

Prosecutor Violates Law, Misleads Jury 33 Times in Schrader Mistrial

LAWRENCEVILLE GA – [Prosecuting Attorneys Council](#) (PAC) lawyers Robert Smith and John Regan argued that “*no one is above the law*” when closing the computer trespass mistrial of Judge Kathryn Schrader. However, it was obvious to many in the courtroom laws do not apply to them. **The PAC attorneys violated [O.C.G.A. 17-8-70](#) that limits closing arguments to only one lawyer per side.**

The law was identified by [LeAnne Chancey Hicks](#), criminal defense attorney for Denice Fuller, Judge Schrader’s assistant who was **suspended without pay as a result of the dubious computer trespass allegations**. Hicks showed it to defense co-counsel [Andy Travis](#) who objected after Smith and lead defender [B.J. Bernstein](#) finished their closings. As Regan prepared to make PAC’s second closing, Athens Judge David Sweat excused the jury to consider the objection. However, Sweat, who had done a flawless job of handling the trial until then, ruled that “**the court has discretion**” to violate the law and allowed PAC a second closing attorney.

At that point in the trial on Friday it appeared Schrader was a few hours away from acquittal on all three charges based on her personal testimony and that of expert David Kalat. However, Regan seized the opportunity to confuse and mislead the jury in his [aggressive closing remarks](#). VoterGA [documented 33 false or deceptive statements](#) Regan adamantly made during PAC’s **illegal second closing**. Most of those statements had no basis in fact, law or evidence of the case.

The jury deadlock on Friday continued to a hung jury mistrial on Tuesday. Jurors seemed to have reached a near majority decision to acquit Schrader on counts of removing data, and interfering with the network, but were deadlocked on a charge of altering the network. Regan argued strenuously that placing a Sharktap passive monitor between Schrader’s computer and its network cable altered the network but **he could not identify** a network component that was altered. He introduced **no evidence of network traffic interference** and it is [technically impossible](#) for a Sharktap data replicator to remove data from the network despite his many claims.

PAC has likely cost taxpayers roughly \$500,000 by trying to convict Schrader on **felony** computer trespass charges. **The trial clearly showed Schrader had no criminal intent** in trying to protect her office from several network security breaches she encountered and [inherent network failures](#) that still exist.