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Prosecutor's 'Glance' at Defense Report Gets Enotah DA Bounced From Case

Greg Land, Daily Report

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The office of Enotah Circuit District Attorney [Jeff Langley](#) has been disqualified from prosecuting a man facing multiple felonies after a staff prosecutor reviewed a confidential competency report on the man's fitness to stand trial.

Jonathon Morgan is facing a 21-count [indictment](#) that includes charges of rape, aggravated sodomy and aggravated child molestation.

Morgan's lawyer, Cumming solo [Andrew Richman](#), said he requested the review by the state Department of Behavioral Health and Developmental Disabilities, and the report "somehow or another made its way to the prosecutor's email."

"I found out about it and requested a hearing to figure out if she A, received it; B, opened it and C, read it," Richman said. "Her testimony was that she may have glanced at it, then read the conclusion—which is the doctor's overall conclusion."

"I argued that it was a violation of the attorney-client privilege and that the law does not allow them to read it," he said.

On Tuesday, Enotah Circuit Superior Court Judge N. Stanley Gunter disqualified Langley's office, which represents the five-county circuit that also includes Lumpkin, Towns, Union and White counties.

Richman said Gunter directed him to draft an order disqualifying Langley's office and submit it to the judge Wednesday.

Langley confirmed a court staffer emailed the psychological evaluation report to his office by mistake, where it was accidentally opened.

"At this point, the judge has indicated that he is going to disqualify our office," Langley said. "When he issues that order, I will take a look at that and see whether there's any reason for an appeal. If not, we will consult with the attorney general's office, and they would then name a prosecutor to take over."

"I don't think the court went into whether there was anything prejudicial about the actual report," he said.

Richman said Morgan, a decorated Army veteran who served in Iraq and Afghanistan, has been in jail since his arrest on what he called "completely bogus allegations."

Richman said Morgan's case was set for trial next month, but the discovery that the DA's office accessed the report led him to file a motion seeking its ouster from the case.

"I brought it to the prosecutor's attention [and said] 'this is wrong,'" Richman said. "The response was, basically, 'I didn't read it, just glanced at it, file whatever you want.'"

Richman said he didn't think there was any intent by the prosecution to violate the rules, "but my client's future is on the line, and I will do everything within the rules of ethics to ensure his rights are protected."

"The judge did the right thing," he said. "He leveled the playing field and sent a strong message to prosecutors all over Georgia that peeking at documents protected by the attorney-client privilege will not be tolerated at any level."

"You've got a guy looking at multiple life sentences," Richman added. "At least play fair."

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