



## Supreme Court of Georgia

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## CASES DUE FOR ORAL ARGUMENT

### Summaries of Facts and Issues

**Please note:** *These summaries are prepared by the Office of Public Information to help news reporters determine if they want to cover the arguments and to inform the public of upcoming cases. The summaries are not part of the case record and are not considered by the Court at any point during its deliberations. For additional information, we encourage you to review the case file available in the Supreme Court Clerk's Office (404-656-3470), or to contact the attorneys involved in the case. Most cases are decided within six months of oral argument.*

### Monday, February 8, 2016

#### 10:00 A.M. Session

#### **ANDERSON V. SENTINEL OFFENDER SERVICES, LLC (S15Q1816)**

This appeal stems from a lawsuit filed in federal court against a private probation company by a probationer seeking damages for false arrest, malicious prosecution, and false imprisonment. Before ruling on the matter, the U.S. District Court for the Southern Division of Georgia has asked the Georgia Supreme Court to answer two questions about Georgia law.

**FACTS:** On May 6, 2009, Richard Lamar Anderson was sentenced to 12 months' probation by the Brunswick Municipal Court in **Glynn County** for driving with a suspended license. Anderson signed a probation agreement with Sentinel Offender Services, LLC, a private probation company, agreeing to make a minimum monthly payment toward his court-ordered fees, which included a \$500 fine, \$150 in court costs, and a monthly probation supervisory fee. According to Anderson, he made some payments but then was told by his probation officer that "he was through with his case." In July 2009, however, Anderson's probation officer secured an arrest warrant for Anderson on the grounds that he had failed to report, pay his fines, and pay his probation supervision fees. The arrest warrant, dated July 8, 2009, reflected that Anderson's probation was scheduled to expire in May 2010, but the warrant also included the following language: "This sentence is automatically tolled upon Judge's signature." ("Tolling" refers to the practice of suspending the sentence of a probationer who has

absconded or violated his probation terms.) On Feb. 11, 2011, Anderson was arrested on the July 2009 warrant and released soon after when, according to Anderson, the detention center realized the warrant was invalid as his probation had ended nine months and six days earlier. Anderson claimed authorities arrested him just before his final exam at Altamaha Technical College, causing him to fail the test. Following his release, Anderson did not appear at a probation-revocation hearing and refused to report to his probation officer, insisting that his probation had expired. Consequently, in August 2011, Anderson was arrested again for failing to report and pay as directed. That time he spent six days in jail, and he said, lost his job as a result. At a subsequent revocation hearing, the trial court terminated Anderson's probation, gave him credit for time served, and credited all of his unpaid court-ordered monies and unfulfilled conditions. Anderson claimed he was released because the second warrant, like the first, was invalid as by then, his probation had expired more than a year earlier.

In December 2013, Anderson sued Sentinel in U.S. District Court, Southern District of Georgia, in Brunswick, seeking damages for false arrest, malicious arrest, malicious prosecution, intentional infliction of emotional distress, and false imprisonment. In response, Sentinel filed a motion for summary judgment, which a judge grants after deciding that a jury trial is unnecessary because the facts are undisputed and the law falls squarely on one side or the other. The federal court postponed acting on his lawsuit while awaiting the Georgia Supreme Court's ruling in another private probation case involving Sentinel. In that case, the Georgia Supreme Court ruled in 2014 in *Sentinel Offender Services, LLC., v. Glover et al.* that under Georgia's private probation statute (Georgia Code § 42-8-100) courts are prohibited from suspending, and consequently lengthening, a misdemeanor probationer's sentence beyond what was originally ordered. In the *Glover* decision, however, this Court left unaddressed whether "such tolling might be permissible as a matter of common law." (Common law is the body of law derived from judicial decisions, as opposed to law derived from statutes.) Following the *Glover* decision, Sentinel took the position that the Brunswick Municipal Court had authority to toll Anderson's misdemeanor probation under Georgia common law and that the common law was not repealed by legislation. According to the federal court, Sentinel's motion for summary judgment hinges on the resolution of the issues left unaddressed in *Glover*, and the only court in Georgia to have addressed these questions is the Clayton County State Court, which concluded that the common law permits the tolling of misdemeanor probation sentences.

In 2015, the General Assembly enacted House Bill 310, which allowed for probation tolling as of July that year. After Anderson filed his case in the U.S. District Court, that court certified two questions it asked the state's highest court to answer: Is the tolling of misdemeanor probation authorized under Georgia common law and if so, did the state's private probation act abrogate that authority?

**ARGUMENTS:** Anderson's attorney argues that Georgia's common law does not authorize the tolling of misdemeanor probation sentences. "In Georgia, common law changes by statute enactments," the attorney argues in briefs. "The common law is still in force in Georgia, except where it has been 'changed by express statutory enactment or by necessary implication.'" The Clayton County State Court, which concluded that Georgia common law would permit the tolling of misdemeanor probation sentences, relied on court cases that were decided prior to the Probation Act of 1913. But "prior to the Probation Act of 1913, courts did not have the authority to sentence persons to probation," the attorney argues. "Sentences meant prison. Before the

Probation Act of 1913, persons convicted and sentenced to jail, had to serve the sentence. No suspended sentence existed. No probation existed. None of these cases concern tolling under common law or any other law.” Therefore the Supreme Court “should answer the certified question that misdemeanor probation tolling did not exist at common law and therefore no common law authority existed to face abrogation,” Anderson’s attorney contends. As a result, this court’s ruling in *Glover* “shall apply to misdemeanor probation sentences prior to the enactment of the new probation law that took effect July 1, 2015.”

Sentinel’s attorneys argue that the “common law of Georgia established the authority for courts to toll misdemeanor probated sentences where the defendant failed to serve the sentence and absconded from the supervision of the probation system.” They also argue that the enactment of the statewide Probation Act did not abrogate the common law regarding tolling of probated sentences. In conclusion, “the common law rule remains in force and effect.” In answer to the certified questions, the state Supreme Court should respond as follows, Sentinel’s attorneys contend: “Tolling is authorized for privately supervised misdemeanor probated sentences under the common law of Georgia and this common law rule has not been abrogated by the statewide Probation Act or its respective amendments.”

**Attorney for Appellant (Anderson):** James Yancey of James A. Yancey, Jr., P.C.

**Attorneys for Appellees (Sentinel):** John Campbell, Ashley Alfonso, and Frederick Ferrand of Swift, Currie, McGhee & Hiers, LLP; Gregory Hecht and Joseph Cloud of Hecht Walker

### **GEORGIA DEPARTMENT OF LABOR v. RTT ASSOCIATES, INC. (S15G1780)**

This **Fulton County** appeal stems from a lawsuit filed by a consulting company against the Georgia Department of Labor for terminating its contract. The Department claimed that the company, RTT Associates, Inc., failed to deliver software within the timeframe outlined in the contract. The Fulton County Superior Court ruled in favor of the Department of Labor, but the Georgia Court of Appeals partially reversed the ruling. The Department of Labor now appeals to the Georgia Supreme Court.

**ARGUMENTS:** The Department of Labor argues that the Supreme Court should reverse the Court of Appeals decision because among other things, the company’s lawsuit against the Department is barred by sovereign immunity, a legal doctrine that protects the state government and its agencies from lawsuits. The written contract at issue expired on June 30, 2012, and neither party was bound by its terms beyond that date. Any work performed after the contract expired was not performed under a written contract and cannot support the notion that the Department waived its sovereign immunity. While the Georgia Constitution says only the General Assembly has the power to waive sovereign immunity of the state, “the Court of Appeals has improperly extended the authority to waive sovereign immunity to the employees of the Department,” the Attorney General’s office argues on behalf of the Department of Labor. “Astonishingly, the Court of Appeals held that ‘a written contract may be modified by mutual consent of the parties, *which need not be expressed in words, in writing or signed....*’ The Court of Appeals’ holding sets a dangerous precedent” by holding that employees of a state agency have the authority to orally waive the state’s sovereign immunity and that modification of a written contract with the state need not be in writing, the Department argues.

The company argues that this Court should uphold the ruling by the Court of Appeals. The Department of Labor says it is entitled to sovereign immunity to protect it from RTT’s

breach of contract claims because the contract had a June 2012 termination date and RTT delivered the software after that date. “Contrary to the evidence, the Department says this was done without a written extension of the contract – thus immunizing the department from suit,” the company’s attorney argues in briefs. But the “parties agreed in writing to modify and extend the contract,” and “the record evidence shows the parties did in fact modify and extend the contract in writing after its initial date of completion of June 30, 2012.” Furthermore, the “parties’ course of conduct after June 30, 2012, manifests their mutual agreement to extend the contract beyond its initial date of completion, thereby preserving the waiver of the Department’s sovereign immunity.” The Court of Appeals properly held that the conduct of state employees can waive sovereign immunity. The Department “cites no authority for the alleged ‘legal requirement’ that extensions or modifications of written contracts with the State must in all instances be in writing, in disregard of rules of contract construction and interpretation; nor can it, because there is no such requirement,” the company’s attorney argues.

**Attorney for Appellant (Labor):** Samuel Olens, Attorney General, W. Wright Banks, Jr., Dep. A.G., Julie Jacobs, Sr. Asst. A.G., Brittany Bolton, Asst. A.G.

**Attorneys for Appellees (RTT):** Christopher Anulewicz

**TOYO TIRE NORTH AMERICA MANUFACTURING, INC. V. DAVIS ET AL.**  
**(S15G1804)**

This appeal stems from a nuisance lawsuit in **Bartow County**, in which a couple sued a tire manufacturing company located across the road from their home. Duron and Lynn Davis claim the Toyo Tire factory has disrupted their rural property with excessive lighting, noise, odors, and traffic, as well as being unsightly and emitting black carbon. Toyo Tire filed a motion for “summary judgment,” asking the judge to rule in its favor. A judge grants summary judgment only after deciding a jury trial is unnecessary because the facts of the case are undisputed and the law falls squarely on the side of the party requesting it. The trial judge, however, denied Toyo’s motion for summary judgment, ruling in favor of the Davises. Toyo Tire appealed the pre-trial ruling, but the Court of Appeals agreed that Toyo Tire was not entitled to summary judgment and upheld the lower court’s ruling. Before the case goes to trial, Toyo Tire appeals the Court of Appeals ruling to the Georgia Supreme Court.

**ARGUMENTS:** Attorneys for Toyo Tire argue the Court of Appeals erred in concluding that an issue of fact remained regarding whether the factory’s alleged nuisances and trespass caused the Davises’ property to decrease in value. The Davises’ own expert did not consider whether the alleged interferences from the factory directly caused their property value to diminish. While he “discussed diminution in property value for a house located near an industrial plant, he did not state how the interferences of which Plaintiffs complain here (e.g. light, noise, odor) caused the alleged diminution in their property value,” Toyo Tire’s attorneys argue in briefs. They are asking the state Supreme Court to reverse the Court of Appeals ruling because the Davises failed to prove causation.

Attorneys for the Davises argue that both the trial court and the Court of Appeals ruled correctly, and those rulings should be affirmed here on appeal. They argue that they provided evidence to prove the causation between their complaints about the factory and their diminishing property value, including the testimony of an expert who estimated a 35 to 40% property value loss as a result of the operations of the facility, as well as an additional 10 to 15% property value

loss as a result of the black carbon dust emitted by the factory. Issues of fact remain as to whether Toyo Tire's operations "proximately," or directly, caused the Davises' property to decrease in value. "Toyo Tire is clearly not entitled to summary judgment on the issue of proximate cause," the Davises' attorneys argue.

**Attorney for Appellant (Toyo Tire):** Robert Alpert and Jeffery Douglass of Morris, Manning & Martin, LLP, and David Archer of Archer & Lovell, PC

**Attorneys for Appellees (Davises):** William Akin and S. Lester Tate of Akin & Tate, PC

### **OLDS v. THE STATE (S15G1610)**

Vashon Olds is appealing his convictions in **Dougherty County** of false imprisonment and battery for attacking his former girlfriend. He argues the trial court abused its discretion by admitting evidence that he had committed similar acts in the past. At Olds' trial, two other women testified he had similarly attacked them and one testified he had attempted to rape her. Olds was sentenced to 10 years with the first five to be served in prison under Georgia's repeat offender statute. Olds appealed his convictions to the state Court of Appeals, which affirmed the lower court's ruling. He now appeals the Court of Appeals ruling to the Georgia Supreme Court.

**ARGUMENTS:** Olds is asking this Court to reverse his convictions and grant him a new trial. His attorneys argue that the testimonial evidence of similar crimes from the past should not have been allowed at his trial. They point out that Georgia's new evidence code (Georgia Code § 24-4-404 (b) states: "Evidence of other crimes, wrongs, or acts shall not be admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, including, but not limited to, proof of motive, opportunity, *intent*, preparation, plan, knowledge, identity, or absence of mistake or accident." Olds' attorneys argue that in cases not involving conspiracy, a defendant's plea of not guilty does not make intent an issue affected by this provision of the Code. "Outside the context of a conspiracy case, a not-guilty plea does not automatically make intent a material issue absent affirmative action to remove intent as an issue," the attorneys argue in briefs. "A defendant's plea of not guilty does not make intent a material issue in a non-conspiracy case where the defendant does not raise an intent-based defense."

The State, represented by the District Attorney, asks that the Supreme Court affirm Olds' conviction and the Court of Appeals decision. They argue that Olds' attorneys provide no legal authority to support their proposition "that the admission of other acts for intent purposes under Georgia Evidence Rule 404 (b) should be limited to cases involving conspiracy." The federal Eleventh Circuit Court of Appeals has routinely admitted other acts evidence under Federal Rule of Evidence 404(b) in cases that do not involve conspiracy charges and, in fact, do not even contain the word "conspiracy" in the opinion at all. "Appellant Olds has not only built a 'house of cards,' he has rested it on a precarious foundation," the State argues in briefs. "The operating assumption of Appellant Olds' petition, brief, and lone contention have no support at law. Rule 404 (b), indeed, allows for the admission of other acts evidence for intent purposes in non-conspiracy cases." Accordingly, "the trial court below did not abuse its discretion in admitting such evidence," the State argues.

**Attorney for Appellant (Olds):** Charles Arnold, Jr. and Jeffrey Lee, Jr. of the Dougherty Judicial Circuit Public Defender's Office

**Attorneys for Appellees (The State):** Gregory Edwards, District Attorney, and Heather Lanier, Dep. Chief Asst. D.A. of the Dougherty County District Attorney's Office

**2:00 P.M. Session**

**GEORGIA CARRY.ORG ET AL. V. ATLANTA BOTANICAL GARDEN, INC.**  
**(S16A0294)**

An advocacy group supporting second amendment rights (the right to keep and bear arms) is appealing a **Fulton County** order dismissing its claims that people with Georgia weapons licenses should be allowed to carry guns on the grounds of the Atlanta Botanical Garden.

**FACTS:** Phillip Evans, a member of GeorgiaCarry.org and holder of a Georgia "weapons carry license," was escorted off the grounds of the Atlanta Botanical Garden in October of 2014 for openly carrying a firearm in a holster on his waistband. Evans claims that when he purchased his family's one-year membership at the Botanical Garden earlier that same month, he was also openly displaying his weapon, and none of the staff objected. After the incident later that month, Evans was contacted by the CEO of the Garden, Mary Pat Matheson, who informed him that only police officers were allowed to have weapons at the Gardens. GeorgiaCarry.org claims that it has other members who desire to carry weapons while they visit the Botanical Garden, a private entity that leases its land from the City of Atlanta. The next month, GeorgiaCarry.org, along with Evans, sued the Atlanta Botanical Garden, seeking declaratory relief (i.e. asking the court to resolve legal uncertainties) and injunctive relief (i.e. asking the court to restrain a person or entity from acting in a certain way). The trial court dismissed GeorgiaCarry.org's and Evans' claims, and they now appeal that dismissal here.

**ARGUMENTS:** The attorney for GeorgiaCarry.org and Evans argues that the trial court erred in dismissing their case without addressing the merits. This court should reverse the lower court's judgment with instructions to consider the case on its merits, the attorney contends. Under Georgia Code § 16-11-127(c), a person with a Georgia weapons license "shall be authorized to carry a weapon ... in every location in this state, provided, however, that ... persons in legal control of private property through a lease shall have the right to exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21...." "The only exception at play in the present case is what persons in legal control of *private* property may do," the attorney argues. But the Garden is in control of *public*, not private, property, as its lease for the grounds is with the City of Atlanta, so the exception does not apply. GeorgiaCarry.org also argues that the trial court was incorrect when it ruled that a declaratory judgment may not be issued to test the validity of proposed future actions. In its 2001 decision in *Sarriso v. Gwinnett*, the Georgia Supreme Court emphasized that, "The purpose of a declaratory judgment is not to delay the trial of cases of actual controversy but to guide and protect parties from uncertainty and insecurity with respect to the propriety of some *future act or conduct* in order not to jeopardize their interest." The trial court erred in ruling that their complaint "impermissibly asks this Court to interpret a criminal statute," the attorney argues. "GeorgiaCarry.org and Evans have not asked the trial court to interpret a criminal statute." The attorney also argues that the trial court erred in

ruling that an injunction may not be obtained against a private entity, as it would restrain or obstruct the enforcement of criminal law. “As an initial matter, there is nothing in the record to indicate that either Evans or any of GeorgiaCarry.org’s members are subjects of criminal proceedings,” their attorney argues. “An injunction cannot interfere with a prosecution that does not exist.” Instead, “Evans and GeorgiaCarry.org seek to enjoin the Garden from having them arrested for something that is not a crime.”

Attorneys for the Atlanta Botanical Garden are asking this Court to affirm the trial court’s ruling dismissing GeorgiaCarry.org’s claims. They believe the trial court was correct in denying declaratory and injunctive relief, as the statute referenced above, is, in fact, a criminal statute. They note that it is well established “that declaratory relief is not available in Georgia for the interpretation of a criminal statute.” “This Court has long held that a declaratory judgment action is not proper for determining whether a proposed course of conduct is lawful or unlawful,” the Garden’s attorneys argue. “Likewise, a declaratory judgment may not be used to compel another party to take some action or to order it not to take some action. This Court has long held that a court may not issue an injunction that inhibits or controls the enforcement of criminal laws.” They further argue that GeorgiaCarry.org and Evans “mischaracterize Georgia Code § 16-11-127(c) to suit their needs. Georgia Code § 16-11-127(c) is a criminal statute found in Title 16 of the Georgia Code, which covers ‘Criminal Offenses.’” In other words, they argue that the trial court was correct in ruling that GeorgiaCarry.org has “impermissibly ask[ed the trial court] to interpret a criminal statute.” They also argue that the trial court was correct in denying injunctive relief and that the trial court “properly concluded that the complaint failed to state a recognizable claim under Georgia law.”

**Attorney for Appellant (GeorgiaCarry.org):** John Monroe of John Monroe Law, PC  
**Attorneys for Appellees (Atlanta Botanical Garden):** Michael Brown and David Carpenter of Alston & Bird, LLP

### **WILLIFORD V. BROWN (S16A0177)**

A woman who claims her stepmother won’t permit her to visit her ailing father is appealing a **Hart County** Superior Court ruling dismissing her case.

**FACTS:** The parties disagree over the facts of this case. Tamara Williford says her biological father is Tommy Brown, who lives in Hart County with his wife, Mary Ann Brown. Williford states her father is in poor physical health and cannot leave his home. As far as she knows, however, he is in good mental condition and has the ability to make decisions for himself. She says she believes he would like to see her, as they have had a good relationship. According to Williford, in late 2014, Mary Ann Brown banned her from the Brown family property and from talking to her father on the telephone. In February 2015, Williford filed a petition for “equitable relief” in Hart County Superior Court, and asked the court for an injunction to stop Mary Ann Brown from preventing her from visiting and speaking to her father. (The remedy for most civil cases is an award for monetary damages. Equitable relief is different and includes such remedies as injunctions or decrees directing someone to do something or refrain from doing something.) Williford also asked the judge to appoint a guardian ad litem for her father to ascertain his wishes. Mary Ann Brown filed a motion asking the trial court to dismiss Williford’s petition, and it did so, ruling that it did not have the authority to review

equitable petitions regarding domestic matters. Williford now appeals to the state Supreme Court.

**ARGUMENTS:** Williford's attorney argues that superior courts can hear equitable petitions in domestic matters when a family member has no other court to hear the case. "If the Superior Court's order stands, then Tamara Williford has a problem that no court will address," the attorney argues in briefs. If her father were suffering from mental incapacity, under Georgia Code § 29-4-1, Williford could file a petition in probate court to be his guardian. But she contends his mental acuity is sharp and he only suffers from physical health. "That's why she filed in Superior Court and asked the court to use its equity powers to craft a remedy for her problem," the attorney argues. "It is undisputed that Superior Courts have the power to hear equity cases. And even though Georgia does not have a statute or case law on point, many cases going back nearly a century show that a Superior Court will hear a domestic matter if the facts present a common problem that current law doesn't explicitly cover. This is one of those cases." The attorney also argues that adult children should have the right to visit an elderly parent because Georgia law imposes a duty on them to help indigent parents. Georgia Code § 36-12-3 requires adult children to pay the bills of elderly parents who can't pay. "If the law imposes a duty on a citizen, as § 36-12-3 does, then the citizen should have the right to gather as much information as needed in order to fulfill the duty," Williford's attorney argues. "If Tommy Brown is destitute, then Williford can be legally responsible for his bills under § 36-12-3. Because Mary Ann Brown is impeding Williford's ability to gather information to fulfill her duty under § 36-12-3, then Williford should be able to access the court system and get an injunction against Brown from impeding Williford's access to her father."

Brown's attorney begins by disputing key facts of the case. "Most critically, Brown has denied in the court below that Appellant [i.e. Williford] is the biological daughter of Tommy Brown; that Tommy Brown is in poor health as alleged by Appellant; that the Respondent [i.e. Mary Ann Brown] has interfered in any way with any alleged relationship between Tommy Brown and Appellant; and that Tommy Brown wishes to have contact with Appellant," the attorney writes in his brief. "It should be further noted that Appellant failed to allege that Tommy Brown is in any way destitute." The superior court did not err in ruling that equity in general cannot interfere in domestic matters. In its 1946 decision in *Gearlach v. Odom*, the Georgia Supreme Court ruled that "equity may interfere where there are clear and substantial rights to protect that the law fails to do so," the attorney argues. "The same simply cannot be said here." Williford has no right to visit her alleged biological father and without a right to protect, "equity should not interfere." "There is no authority in Georgia law which provides that an adult child has a right to visit a parent," the attorney argues. As to § 36-12-3, nowhere does the statute confer some right to visitation. "Moreover, even if this statute were somehow deemed to apply, the Appellant has made no allegation whatsoever to indicate that Mr. Brown is a pauper." Williford has not alleged that Tommy Brown is mentally incompetent or that he is somehow being restrained against his will. Williford sued not to investigate whether he is destitute but solely to have visitation with him. "There is no law that would give a right to an alleged adult child to have visitation with a parent," Mary Ann Brown's attorney contends.

**Attorney for Appellant (Williford):** Douglas Kidd

**Attorney for Appellee (Mary Ann Brown):** L. Lee Hicks, II

**GRANT v. THE STATE (S16A0195)**

A **Fulton County** man is appealing his convictions for felony murder, aggravated assault and gun charges. According to briefs filed in the case, in September 2008, a shooting broke out at an apartment complex in East Point, and Stephen Davis was caught in the crossfire and killed. An investigation indicated that the shooting involved a large group of people, but ballistics only confirmed the use of two firearms. The investigation also indicated that Davis was not the group's intended target, but happened to be in the apartment complex when the group attempted to confront a neighbor they believed had turned one of their girlfriends into police for involvement in a burglary. Two months later, Jaferell Grant was arrested in Alabama after being identified by a witness, but he is only one of two members of the group who has been located. Grant is appealing his convictions to this Court, asking for a reversal of the trial court's ruling.

**ARGUMENTS:** Grant's attorney argues there was not enough evidence to convict him, and the trial court erred in denying his motion for a mistrial which was raised after the investigator referred to Grant as a drug dealer known to have a firearm. The evidence "woefully fails to prove Grant was involved in the shooting or any other altercation that led to the victim's death," the attorney argues in briefs. The State did not present any physical evidence that linked Grant to the crime. Statements by the investigator constituted improper character evidence, the attorney argues, and the trial court should have granted the motion for a mistrial.

The State is asking this Court to affirm Grant's convictions, arguing that the State presented sufficient evidence at trial for the jury to return a conviction. Among the evidence presented was the testimony of two witnesses and evidence that, "In addition to fleeing the state [Grant] endeavored to alter his appearance...." The State argues that the trial court properly addressed the statements of the investigator with jury instructions to disregard what had been said. The State argues the granting of a mistrial would not have been merited.

**Attorney for Appellant (Grant):** Ashleigh Merchant of the Merchant Law Firm, P.C.

**Attorneys for Appellees (State):** Paul Howard, Jr., District Attorney, Paige Whitaker, Dep. D.A., Joshua Morrison, Sr. Asst. D.A. of the Fulton County District Attorney's Office; Samuel Olens, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Vicki Bass, Asst. A.G.