

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

CASE NO. 23SC188947

vs.

Judge: Scott McAfee

MISTY HAMPTON,
A/K/A EMILY MISTY HAYES
Defendant.

MOTION FOR STAY

Defendant Misty Hampton moves for a stay pending the appeal in Court of Appeals Case Nos. A24A1595 through A24A1603. As grounds for this Motion, Defendant shows the Court that the Court of Appeals entered a stay of “proceedings below” on June 5, 2024. The Court of Appeals cases are appeals of some of the co-defendants in the present case. It is not clear if the Court of Appeals intended for its order to stay *all* proceedings in the case, or only those proceedings relating to the co-defendants in the referenced appeals. Out of an abundance of caution, therefore, Defendant moves to a stay of proceedings in her case pending the resolution of the referenced appeals.

Arguably, the Court of Appeals did not limit the stay only to the appellants in the appellate cases referenced. “Proceedings” could very well apply to all proceedings in this case.

Moreover, as a matter of judicial economy, it does not make sense to stay some of the prosecutions, but not all, in the same case. While the Court has

indicated that some measure of severance might be appropriate in this case, the Court has not yet addressed how it might group co-defendants for trial, or if it will try them all separately.

Perhaps more importantly, however, the cases on appeal will address whether the current prosecution staff is even permitted to prosecute the co-defendants. If the Court of Appeals rules that the District Attorney and her staff are disqualified, such a ruling (which would be binding on this Court) would apply to the entire case in this Court, including the prosecution of Defendant.

For the foregoing reasons, Defendant moves for a stay of further proceedings pertaining to her pending a decision of the Court of Appeals in the referenced appellate cases.

/s/ John R. Monroe
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