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Judge denies mistrial in Young Thug case but rebukes prosecutors

Prosecutors instructed to watch training video



Credit: arvin.temkar@ajc.com

Atlanta rapper Young Thug appears during his ongoing gang and racketeering trial at Fulton County Courthouse in Atlanta on Wednesday, January 3, 2024. (Arvin Temkar / arvin.temkar@ajc.com)

By Shaddi Abusaid and Jozsef Papp

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The gang and racketeering trial of Atlanta rapper Young Thug and five others will continue after Fulton County Superior Court Judge Paige Reese Whitaker denied the last remaining request from defense attorneys seeking a mistrial.

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While Whitaker is allowing the 20-month trial to move forward, she also admonished prosecutors, taking the rare step of ordering them to watch a training video on the importance of sharing evidence with defense attorneys “and other professional obligations.” Several Atlanta attorneys and former prosecutors said Friday that they’ve never seen a judge mandate a training video, and that they would be mortified by such a remedy.



Credit: Jason Getz

Fulton County Chief Deputy District Attorney Adriane Love looks over a document during the ongoing gang and racketeering trial in March. File photo. (Jason Getz / jason.getz@ajc.com)

“I think that’s unprecedented in the state of Georgia,” said trial and appellate attorney Andrew Fleischman, who has closely monitored the case. “It is very embarrassing and it does indicate that the state is just not following its Brady obligations.”

Brady violations occur when prosecutors fail to turn over evidence that could be helpful to a defendant’s case.

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leader of Young Slime Life, which prosecutors allege is a criminal street gang based in south Atlanta responsible for drug deals, robberies and at least three killings. Williams' attorneys deny the charges and maintain that YSL is simply the name of the star's record label. The trial has become the longest in Georgia's history.

Defense attorneys in the case have complained for nearly two years that prosecutors are intentionally withholding discovery evidence required to be turned over before the start of trial.

Whitaker said she will provide the training video from the Prosecuting Attorneys' Council of Georgia and that the viewing would occur under her direction. A spokesman for the Fulton County District Attorney's Office declined to comment on the judge's ruling.

Former DeKalb District Attorney Robert James said as a prosecutor, the disclosure of Brady material is "not something you play with."

"Brady is one of those things that's sacrosanct," James said. "If you have it, turn it over."

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Former DeKalb DA J. Tom Morgan, who teaches undergraduate students at Western Carolina University, said it's ultimately the DA's job to educate their prosecutors about the importance of turning over such material.

He said that as a former prosecutor, Whitaker might be a "little perturbed" and may be trying to ensure that if there is a conviction, it won't be overturned on appeal.

'Never been truthful'

At issue in recent mistrial motions were remarks the state's star witness, Kenneth Copeland, made during a secret June 10 meeting with his attorney, then-presiding Judge Ural Glanville, and prosecutors.



Credit: Miguel Martinez

Judge Paige Reese Whitaker answers a question from prosecutor Simone Hylton as she hears arguments for several motions in the YSL trial on Tuesday, July 30, 2024. (Miguel Martinez / AJC)

During the meeting, Copeland said, “I have never been truthful a day in my life,” according to the transcript. It was information defense attorneys found out about only after seeking Glanville’s removal from the case.

Whitaker acknowledged that as the prosecution’s key witness, Copeland’s statement would have been helpful to the defense.

“Copeland may have little credibility. He may speak in hyperbole,” Whitaker wrote. “But the fact remains that for a defense attorney, this nugget by a key state’s witness is gold.”

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“... This amounted to suppression, whether willful or otherwise, of what was objectively Brady impeachment material,” Whitaker wrote.

She said the lapse was “likely inadvertent” on the part of the state and said she “does not attribute bad faith to anyone on this issue.”

“This does not appear to the court to have been a purposeful violation,” Whitaker wrote, “but rather a negligent overlooking of the impeachment value of Copeland’s in chambers statement.”



Credit: Miguel Martinez

Kenneth Copeland gets escort to the witness stands at the Fulton County Superior Court on Monday, June 10, 2024. Copeland is a crucial witness in the state’s case against rapper Young Thug, who was charged with the RICO act. (Miguel Martinez / AJC)

“But the fact that a violation of a defendant’s constitutional rights has been averted does not, under these circumstances, provide cause for celebration,” she wrote.

Instead, she said it is “cause for sober reflection and an examination of processes, procedures, and approaches” that allowed this to occur.

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Attorney Doug Weinstein, who sought a mistrial on behalf of his client, Deamonte Kendrick, said they were disappointed with Judge Whitaker’s ruling. Although Glanville’s removal from the case might make “for fair proceedings going forward,” Weinstein said it does not remedy the last 19 months of “due process violations.”

“The damage done by Judge Glanville and the state has infected the entire body of this trial and emergency amputation of the judge can’t save it,” Weinstein said.

Glanville was ultimately removed from the case in July after defense attorneys questioned the June 10 meeting and called for his recusal.

Weinstein is seeking an order to allow him to immediately appeal Whitaker’s ruling.

Whitaker also again rejected calls to remove Chief Deputy DA Adriane Love and Deputy DA Simone Hylton from the case, but warned that any further failure to abide by the rules of professional conduct or lack of candor to the court “may trigger the extreme sanction of removal from this case.”

About the Authors



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