

FILED IN OFFICE

SUPERIOR COURT OF CHATHAM COUNTY

STATE OF GEORGIA

SEP 10 1992  
V. Harris  
Dep. Clerk, Superior Court  
CHATHAM COUNTY, GA.

STATE OF GEORGIA	)	INDICTMENT NO. CR92-1782-C
	)	COUNT I MURDER
	)	COUNT II AGGRAVATED ASSAULT
vs.	)	COUNT III AGGRAVATED ASSAULT
	)	COUNT IV AGGRAVATED ASSAULT
	)	COUNT V AGGRAVATED ASSAULT
MELVIN JEROME GRIFFIN	)	COUNT VI POSS OF FIREARM DURING COMM OF CRIME
	)	COUNT VII POSS OF FIREARM DURING COMM OF CRIME
	)	COUNT VIII ARMED ROBBERY
	)	COUNT IX POSS OF FIREARM DURING COMM OF CRIME

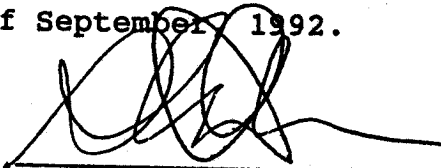
MOTION FOR TRANSCRIPT OF GRAND JURY PROCEEDINGS

COMES NOW Defendant in the above-captioned matter and moves the Court to authorize, allow and order the preparation of the transcript of the Grand Jury proceedings in the above-captioned matter.

ENTERED P.K. SEP 29 1992

Wherefore Defendant moves for an Order authorizing transcription of the proceedings of the Grand Jury in the above-captioned matter and to provide the defense with a copy thereof and for all such other and further relief as the Court deems appropriate.

This the 10th day of September 1992.

  
\_\_\_\_\_  
Stephen H. Harris  
Attorney for Defendant  
State Bar No. 331500

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Savannah, GA 31412  
  
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FILED IN OFFICE  
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IN THE SUPERIOR COURT OF CHATHAM COUNTY  
EASTERN JUDICIAL CIRCUIT OF GEORGIA

DEP FOR THE  
CHATHAM COUNTY, GA

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**COPY**

THE STATE OF GEORGIA )  
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MELVIN J. GRIFFIN )  
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No. 092-1782 - Murder, Aggravated  
Assault (4), Armed Robbery, Poss.  
firearm, Knife (3)

Transcript of the proceedings at a MOTION HEARING in the above  
matter on the 15th day of March, 1993, at the Court House in  
Savannah, Chatham County, Georgia, before The Honorable Frank S.  
Cheatham, Jr., Chief Judge, Superior Court, E.J.C. of Georgia.

APPEARANCES:

For The State: MRS. ELISE GRAY,  
Assistant District Attorney,  
Savannah, Georgia.

For The Defense: STEPHEN HARRIS, ESQ.,  
Savannah, Georgia.

1 MR. HARRIS: Can I make a record, Your Honor, by just going  
2 over a couple of things involving Motions that we have filed and  
3 the way that they have been handled?

4 THE COURT: Yes, sir.

5 MRS. GRAY: It is an open file policy, and anytime anyone  
6 wants to look at it --

7 MR. HARRIS: We've been through the State's file once and,  
8 since a substantial amount of time has gone by, we will probably  
9 get together and go through it again, shortly. We filed on --  
10 last September, a Motion for Discovery of his juvenile records.  
11 We understand there is some juvenile record that I would not  
12 object to informing the prosecutor what we learn if we can just  
13 become prepared with that information. I didn't know if it was  
14 proper to go through this Court or Juvenile Court. I did try that  
15 route, but I haven't gotten anywhere. I wonder if it would be  
16 proper to get an Order from here authorizing us to review the  
17 juvenile record.

18 THE COURT: Get me an Order authorizing -- requiring them to  
19 present the record to me in camera and I will examine it and see  
20 whether I feel any of it should be released.

21 MR. HARRIS: We have asked, in this particular case, for the  
22 transcript. If I recall, it's only been with one other case that  
23 we have been allowed to review a transcript of the Grand Jury  
24 proceedings. A transcript has been prepared and if it hasn't been  
25 prepared, it could be because there is a tape, a cassette tape,

1 containing part or all of the Grand Jury proceedings. Counsel has  
2 discussed and I understood that I would be given either a  
3 duplicate of the tape that exists or a copy of the document that  
4 was generated.

5 THE COURT: Grand Jury proceedings?

6 MRS. GRAY: Yes. And, Your Honor, you signed an Order on  
7 November 23rd providing that in view of the fact that we have an  
8 open file policy and David Lock presented it to the Grand Jury  
9 and taped, I believe a portion of it. I have the tape. I just  
10 haven't got a copy. I plan on giving them a copy of it.

11 THE COURT: That's fine but I never have interpreted an open  
12 file policy to include Grand Jury proceedings in the past. I  
13 don't want that to be a precedent.

14 MRS. GRAY: No --

15 THE COURT: Because, there is plenty of case law on that; that  
16 those proceedings are confidential.

17 MRS. GRAY: Well, if you'd like, Your Honor, I'll make a copy  
18 and give it to you to listen to and you can make the  
19 determinations as to whether or not it should be revealed. Would  
20 that be acceptable? Would you rather do that, have an in camera  
21 review of it? I don't believe it's very long?

22 THE COURT: If it's not very long I will listen to it.

23 MR. HARRIS: We've already heard it. It's just a matter of  
24 being able to get a copy of the transcript so I can refresh my  
25 memory as to what it says. I didn't have the opportunity to jot

1 down notes or..

2 MRS. GRAY: You did have the opportunity.

3 MR. HARRIS: Well, I had the opportunity but not the ability.

4 THE COURT: Is there a transcript prepared?

5 MRS. GRAY: No, I didn't know it was in there. As I said, it  
6 was David Locke's file and he gave it to me. I didn't even know  
7 he had done that. And, it was Mr. Harris who informed me that as  
8 he was reviewing my entire file, there was a cassette in there,  
9 and he put it in his recorder and started listening to it and  
10 said, "I've got Grand Jury".

11 THE COURT: That's how you got it? I'll listen to it, but, I  
12 just don't feel that Grand Jury proceedings are discoverable,  
13 period.

14 MR. HARRIS: Are they tapable (sic)? It was our position that  
15 --

16 THE COURT: I don't care if they are taped, or transcribed or  
17 what. And, you need to submit me some law that says you can  
18 discover Grand Jury proceedings. Usually, they don't even tape  
19 them.

20 MR. HARRIS: Assuming that I can, will the Court honor the  
21 arrangements that the prosecutor and I have made as to this  
22 particular --

23 THE COURT: If the prosecutor wants to give you the tape,  
24 fine. I have no objections. Just don't let me rule on it.

25 MR. HARRIS: The only other Motion deals with exhibits or

1 items of evidence. In four portions of the Motion, we asked for  
2 an opportunity to review with experts, certain items of evidence.  
3 The State has agreed to do that. I think there remains only the  
4 matter of logistics and we can work those out easily enough. We  
5 have asked for the opportunity to have our expert review the  
6 ballistics portion of the case.

7 There is in addition hair samples, that we expect could take a  
8 fairly prominent role in the presentation of the State's evidence,  
9 and we would ask for the opportunity to have an expert in that  
10 field review the hair samples, and, the same with some certain  
11 blood and tissue that should be the subject of evidence. The  
12 State and defense have agreed on that and I want to make a record  
13 of it to show that we have done that in the next few weeks prior  
14 to trial --

15 THE COURT: That will be fine. All right, that's in order.  
16 Is that it?

17 MR. HARRIS: That's all I have, sir. Except, if we do have a  
18 trial assignment already, can I be informed of what it is?

19 MRS. GRAY: I think it's in May.

20 PAT KEACH: I'm not sure right now. I'll have to check.

21 MR. HARRIS: Okay. We'll get a card?

22 PAT KEACH: You should have gotten one if it's already been  
23 made?

24 MR. HARRIS: I haven't. I got today's card, but --  
25

1 THE COURT: Well, call the Case Manager in her office and she  
2 will look it up for you.

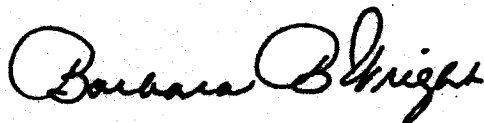
3 END OF PROCEEDINGS

4  
5 C E R T I F I C A T E

6  
7 I, BARBARA B. WRIGHT, do hereby certify that the foregoing six  
8 (6) pages of typewritten material were taken down by me and  
9 transcribed under my supervision and that the same contain a true,  
10 correct, and complete transcript of the proceedings as stated in  
11 the caption.

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

15 SO WITNESS MY HAND AND SEAL this 15th day of March, 1993.

16  
17 

18 Barbara B. Wright,  
19 Certified Court Reporter A-9,  
20 Savannah, Georgia.