

SUPERIOR COURT OF CHATHAM COUNTY
EASTERN JUDICIAL CIRCUIT OF GEORGIA

THE STATE OF GEORGIA	)	CASE NO. : SPCR22-03364
	)	
v.	)	
	)	
LEILANI MAREE SIMON	)	

Transcript of proceedings heard during the **RULE 22, ARRAIGNMENT, AND BOND HEARING** in the above-styled case at the Chatham County Courthouse, Savannah, Georgia, on the 23rd of March 2023, before the Honorable Tammy Stokes, Judge, Superior Court, Eastern Judicial Circuit of Georgia.

Appearances:

For The State:	TIMOTHY PATRICK DEAN, ESQ. Assistant District Attorney Savannah, Georgia
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For The Defense:	KAITLYN ELIZABETH WALKER, ESQ.
For The Defense:	ROBERT WARREN ATTRIDGE, JR., ESQ.
	JOSEPH VIGNERI, ESQ.
	Assistant Public Defenders
	Savannah, Georgia

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	<u>I N D E X</u>	
2	Preliminary matters	2
3	Rule 22 Hearing	3
4	Objection by the State	3
5	Rebuttal by the Defense	4
6	Court's ruling re: Rule 22	5
7	Bond Hearing	8
8	Argument by the Defense	8
9	Argument by the State	10
10	Court's ruling on motion	10
11	Arraignment of the Defendant	11
12	Certificate of Court Reporter	14
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 (NOTE: Notations of "(inaudible)" or
2 "(indiscernible)" indicate individuals either speaking too
3 rapidly or softly, speaking over each other, speaking away
4 from a microphone, and/or courtroom background noise
5 obscuring the spoken words:)

6 (The above-captioned proceeding commenced at 9:09
7 a.m. on the aforementioned date.)

8 THE COURT: Good morning, everyone.

9 ALL PRESENT: Good morning, Judge.

10 THE COURT: We are here today on Indictment Number
11 SPCR22-03364-J6, State of Georgia versus Leilani Maree
12 Simon. For the record, Ms. Simon -- excuse me, the State
13 of Georgia is represented by Tim Dean. The Defendant is
14 represented by Kaitlyn Walker, as well as Bob Attridge and
15 Joe Vigneri.

16 There are three matters that the Court is going to
17 handle today. The first is the -- is to address the Rule
18 22 with regards to recording by the media. And the other
19 two and three will be bond consideration as well as
20 arraignment.

21 And with that, let's turn to the Rule 22 issue.
22 I'll, first, hear from the State. Does the State have any
23 objections?

24 MS. WALKER: If we may bring Ms. Simon out here, Your
25 Honor.

1 THE COURT: Oh, I'm so sorry. We do need her, don't
2 we?

3 (Whereupon, discussion ensued off the record.)

4 (NOTE: Defendant is escorted into the courtroom.)

5 THE COURT: Good morning.

6 THE DEFENDANT: Good morning.

7 THE COURT: For the benefit of Ms. Simon, I will
8 state once again, we're here on Indictment Number
9 SPCR22-03364-J6, the State of Georgia versus Leilani Maree
10 Simon. Of course, Tim Dean's representing the State.
11 Ms. Simon is represented by Kaitlyn Walker, Bob Attridge,
12 and Joe Vigneri.

13 And there are the three matters that we will get into
14 today, the first of which is the Rule 22 matter regarding
15 recording.

16 Mr. Dean, is there anything from the State regarding
17 the Rule 22?

18 MR. DEAN: Just briefly, Your Honor. We do object.
19 We had a previous hearing on this where we all sort of
20 addressed these requests in a general sense prospectively
21 what our position's gonna be with respect to them going
22 forward. At that time, I placed on the record the State's
23 objection, which was based primarily on the privacy
24 interests of Quinton Simon's two surviving siblings. I
25 conceded, at that time, that that objection probably

1 applies with more force at substantive hearings at which
2 the evidence is actually gonna be discussed than it does
3 to procedural hearings such as an arraignment.

4 So I'm objecting today for the purposes of both
5 hearings, both the arraignment and the bond hearing issue.
6 But I will acknowledge that the objection applies with
7 more force to the bond matter than it does to an
8 arraignment, which is pretty much a pro forma procedural
9 matter. And, you know, I understand that the Defense
10 objects on different grounds.

11 THE COURT: Thank you, Mr. Dean.

12 And from the Defense, Mr. Attridge?

13 MR. ATTRIDGE: Good morning, Judge.

14 THE COURT: Good morning.

15 MR. ATTRIDGE: Judge, we acknowledge the press has a
16 right to -- to be in courtrooms. And at the same time,
17 the Defendant has a right, ultimately, to have a fair and
18 impartial jury brought in and have a trial. And that's
19 the balancing test the Court has to consider.

20 My position -- our position is one where we think the
21 Court can reach a -- a balancing point by allowing them to
22 report what happens in the courtrooms, but we're opposed
23 to any type of videotaping. The videotaping, I think,
24 feeds into a -- sort of a frenzy type of situation, and,
25 you know, it -- it just leads to a problem in a small

1 community like Savannah, Chatham County, where it's a
2 small news market that there's so much information put out
3 there in social media, and then you have the news media.

4 Ultimately, everybody's gonna hear something about
5 the case. Hopefully, it's all accurate information, but
6 that's not always the case these days. It's just so much
7 misinformation. I'm not saying the news media is --
8 produces that. But there's just so much misinformation
9 that, ultimately, when it comes time to pick a jury, we
10 have quite a task on our hands trying to weed out what
11 information they have, can they not consider that
12 information. It just poses almost a Herculean task to try
13 to get a fair and impartial jury.

14 So I think the Court can balance these rights, and to
15 allow the press to report, but not videotape these
16 proceedings. That's my position. It has been and it will
17 be throughout any and all hearings from here on in.

18 THE COURT: Thank you, Mr. Attridge.

19 MR. ATTRIDGE: Thank you.

20 THE COURT: You're right. This is a balancing issue.
21 And the Court will continue to balance the interests of
22 the public and the rights of Ms. Simon.

23 Given that Georgia courts tend to promote access to
24 the proceedings, it promotes an understanding of the
25 proceedings, not only for those involved, but, also, for

1 the public, and the -- and the reports by the media to the
2 public. I am going to note your objections, but allow
3 recording.

4 MR. ATTRIDGE: Thank you, Judge.

5 THE COURT: All right. Thank you.

6 So with that being said --

7 MR. DEAN: May --

8 THE COURT: Yes.

9 MR. DEAN: Pardon me, Your Honor.

10 THE COURT: Yes, sir.

11 MR. DEAN: Would that ruling apply both to the
12 arraignment and to the bond hearing?

13 THE COURT: It will. However, with regards to the
14 bond hearing, I do recognize that there is information
15 that should not be made public. You've provided me with
16 that information. I have reviewed it. I will consider
17 it. I will not publish that.

18 MR. DEAN: Okay. Thank you, Your Honor.

19 THE COURT: Okay. So with that, I will direct that
20 there be pooled coverage by the media. I will allow
21 members of the media to decide among themselves who will
22 do that pool coverage. And the one that is designated to
23 do that, I will ask, as well, for a schedule and a
24 proposed arrangement so that I can review that as well.
25 If you're not able to decide that, who will head the pool

1 coverage, then I will designate. But I imagine that you
2 can have a conversation about that and take care of that.
3 And I see a hand raised.

4 MALE SPEAKER: We're good, Your Honor.

5 THE COURT: And you are?

6 MALE SPEAKER: WSAV.

7 THE COURT: WSAV.

8 MALE SPEAKER: And we'll distribute the video as soon
9 as the hearing's over.

10 THE COURT: Okay. All right. I see head nods all
11 around. Okay. And, of course, I will issue an order
12 regarding media coverage as well. There has been one, but
13 this one will be more specific.

14 I do ask, and I'm sure you understand, that you will
15 need to comply with Rule 22 very closely. Any recording
16 is to be very discreet, very quiet, and efficiently done
17 according to Rule 22.

18 Well, with that, we can move, then, to the issue of
19 bond. And then we'll move to arraignment. Oh, yeah. You
20 need a few minutes to set up? Okay. I'm gonna do that.
21 I'm gonna step off the bench and allow you to do that.

22 I am gonna ask Defense and Mr. Dean, while they're
23 setting up, if you can step back to chambers with me.

24 (NOTE: Recess was taken before the Bond Hearing
25 begins. After which, the following is transcribed.)

1 THE COURT: Okay. Let's return to the issue of bond.
2 Mr. Dean, I have received your request for a restriction
3 of certain information. The Court has reviewed it. If
4 there's anything you'd like to say --

5 Well, first, it's the Defense's motion. Ms. Walker?

6 MS. WALKER: Your Honor, just briefly, of course.
7 Ms. Simon was born and raised here locally. She is 23
8 years old.

9 Speaking to the statutory factors just briefly, Your
10 Honor, we would say to the Court that she is not a flight
11 risk: one, because she lives here; two, because throughout
12 this investigation, she remained here locally knowing that
13 she was a person of interest in this investigation, and
14 that she is presently under a DFCS case plan, which I will
15 not get into the details of other than to say that she has
16 every incentive to remain in this county pursuant to that
17 plan in order to reunite with her children. And,
18 certainly, that will be her hope, Your Honor.

19 She is also not a threat or a danger to any
20 individual or the community because, as a result of that
21 case plan, she will be monitored and supervised at a very
22 intense level by people who have a high level of skill to
23 do so. So concerns that the Court may have, based on the
24 allegations in this indictment, should be factored in
25 related to that case plan, Judge, and that she's not at

1 risk to commit a new felony because she has no felony
2 history, and is presumed to be innocent of these charges,
3 of course, Your Honor.

4 And finally, that there's no evidence that she would
5 have any ability or desire to intimidate any potential
6 witnesses. Simply being related to some of the witnesses
7 in this case does not rise to the level of that concern,
8 Your Honor.

9 And so for all of those reasons, we would be asking
10 the Court to adopt, essentially, what the DFCS case plan
11 is. We'd be happy to provide a copy of that to the Court
12 if the Court is so inclined to grant bond so that the
13 Court could conform its order to the DFCS case plan, as
14 it's our position that there are provisions therein, such
15 as drug treatment, et cetera, which will support her while
16 she would be on the outside.

17 Furthermore, Judge, that we have a location for her
18 to live that is safe. It is out-of-county. And as the
19 Court knows, this has been a very highly investigated and
20 focused upon case in the media and social media. And so
21 we would not provide that address to the Court for fear
22 about Ms. Simon's safety. As the Court knows, she has
23 been harassed by various members of the public who knew
24 her prior address. And so we're very concerned about her
25 safety should she be released. And we'd be happy to

1 provide that to the Court, but certainly not in open
2 court, Your Honor.

3 THE COURT: Thank you, Ms. Walker.

4 MS. WALKER: Thank you, Judge.

5 THE COURT: Mr. Dean?

6 MR. DEAN: Your Honor, as the Court has referenced
7 yesterday afternoon, I e-mailed to the Court the State's
8 nine-page response to petition for bond, which I then
9 filed in open court and served on the Defense this
10 morning. They were, of course, copied on -- on the
11 e-mailed version yesterday.

12 In that filing, which will be restricted because it
13 contains sensitive information that ought not be released,
14 I believe that the State has both preemptively responded
15 pretty conclusively to some of the arguments just
16 articulated by counsel, and also made certain other
17 factual legal arguments about the Defendant's
18 unsuitability for pre-trial release in this case. And
19 with that, I will rest on the written filing.

20 THE COURT: All right. Thank you.

21 In consideration of the information that has been
22 presented from the Defense and from the State, the Court
23 will deny bond based on the risk that she would commit a
24 felony while on bond, and there is a risk of flight as
25 well. So with that, bond is denied.

1 MS. WALKER: Understood, Your Honor. Thank you.

2 THE COURT: Thank you.

3 Now, let's move into arraignment at this point. Will
4 you have your client come forward?

5 MS. WALKER: And, Your Honor, if we may, we'll come
6 to the podium. But our intention today is to ask rather
7 than for arraignment, because we believe there's -- thank
8 you -- some conflict in the case law as to whether or not
9 entering arraignment today would waive the demurrers that
10 she's filed. Of course, the Court is aware we've filed
11 two demurrers. One is a special demurrer as to Counts
12 One, Two, and Three of this indictment, and a general
13 demurrer as to Counts Ten, Twelve, Fourteen, and
14 Seventeen.

15 So what we'd be asking for today is for the Court to
16 simply set us down for a motions date where we can address
17 those issues with the indictment, and then we would move
18 forward with arraignment on that date, if the court is so
19 inclined.

20 THE COURT: The Court will do that. The motions
21 hearings will be scheduled soon.

22 MS. WALKER: Thank you, Judge.

23 THE COURT: And we can set aside time to address the
24 -- several issues --

25 MS. WALKER: Yes, Your Honor.

1 THE COURT: -- that, as well as other motions as
2 well.

3 MS. WALKER: Thank you, Judge.

4 THE COURT: Okay.

5 MS. WALKER: All right.

6 THE COURT: Turning now to arraignment. Ms. Walker,
7 does your client waive formal reading of the indictment?

8 MS. WALKER: Well, Judge, I think if we may be doing
9 that at that motion hearing, we can do it all together.
10 We're just concerned about waiving her arguments as to the
11 demurrers that we've already filed. So if we could move
12 forward with arraignment at that motions date rather than
13 today.

14 THE COURT: What the Court is willing to do is
15 preserve your --

16 MS. WALKER: Understood, Your Honor.

17 THE COURT: -- your right to -- to demurrer at this
18 point. I would like to move forward --

19 MS. WALKER: Okay.

20 THE COURT: -- with arraignment.

21 MS. WALKER: Okay. Absolutely, Your Honor. And yes,
22 so we would waive formal reading of the indictment.

23 THE COURT: All right.

24 MS. WALKER: And Ms. Simon would be entering her plea
25 of not guilty on the face and demanding a jury trial, but,

1 of course, we have motions hearings to come.

2 THE COURT: Very, very true.

3 MS. WALKER: All right. And, Your Honor, Ms. Simon

4 and I have signed our names to the face of the indictment,

5 and she has formally entered her plea of not guilty.

6 THE COURT: All right. Very well. Motions date to

7 come.

8 MS. WALKER: Thank you, Judge.

9 THE COURT: Thank you. Thank you, Ms. Walker.

10 MS. WALKER: May we be excused?

11 THE COURT: You may be excused.

12 MS. WALKER: Thank you.

13 THE COURT: All right. Court is in recess.

14 (The proceedings adjourned at 9:18 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing 14 pages of typewritten material were taken down by me and transcribed under my supervision, and that the same contain a true, correct, and complete transcript of the proceedings as stated in the caption.

I further certify that I am not of kin nor counsel to any of the parties hereto and, further, that I have no interest whatsoever in the outcome of said proceedings.

This 13th day of May 2023.

A handwritten signature in cursive script, appearing to read "Natalie Willis".

Natalie Willis, CCR
Certificate Number 2739
Room 511, 133 Montgomery Street
Savannah, Georgia 31401