

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE)
)
 Plaintiff,) SECOND DIVISION
)
 vs.) NO(s). 305636-305690
)
 ARTERRIUS ALLEN, ET AL.)
)
 Defendants,)

STATE OF TENNESSEE'S MEMORANDUM IN SUPPORT OF MOTION NUMBER ONE TO DENY, RESTRICT, OR DEFER DISCOVERY AND TO MODIFY CASE MANAGEMENT ORDER

Comes now the State of Tennessee, by and through the District Attorney General's Office, and would file this memorandum in support of its Motion Number One to Deny, Restrict, or to Defer Discovery and to Modify Case Management Order. The State of Tennessee would more specifically show as follows:

1. That pursuant to the previous Case Management Order dated April 27, 2018, the State of Tennessee has begun to provide discovery to the *Allen* defendants .
2. The discovery was described in the Notices of Provision of Discovery as:

FBI ATHENS PARK BLOODS MAIN CASE FILE, and; FBI ATHENS PARK BLOODS INVESTIGATIVE SUBFILES and also RICO DEFENDANT DISCOVERY FILES WHICH MAY INCLUDE, BUT NOT LIMITED TO, TENNESSEE DEPARTMENT OF CORRECTIONS RECORDS, HAMILTON COUNTY CRIMINAL COURT CLERK RECORDS, HAMILTON COUNTY GENERAL SESSIONS RECORDS, HAMILTON COUNTY JAIL INFORMATION, AND FEDERAL COURT RECORDS, AS IT PERTAINS TO EACH RESPECTIVE DEFENDANT.

3. That since providing discovery to the *Allen* defendants, *Allen defendant*, Broderick Lay posted various portions of the discovery to a social media site known as Facebook. Facebook , Inc. has been described as an American online social

media and social networking company wherein individuals can create profiles and then post comments or documents to their profile which can be accessed and viewed by fellow Facebook users and in some cases by the public at large.

4. That since *Allen defendant*, Broderick Lay, posted various discovery materials to his Facebook profile, a number of defendants and or witnesses have contacted the District Attorney General's Office out of fear that their names have been posted on Facebook. The witnesses fear retaliation or violence to them based on Mr. Lay's social media posts.

5. In one particular instance, an *Allen defendant*, personally called to speak with the District Attorney General about seeking protection from threats of violence.

6. That as last as October 8, 2018, various individuals continue to contact the District Attorney General's Office seeking protection from retaliation or violence. These calls are all based upon Mr. Lay's decision to post discovery documents to social media.

CONCLUSION

The State of Tennessee asks this Honorable Court for an Order to deny, restrict, or defer discovery until a date in the future when adequate provisions can be put into place that when further discovery materials are provided that such will not generate threats of violence or retaliation. The State of Tennessee would also request this Honorable Court order that discovery materials not be posted to any and all social media sites. Such would also modify the Case Management Order currently in place.

Respectfully submitted this the 9th day of October 2018.

A handwritten signature in blue ink that reads "Neal Pinkston". The signature is written in a cursive style with a horizontal line underneath it.

Neal Pinkston
District Attorney General
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