



SUPREME COURT OF GEORGIA
Case No. S17C1744

Atlanta, November 14, 2017

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed.

AARON GRANT-FARLEY v. THE STATE

Upon consideration of the Motion for Reconsideration filed in this case, it is
ordered that it be hereby denied.

All the Justices concur, except Blackwell, J., not participating.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court
hereto affixed the day and year last above written.

, Clerk

REMITTITUR

SUPREME COURT OF GEORGIA

Case No. S17C1744

Atlanta, October 02, 2017

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

AARON GRANT-FARLEY v. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the petition be hereby denied.

All the Justices concur, except Blackwell, J., not participating.

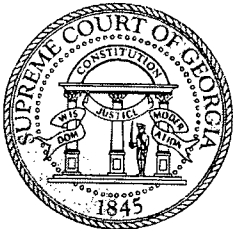
Associated Cases

A17D0411

Costs paid: Indigent

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta November 15, 2017



I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said Court hereto affixed the day and year last above written.

Lia C. Pittor , Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, May 22, 2017

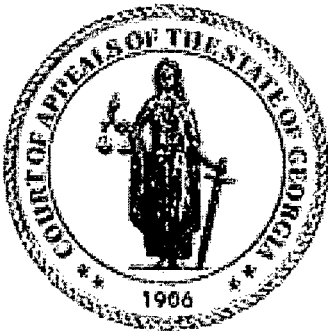
The Court of Appeals hereby passes the following order

A17D0411. AARON GRANT-FARLEY v. THE STATE.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

0292840



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 22, 2017.

*I certify that the above is a true extract from the minutes
of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Stephen E. Castle, Clerk.

Filed In Office Mar-22-2017 16:05:53
ID# 2017-0031752-CR
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IN THE SUPERIOR COURT OF COBB COUNTY

STATE OF GEORGIA

Rebecca Keaton 8P
Rebecca Keaton
Clerk of Superior Court Cobb County

THE STATE OF GEORGIA

v.

AARON GRANT-FARLEY,

Defendant

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INDICTMENT NO. 02-9-2840

ORDER

The Court conducted a hearing on Defendant's Extraordinary Motion for New Trial, as amended, on March 6, 2017. The Court reviewed Defendant's Extraordinary Motion for New Trial, filed May 9, 2016; Defendant's Brief in Support, filed June 6, 2016; Defendant's Extraordinary Motion for New Trial, filed December 5, 2016; Defendant's Amended Extraordinary Motion for New Trial, filed January 30, 2017; Defendant's Documents in Support of Extraordinary Motion for New Trial and Amended Extraordinary Motion for New Trial, filed March 1, 2017; and the State's Response in Opposition to Extraordinary Motion for New Trial, filed February 24, 2017. The Court heard testimony of Defendant's witnesses, being Defendant's trial attorney, Mr. Ray Gary, Jr., and Defendant's mother, Maxine N'diaye. The Court reviewed evidence tendered and admitted. The Court heard and considered argument by the parties. Defendant proceeded

without an attorney, and the State was represented by Senior Assistant District Attorney Amelia G. Pray.

Procedural History

Defendant was indicted by the Grand Jury of Cobb County for Armed Robbery (four counts), Kidnapping (four counts), and Aggravated Assault (four counts) against four PetSmart employees. After a trial by jury, Defendant was convicted of the Armed Robbery and Aggravated Assault counts and acquitted of the Kidnapping charges. The Court sentenced Defendant to a total of 40 years to serve.

Defendant filed a motion for new trial, which the Court denied, and Defendant appealed.

The Court of Appeals affirmed Defendant's judgment of conviction and sentence. Grant-Farley v. State, 292 Ga. App. 293, 664 S.E.2d 302 (2008).

Defendant's Extraordinary Motion for New Trial, as Amended.

In his Extraordinary Motion for New Trial, as amended, Defendant asserts he is entitled to a new trial on the basis of newly discovered evidence.

The standard for granting a new trial on the basis of newly discovered evidence is set out in Timberlake v. State, as follows:

It is incumbent on a party who asks for a new trial on the ground of newly discovered evidence to satisfy the court: (1) that the evidence has come to his knowledge since the trial; (2) that it was not owing to the want of due diligence that he did not acquire it sooner; (3) that it is so material that it would probably produce a different verdict; (4) that it is not cumulative only; (5) that the affidavit of the witness himself should be procured or its absence accounted for; and (6) that a new trial will not be granted if the only effect of the evidence will be to impeach the credit of a witness.

Timberlake v. State, 246 Ga. 488, 491 (1) (1980).

A defendant must satisfy all six requirements to secure a new trial. Id. “Failure to show one requirement is sufficient to deny a motion for a new trial.” Id. “Extraordinary motions for new trial are ‘not favored.’” Davis v. State, 283 Ga. 438, 440 (2) (2008).

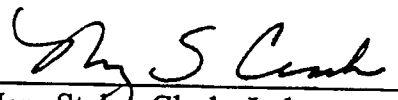
The Court FINDS that Defendant does not satisfy the requirements for the grant of a new trial based on newly discovered evidence. In support of his motion, Defendant tendered and the Court admitted letters written prior to the jury trial by his Trial Counsel, Ray Gary, Jr., to Defendant and to Defendant’s mother. The Court FINDS that the letters do not satisfy the Timberlake requirements. The letters are not newly discovered and do not contain any material whatsoever pertinent to Defendant’s guilt. The letters do not satisfy the rule’s third requirement of being “newly discovered evidence . . . so material that [they] would probably produce a different

verdict." Timberlake, at 491 (1).

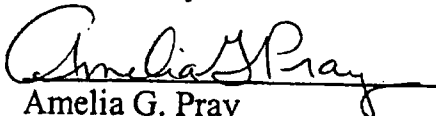
The Court FINDS that Defendant does not present any evidence that satisfies the requirements for the grant of an extraordinary motion for new trial based on newly discovered evidence.

The Court having reviewed the testimonies and arguments presented at the hearing and in pleadings filed on Defendant's extraordinary motion for new trial; the record; and transcripts of the case, the Court DENIES Defendant's Extraordinary Motion for New Trial, as amended, on all grounds.

SO ORDERED this 22 day of March, 2017.


Mary Staley Clark, Judge
Cobb Judicial Circuit
State of Georgia

Presented by:


Amelia G. Pray
Senior Assistant District Attorney
Cobb Judicial Circuit
Georgia Bar No. 586734

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA

v.

AARON GRANT-FARLEY

Defendant

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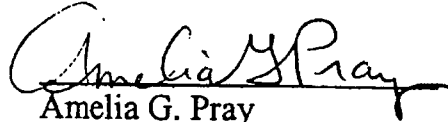
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INDICTMENT NO. 02-9-2240

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing
Order upon Defendant by placing a copy of the same in the United States
Mail properly addressed and adequate postage affixed thereon to Defendant
Aaron Grant-Farley SOID #000749611, Calhoun State Prison, P.O. Box
249, Morgan, Georgia 39866.

This the 22nd day of March, 2017.



Amelia G. Pray

Senior Assistant District Attorney
Cobb Judicial Circuit

70 Haynes Street
Marietta, Georgia 30090
(770) 528-3080

**Additional material
from this filing is
available in the
Clerk's Office.**