

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS.

JACK BEAMON, et al.

Defendants.

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CASE NO. 23 SC 189192
Judge Kimberly M. Esmond Adams

**MOTION FOR PRE-TRIAL RULING ON THE ADMISSIBILITY OF MANUEL
TERAN'S DIARY**

COMES NOW, the undersigned, on behalf of the State of Georgia, and respectfully requests that the Court issue a written pre-trial ruling regarding the admissibility of the diary of Manuel Teran.

On January 18, 2023, Georgia State Troopers were conducting a safety sweep of the DeKalb County woods that will be the site of the Atlanta Public Safety Training Center. The purpose of the sweep was to clear the woods so that construction on the site could safely commence. The forested area became unsafe when armed occupiers unlawfully occupied the forested area, laid traps, and attacked first responders, innocent civilians, and individuals associated with the construction of the Training Center.

During the safety sweep, Troopers approached a tent that was occupied by an individual named Manuel Teran. After giving several commands to exit the tent, Teran was told that non-lethal pepper balls would be used if he did not exit the tent. Teran refused to comply, so a trooper used non-lethal pepper balls to force Teran out of the tent. Teran responded by firing a gun at Troopers from inside the tent. Trooper Jerry Parrish was hit in the torso by one of the bullets fired by Teran. Troopers returned fire and killed Teran. During the course of processing the scene, GBI agents recovered numerous pieces of evidence including Teran's gun, a tent, and shell casings from the fired rounds. In addition to these items, Agents recovered Manuel Teran's handwritten diary.

I. Manuel Teran's Diary is non-testimonial, and therefore statutory rules of hearsay apply.

The Sixth Amendment Confrontation Clause only prevents the introduction of statements by a non-testifying witness when they are testimonial. A statement is only testimonial when it was “clearly...made with the primary purpose of creating evidence for defendant’s prosecution.” [Ohio v. Clark, 576 U.S. 237, 237](#). Once a determination is made that a statement is non-testimonial, “the court proceeds to consider the admissibility of statements under an exception to the hearsay rule.” [Spratlin v. State, 366 Ga. App. 607, 607](#).

Teran’s diary entries were not created with the primary purpose of creating evidence for the prosecution of these Defendants. To the contrary, Teran’s writings are personal and there is no evidence that he was making these writings to be used for later prosecution. The diary entries consist of violent anti-police rhetoric and drawings, notes on meetings in the forest, to do lists regarding various tasks including committing crime, philosophical musings about the tyranny of government, and other personal writings. SEE DIARY ATTACHED AS EXHIBIT 1.

II. Manuel Teran was a co-conspirator with the Defendants, and therefore his statements are admissible as a hearsay exception under O.C.G.A. § 801(d)(2)(E)

Manuel Teran was attempting to occupy the forest by residing in a tent, and he was a co-conspirator with Defendants in the indictment. The Defend the Forest group acknowledges this as true, and Teran’s own writings corroborate this fact. In addition to occupying the forest, Teran’s writings acknowledge more than mere occupation. Indeed, Teran lists crimes that should be committed, coordinated meetings in the woods regarding the “StopCopCity” movement, and overall embodies the plans and motives of the self-identified “Forest Defenders.”

Admissions offered by the party-opponent “shall not be excluded by the hearsay rule.” [O.C.G.A. § 24-8-801\(d\)\(2\)](#). “An admission is a statement offered against a party which is ... a statement by a coconspirator of a party during the course and in furtherance of the conspiracy, including a statement made during the concealment phase of a conspiracy. A conspiracy need not be charged in order to make a statement admissible under this subparagraph” [O.C.G.A. § 24-8-801\(d\)\(2\)\(E\)](#).

A statement is not admissible under this code section based on the statement alone. Rather, other evidence must be offered to prove the existence of the conspiracy, the declarant’s participation of the conspiracy therein, and the party against whom the statement is offered. Id. Nonetheless, statements in furtherance of a general conspiracy and a “larger criminal conspiracy” are admissible when it is demonstrated that the Defendant and the declarant are both members of the general conspiracy. Chavers v. State, 304 Ga. 887, 893 (3) (823 SE2d 283) (2019); Kemp, 303 Ga. at 393 (2) (b) (i).

Here, there is significant evidence of a general and larger conspiracy to occupy the land of the site of the future Atlanta Public Safety Training Center. In addition to a shared goal of occupying the land to prevent the construction of the training center, there is evidence of similar clothing, similar and unique violent action tactics, written documents, verbal statements, financial documents, and similar travel patterns and destinations. Each Defendant in this indictment has specific evidence against them, and each Defendant is connected to at least one other Defendant by incident, communication, personal connection, financial connection, and/or other connection. All of this evidence links the Defendants back to the Defend the Atlanta Forest criminal enterprise.

In addition to the evidence establishing Teran's participation in the conspiracy, the Defend the Atlanta Forest criminal enterprise claims Manuel Teran as one of their own. Indeed, social media accounts belonging to Defend the Atlanta Forest and online sources belonging to Defend the Atlanta Forest admit that Teran was a "Forest Defender." Not only does Defend the Atlanta Forest claim Teran, but Teran's own writings demonstrate his connection to the conspiracy. His writings show his association with the movement as well as his behavior and plans consistent with the Defend the Atlanta Forest movement. Finally, his location and items around him in the forest are evidence of his participation in the conspiracy.

Given that Teran was part of the conspiracy to occupy the forest and part of the overall Defend the Atlanta Forest movement, the writings in his diary are admissible as statements of a co-conspirator under O.C.G.A. 24-8-801(d)(2)(E).

III. Manuel Teran's diary is admissible as a statement of his then existing mental, emotional, and physical condition under O.C.G.A. § 24-4-803(3).

O.C.G.A. § 24-4-803(3) provides that a hearsay exception exists if a statement is the declarant's then existing state of mind, emotion, sensation, or physical condition, such as intent, plan, motive, design, mental feeling, pain, and bodily health, but not including a statement of memory or belief to prove the fact remembered. O.C.G.A. § 24-8-803(3).

Manuel Teran's diary is a running dialogue of mental, emotional, and physical logs by Teran. Teran often goes into detail about his hatred for police, current society, and the way that he believes society should be. These statements are a glimpse into the mind of a "Forest Defender" and the attitudes kept by Teran and his co-conspirators. He writes about the forest and his desire to stop the construction of the training center as well as his contempt and hatred for police. At times, Teran is angry and emotional at police, society, corporations, and many

other perceived “repressors,” and this sort of mindset renders his writings admissible as a hearsay exception. Morrison v. State, 300 Ga. 426, 429. Additionally, this shared mindset among the co-conspirators of Defend the Atlanta Forest is important to demonstrate the motive and intent of the criminal enterprise.

IV. Portions of Manuel Teran’s diary are admissible as a present sense impression under O.C.G.A. § 24-8-803(1).

Portions of Manuel Teran’s diary are to-do lists and notes from meetings in the woods. These writings are admissible as a present sense impression because they are describing or explaining an event or condition made while the declarant was perceiving the event or condition or immediately thereafter. O.C.G.A. § 24-8-803. Indeed, Teran often recorded his writings by dating them and labeling them. One example comes from an entry on page 49 from April 21, 2021. Titled “Meeting Notes 4/21/21,” Teran lists four items:

- Questions about lived experiences, political orientation, get to know them!
- Hang out with them!
- Strong probing questions
- Do crime!!

This entry is followed by a chart of how abolition is supported by various behaviors such as “popular education” and “sabotage.”

These to-do lists and notes are carefully dated and kept as notes from meetings in the woods and often how he feels about them. Given how closely in time that Teran took these notes and his expressions of what he thinks about the notes, they are admissible under O.C.G.A. § 24-8-801(1).

I. Manuel Teran’s diary is admissible as an unavailable witness exception pursuant to O.C.G.A. § 24-8-804(b)(3)(A) and (b)(3)(B).

Manuel Teran is unavailable as a witness under O.C.G.A. 24-8-804(a), and therefore the additional hearsay exceptions under O.C.G.A. 24-8-804(b) apply. “A statement against interest shall not be excluded by the hearsay rule if the declarant is unavailable as a witness if it is a statement against interest.” O.C.G.A. § 24-8-804(b)(3). A statement against interest is defined in O.C.G.A. §24-8-804 as follows:

(A) Which a reasonable person in the declarant’s position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant’s proprietary or pecuniary interest or had so great a tendency to invalidate a claim by the declarant against another or to expose the declarant to civil or criminal liability; and

(B) Supported by corroborating circumstances that clearly indicate the trustworthiness of the statement if it is offered in a criminal case as a statement that tends to expose the declarant to criminal liability;

Here, the diary of Manuel Teran would expose him to criminal liability because he discusses crime, covering up crimes, and outlines various meetings in the woods that demonstrate his association with the Defend the Atlanta Forest criminal enterprise. Additionally, the diary is a trustworthy writing by Teran because of the inherent nature of a diary. Diaries are private collections of writings that are designed to be honest, private expressions. These honest, private expressions lend themselves to indicia of trustworthiness as Teran had no reason to lie in his diary. Therefore, sufficient indicia of truthworthiness exist, and Teran’s diary is admissible under O.C.G.A. § 24-8-804.

Therefore, based on O.C.G.A. 15-12-131, the State respectfully requests that the Court issue a pre-trial hearsay ruling regarding Manuel Teran’s diary.

RESPECTFULLY SUBMITTED, this 15th day of November, 2023.