

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

VS.

ERIK A. COOPER,

DEFENDANT.

INDICTMENT NO.:
03-B-03705-1

FILED IN THE
SUPERIOR COURT
OF GWINNETT COUNTY, GA
05 APR 13 PM 3:23
TOM LAWLER, CLERK

NOTICE OF CONTEMPT CHARGE AGAINST CHRIS FRAZIER, ESQ.

AND ORDER OF RECUSAL

The above-styled case came before the Court for a specially set jury trial on March 14, 2005, and Defendant's co-counsel, Chris Frazier failed to appear. At all relevant times, Terry Lloyd was lead counsel for Defendant and Chris Frazier was co-counsel. Both counsel were retained. The Court provides the following chronological history as background on the case:

On March 2, 2005, Mr. Frazier filed a motion to withdraw, citing "multiple disputes and irreconcilable differences" between Mr. Cooper and himself [Exhibit 1]. On March 4, 2005, Defendant *pro se* filed a Motion to Oppose Withdrawal of Christopher A. Frazier as Criminal Defense Counsel citing Mr. Frazier's failure to "provide legal services as described in its Representation Agreement" [Exhibit 2]. The Court scheduled a hearing on the issue for March 7, 2005, and Mr. Frazier failed to appear allegedly due to illness. The Court heard argument on the motion and denied the same. The Court communicated its ruling to Mr. Frazier via email and also advised Mr. Frazier to appear for trial on Monday, March 14, 2005.

Mr. Frazier received the Court's email and responded via email, asking the Court to reconsider its ruling denying his motion to withdraw. The Court, through its Staff Attorney, replied to Mr. Frazier's email, stating that the Court would take up any further argument on his motion to withdraw on Monday, March 14, 2005, but that he [Mr. Frazier] should be prepared to go forward with trial on Monday [Exhibit 3].

On the morning of trial, March 14, 2005, Terry Lloyd advised the Court that on the previous evening, he received an email from Monique Frazier, Chris Frazier's wife, stating that her husband "sliced his wrists vertically with a knife" and refused medical attention urged by his wife [Exhibit 4]. When Mrs. Frazier attempted to call 911, Chris Frazier pushed her out of the elevator and left in his car. As of 11:45 p.m. on March 13, 2005, a search was out for Chris Frazier. Mrs. Frazier's email indicated that Chris had been increasingly depressed over the past year.


In a letter faxed to the Court on March 14, 2005, Mr. Lloyd advised that Chris had returned home and was very despondent. He believed that Mrs. Frazier was presently attempting to get medical and psychological help for Chris [Exhibit 5].

Attorney Lloyd moved for a continuance based on Mr. Frazier's absence, but the Court denied the motion, finding Mr. Lloyd to be competent and able to handle the responsibilities of Mr. Frazier. Due to Mr. Frazier's alleged psychological problems and other issues raised by Mr. Frazier's motion to withdraw, the Court stated it would refer the matter to the State Bar of Georgia for investigation.

The Court hereby places Mr. Frazier on notice that he may be cited for civil

contempt for his abandonment of Mr. Cooper's case and refusal to appear for trial. To avoid any appearance of impropriety, the Court recuses itself from the hearing on the contempt pursuant to Uniform Superior Court Rule 25.7 and requests the Chief Judge to assign the hearing of this case to another judge.

SO ORDERED, this 12th day of April, 2005.


WILLIAM M. RAY, II, Judge
Gwinnett Superior Court

cc:
David Keeton
Terry Lloyd
Doug Peters
Chris Frazier
Chief Judge Dawson Jackson

IN THE SUPERIOR COURT OF GWINNETT COUNTY

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

05 MAR -2 AM 8:47

TOM LAWLER, CLERK

STATE OF GEORGIA

STATE OF GEORGIA

vs.

ERIK ADAM COOPER,

Defendant.

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Indictment No. 03-B-3705-1

MOTION TO WITHDRAW

Now comes Christopher A. Frazier (hereafter "Frazier"), according to the requirements of Rule 4.3 of the Uniform Rules of Superior Court, and files this his Motion to Withdraw as associate counsel for the Defendant, Erik Adam Cooper (hereafter "Cooper"), in the foregoing case. As grounds, Frazier shows the Court following:

1.

Since being retained to serve as associate counsel for Cooper, there have arisen multiple disputes and irreconcilable differences between Frazier and Cooper.

2.

The disputes and differences are of such a nature that Frazier is unable to defend Cooper with the degree of zealotry contemplated and required by the State Bar of Georgia's Code of Professional Responsibility.

3.

Frazier has thus far rendered many valuable professional services to Cooper including, but not limited to, assisting Terry Lloyd, lead counsel for Cooper, to prepare for trial in March.

EXHIBIT 1

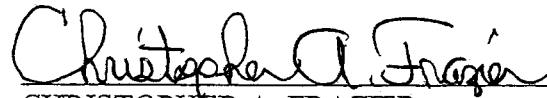
4.

By withdrawing from Cooper's case at this time, Cooper's defense will in no way be impaired, and Lloyd and Cooper will still be prepared to go to trial in March as presently scheduled.

5.

Cooper has been informed by Frazier of Cooper's obligations under Rule 4.3 of the Uniform Rules for the Superior Courts of Georgia.

Respectfully submitted:



CHRISTOPHER A. FRAZIER

Attorney for Defendant

Georgia Bar No. 274625

The Frazier Law Firm, LLC
P.O. Box 8345
Savannah, GA 31412-8345
(912) 897-7799

STATE OF GEORGIA

COUNTY OF CHATHAM

CERTIFICATE OF SERVICE

This is to certify that I have, before filing, served the foregoing Motion to Withdraw upon the State of Georgia, upon lead counsel, Mr. Terry Lloyd, and upon the Defendant, Erik Cooper, by placing a copy in a properly addressed envelope with sufficient postage attached addressed as follows:

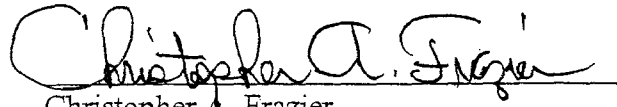
Mr. David Keeton
Assistant District Attorney
Gwinnett Judicial Circuit
75 Langley Drive
Lawrenceville, GA 30245;

Mr. Terry Lloyd
Attorney at Law
King & Lloyd
249 Culver St.
Lawrenceville, GA 30045;

Mr. Erik Cooper

Judge William C. Ray, II
Division 1
Superior Court of Gwinnett County
75 Langley Drive
Lawrenceville, GA 30045

This 28th day of September, 2005.

A handwritten signature in cursive script, reading "Christopher A. Frazier", written over a horizontal line.

Christopher A. Frazier

Associate counsel for Defendant Erik Cooper

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

IN THE SUPERIOR COURT OF GWINNETT COUNTY

05 MAR -4 PM 2:28

STATE OF GEORGIA

TOM LAWLER, CLERK

STATE OF GEORGIA

*

v.

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INDICTMENT # 03-B-3705-1

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ERIK A. COOPER

*

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Defendant.

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**MOTION TO OPPOSE WITHDRAWAL OF
CHRISTOPHER A. FRAZIER AS CRIMINAL DEFENSE COUNSEL**

NOW COMES the Defendant in the above-styled case and files this Motion to Oppose Withdrawal of Christopher A. Frazier as Criminal Defense Counsel, and in support thereof, shows the Court as follows:

1.

On May 5, 2004, the Defendant contacted attorney Christopher A. Frazier with interest of retaining Mr. Frazier as additional criminal defense counsel for the above-styled case. Mr. Frazier presented himself to the Defendant as legal counsel with professional experience, knowledge and training in the trial and criminal defense of child molestation cases.

2.

Mr. Frazier and the Defendant engaged in a professional relationship through execution of a Representation Agreement effective September 1, 2004. As instructed by Mr. Frazier, the Defendant paid a deposit installment fee directly to Mr. Frazier's bank account on this date.

3.

Mr. Frazier accepted responsibility for and shares important tasks critical to preparation and presentation of the defense during trial of the above-styled case.

EXHIBIT 2

his choice at the trial.”

8.

The Court granted the Defendant’s Motion for Continuance based upon Mr. Frazier’s father’s declining health. Honorable Judge John Frazier subsequently passed away.

9.

Prior to and since the death of Honorable Judge John Frazier, Mr. Frazier has been largely unavailable and unresponsive to the Defendant’s multiple communication attempts. Mr. Frazier failed to timely prepare a Motion for Reconsideration of a Motion for Taint Hearing, to share for review the Motion with co-counsel and the Defendant, and to timely file with the Court or provide copy of the Motion to Honorable Assistant District Attorney David Keeton.

10.

Mr. Frazier maintains an important role in the preparation and trial of the case.

11.

Mr. Frazier advised the Defendant of his intent to file a Motion to Withdraw immediately following the Court’s decision to grant the Defendant’s Motion for Continuance. Mr. Frazier untimely filed his Motion to Withdraw as defense counsel for the above-styled case, only two weeks before trial begins on March 14, 2005.

12.

Mr. Frazier declined the Defendant’s multiple requests for a meeting, at the Defendant’s time, expense and travel to Mr. Frazier’s principal place of business in Savannah, Georgia.

13.

The Defendant submitted written correspondence addressed to Mr. Frazier and dated January 25, 2005, advising of serious concerns regarding Mr. Frazier’s lack of work in this case.

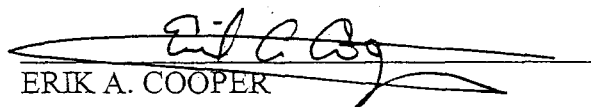
The Defendant expressed concern regarding Mr. Frazier's intent to abandon his work for the case and withdraw as legal counsel during the most critical stage of preparing the legal defense. Subsequently, Mr. Frazier filed his Motion to Withdraw.

14.

The Defendant contends the withdrawal of co-counsel Christopher A. Frazier at this late date will impede upon the Defendant's ability to be prepared for trial on March 14, 2005. The Defendant contends he can not receive a fair trial if Mr. Frazier's work is abandoned and the Court grant's Mr. Frazier's withdrawal as co-counsel for the defense.

WHEREFORE, the Defendant, Erik A. Cooper, moves this Court to deny the request of Christopher A. Frazier to withdraw as co-counsel for the defense.

Respectfully submitted:


ERIK A. COOPER
Pro Se


CERTIFICATE OF SERVICE

I, Erik A. Cooper, do hereby certify that I have on this 4th day of March, 2005, served a copy of the foregoing upon counsel for the State, by facsimile and by hand delivery to:

Honorable David Keeton
Senior Assistant District Attorney
75 Langley Drive
Lawrenceville, Georgia 30045

and by Federal Express overnight delivery service to:

Mr. Christopher A. Frazier
Attorney at Law
8001 U.S. Highway 80 East
Unit 301
Savannah, Georgia 31410



ERIK A. COOPER
Pro Se

Terry Lloyd

From: Monique Frazier [mfrazier@comcast.net]
Sent: Sunday, March 13, 2005 11:45 PM
To: Terry Lloyd
Subject: urgent and confidential, please

Dear Terry,

I phoned your office earlier this evening. Chris has become increasingly depressed over the past year. I suggested that he attend the trial without me, because his depression manifests itself in rage toward everything and everybody, no matter how minor the incident. (i.e., he was furious with me when I trimmed my hair.) I understand his frustration over Erik's behaviour, but Chris has always been a person of dramatic extremes.

I told him that I thought, given the way he was feeling, he would probably benefit from the time of solitude. (He had suggested that same idea last week.) However, because of his inexplicable and sudden changes of mood, I declined.

Around 7:30 tonight, he sliced his wrists vertically with a knife several that he must have bought, and said he wanted me to watch. As he had somehow disabled the phones, I got into the elevator to dial a neighbor to ask them to call 911. He pushed me out of the elevator, and left in his car. I managed to get to a neighbor to call the police, and there is a search for him, and a resident called her and said someone had run into a post. I've contacted his psychiatrist, who has treated Chris for over twenty years, and, although Chris has alluded to it in the past, his doctor believes this to be a serious threat. I was told that if I had a probate judge's order, the police would take it more seriously and not allow him to talk his way out of it. But I cannot get that order until tomorrow morning, nor can I file a missing person's report until then. I'm so afraid that by morning it may be too late. My only hope is that I recall him telling me that if someone was serious, he would slice his arm from wrist to elbow to cause the most damage to any arteries and loss of blood. I can't believe I'm writing

this. His doctor said that with the enormous amount of pressure he's been under, there was no way I could have said, or refrained from saying anything that would have made any difference, because he is not thinking rationally.

The policeman was most kind, and even spoke with the doctor himself, to see if he knew of any way he could get a judge's cooperation tonight.

He assured me that he would let me know as soon as he found out anything. I would go out look for him myself if I had the transportation.

If you have any suggestions, please let me know. I realize you have been in an extremely difficult situation, for which I'm very sorry. I do admire your ability to have remained a gentleman throughout, and handled it with great tact, discretion and dignity.

If I do not hear anything in the morning, what should I do, and whom should I contact? I doubt I will be able to sleep tonight, so if by chance I fall asleep in the early morning hours and am not roused by the alarm I will set, would you please ask Jenni to give me a call?

Thank you so much, and please accept my apologies for all the trouble we have been to you.

Sincerely,
Monique Frazier

KING & LLOYD, P. A.
ATTORNEYS AT LAW

JUDY C. KING
TERRY L. LLOYD, P.C.

249 CULVER STREET
LAWRENCEVILLE, GA 30045

TEL 770-962-0118
FAX 770-962-2412

BY FACSIMILE 770-822-8637

March 14, 2005

Honorable William M. Ray, II
Judge of Superior Court
75 Langley Drive
Lawrenceville, Georgia 30045

Re: State v. Erik A. Cooper
Indictment No. 03-B-3705-1

Dear Judge Ray:

I am sending you this email from Chris Frazier's wife. Apparently Chris is in very bad shape. I called and talked to his wife this morning a few minutes ago. He has now come back home and is very despondent. She is attempting to get medical and psychological help right now.

In light of these events, my client has asked me to ask for a continuance.

Sincerely,



TERRY LLOYD

TLL/jo

cc: Honorable David Keeton 770-822-8465

EXHIBIT 5