

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
vs.) Case No. 23SC188947
)
HARRISON FLOYD, et al)
)
DEFENDANT.)

MOTION TO UNSEAL SPECIAL GRAND JURY
TRANSCRIPTS, RECORDINGS AND REPORTS

COMES NOW, THE DEFENDANT, HARRISON FLOYD, by and through his counsel of record, and moves this Court for an order unsealing the Special Grand Jury transcripts, recordings, and reports that led to the indictment of this Defendant. Numerous witnesses reportedly testified before this Grand Jury, some of whom are co-defendants, unindicted co-conspirators, and others. It is believed that many of these same people will testify at this Defendant's trial, and any transcripts, recordings, and reports from this Grand Jury are essential to properly preparing for this Defendant's trial.

ARGUMENT AND CITATIONS TO AUTHORITY

In support of disclosure of the requested documents, Georgia law holds that when a special grand jury is impaneled, that the "[t]he judge so assigned shall ... require periodic reports of the special grand jury's progress, as well as a final report." O.C.G.A. § 15-12-101(a) (2022).

This special grand jury may

inspect records, documents, correspondence, and books of any department, agency, board, bureau, commission, institution, or authority of the state or any of its political subdivisions; and may require the production of records, documents, correspondence, and books of any person, firm, or corporation which relate directly or indirectly to the subject of the investigation being conducted by the investigative grand jury.

O.C.G.A. § 15-12-100(c) (2022). This special grand jury thus has the ability to acquire significant evidence which is necessary to the defense of this Defendant.

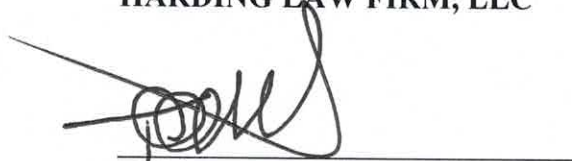
In additional support of disclosure, in 1995 the Georgia Legislature expanded the rule of secrecy surrounding grand jury proceedings, such that the grand jury's oath of secrecy only entails deliberations. Olsen v. State, 302 Ga. 288, 291 (2017). Further, Georgia law only holds that grand jurors are not sworn to secrecy, only that they swear to give truthful testimony. Id., at 294; see also O.C.G.A. § 15-12-68 (2022). Had the legislature intended to make such transcripts, recordings, and reports secret, the legislature certainly could have done so, and by the lack therefore one "must presume the legislature's failure to do so in this venue statute was a matter of considered choice." Pandora Franchising, LLC v. Kingdom Retail Grp., LLLP., 299 Ga. 723, 726 (2016).

Further support for disclosure is found in Rule 21 of the Uniform Superior Court Rules. The rule states that "[a]ll court records are public and are to be available for public inspection unless public access is limited by law...." U.S.C.R § 21 (2023). Due process requires this Defendant to have all testimony against him available to properly defend himself.

In conclusion, the Defendant asks this Court to unseal and release to this Defendant all special grand jury transcripts, documents, and reports.

Respectfully submitted this the 11th day of September 2023.

HARDING LAW FIRM, LLC



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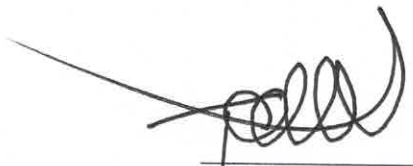
CERTIFICATE OF SERVICE

I hereby certify that on this day I have served counsel of record with the foregoing **DEFENDANT HARRISON FLOYD'S MOTION TO UNSEAL SPECIAL GRAND JURY TRANSCRIPTS, RECORDINGS AND REPORTS**, filed by electronic transmission addressed to the following:

Fani T. Willis, DA
136 Pryor Street, SW
3rd Floor
Atlanta, Georgia 30303

Respectfully submitted this the 11th day of September 2023.

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