



MEDIA RELEASE

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During today's press conference District Attorney Tasha M. Mosley read a prepared statement and shared video and audio which answered questions regarding the action taken by this office related to the Use of Force case involving Clayton County Police Officer Justin Stephens and Mr. Eric Holmes.

"The investigation was conducted by the Georgia Bureau of Investigation (GBI). At its conclusion, the investigative file was turned over to my office to determine any appropriate action. My office presented the evidence to the criminal Grand Jury that served from February to April 2023. Each Grand Jury is comprised of 26 Clayton County residents that are at least 18 years of age. The purpose of the Grand Jury is to hear evidence and determine whether probable cause/reasonable grounds exist to proceed with prosecution. If the Grand Jury concludes that the evidence demonstrates reasonable grounds for prosecution, they vote to return a true bill. If they conclude that there is not enough evidence for reasonable grounds to proceed with prosecution, they vote to return a no bill. The required vote for a true bill is 12. Per Georgia law, this is a secret vote. Only the Grand Jurors are present when they vote. The results of the vote are unknown to anyone except the Grand Jury until the returns are presented to a Superior Court Judge in Open Court.

The following evidence was presented to the February 2023 term Grand Jury. On November 21, 2022 at approximately 11:00 am, Officer Stephens was dispatched on a property check after the Clayton County Police Department received a call from Rome Police Department informing them that a 2014 Kia Optima, beige in color, which was stolen from Rome the previous evening had been electronically tracked to Commerce Road. Officer Stephens responded to that general area and saw a vehicle matching the general description of the stolen vehicle. Officer Stephens called Rome PD per dispatch instructions to confirm.

During the call Officer Stephens is advised by Rome PD to be careful because the firearm that was inside the vehicle when it was stolen had not been recovered. After verifying the Vehicle Identification Number, Officer Stephens returned to his marked patrol vehicle to begin the process of further confirming the vehicle and having the vehicle impounded.

As Officer Stephens was completing reports and waiting for the tow truck to arrive, a man who is later identified as Eric Holmes walked up to Officer Stephens' patrol vehicle and engaged in a cordial conversation about the police "being posted up" to catch speeders and inquiring about becoming a police officer. Towards the end of that conversation Mr. Holmes asked Officer Stephens for advice about Kias and stated that parts of his window had been popped. Officer Stephens asked Mr. Holmes where his vehicle is and Mr. Holmes identified the stolen vehicle as his. When questioned further, Mr. Holmes stated he purchased the vehicle from someone and received a bill of sale. When Officer Stephens asked if he had the bill of sale, Mr. Holmes replied no.

Officer Stephens testified that at that point Mr. Holmes walked away from his patrol vehicle toward the stolen vehicle. As Officer Stephens exited his vehicle, Mr. Holmes entered the Kia Optima. In the following 12 seconds Officer Stephens approached the vehicle with his service weapon drawn and gave verbal commands for Mr. Holmes to put his hands up and repeatedly ordered him to step out of the car. After Mr. Holmes failed to comply and started the vehicle, Officer Stephens attempted to push the driver door open wider and got a slight grip on Mr. Holmes' left sleeve using his left hand. At this point, Mr. Holmes' right hand, which had been on the steering wheel, moved away from the steering wheel towards an area where Officer Stephens testified, he could see a multi-colored firearm from his vantage point. Officer Stephens simultaneously lost his grip on Mr. Holmes' shirt and discharged his service weapon as Mr. Holmes accelerated and sped away. Officer Stephens radioed shots fired and returned to his patrol vehicle to pursue Mr. Holmes. Officer Stephens located the vehicle in a ditch on the left side of the road a short distance away. He ordered Mr. Holmes to put his hands up and get out of the car. Officer Stephens testified that Mr. Holmes put his hands up but did not exit the vehicle. When Officer Stephens approached, he realized that Mr. Holmes had been wounded so he radioed for emergency assistance and attempted to render aid.

After the presentation of all evidence: testimony from the GBI agent regarding his full investigation, testimony from Officer Stephens, cross examination of Officer Stephens by the prosecutor, viewing the video from Officer Stephens' body worn camera, crime scene photos that included the stolen firearm on the floor the Kia Optima as well as the firearm described as multi-colored by Officer Stephens on the gear shift of the Kia Optima and questions from the Grand Jurors of all witnesses, the Grand Jury voted and returned a No Bill.

My office met with all appropriate parties to notify them of the no bill. To determine whether this case should be presented to a subsequent Grand Jury I met with my Chief Assistants, reviewed the Grand Jury transcript and directed my Investigation Division to conduct a follow-up investigation. During the follow-up investigation, the only new evidence obtained was 2 police reports from the Rome Police Department, 1 associated video of a police chase in Rome and 2 associated videos from the apartment complex in Rome where the Kia Optima was stolen. We determined that the police reports and videos are unrelated to the actions of Officer Stephens and would only disparage the character of Mr. Holmes. Therefore, because the follow-up investigation uncovered no new or conflicting evidence regarding the actions of Officer Stephens, there was no justification to present this case to another Grand Jury.

In conclusion, this case is officially closed which makes the case file subject to the Open Records Act. Any additional questions may be addressed via an Open Records request to the appropriate agency."

