

IN THE SUPERIOR COURT OF POLK COUNTY
STATE OF GEORGIA

Stacie M Baines
Stacie M. Baines, Clerk
Polk County, Georgia

JIMMY BRIAN BLACKMON,)
Petitioner,)
)
v.) CIVIL ACTION FILE
) NUMBER: 2021-CV-132 MHM
)
JOHNNY MOATS,)
Respondent.)

ORDER ON PETITION FOR WRIT OF MANDAMUS ABSOLUTE

This matter is pending before the undersigned after *sua sponte* recusal by Judge Meng Lim. In this petition, Jimmy Brian Blackmon seeks a *Writ of Mandamus Absolute* against Polk County Sheriff Johnny Moats that would require Sheriff Moats to accept as surety for Blackmon's bond a transfer bond from Carroll County in the amount of \$110,200.00 as ordered by Judge Lim, and to immediately release Blackmon from the custody of the Polk County Sheriff's Department. Blackmon also seeks to have Sheriff Moats pay Blackmon's reasonable attorney's fees and costs of bringing litigation.

I. Procedural history-

A. Arrest and pre-indictment Motion for Bond:

After an 8-day manhunt which involved the lock down of local schools, law enforcement helicopters, and the assistance of the United States Marshals Service and many local law enforcement officers at significant public expense, Jimmy Brian Blackmon was arrested on his father's property in Carroll County, Georgia, on October 26, 2020. Blackmon was wanted on Polk County warrants alleging the October 18, 2020, murder of his wife, along with possession of a firearm during the commission of a crime, third degree cruelty to children, and influencing a witness.

On November 23, 2020, petitioner Blackmon filed a Motion for Bond in the Superior Court of Polk County in case number 2020-CR-1619-MHL (previously 2020-UN-349-MHL). The Motion for Bond was set for a hearing on December 14, 2020, before Judge Meng Lim.

B. Blackmon indicted by Polk County grand jury on December 10, 2020:

Prior to Judge Lim hearing the bond motion, Blackmon was indicted by a Polk County grand jury on December 10, 2020, and stands charged in Polk Superior Court criminal action file number 2020-CR-1619 MHL for the offenses of malice murder of his wife, two counts of felony murder against his wife, family violence aggravated assault against his wife, possession of a firearm by a convicted felon, possession of a firearm during the commission of a felony, and third degree cruelty to children for allegedly murdering his wife with the knowledge that a child was present to hear the act.

C. Judge Lim commences hearing on Motion for Bond on December 14, 2020:

After the above indictment was returned by the grand jury, the two-day hearing on Motion for Bond commenced on December 14, 2020.

Judge Meng Lim granted bond to Blackmon with conditions by order filed on December 18, 2020, in the amount of \$500,000.00. See Plaintiff's Exhibit #1.

D. Blackmon's Motion for Bond Reduction:

On January 5, 2021, Blackmon filed a Motion for Bond Reduction. The motion was set for hearing on January 11, 2021.

By order dated January 12, 2021, Judge Lim reduced Blackmon's bond to the amount of \$100,000.00 and amended the bond order to add additional names to the "no-contact" provision of the bond.

As to the type of surety for the bond, Judge Lim's order provided that "upon the Sheriff approving surety, the Defendant shall be released from the Polk County Jail upon the Defendant making a real property bond in the amount of \$100,000.00. This bond order requires that the surety be real property." See Plaintiff's Exhibit #2.

E. Blackmon's first Motion to Amend Bond Order or Clarify Bond:

On January 19, 2021, Petitioner Blackmon filed a Motion to Amend Bond Order or Clarify Bond. The motion states in part that,

7.

Despite the clear language of the Amended Order Setting Bond, the Polk County Sheriff is interpreting the bond order to require that only the Defendant's father's property can be used as

