

PRESS RELEASE
Saturday August 8, 2015

Garland Favorito (404) 664-4044
Judge Paul Nally (770) 386-1171

Grand Jury Duties Subverted in Ariston Waiters Murder Case

ATLANTA, GA – A Fulton County Grand Jury declined to indict Union City police officer Luther Lewis yesterday for the December 14, 2011 murder of 19 year old Ariston Waiters. Lewis was [attempting to arrest](#) Waiters without probable cause that he had been involved in any crime. Fulton County District Attorney Paul Howard stated that the arrest was “illegal”. Evidence and Luther’s own testimony showed Luther pulled his gun and shot Waiters in the back twice. Mr. Waiters was face down on the ground with his hands behind his back while being handcuffed.

This was the second grand jury inquiry into the Waiters case. Howard reopened the case after [news media investigations](#) revealed that four incidents involving Luther had been removed from his file and not presented to the first grand jury and that DNA evidence did not support the claim by Lewis that Waiters touched his gun. The DNA results and facts involving the Union City police record cover-up were presented to the second grand jury.

But both grand juries, like many others around the country, could not have been properly informed of their duties by the prosecutors and Superior Court judges. Georgia code for grand jurors explains that “...it is their duty as jurors to make presentments of any violations of the laws which they may know to have been committed at any previous time which are not barred by the statute of limitations.” [\[O.C.G.A. 15-12-74\]](#) In the Waiters case, there was no real dispute that violations occurred. By failing to indict Lewis with a “True bill” for any type of violation committed, the grand jury did not fulfill its obligations.

Defendants are entitled to challenge charges at a grand jury hearing and plead for a “No Bill” decision. But Private Investigator [T.J. Ward](#) stated that Lewis testified for an hour and 45 minutes including emotional subjects such as his medical problems and military service. These subjects are immaterial for the purpose of deciding whether or not to indict a defendant. That type of evidence is introduced during the course of a normal trial after a “True Bill” decision. The grand jury “No Bill” leaves Ariston Waiters’ family, including mother Freida and his 1 year old son, **no opportunity to seek justice in a state court.**

Former **Judge Paul Nalley, a leading expert on Georgia grand juries** explained: “This case demonstrates the problems associated with grand jurors not properly understanding or being properly informed of their statutory duties. Ordinarily, defense topics not directly related to the charges in question should be left to the inquiry of a trial jury except in cases where there is an abuse of government police power. Additionally, the grand jury could have returned a Presentment on a lesser included charge. Furthermore, it appears that the Jurors were not informed of, or allowed to entertain an inquiry into, the possible criminal negligence of the governmental corporation for which Lewis worked.”

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