

IN THE 11th JUDICIAL DISTRICT OF TENNESSEE
CRIMINAL COURT OF HAMILTON COUNTY

STATE OF TENNESSEE)
)
 Plaintiff,) SECOND DIVISION
)
 vs.) 304472-304525
)
 KERRY LAMAR MCKINNEY,) Case No: 304508
)
 Defendant.)

FILED IN OFFICE
2018 JUL -5 AM 9:46
VINCE DEAN, CLERK
BY _____
DC

DEFENDANT KERRY MCKINNEY'S MOTION NO. 4:
GAG ORDER

Defendant Kerry McKinney, by and through the undersigned attorney, respectfully moves this Court, pursuant to U.S. Const. amend. VI, Tenn. Const. Art. 1, § 9, and *State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000), for a Gag Order prohibiting comments beyond procedural matters about this case by court personnel.

Mr. McKinney would show that this matter is receiving ongoing media attention, the media has attended each of the hearings, and this motion is being brought in an effort to keep pretrial publicity down to a minimum and insure Mr. McKinney can get as fair a trial as possible. Public statements about this case by court personnel regarding the guilt of Mr. McKinney and other defendants interferes with Mr. McKinney's right to a fair trial. Further, public comments by court personnel beyond procedural matters can add nothing to the public record at this point and could only serve to further prejudice Mr. McKinney's constitutional rights and poses a substantial likelihood of prejudicing a fair trial.

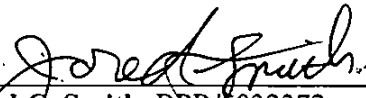
An example of the comments made by court personnel is attached as Exhibit A to this Motion No. 4. Criminal Court Clerk Vince Dean provided a recorded interview to WRCB News Channel 3 and stated "[t]his is 54 people we are getting off the street. 54 people who have been

involved in gang activity. 54 people who have been committing crimes.” Although the Court must balance Mr. Dean’s First Amendment right to free speech, Mr. McKinney is innocent until proven guilty and his right to a fair and impartial jury outweighs Mr. Dean’s right to free speech in this case.

WHEREFORE, Mr. McKinney moves the Court to enter a gag order preventing court personnel from providing comment about this case beyond procedural matters.

Respectfully submitted,

LAW OFFICE OF JARED C. SMITH, PLLC

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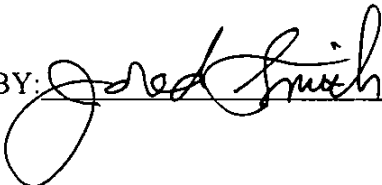
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing will be served via the Hamilton County Circuit Court Clerk’s office email listserv per the instructions of the Honorable Judge Greenholtz and to the following

Neal Pinkston
600 Market Street, Suite 310
Chattanooga, TN 37402

This the 5th day of July, 2018.

LAW OFFICE OF JARED C. SMITH, PLLC

BY: 

UPDATE: Defense attorneys for RICO roundup suspects want more evidence

On Monday, attorneys representing some of the 54 people charged in a racketeering indictment want to know when they'll receive more evidence from the state.

Monday, June 25th 2018, 1:49 pm EDT by Tim Pham

Updated:

Tuesday, June 26th 2018, 4:54 am EDT

One of the largest gang roundups in the county is making its way through the legal system.

On Monday, attorneys representing some of the 54 people charged in a racketeering indictment against a Chattanooga street gang want to know when they'll receive more evidence from the state.

READ MORE | UPDATE: More than 50 RICO roundup suspects face judge

Some defendants say they don't know what they're specifically accused of doing.

It's been about three months since the Hamilton County Grand Jury indicted 54 Athens Park Bloods gang members. Prosecutors have until the end of October to turn over evidence to help those charged defend themselves.

Some of the defense attorneys asked the judge to get that information sooner.

"Frankly, I'm surprised at the necessity of arguing this motion because I expected discovery before this time or we would have an answer. I see nothing controversial of what I'm requesting," Ben McGowan said.

McGowan is representing Che' Anthony Berry Canno, he said the state should have made evidence available at the time his client was arraigned in April.

Judge Tom Greenholtz asked the state if they could provide more evidence in the next 30 days.

READ MORE | UPDATE: More than 50 gang members indicted on various charges.

All are charged with racketeering and conspiracy, but seven are also charged in five homicides.

Many defendants entered "not guilty" pleas, but attorneys say some don't know what they're specifically accused of because the lack of evidence provided.

"This is 54 people we are getting off the street. 54 people who have been involved in gang activity. 54 people who have been committing crimes," said Vince Dean.

Criminal Court Clerk Vince Dean worked with the Chattanooga Police Department for 27 years, he says if convicted, these 54 gang members will face class B felonies. They could serve 12 to 20 years in prison, and a fine up to \$250,000.

"Illegal drugs, sell of guns, the hiring of people to commit acts that are illegal. If they are in that business for profit, they can be charged as a group under the Rico act," he said.

Most of the cases are due back in court on July 30.