

**From:** Greg Land [mailto:GLand@alm.com]  
**Sent:** Thursday, December 12, 2013 4:13 PM  
**To:** Clark D Cunningham  
**Subject:** FW: State vs. Jon Thieme

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**From:** Jones, Yvette [mailto:Yvette.Jones@fultoncountyga.gov]  
**Sent:** Thursday, December 12, 2013 3:23 PM  
**To:** Greg Land  
**Subject:** State vs. Jon Thieme

Greg,

Per your request, please find the following statement from District Attorney Howard and note the attached document.

“The charges against defendant Jon Thieme involve serious allegations of child molestation. The possible prison sentence for the remaining charge could result in a sentence of 25 years to life in prison. Accordingly, when we received information alleging possible withholding of “recantations by the victim” by the ADA who prosecuted this matter, we decided that the best course of action involved consenting to a new trial. Our consent was provided not to suggest Demone Lee was guilty in any degree of prosecutorial misconduct, but simply a legal device designed to provide a new trial for the defendant.

It is clear from reading the transcript (attached) of the trial that Mr. Lee was open and honest in highlighting the 9-year-old boy’s confusion about the anal sex charge lodged against the defendant.

In closing, Mr. Lee tells the jury:

*“I specifically asked him for a reason because I want him to be honest with you – I asked him, Did he touch you any time other than that [?H]e didn’t mention about the anus. He didn’t mention it. And let’s be honest about it. He mentioned that in his interview beforehand, but today, or the other day, when he testified before you, he said, No, that didn’t happen. That’s very important. ... So I will agree with defense counsel to a certain extent that maybe he was a little confused when it comes to him being anally sodomized. And that child was honest about that. But there has not been one inconsistency at its core when it comes to being orally sodomized by the defendant. Not one. The reason why we added that charge of anal sodomy is because little nine-year-old (victim’s name omitted) stated that in his statement. But what I’m asking you, ladies and gentlemen, is to determine these facts based upon what you heard here in this courtroom. You don’t have to find him guilty of count two in the indictment dealing with anal sodomy. But you are compelled to find him guilty of count one dealing with oral sodomy. Compelled. “*

Later, Lee tells the jury:

*“This is count 2. This is the count dealing with the anus. ... As I stated, we will concede that. Live testimony the child said, No, that didn’t happen.”*

The jury subsequently acquitted the defendant of count two of the Aggravated Child Molestation charge related to the anal sodomy allegation and convicted him of count one which related to the oral sodomy allegation.

Even though Mr. Cunningham previously raised sensational and groundless assertions against another Fulton County Assistant District Attorney in 2010, I suspect had he conducted a more thorough investigation (including reading the trial transcript) he would see this matter in a different light. We are now in preparation to try Mr. Thieme again.”

Paul L. Howard, Jr.  
District Attorney

*Yvette Jones*

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