

Affidavit of Melissa Simms

I, Melissa Simms, of Tifton, Georgia, being first duly sworn, do hereby declare, affirm, and avow the following:

1. My name is Melissa Simms, I am 36 years of age, and work as an Assistant District Attorney, and reside in Tift County, Georgia.
2. I was hired in January 2004 by Gwen Keyes, Solicitor General of Dekalb County, Georgia as a Special Assistant Solicitor General in the area of High Risk Domestic Violence prosecution.
3. Gwen Keyes resigned her position as Solicitor General in June or July 2004 in order to run for District Attorney of Dekalb County.
4. In July, 2004, Shawn LaGrua was employed as an Assistant District Attorney in Dekalb County, working for the District Attorney, Jeffrey Brickman. Brickman was appointed District Attorney by Sonny Perdue in February, 2004.
5. Sonny Perdue officially appointed Shawn LaGrua Solicitor General of Dekalb County on July 19, 2004, but LaGrua began working in the office as Solicitor General on July 13, 2004.
6. Guy Antinozzi, the Domestic Violence investigator, was terminated by LaGrua on or about August 5, 2004, and LaGrua held a mandatory office-wide meeting to inform the office that if we saw Mr. Antinozzi in the building, we were to notify security. (Mr. Antinozzi's termination came as a complete shock to me, as I knew him to be a conscientious and dedicated investigator. LaGrua, unbeknownst to me or Mr. Antinozzi, began an investigation into Mr. Antinozzi's flex schedule, and had commenced this investigation prior to her appointment as Solicitor General, while she was still employed as an Assistant District Attorney. Jason Hammer, LaGrua's Chief Investigator, conducted the investigation. District Attorney Brickman or anyone in his employ denied having authorized such an investigation. LaGrua alleged that Antinozzi was abusing his flex time schedule and forwarded the results of her investigation to the District Attorney Brickman in the hopes of a criminal prosecution for Theft by Taking of a Government Employee, Theft by Deception of a Government Employee, and Violation of Oath by a Public Officer. Brickman asked for outside assistance. The Fulton County District

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Attorney, Paul Howard, conducted a review of the materials and ultimately found there was insufficient evidence to prove beyond a reasonable doubt that Antinozzi engaged in any criminal behavior, and recommended the matter be closed without any further action. On January 30, 2007, Paul Howard submitted a letter to then-elected District Attorney of Dekalb County, Gwen Keyes, regarding his findings, including his finding that it was a possibility that the investigation of Antinozzi was "motivated by factors other than criminal conduct", citing the fact that Antinozzi was an employee of Gwen Keyes, and Keyes was running for office against District Attorney Brickman.)

7. Minutes prior to the office-wide meeting regarding Mr. Antinozzi's termination, LaGrua stopped me in the hallway outside and told me that she would be available to speak with me if I had any questions, and that since I no longer had an investigator, she would make the Chief Investigator, Jason Hammer, available to me. It was the first time I had met her face to face.
8. Soon after, I was scheduled to try a domestic violence case in State Court, but had been unable to locate the victim in the case. I had asked Jason Hammer to help me locate her, but he never contacted me to tell me he had found the victim. The morning of trial, I saw LaGrua and Hammer speaking to a young woman who appeared to be upset. I approached and introduced myself, and the young woman identified herself as the victim in the criminal case. She asked if she could speak with me alone, and LaGrua said that anything she had to say to me, she could say to LaGrua, since she was the Solicitor-General. We went into a small witness room, where the victim told me that Hammer had told her to come to court so that she could have the case dismissed, but that when she arrived, Hammer and LaGrua told her she would have to testify. The victim was noticeably upset and angry about the situation. I tried to appease her and calm her down, and told her that as long as she told the truth about the incident the defendant was charged with, I would let her tell the judge and/or jury what she wanted to tell them- whether that was that she still loved him, had children with him, didn't want to see him go to jail- I would give her an opportunity to speak and have a voice as a victim. The victim left the witness room and LaGrua angrily confronted me, and told me that I was NOT to tell any witness that.

9. During the course of the trial, which lasted 2 or 3 days, LaGrua sat in the back of the courtroom and watched me. After the jury began its deliberations, LaGrua approached me and told me to come to her office as soon as the jury returned to let her know the result.
10. The jury returned a guilty verdict, and I went to LaGrua's office to tell her. She told me she needed to see me first thing in the morning to determine the status of my cases since I didn't have an investigator, and told me to bring my case files.
11. I arrived on time for our meeting the next morning with all of my case files, and was greeted by LaGrua and her Chief Assistant Solicitor-General, Alison Burleson. LaGrua informed me that she would personally be handling the rest of my cases, and that I was being demoted to an entry-level "B" attorney¹ position, and that my salary was being reduced by \$10,000. No reason was given for my demotion, but Burleson sympathetically suggested that perhaps I was "burned out" which was impossible, seeing as I had only been in the position for six months. I left LaGrua's office confused, and without answers.
12. After much discussion with family and trusted friends, and a great deal of prayer, I decided that the DeKalb County Solicitor's Office was not the place for me any longer, and began my preparations to resign. I could not work for someone who lied to a victim to get her into court, only to force her to testify.
13. Approximately three days after my demotion, I arrived at the office with my resignation letter in hand. I walked into my office to find Jason Hammer standing in the doorway, and other colleagues packing up their belongings due to terminations as well. I tried to log into my computer but found I had been locked out. Jason Hammer instructed me that LaGrua wanted to see me in her office, and I followed him. When I entered LaGrua's office, there were approximately six to eight people in there that were completely unrelated to my employment or my job performance, and were in no way considered my supervisors. I could think of no reason why they would have been summoned except to give LaGrua an audience.

¹ Each courtroom had an "A" attorney and a "B" attorney, with the "A" attorney being the most experienced. I was hired as a Special Assistant Solicitor-General to handle high-risk and high-profile domestic violence cases, and was not assigned to any particular courtroom but handled a caseload that included every courtroom.

14. I immediately handed LaGrua my resignation letter dated August 27, 2004, along with my badge and other employment related articles. She briefly glanced at the letter and then told me she would not accept my resignation, and that I was terminated as of August 31, 2004. I told her, "Today is August 27th and I quit," and that I refused to work for someone as morally bankrupt as she was.
15. LaGrua instructed Jason Hammer to remove me from the DeKalb County Courthouse, a public building. Hammer, armed with his service weapon, escorted me from LaGrua's office all the way to my car in the employee parking deck, and he remained there until I drove off.
16. I tried for several months to gain employment in my field of prosecution, but was unable to do so despite my winning record at jury trials and years of experience. It was not until I moved overseas for several years, placing time and distance between me and my employment in DeKalb County was I able to resume employment in prosecution.

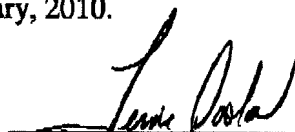
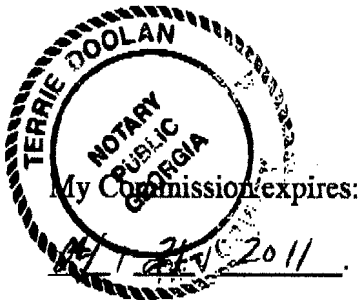
So sworn this 20th day of January, 2010.



Melissa Simms
Tifton, Georgia

I, Terrie Doolan, a Notary Public of the County and State aforesaid, hereby certify that Melissa Simms personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 20th day of January, 2010.


Notary Public

Terrie Doolan
Notary Public, Tift County, Georgia
My Commission Expires April 21, 2011