and the Georgia Supreme Court granted certiorari. The Supreme Court reversed the Court of Appeals and remanded the case to the Court of Appeals to hear the merits of the case. The Supreme Court reasoned that there is no difference between a constitutional speedy trial demand and a statutory one. Therefore, a defendant may directly appeal from the pre-trial denial of either a constitutional or statutory speedy trial claim.

The Appellant was represented by Dwight L. Thomas and oral argument before the Georgia Supreme Court was conducted by Caprice R. Jenerson.

**Walter Hall v. Thomas Brown, Dekalb County Sheriff (DeKalb County, 2002)**

The Petitioner was charged with trafficking cocaine. In a petition for habeas corpus, the Petitioner, Walter Hall, alleged that he was denied the

following constitutional rights: (1) the right to personally and intelligently participate in the waiver of jury trial; (2) the right to the effective assistance of trial counsel throughout trial; and (3) the right to effective assistance of counsel on appeal. The trial court (Cynthia Becker) found that there was no showing that the Petitioner personally, knowingly, voluntarily and intelligently waived his right to a jury trial. The trial court further found that the Petitioner's trial counsel was ineffective in failing to apprise the difference between a bench and a jury trial to the Petitioner and failing to insure that the record reflected such an appraisal. Finally, the trial court found that the Petitioner's first appellate counsel was ineffective for failing to raise the issue of the Petitioner's deprivation of his constitutional right to a jury trial on direct appeal. The trial court granted the Petitioner's Writ of Habeas Corpus. The State did not appeal.

The Petitioner was represented by Caprice R. Jenerson.

**U.S. v. Reginald Burney, (N.D. Ga. 2001)**

The Defendant, a former Atlanta police officer, was indicted with Gold Club owner Steve Kaplan and fourteen other Gold Club (famous strip club) employees and charged with racketeering, extortion, money laundering, and obstruction of justice. The Government alleged that the Gold Club, its employees and associates, which included Mr. Burney, who served as a consultant to Steve Kaplan after his retirement from the police force, were in fact earners for the Gambino (mafia) crime family which included Michael

DiLeonardo, a co-defendant and alleged capo for John Gotti and the Gambinos. The Government called mobsters who are now in the witness protection program, in addition to numerous other witnesses (and celebrity athletes – Patrick Ewing, former New York Knicks center and Andruw Jones, outfielder for the Atlanta Braves) to show police corruption, interstate prostitution, credit card fraud, tax evasion, money laundering, witness tampering, and extortion of strip clubs in Atlanta, New York, and Florida. The Government sought to forfeit fifty (50) million dollars in profits Kaplan made from the Gold Club over a six (6) – year period. After three (3) months of trial, the Government succumbed to a plea offer to Kaplan for a maximum of three (3) years and a five (5) million dollar fine plus the Gold Club. The Government inherited a million-dollar mortgage. Kaplan insisted that in exchange for his plea the Government must offer probation to all co-defendants with the exception of DiLeonardo who would not plead guilty to anything. Burney rejected the probation offer and continued trial for another month with DiLeonardo. After four (4) days of deliberation, Burney and DiLeonardo were both found not guilty of all counts.

Burney was represented by Dwight L. Thomas, Dana Harrell, and Brad Gardner. DiLeonardo was represented by Craig Gillen.

**Bair v. State, (City Court of Atlanta, 2001, 250 Ga. App. 226 (2001))**

Bair was tried on seven (7) offenses arising out of a traffic stop getting out of hand. The jury announced it had reached a unanimous verdict on three (3) of the

counts. After further deliberations, the jury was deadlocked on the remaining counts. Bair requested that the court receive the verdicts on the three (3) counts the jury agreed on. The State balked, and the court declared a mistrial as to all seven (7) counts. (The record showed that the jury had acquitted Bair of simple battery, failure to carry a license, and speeding). The Court of Appeals held that once the jury had sworn, jeopardy had attached, and Bair was entitled to whatever verdicts the jury had reached. The Court found that the State could not overcome its heavy burden of showing that there had been a manifest necessity to declare, over objection, a mistrial as to the three counts, and held that the trial court should be granted Bair's plea of former jeopardy as to those counts. The remaining four counts (obstruction, eluding, reckless driving, and improper stopping) could be re-tried.

Bair was represented at trial and on appeal by Dwight L. Thomas, Jo Ann Fields, and Caprice R. Jenerson.

**U.S. v. Simms & Tomlinson, (N.D. Ga. 2000)**

The Defendants were citizens of Canada. They were arrested by ATF agents together with a local female by the name of Detra Thomas and charged with violating 18 U.S.C. § 924(a)(1) (making false statements on ATF form 4473 as to the true identity of the actual purchaser of a weapon). This is what is referred to as a “straw purchaser” transaction. The two (2) Defendants arrived in the United States on October 29, 1999, met Ms. Thomas on November 6, 1999 and were arrested on November 6, 1999 after Ms. Thomas purchased four guns from the

Candler Road Pawn Shop in Decatur, Georgia. Ms. Thomas previously made over fifty (50) purchases of guns for another individual and some of those guns turned up at crime scenes outside of Georgia and the GBI/ATF had “flagged” her. When Ms. Thomas was arrested, she had two hundred dollars \$200 dollars in cash and a Canadian \$20 dollar bill in her possession. The four guns were in the trunk of the vehicle rented by the Defendants in Canada. Thomas pled guilty and testified that she was paid \$50 per gun to make the purchases and given the \$20 dollar bill as a souvenir. A fourth individual in the car (a friend of the Defendants and also a Canadian who lived in Atlanta), but was not indicted, also testified for the Government. The Defense attorneys argued that the Government’s case lacked integrity (plea agreements, prior inconsistent statements, etc.). The defense attacked the Government’s star witness, Detra Thomas, as unworthy of belief since she pled guilty and cut a deal with the Government in exchange for her testimony against Tomlinson and Simms. The Defense put up one witness, Tomlinson. The Defendants were acquitted of all charges. This is the first “straw purchase” case lost by the ATF in the Northern District.

The Defendants were represented by Dwight L. Thomas, Cynthia Roseberry, and Chris Jensen for the co-defendant.

**State v. Gwen Primrose, (DeKalb County Superior Court, 2000)**

A DeKalb County vice detective (six months on the job) picked up a magazine titled “Excitement” while he was frequenting some strip clubs as part of his police status. The officer saw an ad

for a DeKalb County lingerie shop known as Pillow Talk that advertised the sale of lingerie, adult novelties and adult video- tapes. The officer took county funds and made a purchase of a videotape entitled “My Baby Got Back,” Volume 12 from Pillow Talk and subsequently arrested the store owner and her sales clerk. The sales clerk pled guilty to Distribution of Obscene Material and the storeowner went to trial. The jury viewed the entire videotape for 2 hours, however, the videotape played for the jury was not the same tape as that bought by the officer and named in the warrant. The videotape played at trial was “My Baby Got Back,” Volume 17. The original tape was apparently lost (or adversely possessed) in the Solicitor’s Office between the suppression hearing and the date of the trial. The mistake was not brought to the attention of the Court until the entire videotape had been attentively viewed. A motion for directed verdict was made and granted. All jurors told the attorneys that such a prosecution was a waste of time and resources and a not guilty verdict was forthcoming. The defense did not have the opportunity to draw a distinction between the obscenity of television violence and sex between consenting adults; the latter whether seen or done, is absolutely pleasurable, constitutional, and legal.

The Defendant was represented by Dwight L. Thomas and Jo Ann Fields.

**State v. W. Hardy, (DeKalb County Superior Court, 2000)**

The Defendant was charged with two (2) counts of aggravated assault, two (2) counts of false imprisonment, and one (1) count of burglary arising from a

home invasion. The victims testified that three men forced their way into their home at gunpoint and pistol-whipped and robbed them. The victims testified that two men wore masks and the third man did not and that the third man was the Defendant. The victims testified to knowing the Defendant and his family and having gone to the Defendant's home on many occasions and that the Defendant had been to their house in the past. The Defense argued that in the "hood" when a home invasion goes down all perpetrators have on masks and witnesses may be left alive, but if someone does not have on a mask then there are no witnesses left alive. In other words, the Defense suggested to the jury that the victims merely thought it was the Defendant but did not know for sure. The Defendant was acquitted for all counts.

The Defendant was represented by Dwight L. Thomas and Cynthia Roseberry.

**State v. Rico Saggus, (Henry County Superior Court, 2000)**

The Defendant and another man were arrested in Henry County pursuant to a two-kilogram reverse sting buy-bust. The police seized \$60,000 from the Defendants. Both Defendants were charged with trafficking cocaine. The co-defendant pled guilty and was sentenced to 15 years. The Defendant, Rico Saggus, terminated his former attorney and hired Dwight L. Thomas, P.C. A motion to suppress was filed arguing that the reverse sting was illegal and the police could not act as undercover sellers of cocaine. The Georgia Supreme Court considered similar arguments in *Dean v. Gober*, 272

Ga. 20 (1999) and imposed some restrictions on law enforcement reverse stings thereby giving support to Saggus's motion to suppress. The District Attorney reluctantly allowed Saggus to plead to conspiracy to possess cocaine with 4 years probation under the drug first offender act even though the Defendant had prior felonies. (Good things come to those who wait. Patience is not only a virtue, but also a reward because the co-defendant in this case is serving 15 years.)

The Defendant was represented by Dwight L. Thomas.

**U.S. v. N. Zapata, (N.D. Ga. 1999)**

Luis Bernal (a Dominican) was driving a gold Navigator when stopped by Lowndes County deputies. A consent search (drug dogs) yielded 25 kilos of crack cocaine in a hidden electronically controlled compartment. Several days later Bernal implicated Nelson Zapata as the owner of the cocaine (largest crack cocaine seizure in the southeast). Bernal alleged that Zapata delivered the vehicle to him and told him to drive it to Atlanta. The vehicle contained lease papers in the name of J.R., but contained Zapata's pocket organizer, business papers, and his fingerprints were lifted from the documents. Nelson Zapata was arrested at his home and no drugs, money, or drug records were found. The dogs alerted to Zapata's black Navigator in his driveway and his white Navigator at an impounded lot. The trial court suppressed the dog alert evidence. Luis Bernal together with several jail snitches were the basis of the government's case. Bernal pled guilty one week before trial. During his plea, Bernal stated that Zapata's only role was that Zapata was

to pay Bernal for driving the vehicle. The Government offered Nelson Zapata a plea to misprision of a felony (three year statutory maximum) and Zapata rejected it. On the specially set day of trial, the Government moved for continuance on the grounds that Bernal's story changed because of witness tampering. The Court granted the continuance over defense objection, but ordered a report within two weeks. The next day, the Government reported that the tampering could not be supported and a motion to dismiss the indictment was made and granted.

The Defendant was represented by Dwight L. Thomas.

**State v. A.M. (Floyd County Superior Court, 1999)**

The Defendant was indicted for rape, two counts of aggravated sodomy, and kidnapping. He was convicted of one count of anal sodomy as to a minor and was sentenced to 10 years without parole. The Defendant later retained Dwight L. Thomas, P.C. and a motion for new trial was filed, argued and granted. Thereafter, the Defendant's conviction for aggravated sodomy was vacated and he was allowed to plead guilty to misdemeanor sexual battery, given time served, and released from custody in court.

The Defendant was represented by Dwight L. Thomas.

**State v. C. Fleming, Jr. (Henry County Superior Court, 1999)**

Clarence Fleming, Jr. was arrested on March 19, 1999 and charged with murder and felony murder of his wife,

Tracy Fleming. The Defendant reported her missing on March 12, 1999 and her body was discovered in a van in the back of a Stockbridge, Georgia hotel on March 15, 1999. She had been shot twice in the head with a .38 handgun. The evidence at trial showed that the Defendant was the last person with the victim on March 11, 1999. The evidence also showed that the Defendant and the victim had a troubled marriage with frequent arguments over financial matters. The Defendant's ex-girlfriend (one of thirty state witnesses), who became pregnant by the Defendant and gave birth to the child while the Defendant was married to the victim, testified that the Defendant told her on many occasions how he was planning the perfect murder by killing his wife by strangulation or the use of a .38 handgun. The Defendant's cellmate also testified that the Defendant confessed to him that he had killed his wife. A Henry County jury, composed of eight women and four men deliberated 10 hours and acquitted the Defendant of all charges.

The Defendant was represented by Dwight L. Thomas and Dana Harrell

**U.S. v. S. Beamer, (N.D.Ga. 1998)**

The Defendant was a U.S. Penitentiary Correctional Officer and counselor charged with aggravated sexual assault on an inmate. The victim alleged that the Defendant forced him to perform oral sex on the Defendant for a period of seven months, at least twice a month. The victim claimed that on the last incident, he spit the semen into an empty pill bottle unknown to the Defendant. The victim testified that he smuggled the sample out of the federal prison in his rectum, gave it to his federal public

defender, who in turn gave it to the Government prosecutors. An FBI expert witness testified that DNA analysis of the semen sample revealed that the semen was the Defendant's. DNA experts for the defense did not challenge that conclusion, but showed that there was no DNA of the victim detected in the sample. The Defense, through experts, showed that if the victim had in fact spit the semen from his mouth, then DNA from his saliva and epithelial cells would have had to be present in the sample. The Defense also included an HIV expert because the alleged victim was HIV positive and the Defendant twice tested negative for HIV over one year after the alleged incidents. Another inmate alleged that the Defendant sexually assaulted him, although he had no physical proof. The jury deliberated for two and one half days and returned a verdict of not guilty on all counts after an Allen charge was given.

The Defendant was represented by Dwight L. Thomas and Jo Ann Fields

**King v. State, (Georgia Supreme Court, 1998)**

The Defendant pled guilty, without counsel, to two misdemeanor charges and was sentenced to 12 months imprisonment. The Defendant retained Dwight L. Thomas, P.C. and filed a motion to withdraw her guilty plea on her behalf. The trial judge in the State Court of Clayton County denied the motion and the Defendant appealed. The Court of Appeals affirmed, 226 GA App. 576. A petition for writ of certiorari was filed and granted. The Supreme Court reversed and held that (1) a preprinted guilty plea form that was completed by the prosecutor and resulted in a term of

imprisonment did not constitute an adequate record of the guilty plea hearing; (2) withdrawal of the Defendant's guilty pleas was necessary to correct a manifest injustice; and (3) state courts must produce a verbatim record of the guilty plea hearing when a Defendant is sentenced to a term of imprisonment (thus, creating a new statewide rule). The case was remanded to the trial court, where the Defendant entered a guilty plea and was sentenced to 12 months probation.

The Defendant was represented by Dwight L. Thomas and Caprice R. Jenerson, who argued the case before the Georgia Supreme Court.

**State v. H. Wright, (DeKalb County Superior Court, 1997)**

The victim claims she was taken to the hotel by the Defendant and his friends and the Defendant raped her in the bathroom and in the jacuzzi tub. The victim left the hotel with the Defendant, and was taken home by the Defendant. The hotel security saw them leave and saw nothing unusual. The Defendant was acquitted of rape and aggravated assault. The Defendant was convicted of misdemeanor simple battery for biting her and he was given time served and released from jail immediately.

The Defendant was represented by Dwight L. Thomas and Stephanie Moore.

**Rawls v. Hunter, (Georgia Supreme Court, 267 Ga. 109 (1996))**

Police officers conducted a search of Rawls' home and confiscated 8 kilos of cocaine and \$90,000.00 in cash. Dwight

Thomas filed a mandamus and habeas action against Dekalb County Judges contending that Rawls was illegally denied bond after being incarcerated more than 90 days with out indictment. The trial court denied the petition based on the State's argument that the indictment of Rawls on the 91<sup>st</sup> day mooted the statute's requirement of bond. The Supreme Court reversed and held that Rawls was entitled to have bond set and remanded the case to the trial court for the setting of bond.

The Defendant was represented by Dwight L. Thomas and Caprice R. Jenerson.

**State v. S. Wise, (DeKalb County Superior Court 1995)**

The Defendant was charged with rape, incest, and molestation of his biological daughter when she was aged 12 through 14. The daughter was 16 years old at the time of trial and testified that the crimes occurred when she lived with her dad and his girlfriend. The evidence at trial showed that the daughter was unruly, disobedient and often expressed her dissatisfaction with her father's strict rules of discipline. A State psychologist testified that the child exhibited symptoms of sexual abuse. The jury acquitted the Defendant of all counts.

The Defendant was represented by Dwight L. Thomas and Stephanie Moore.

**U.S. v. H. Tucker, (M.D. Ga. 1995)**

The Defendant and two other persons were driving north on I-75 from Florida. A Lowndes County (Valdosta) deputy stopped the vehicle, conducted a drug

dog search and found 6 kilograms of cocaine, weapons, and money. A suppression hearing was conducted before the legendary Judge Wilbur Owens. Owens granted the motion to suppress based on an illegal stop, search and seizure thereby causing the case to be dismissed.

The Defendant was represented by Dwight L. Thomas.

**Benton v. State, (Georgia Supreme Court, 1995)**

Benton was convicted at trial of kidnapping, aggravated assault and incest. He was sentenced to 20 years in prison. Following the denial of his motion for new trial, he appealed. The alleged victim testified at a pretrial hearing that on a prior occasion, her former boyfriend attempted to pull her into a vacant apartment against her will and that he tried to have sex with her. Later, she admitted she voluntarily accompanied him into the vacant apartment and that she was pressured by her mother to pursue charges against him. The trial court held that the evidence of the false allegation against another was inadmissible. The Supreme Court held that the exclusion of such evidence was reversible error. Benton was released from prison.

The Defendant was represented by Dwight L. Thomas.

**State v. H. Brunson, (DeKalb County Superior Court, 1992)**

The Defendant was charged with trafficking cocaine, trafficking heroin, gun charges and marijuana charges. The Defendant and his ex-girlfriend got into

a domestic argument. The girlfriend left the home and took out a simple battery warrant two days later. She never returned to the home. Four months later, the police knocked on the door to serve the simple battery warrant and discovered a trafficking amount of cocaine in plain view, bagged up in 164 bags for sale. The police also found scales, several thousand dollars, weapons and drug paraphernalia. The Defendant was fifty-five years old and had served time for Federal and State drug trafficking convictions. The Defendant was on parole for heroin trafficking. For the charged offenses the Defendant faced a mandatory life sentence if convicted as charged. The State introduced evidence of the Defendant's prior drug convictions. The Defendant did not testify at trial. The Defendant said he wanted to see a real jury trial because all of his prior convictions were guilty pleas. The police found two hits of heroin in the Defendant's pocket. The defense argued that the other drugs could have belonged to the roommate who also lived there but was not home on the day of the arrest. The jury acquitted the Defendant of the trafficking charges and only found him guilty of possession of the heroin in his pockets (Now that was a win to the Defendant).

The Defendant was represented by Dwight L. Thomas.

**State v. O. Miller, (Fulton County Superior Court, 1986)**

The Defendant was charged with felony shoplifting at Rich's Department Store in Atlanta. The store employees testified to seeing the Defendant pick up items and place them in a bag. The Defendant

was arrested by store security while in the dressing room. The defense vigorously cross examined the employees and got conflicting stories. The jury acquitted the Defendant was of all charges. The defense later sued Rich's for false arrest and received an out-of-court settlement. The Defendant was prosecuted by Assistant District Attorney Doris Downs who has been appointed as a Superior Court Judge.

The Defendant was represented by Dwight L. Thomas

**State v. A. Cartman, (DeKalb County Superior Court, 1985)**

The victim, a DeKalb County high school student, was found in his home dead of a gunshot wound to his head. His parents were out of town and the victim was in his bathrobe. There were no signs of forced entry or struggle. The DeKalb police arrested an acquaintance of the Defendant and charged him with approximately 20 burglaries and that person told police that he, the Defendant, and two others had killed the victim. There was evidence that the Defendants and the victim had a confrontation at a skating rink one week before the killing. The Defendant's mother was a well-known DeKalb music teacher and had also taught music to the Jackson Five in Indiana. The trial lasted one month. The jury deliberated for three hours and acquitted the three defendants. The prosecutor, Bob Coker, later lost an aggravated assault shooting case to Dwight L. Thomas. Mr. Coker was transferred out of the trial division to the appellate division where he still remains today. (The presiding Superior Court Judge, Judge Hunstein, is now a Justice for the Georgia Supreme Court).

The Defendant was represented by  
Dwight L. Thomas.

**State v. R. Reid, (DeKalb County  
Superior Court, 1985)**

DeKalb narcotics agents went to a residence and made undercover buys of cocaine. The Defendant was charged with the sale of cocaine. At trial, the Defendant's identical twin brother, who was also at the residence at the time of the buys, but unknown to the officers, appeared in court and sat at the defense table. The officers were unable to identify which brother in fact was the seller and the jury acquitted the Defendant of all counts.

The Defendant was represented by  
Dwight L. Thomas.