

1 THE COURT: GOOD AFTERNOON.

2 MR. MACDOUGALD: HARRY MACDOUGALD FOR MR. CLARK.

3 I AM GOING TO TALK FURTHER ABOUT CONFLICTS, AND I AM  
4 GOING TO ASSUME THE MOST DIFFICULT STANDARD FOR US TO  
5 MEET, WHICH IS ACTUAL CONFLICT.

6 BUT BEFORE I BEGIN THAT, I WANT TO ADD JUST A LITTLE  
7 BIT TO WHAT HAS ALREADY BEEN SAID ABOUT THE STANDARDS  
8 THAT APPLY TO PROSECUTORS.

9 OUR APPELLATE COURTS HAVE SAID OFTEN, THE  
10 ADMINISTRATION OF THE LAW, AND ESPECIALLY THAT OF THE  
11 CRIMINAL LAW SHOULD, LIKE CAESAR'S WIFE, BE ABOVE  
12 SUSPICION AND SHOULD BE FREE FROM ALL TEMPTATION, BIAS,  
13 OR PREJUDICE SO FAR AS IT IS POSSIBLE FOR OUR COURTS TO  
14 ACCOMPLISH IT.

15 THE FIRST OCCURRENCE OF THAT, THAT I CAN FIND IS  
16 *NICHOLAS V. STATE* MORE THAN 100 YEARS AGO, 1915.

17 THE MOST RECENT, *REGISTE V. STATE*, IN THE SUPREME  
18 COURT IN 2010, ALTHOUGH THEY DON'T REFER TO CAESAR'S  
19 WIFE.

20 THAT REQUIREMENT IS ALSO IMPEDED IN THE PROSECUTOR'S  
21 STATUTORY OATH 15-18-2, WHICH REQUIRES IMPARTIALLY AND  
22 WITHOUT FEAR OR FAVOR DISCHARGE MY DUTIES AS DISTRICT  
23 ATTORNEY AND TAKE ONLY MY LAWFUL COMPENSATION, SO HELP ME  
24 GOD.

25 THE GENERAL RULE ON CONFLICTS OF EVIDENCE FOR

1           LAWYERS IS IN RULE OF PROFESSIONAL CONDUCT 1.7.

2           AND WE ALL KNOW IT'S ALL DRUMMED INTO US THAT WE  
3           CANNOT HAVE A CONFLICT OF INTEREST.

4           AND IF WE DO, WE HAVE TO WITHDRAW, OR WE WILL BE  
5           DISQUALIFIED.

6           THE BASIC IDEA IS THAT A CONFLICT OF INTEREST  
7           IMPAIRS THE LAWYER'S INDEPENDENT PROFESSIONAL JUDGMENT.

8           THAT'S THE TEST OF A CONFLICT AND WHETHER IT CAN BE  
9           WAIVED AND WHETHER IT'S DISQUALIFYING.

10          AND THAT CONFLICT IS NOT JUST FINANCIAL. IT CAN BE  
11          ANY CONFLICT THAT IMPAIRS YOUR INDEPENDENT PROFESSIONAL  
12          JUDGMENT, AND YOU SEE THAT IN *MCLAUGHLIN V. PAYNE*.

13          THE COURT ASKED WHAT WAS HER PERSONAL INTEREST FOR  
14          PURPOSES OF DISQUALIFICATION. IT'S ANYTHING THAT IMPAIRS  
15          PROFESSIONAL JUDGEMENT.

16          THAT'S REFLECTING THE A.D.A. STANDARDS THAT WERE  
17          QUOTED, UH, BY MR. MERCHANT, WHICH LISTS, UH, THE  
18          PROSECUTOR'S PERSONAL, POLITICAL, FINANCIAL, PROFESSIONAL  
19          BUSINESS PROPERTY, OR OTHER INTERESTS OR RELATIONSHIPS.

20          AND THAT'S REALLY EMBEDDED IN THE PROSECUTOR'S OATH  
21          TO ACT IMPARTIALLY.

22          IN THE EARLIER DISQUALIFICATION ORDERED BY  
23          JUDGE MCBURNEY WAS BASED ON POLITICAL INTEREST, NOT  
24          FINANCIAL.

25          WHAT MY COLLEAGUES HAVE DESCRIBED AS FORENSIC

1 MISCONDUCT IS ALSO COGNIZABLE AS A CONFLICT OF INTEREST  
2 BASED ON THAT FOOTNOTE IN THE *WILLIAMS* CASE.

3 THE ROOT OF ALL OF THE PROBLEMS THAT WE SEE IN THIS  
4 COURT RIGHT NOW IS A CONFLICT OF INTEREST ARISING FROM  
5 THEIR INDIVIDUAL PERSONAL INTERESTS IN PERPETUATING AND  
6 CONCEALING THEIR RELATIONSHIP. THAT'S THE ORIGINAL SIN  
7 FROM WHICH ALL OF THE OTHER PROBLEMS FLOW.

8 THERE ARE SIX DIFFERENT, ACTUAL CONFLICTS OF  
9 INTEREST IN THIS CASE, ANY ONE OF WHICH WARRANTS  
10 DISQUALIFICATION, BUT COLLECTIVELY, PRACTICALLY COMPEL  
11 IT.

12 FIRST, THE FINANCIAL CONFLICT, IT'S ALREADY BEEN  
13 COVERED.

14 SECOND, THE PERSONAL AMBITION, POLITICAL AMBITION.

15 THEN THIRD, THERE IS A DOVETAIL OR COMPLIMENTARY  
16 PATTERN OF DECEIT AND CONCEALMENT OF THE RELATIONSHIP AND  
17 THE MONEY.

18 FOURTH, THE SPEECH AT THE CHURCH.

19 FIFTH, THE MOTION FOR PROTECTIVE ORDER THAT THE D.A.  
20 FILED IN MR. WADE'S DIVORCE CASE.

21 SIXTH, THE WAY THE STATE HAS CONDUCTED THE DEFENSE  
22 OF THIS MOTION TO DISQUALIFY, ESPECIALLY THE HEARING.

23 ON THE FINANCIAL PIECE, THE COURT ASKED FOR A  
24 LIMITING PRINCIPLE AND ASKED ABOUT MATERIALITY.

25 THE LIMITING PRINCIPLE IS WHATEVER IMPAIRS THE

1 INDEPENDENT PROFESSIONAL JUDGMENT OF THE LAWYER THAT IS  
2 APPLIED ROUTINELY.

3 WE HAVE A COUNTY CODE SECTION THAT FLATLY PROHIBITS  
4 GIFTS FROM CONTRACTORS, PERIOD.

5 WE HAVE, BY ANALOGY, THE FEDERAL BRIBERY STATUTE,  
6 WHICH HAS A THRESHOLD OF \$5,000 -- 18 U.S.C. 666.

7 THE COURT ASKS ABOUT BURDENS AND INFERENCES.

8 THE COURT CAN DRAW A NEGATIVE INFERENCE FROM THE  
9 STATE'S FAILURE TO PRODUCE EVIDENCE TO SUPPORT THE  
10 INVISIBLE MAGIC CASH BALANCING THEORY BASED ON *STATE V.*  
11 *THOMAS*, 311 GEORGIA 407, PARTICULARLY, FOOTNOTE 19.

12 AS TO THE TIME IN QUESTION THAT THE COURT ASKED  
13 ABOUT, THERE WERE TWO CONTRACTS FOR MR. WADE EXECUTED  
14 AFTER THEY ACKNOWLEDGED THE RELATIONSHIP BEGAN. EACH ONE  
15 OF THEM AFFLICTED, OR CONFLICTED UNDER COUNTY AND COMMON  
16 LAW.

17 THE SECOND CONFLICT INSERTED POLITICAL AMBITION FOR  
18 WHICH HE WAS PREVIOUSLY CHASTISED BY JUDGE MCBURNEY. AND  
19 THAT'S ALSO PRESENT IN THIS BOOK.

20 THE INSIDE FLAP OF THIS BOOK SAYS THAT THEY WERE  
21 GIVEN, QUOTE, EXCLUSIVE ACCESS TO THOUSANDS OF SECRET  
22 DOCUMENTS, EMAILS, TEXT MESSAGES, AND AUDIO RECORDINGS.

23 THE COURT HAS TWICE DENIED DEFENSE MOTIONS TO UNSEAL  
24 SPECIAL PURPOSE GRAND JURY MATERIALS. SHE HELPED HERSELF  
25 TO GET THE GLORY OF THIS BOOK.

1 I INTRODUCED CERTIFIED COPIES OF A NUMBER OF COUNTY  
2 CODE SECTIONS. I AM NOT GOING TO WALK THROUGH THOSE, BUT  
3 I WILL TELL YOU WHY THEY MATTER. THE STACK OF LAW FROM  
4 THE STATE CONSTITUTION DOWN TO THE COUNTY ORDINANCES  
5 IMPOSES A REGIME ON THE D.A. UNDER WHICH SHE HAS THREE  
6 OBLIGATIONS.

7 SHE HAS TO GO TO THE COUNTY COMMISSION TO GET  
8 APPROVAL TO PAY HIM LIKE SHE DID. SHE CANNOT ACCEPT  
9 GIFTS FROM A PROHIBITED SOURCE. SHE HAS TO DISCLOSE THE  
10 GIFTS THAT SHE RECEIVED. SHE EVADED ALL OF THOSE  
11 REQUIREMENTS.

12 SECTION 2-69 OF THE COUNTY CODE PROHIBITS GIFTS FROM  
13 PROHIBITED SOURCES, WHICH HE WAS. THERE IS NO BOYFRIEND  
14 EXCEPTION.

15 THE DISCLOSURE FORMS. THE EVIDENCE IS SUFFICIENT  
16 FOR YOU TO FIND THAT HER DISCLOSURE FORM FOR 2022 IS  
17 FALSE, AND THAT IT IS A FALSE WRITING. THAT'S AN ACTUAL  
18 CONFLICT OF INTEREST BETWEEN HER DUTY -- LEGAL DUTY OF  
19 DISCLOSURE, A LEGAL DUTY OF CANDOR AS A PROSECUTOR, AND  
20 HER PRIVATE AND PERSONAL INTERESTS IN CONCEALING THE  
21 RELATIONSHIP, CONCEALING THE GIFTS, AND KEEPING THE GRAVY  
22 TRAIN ROLLING FOR AS LONG AS POSSIBLE.

23 HIS PART IN THE PATTERN OF CONCEALMENT IS THE STORY  
24 YOU SEE IN MANY DIVORCE CASES. THE HUSBAND IS HIDING  
25 THINGS FROM HIS WIFE: HOW MUCH MONEY HE IS MAKING, THE

1 OTHER WOMAN, AND WHAT HE IS SPENDING ON THE OTHER WOMAN.

2 AND HE GOT ON THAT STAND -- HE LIED IN HIS  
3 INTERROGATORIES, AND HE GOT ON THE STAND, AND HE LIED  
4 ABOUT LYING IN THE INTERROGATORIES.

5 AND THE LAWYERS FOR THE D.A. -- THE D.A.'S OFFICE,  
6 THEY JUST SAT THERE AND LET HIM DO IT. THEY DID NOTHING  
7 TO CORRECT, OBVIOUSLY, PERJURED TESTIMONY.

8 IN AND OF ITSELF, THAT WARRANTS DISQUALIFICATION OF  
9 EVERYONE OF THEM.

10 THE REASON THEY LIED AND COVERED IT UP WAS TO AVOID  
11 THE TROUBLE THEY ARE IN RIGHT NOW. THAT SERVED THEIR  
12 PERSONAL INTEREST TO THE DETRIMENT OF THEIR PUBLIC DUTIES  
13 AS PROSECUTORS.

14 THE SPEECH AT THE CHURCH, I WANT TO FOCUS ON WHY SHE  
15 DID THAT. MR. GILLEN TALKED ABOUT THAT.

16 SHE DID IT TO DEFLECT ATTENTION FROM HER OWN  
17 MISCONDUCT AND THAT OF MR. WADE. SHE VIOLATED HER PUBLIC  
18 DUTY AS A PROSECUTOR TO SERVE HER PERSONAL INTEREST AND  
19 THE PERSONAL INTEREST OF HER BOYFRIEND.

20 THAT IS A DISQUALIFYING CONFLICT BETWEEN HER  
21 PERSONAL INTEREST IN A PUBLIC DUTY THAT IS ACTUAL,  
22 OPERATIONAL, AND MATERIALIZED. AND IT RESTS ON  
23 UNDISPUTED FACTS.

24 THE NEXT THING THAT SHE DID THAT WAS A DISQUALIFYING  
25 CONFLICT OF INTEREST WAS THE EMERGENCY MOTION FOR

1 PROTECTIVE ORDER THAT SHE FILED IN THE DIVORCE.

2 I FILED A CERTIFIED COPY OF THAT. THAT'S EXHIBIT  
3 37.

4 SHE SOUGHT THE PROTECTIVE ORDER UNDER THE APEX  
5 DOCTRINE ON THE GROUNDS THAT SHE IS THE D.A. THE WHOLE  
6 FILING IS EXPRESSLY PREDICATED ON HER STATUS AS D.A.

7 IN FACT, SHE NEVER LETS YOU FORGET IT. SHE SAYS IT  
8 27 TIMES IN 12 PAGES.

9 IN THAT FILING, SPEAKING AS D.A., SHE SAID, THE  
10 CIRCUMSTANCES, QUOTE, SUGGEST THAT DEFENDANT, JOYCELYN  
11 WADE, IS USING THE LEGAL PROCESS TO HARASS AND EMBARRASS  
12 DISTRICT ATTORNEY WILLIS AND IN DOING SO IS OBSTRUCTING  
13 AND INTERFERING WITH AN ONGOING CRIMINAL INVESTIGATION.

14 IN THE PRAYER FOR RELIEF ON PAGE 11, SHE ASKED FOR  
15 SIX MONTHS TO, QUOTE, COMPLETE A REVIEW OF THE FILINGS IN  
16 THE INSTANT CASE, INVESTIGATE AND DEPOSE RELEVANT  
17 WITNESSES WITH REGARD TO THE INTERFERENCE AND OBSTRUCTION  
18 THIS MOTION CONTENDS.

19 THERE IS NO SUGARCOATING IT. THAT'S A CLEAR  
20 VIOLATION OF RULE OF PROFESSIONAL CONDUCT, 3.4(H), WHICH  
21 PROHIBITS LAWYERS FROM MAKING THREATS OF CRIMINAL  
22 PROSECUTION TO GAIN ADVANTAGE IN A CIVIL CASE.

23 SHE ABUSED HER POWER. SHE ABUSED HER POSITION TO  
24 THREATEN HER BOYFRIEND'S WIFE WITH CRIMINAL PROSECUTION  
25 TO GAIN ADVANTAGE FOR HERSELF AND HER BOYFRIEND IN HER

1 BOYFRIEND'S DIVORCE.

2 SHE VIOLATED HER PUBLIC DUTIES, NOT TO MAKE THAT  
3 KIND OF A THREAT, IN ORDER TO SERVE HER PRIVATE PERSONAL  
4 INTEREST AND NOTICE OF MR. WADE. ANOTHER ACTUAL  
5 OPERATIONAL CONFLICT.

6 THE LAST CATEGORY IS THE CONDUCT OF THE DEFENSE OF  
7 THIS HEARING.

8 THERE ARE A LOT OF OBJECTIONS MADE BASED ON  
9 ATTORNEY-CLIENT PRIVILEGE DURING MR. BRADLEY'S TESTIMONY.

10 MOST OF THOSE OBJECTIONS WERE MADE BY THE STATE, BUT  
11 THE PRIVILEGE BEING ASSERTED DOES NOT BELONG TO THE  
12 STATE. IT BELONGS TO MR. WADE.

13 THAT SHOWS THAT THE D.A.'S OFFICE IS SERVING THE  
14 PERSONAL INTERESTS OF THE D.A. AND MR. WADE IN CARRYING  
15 OUT FURTHER CONCEALMENT AND COVER-UP OF THEIR  
16 RELATIONSHIP AND NOT BECAUSE OF JUSTICE THEY ARE SWORN TO  
17 SERVE.

18 THAT IS A CONFLICT OF INTEREST.

19 IT'S A CONTINUATION OF THE WRONGFUL PATTERN OF  
20 CONCEALMENT AND COVER-UP THAT THEY HAVE ENGAGED IN SINCE  
21 THE BEGINNING. BUT NOW THEY HAVE ENLISTED THE ENTIRE  
22 OFFICE IN THE ENTERPRISE.

23 IN THE WRITTEN RESPONSE TO THE MOTION TO DISQUALIFY,  
24 THEY SAID THIS, AND I QUOTE: TO BE ABSOLUTELY CLEAR,  
25 THERE IS NO EVIDENCE THAT D.A. WILLIS DERIVED ANY



1 FINANCIAL BENEFIT FROM MR. WADE.

2 THAT'S ON PAGE 15.

3 FLAT OUT FALSE.

4 TEN LAWYERS IN THIS CASE PUT THEIR NAME ON THERE,  
5 STARTING WITH THE D.A. SO THROW ANOTHER LOG IN THE  
6 BONFIRE OF CONFLICTS OF INTEREST.

7 THE PROBLEM HERE IS THE D.A. CANNOT DISTINGUISH  
8 BETWEEN HER PERSONAL INTERESTS AND AMBITIONS ON THE ONE  
9 HAND, AND HER PUBLIC DUTIES AS A PROSECUTOR ON THE OTHER.  
10 AND, APPARENTLY, NEITHER CAN -- NEITHER CAN ANYONE ELSE  
11 IN THEIR OFFICE.

12 OF THE SIX CONFLICTS I HAVE IDENTIFIED, ONLY ONE IS  
13 SUBJECT TO A CONFLICT IN THE EVIDENCE.

14 THIS IS A CASE STUDY AND WHAT HAPPENS WHEN YOU  
15 OPERATE UNDER A CONFLICT OF INTEREST. IT'S PUT AN  
16 IRREPARABLE STAIN ON THE CASE. THINK OF THE MESSAGE THAT  
17 WOULD BE SENT IF THEY WERE NOT DISQUALIFIED. IF THIS IS  
18 TOLERATED, WE'LL GET MORE OF IT. THIS OFFICE IS A GLOBAL  
19 LAUGHINGSTOCK BECAUSE OF THEIR CONDUCT.

20 THEY SHOULD BE DISQUALIFIED, AND THE CASE SHOULD BE  
21 DISMISSED.