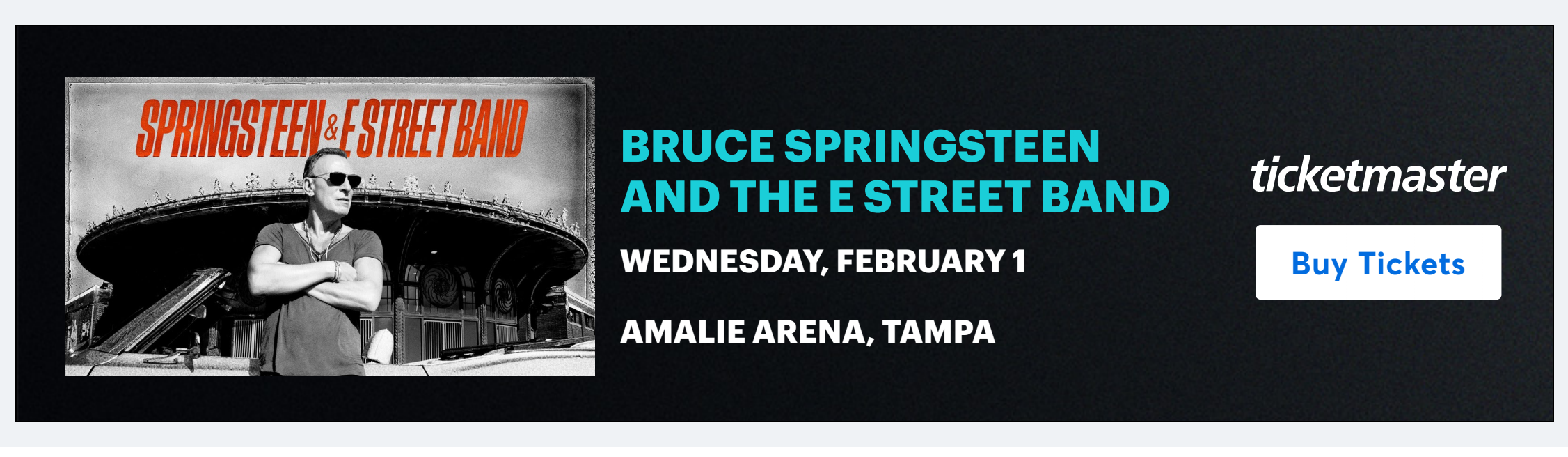
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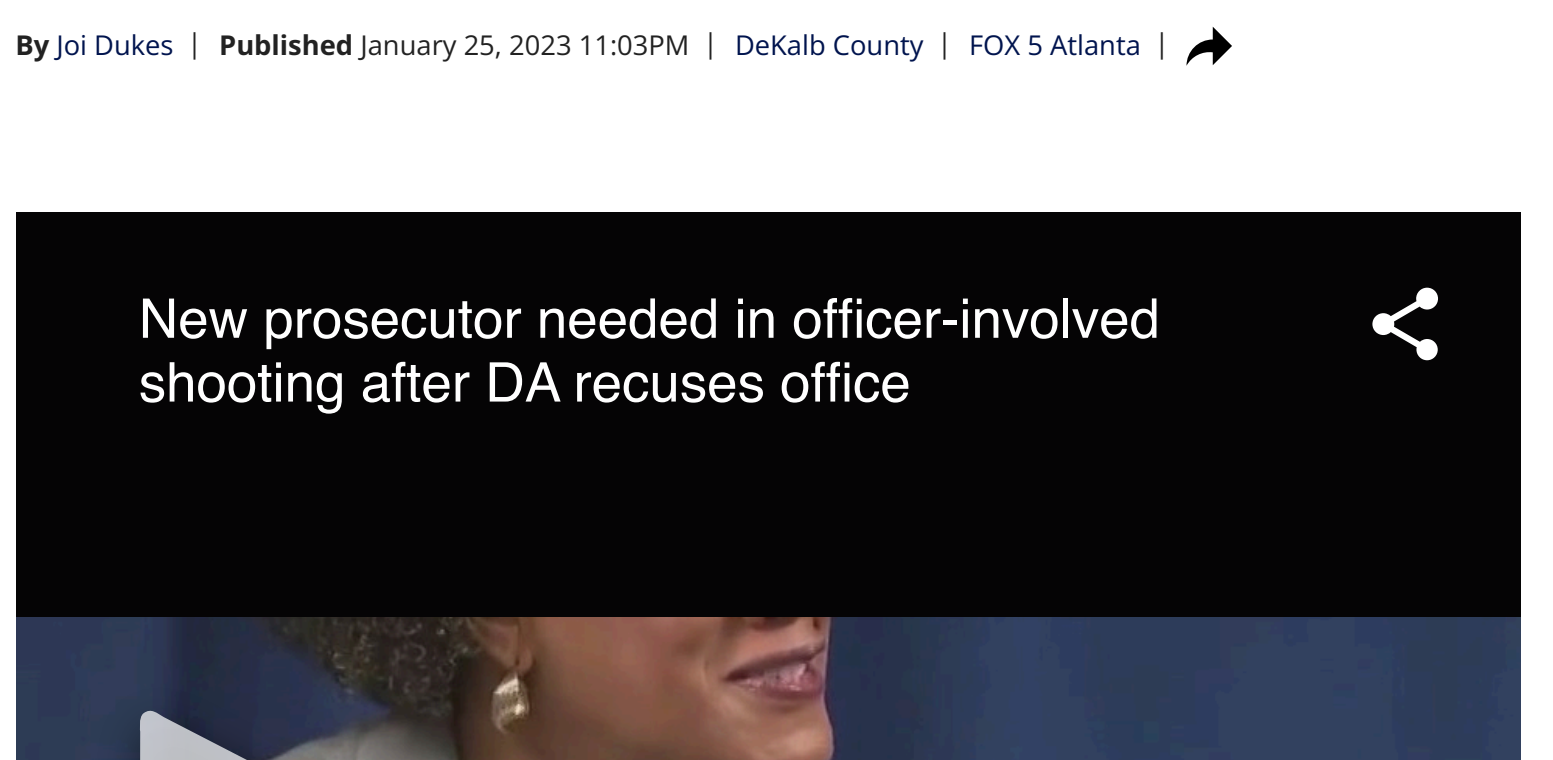
Questions surround DeKalb County DA's recusal in officer-involved shooting at future police training facility

By Joi Dukes | Published January 25, 2023 11:03PM | DeKalb County | FOX 5 Atlanta |

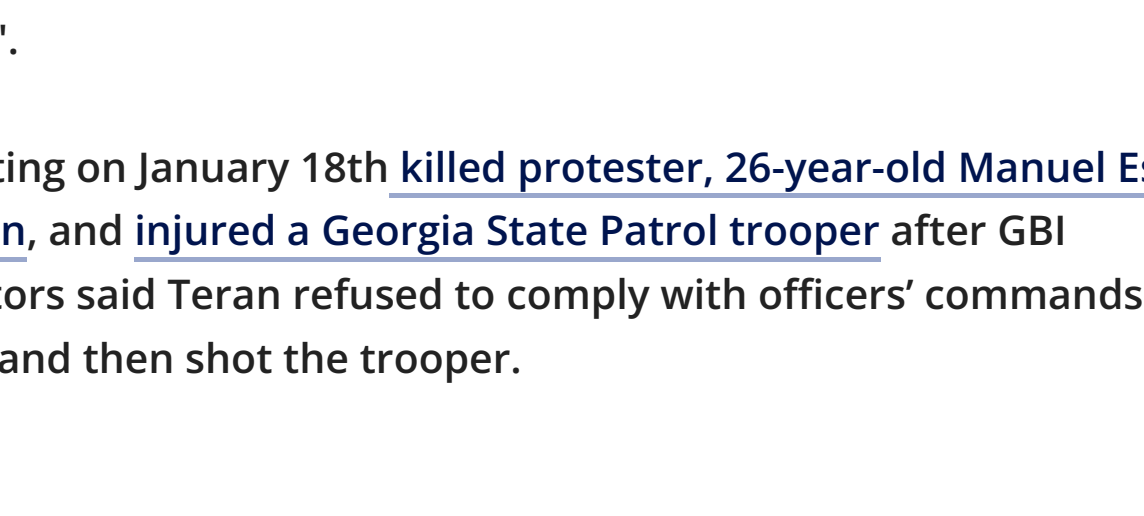


New prosecutor needed in officer-involved shooting after DA recuses office

In a news conference Wednesday, DeKalb County District Attorney Sherry Boston requested the state appoint an independent prosecutor to take over the case in which an officer was shot and returned fire, killing a protester of the planned Atlanta police training facility.

DEKALB COUNTY, Ga. - DeKalb County District Attorney Sherry Boston is stepping back from the case of an officer involved shooting (OIS) at the future site of the Atlanta Public Safety Training Center protesters refer to as "Cop City".

The shooting on January 18th killed protester, 26-year-old Manuel Esteban Paez Teran, and injured a Georgia State Patrol trooper after GBI investigators said Teran refused to comply with officers' commands to clear the area, and then shot the trooper.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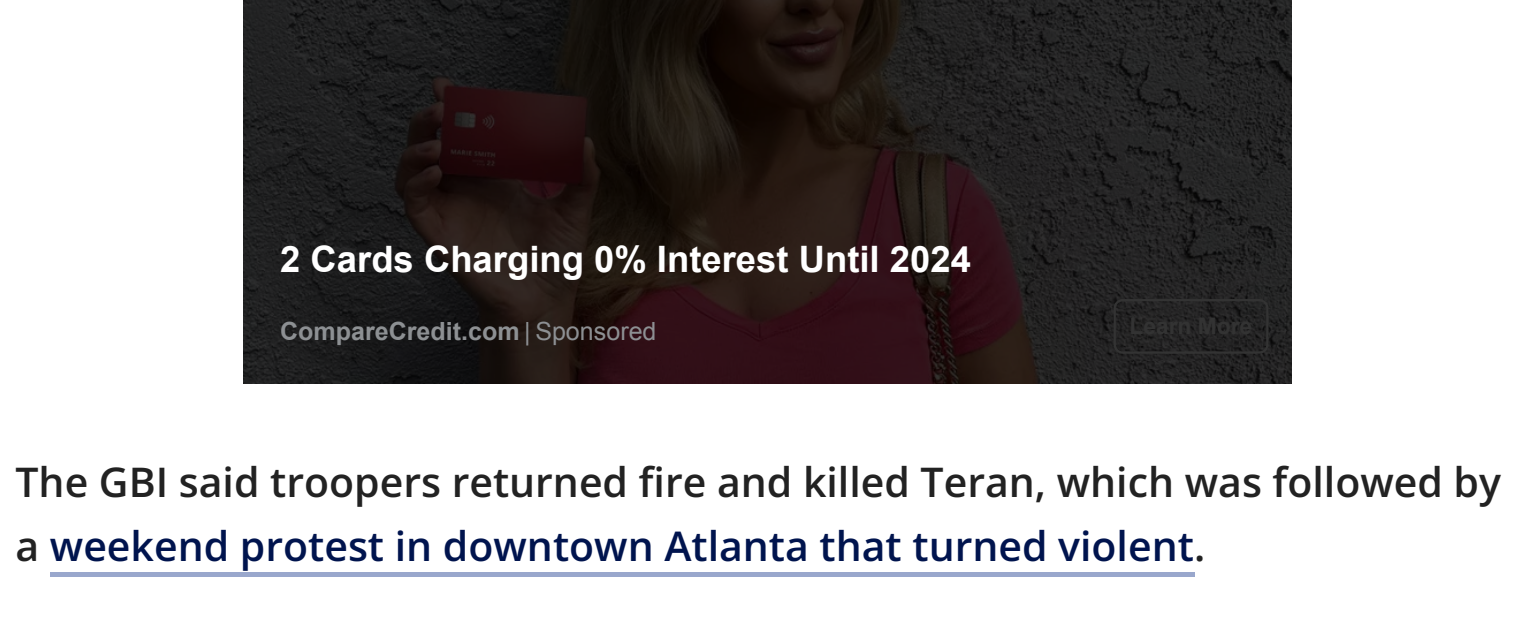
The GBI said troopers returned fire and killed Teran, which was followed by a weekend protest in downtown Atlanta that turned violent.



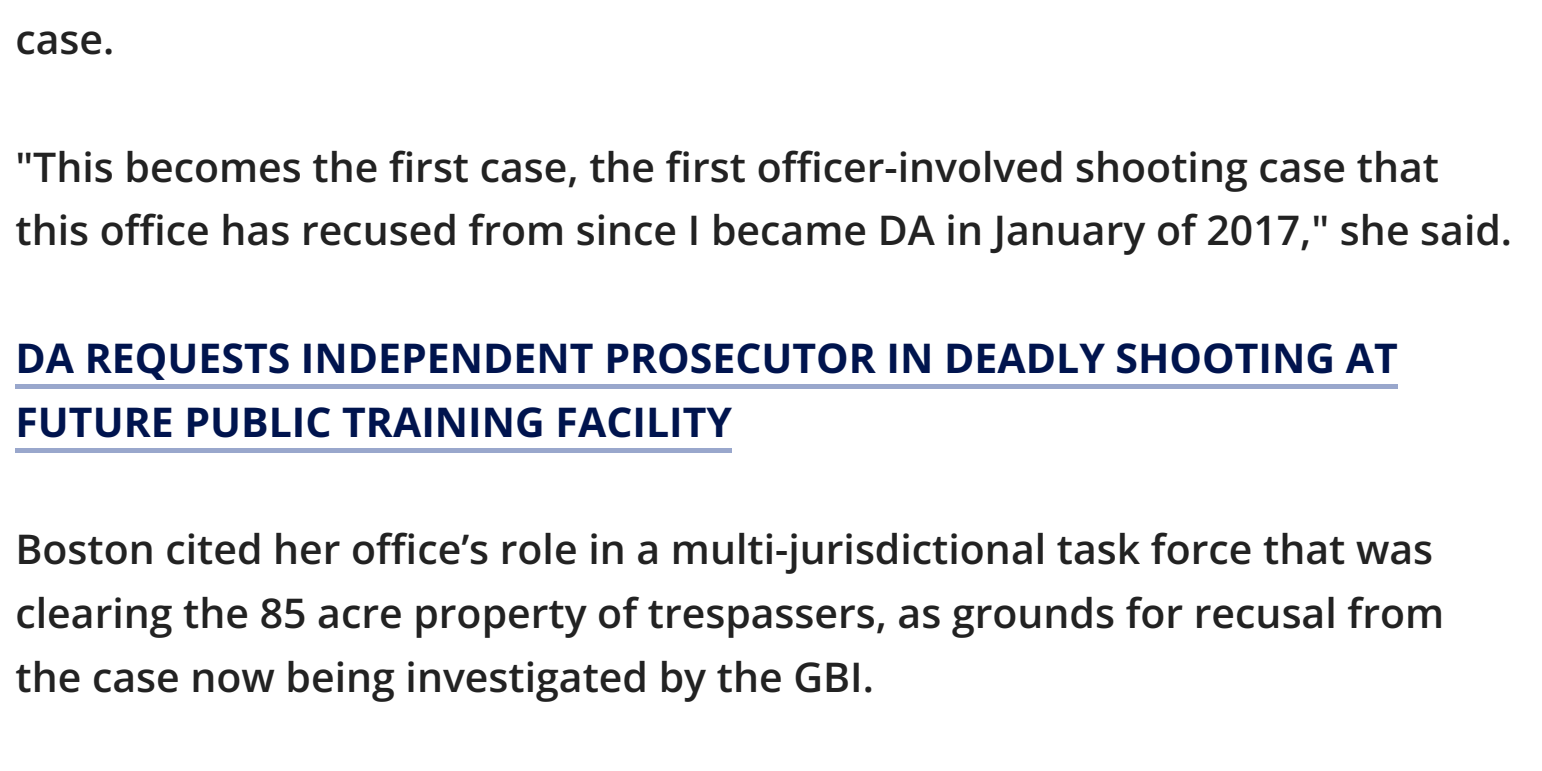
(FOX 5)

In a news conference Wednesday, Boston announced that her office had requested the state appoint an independent prosecutor to take over the case.

"This becomes the first case, the first officer-involved shooting case that this office has recused from since I became DA in January of 2017," she said.

DA REQUESTS INDEPENDENT PROSECUTOR IN DEADLY SHOOTING AT FUTURE PUBLIC TRAINING FACILITY

Boston cited her office's role in a multi-jurisdictional task force that was clearing the 85 acre property of trespassers, as grounds for recusal from the case now being investigated by the GBI.



A special state-organized task force raids the South River Forest where protesters of the so-called "Cop City" training facility has set up encampments. (FOX 5)

Image 1 of 5

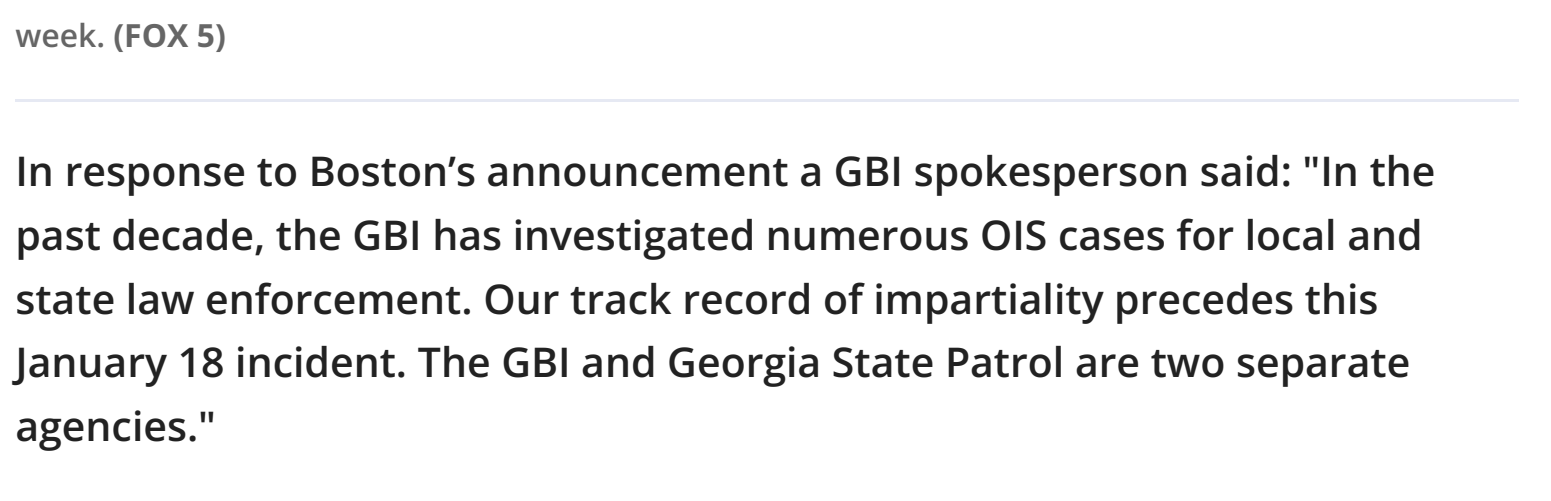
"I believe being a part of the multi-jurisdictional task force puts us in a position that it is very possible that the community would feel that we were involved in it, and therefore cannot investigate our own," she told reporters during Wednesday's news conference.

While she said she believes recusal is the right thing to do, Criminal Defense Attorney Devin Rafus told FOX 5 it was a pretty unprecedented move in a case with no clear conflict of interest.

"In this case, it seems it is rare because it seems there is no conflict that would provide a justification for a recusal," Rafus explained.

He said with the nearly two dozen cases against other protestors still moving forward in DeKalb County, the decision raises even more questions.

"If you recuse solely for this officer involved shooting, does that mean she'll have to recuse for any officer involved shooting that happens in DeKalb County from here on out?"

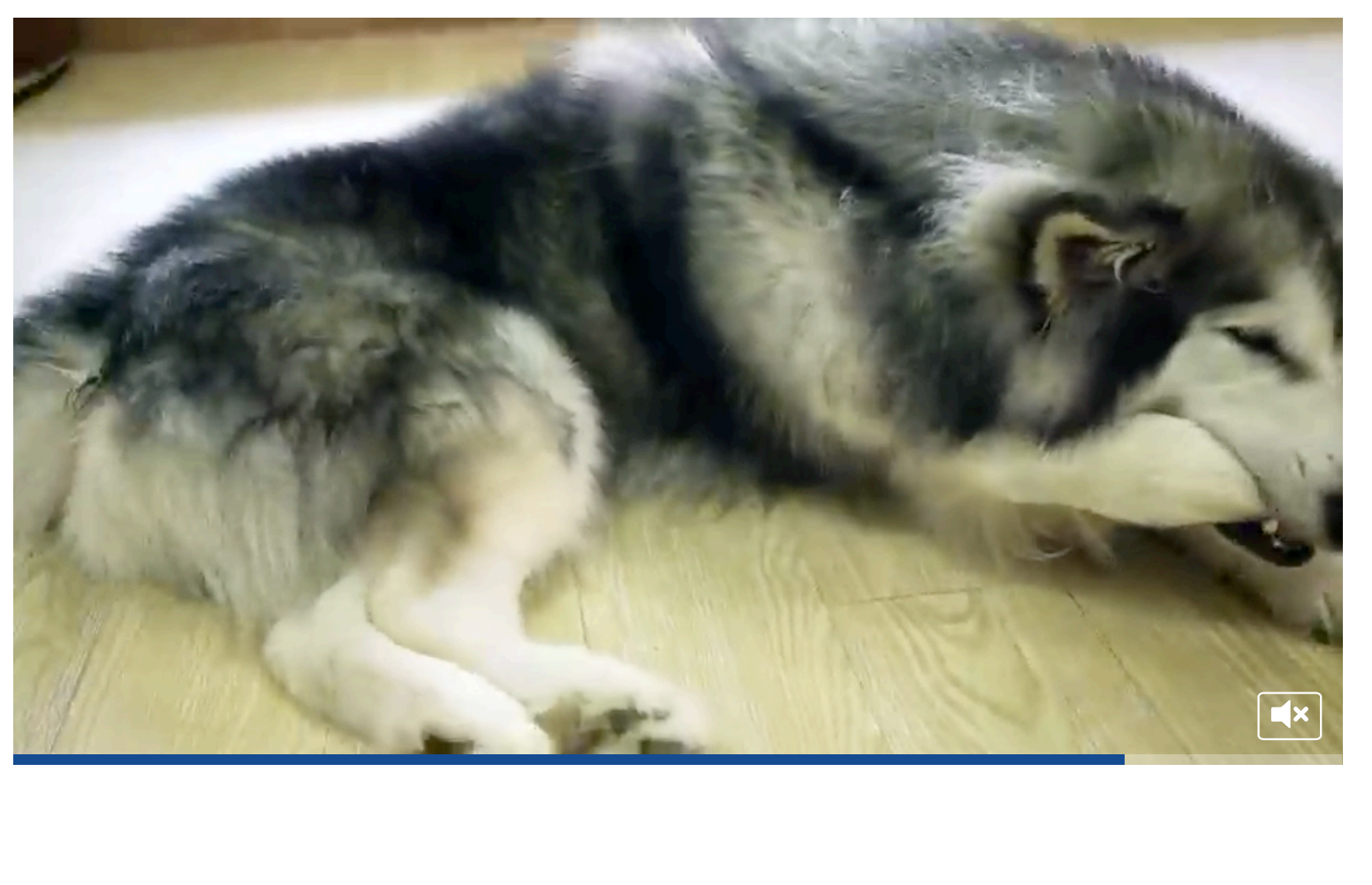


DeKalb County District Attorney Sherry Boston announces she will recuse herself from the case involving the death of 26-year-old Manuel Esteban Paez Teran at the so-called "Cop City" last week. (FOX 5)

In response to Boston's announcement a GBI spokesperson said: "In the past decade, the GBI has investigated numerous OIS cases for local and state law enforcement. Our track record of impartiality precedes this January 18 incident. The GBI and Georgia State Patrol are two separate agencies."

Rafus said from here, the state's Prosecuting Attorneys' Council (PAC) will appoint another prosecutor to handle the case.

The executive director of the PAC told FOX 5 he is looking for an experienced prosecutor with the right resources and will make his appointment within the next 30 days.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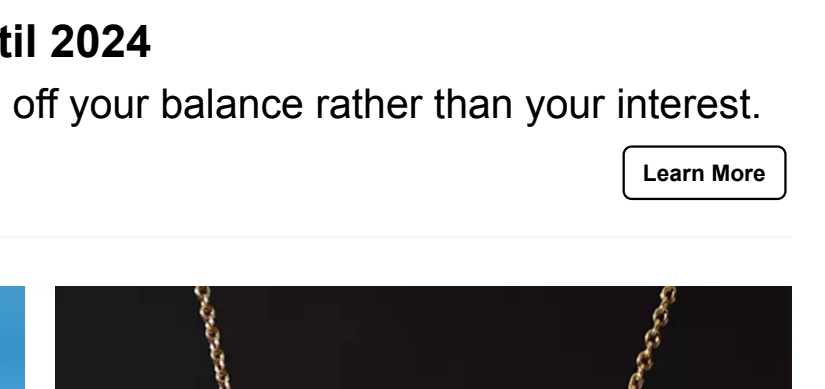
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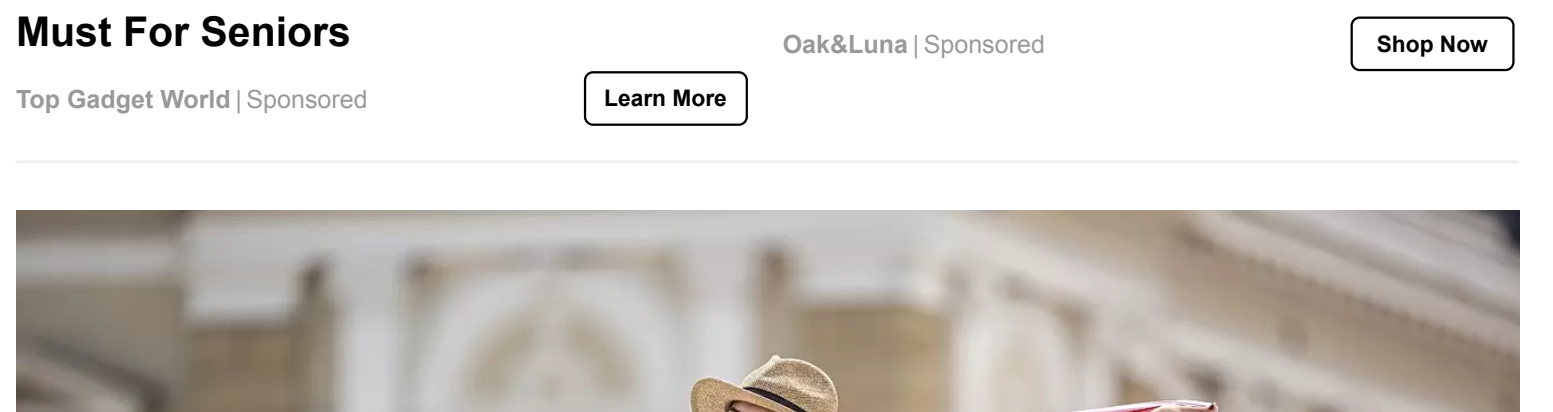
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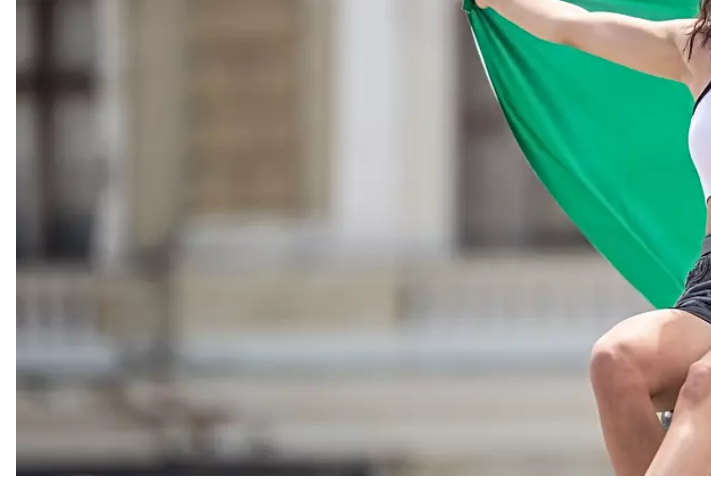

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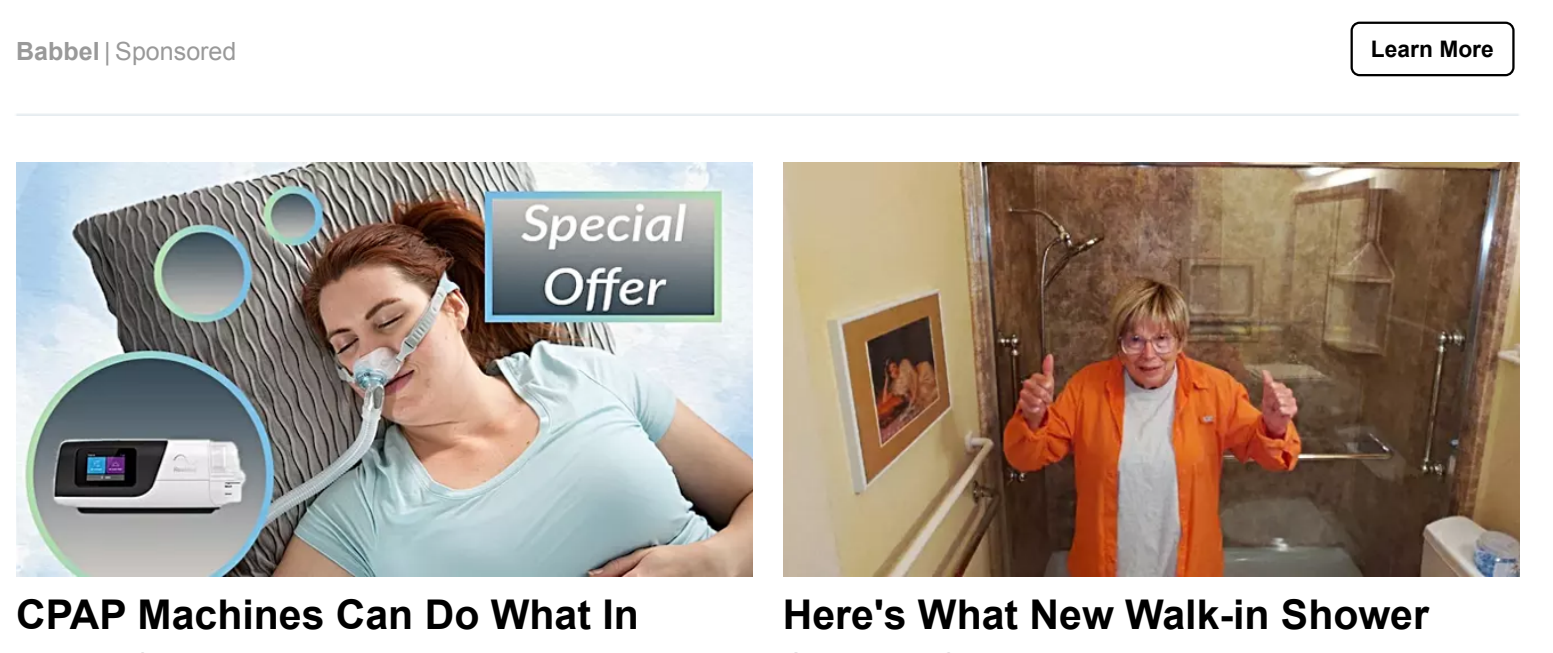
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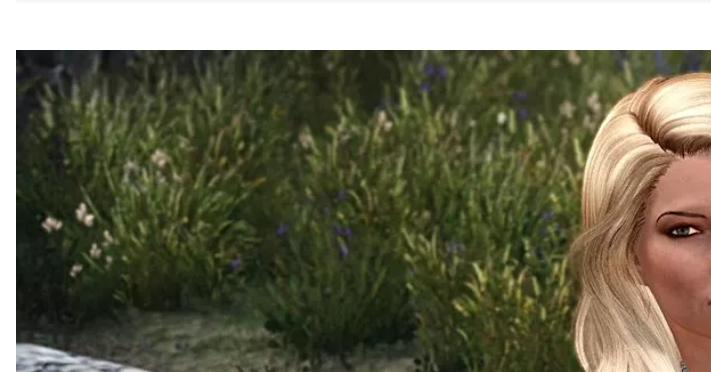

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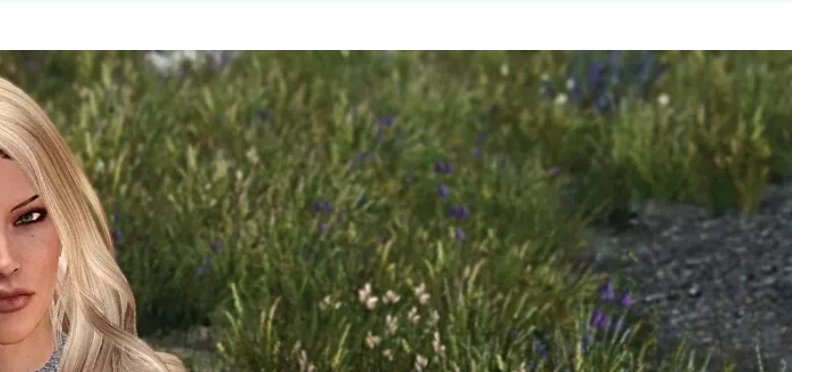

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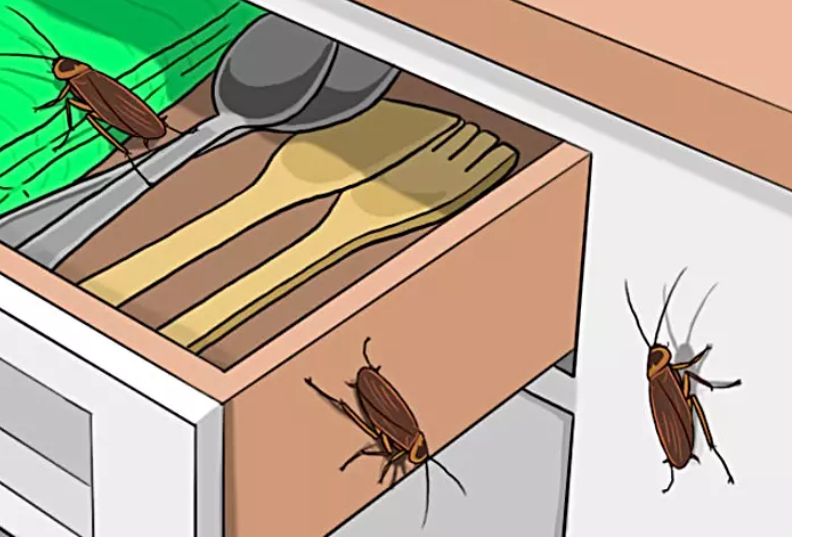
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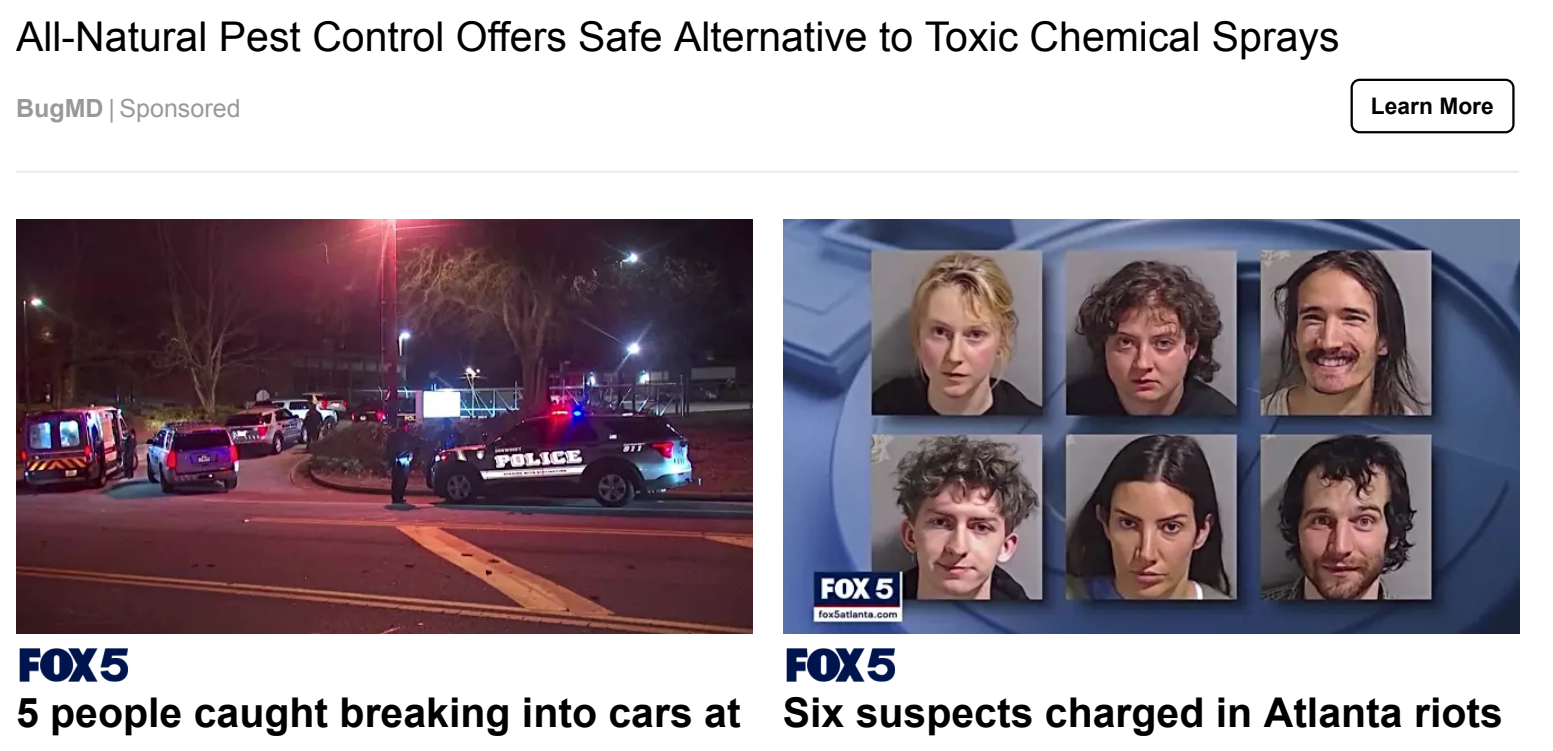
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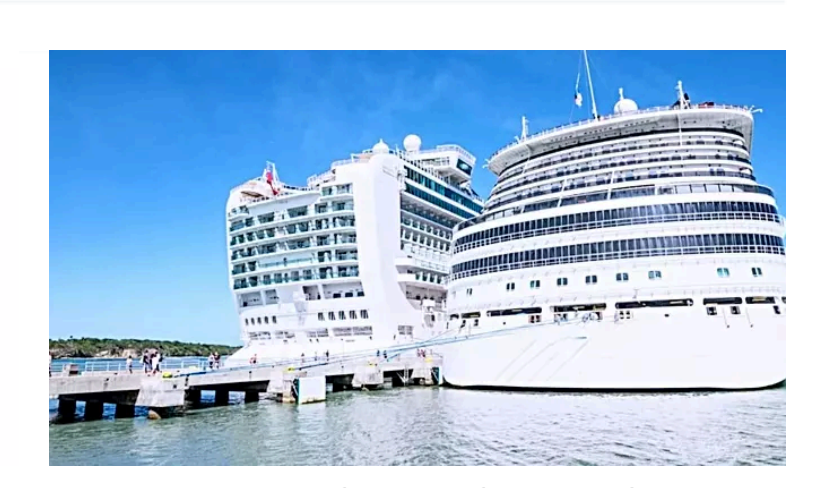

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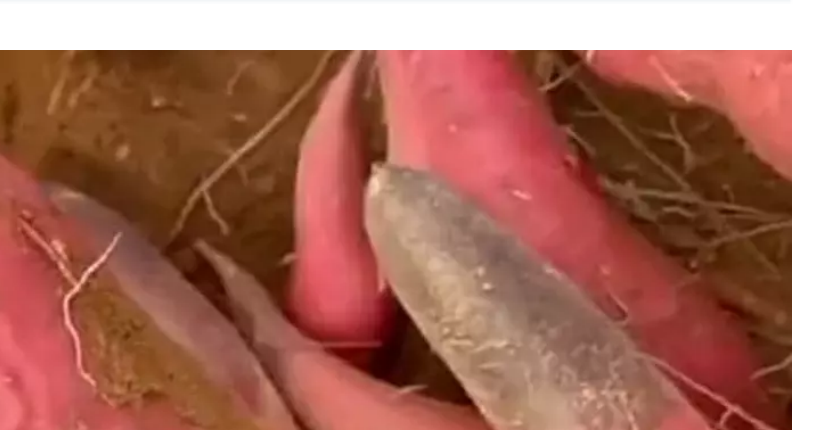
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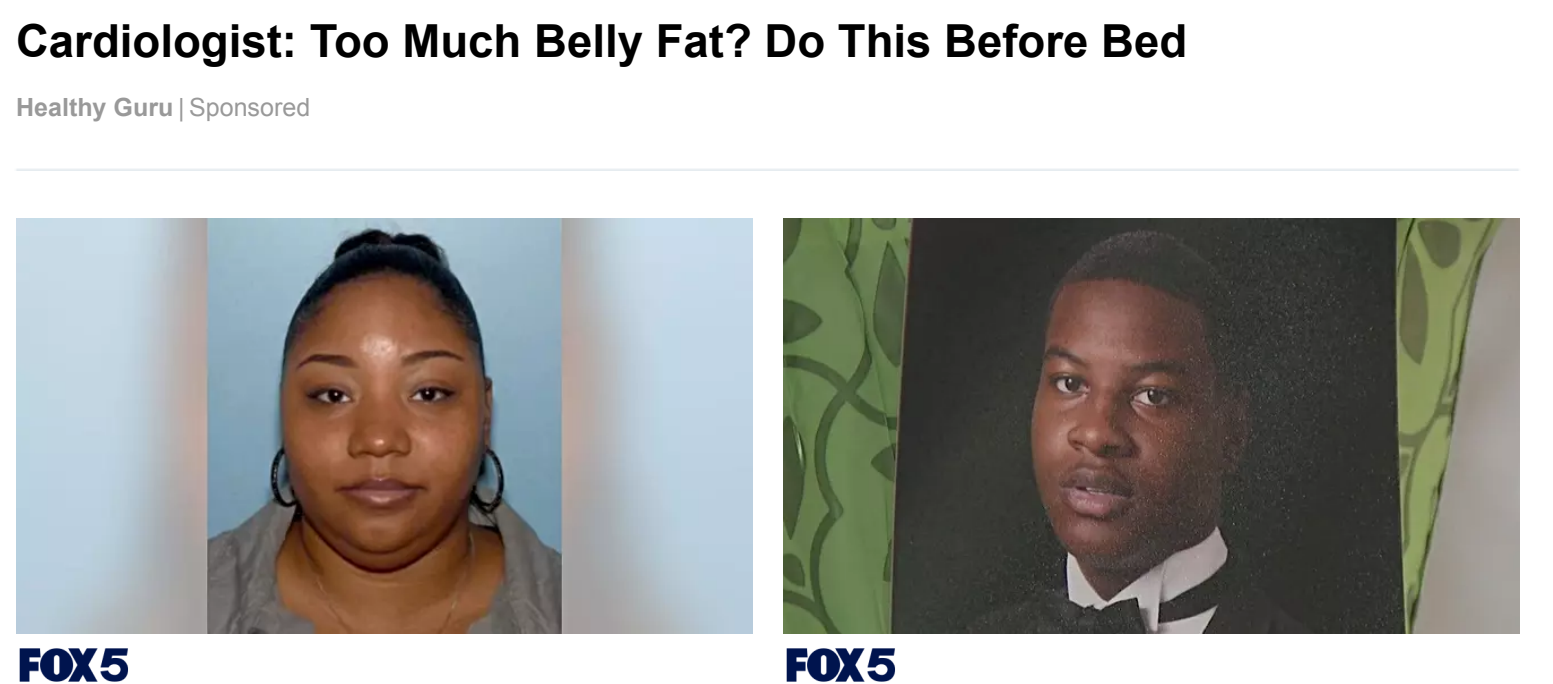
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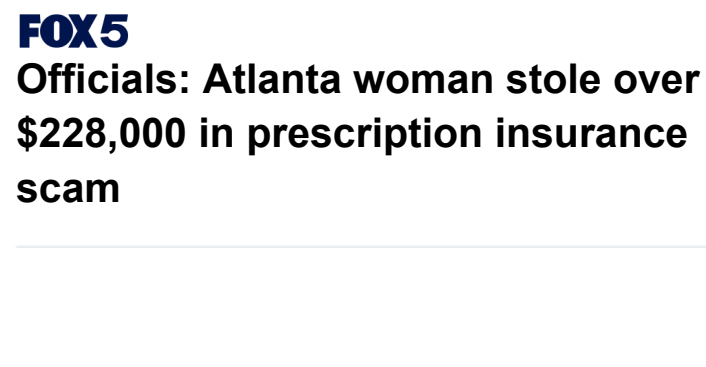

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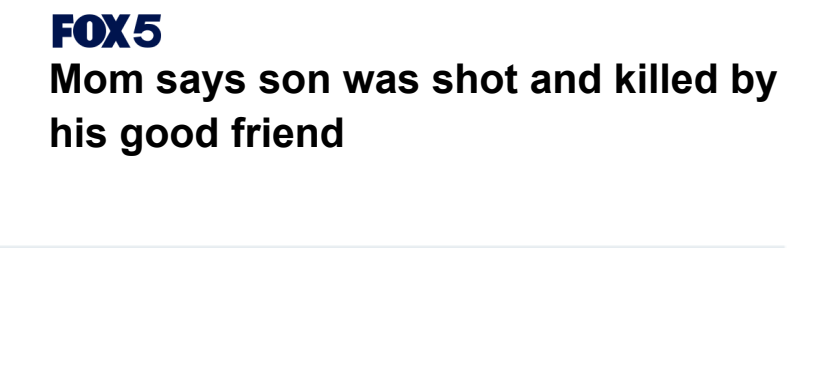

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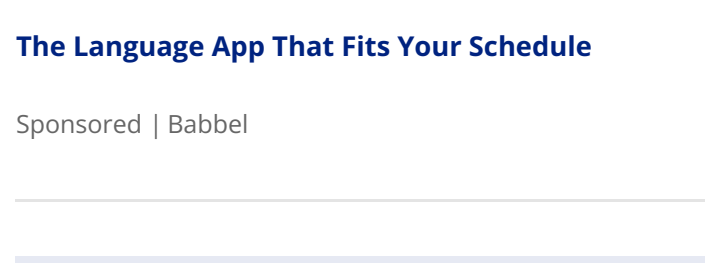
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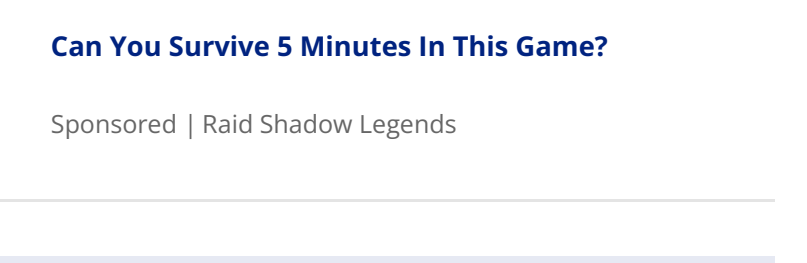
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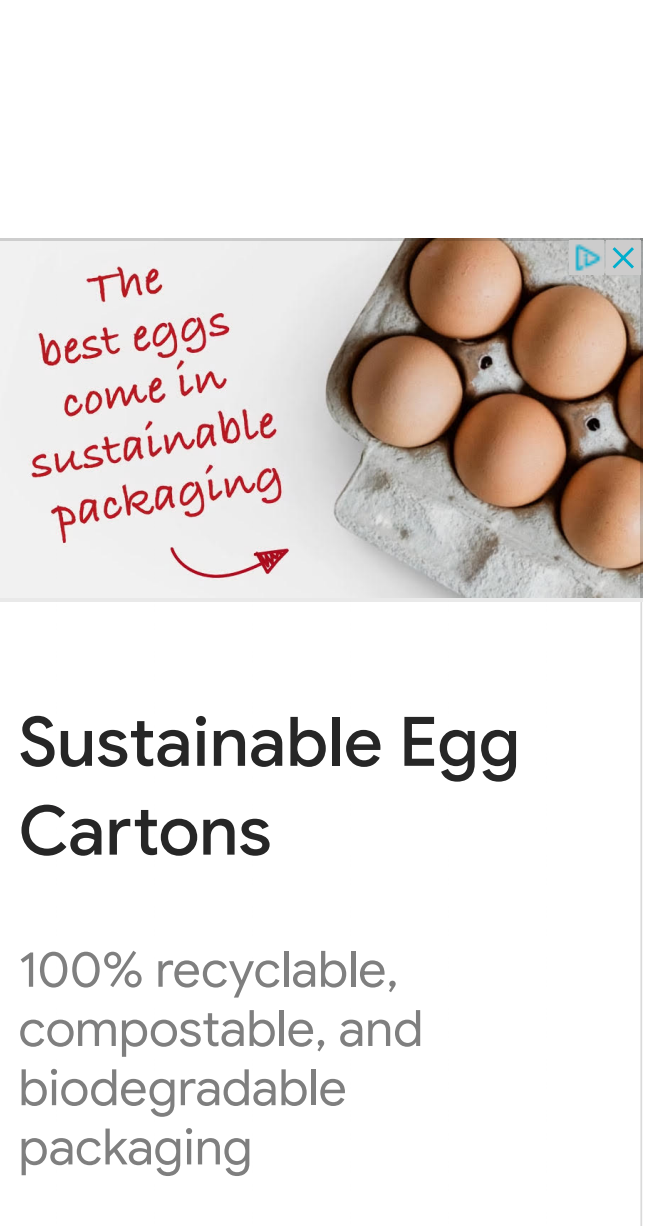

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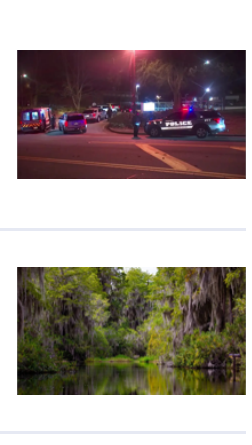
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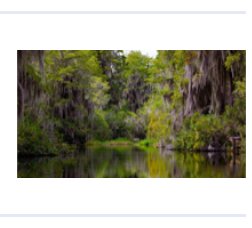

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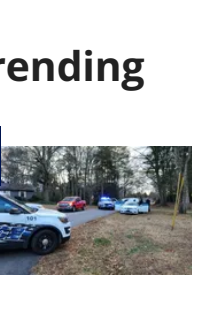
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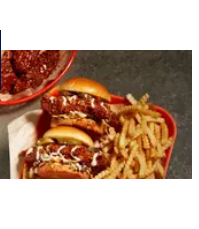
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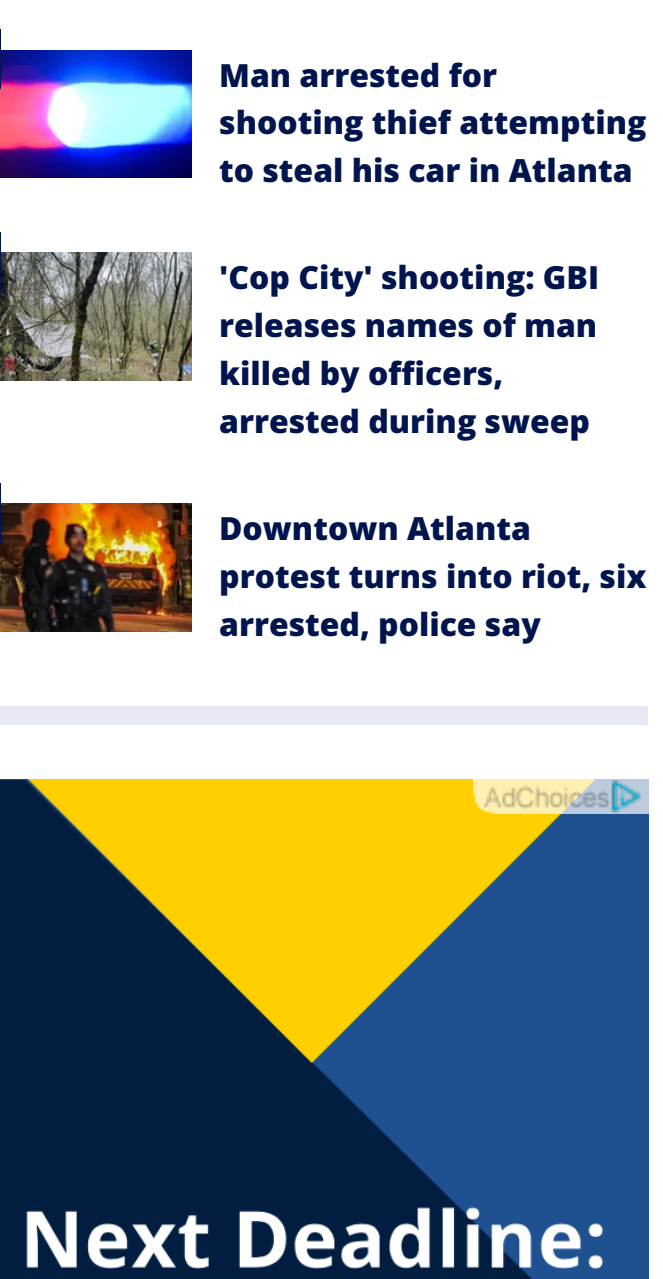
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