

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

Plaintiff,

VS.

HANNAH KASS,

Defendant.

CASE NO. 26CR01280

Hon. Sonja M. Brown

DEFENDANT KASS'S
MOTION TO DISMISS BASED ON SELECTIVE PROSECUTION
ALTERNATIVE REQUEST FOR RELEVANT DISCOVERY
REQUEST FOR VIRTUAL HEARING

COMES NOW, Hannah Kass, and through undersigned Counsel, hereby submits this MOTION TO DISMISS BASED ON SELECTIVE PROSECUTION, pursuant to Ga. Const. art. I, § I, para. II; U.S. Const. amend. XIV § 1; and State v. Agan, 259 Ga. 541 (1989).

Given that Defendant has made a preliminary claim of selective prosecution, if this Court does not dismiss this matter at this stage, she alternatively requests all relevant discovery on this issue, as elaborated below.

Concurrently, should the Court require argument, Defendant submits a REQUEST FOR VIRTUAL HEARING, pursuant to Ga. R. Super. Ct. 9.2. In support of said Motion to Dismiss and Alternative Request for Discovery, Defendant shows as follows:

RELEVANT FACTS AND PROCEDURAL HISTORY

1. This Indictment grows out of alleged acts that took place during a protest against Brasfield & Gorrie, a construction contractor, on May 12, 2022, in the context of the broad "Stop Cop City" movement.

2. Numerous individuals from various state citizenships were present at the protest, detained, interrogated, investigated, and/or arrested.
3. However, based on the information available to Defendant, only out-of-state citizens were selectively indicted in this matter.
4. Unlike Defendant, a Georgia resident facing the same underlying charges as her was not indicted but instead received a Nolle Prosequi after paying restitution. Exhibit A, Nolle Prosequi Order of Former Co-Defendant.
5. During an April 23, 2026, press conference announcing this Indictment, Attorney General Chris Carr emphasized that the individuals indicted in the prosecution were from out of state, demonstrating the selective nature of this prosecution.¹
6. In a written press release, Attorney General Chris Carr emphasized that out-of-state defendants were being targeted in this Indictment, saying, “This isn’t Portland or Seattle. If you come to our state and engage in violence, threaten private businesses and damage property, you will be identified and prosecuted to the fullest extent of the law.”²
7. In a May 12, 2022, incident report prepared by Cobb County Police officer G.C. Meyer, the responding officer documented nine license plates alleged to be of people who participated in the protest. Three of the license plates are from Georgia. Despite clear allegations against the vehicle owners, no Georgia resident was indicted. Exhibit B, Redacted Cobb County Report.

¹ Fox5, Arson indictments in training center attack, Fox Television Stations, Apr. 23, 2026 (accessed on May 14, 2026, at <https://www.fox5atlanta.com/video/fmc-we2tc92anti2kbe3>).

² Kara (Richardson) Murray, Carr Indicts Three for Targeting Training Center Contractor in Cobb County, Office of the Attorney General, Apr. 23, 2026 (accessed on May 14, 2026, at <https://law.georgia.gov/press-releases/2026-04-23/carr-indicts-three-targeting-training-center-contractor-cobb-county>).

ARGUMENT

A criminal defendant must be granted a full dismissal of their charges in a pretrial motion to dismiss when their prosecution is “intentional or purposeful discrimination which is deliberately based upon an unjustifiable standard, such as race, religion, or other arbitrary classifications.” State v. Agan, 259 Ga. 541, 547 (1989) (citing State v. Causey, 246 Ga. 735, 737 (1980)). “To make out a claim of unlawful selective prosecution, [a defendant] ha[s] to show that [their] prosecution represented an intentional and purposeful discrimination which was deliberately based upon an unjustifiable standard” Wallace v. State, 299 Ga. 672, 674 (2016) (internal citations omitted); see also United States v. Heidecke, 900 F.2d 1155, 1158 (7th Cir. 1990) (summarizing standard for selective prosecution across jurisdictions), United States v. Falk, 479 F.2d 616, 619-20 (7th Cir.1973) (selective prosecution shown “when a defendant alleges intentional purposeful discrimination and presents facts sufficient to raise a reasonable doubt about the prosecutor's purpose”). Upon a sufficient showing of evidence establishing the elements, the defense may engage in discovery for its selective prosecution claim. United States v. Bass, 536 U.S. 862, 863 (2002) (“[A] defendant who seeks discovery on a claim of selective prosecution must show some evidence of both discriminatory effect and discriminatory intent.”); see also United States v. Hsia, 24 F. Supp. 2d 33, 49 (D.C. 1998) (explaining that to obtain discovery for selective prosecution, the defendant must make a “colorable claim” of the elements based on some evidence, which is lesser than the “clear evidence” standard).

Here, Defendant was unlawfully targeted for prosecution based on her out-of-state citizenship. Discrimination based on state citizenship is plainly an arbitrary and unjustifiable standard, because differential treatment based on foreign state of residence implicates an individual’s Equal Protection rights in violation of the U.S. Constitution. Williams v. Vermont,

472 U.S. 14 (1985), Metro. Life Ins. Co. v. Ward, 470 U.S. 869 (1985). Not only has the chief prosecutor overseeing this case admitted that the Indictment targeted out-of-state citizens, but a similarly positioned, Georgia citizen was granted a *dismissal* instead of being indicted at all. Moreover, despite the alleged presence of multiple Georgia-registered vehicles at the scene, an Indictment was only sought and obtained against non-Georgia residents, including Defendant. This Court must dismiss this case, because the facts show “that similar offenses have gone uninvestigated or unprosecuted; that the district attorney knew or should have known of such offenses; and that failure to act is without a reasonable and responsible explanation.” Agan, 259 Ga. at 548-49. Although there are widespread theories of outside agitators descending on cities to commit crimes, a prosecutorial choice selectively based on state citizenship should not stand under the law, because the State’s actions cannot be justified by a “reasonable and responsible” explanation. In sum, Defendant has been selectively prosecuted, while others similarly situated have not, based on an identifiable, arbitrary group membership, state citizenship.

CONCLUSION

WHEREFORE, based on the foregoing, Defendant requests that this Court DISMISS this case. Should dismissal not be granted at this stage, Defendant requests all relevant discovery to this issue, including, but not limited to, the following:

1. Full names and addresses of every individual stopped, seized, interviewed, arrested, and/or investigated related to this incident; and
2. All police reports, notes, and memoranda related to the investigation of every individual seized, stopped, questioned, and/or arrested related to this incident.

Should the Court require argument, Defendant requests a VIRTUAL HEARING.

DATED: This, the 15th day of May, 2026.

/s/ Xavier Torres de Janon
Xavier T. de Janon
Georgia Bar 118114
People's Law Collective
P.O. Box 470221
Charlotte, North Carolina 28247
Tel.: 704-448-9170
Email: xavier@peopleslaw.co

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,

PLAINTIFF,

VS.

HANNAH KASS,

DEFENDANT.

CASE NO. 26CR01280

CERTIFICATE OF SERVICE

I hereby CERTIFY that a copy of the foregoing MOTION TO DISMISS BASED ON SELECTIVE PROSECUTION, ALTERNATIVE REQUEST FOR RELEVANT DISCOVERY, and REQUEST FOR VIRTUAL HEARING were served via Odyssey eFileGA e-service to Opposing Counsel Deputy Attorney General John Fowler at: Jfowler@law.ga.gov.

DATED: This, the 15th day of May, 2026.

/s/ Xavier Torres de Janon
Xavier T. de Janon
Georgia Bar 118114
People's Law Collective
P.O. Box 470221
Charlotte, North Carolina 28247
Tel.: 704-448-9170
Email: xavier@peopleslaw.co

Exhibit A

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

FILED IN COURT
THIS 4/17 2025
AT 10:23 A^M

CAROL MCCRATER
DEPUTY CLERK

STATE OF GEORGIA

CASE NO: 242030

vs.

OTN:

JOSEPH WILLIAM TURNER

NOLLE PROSEQUI

A Nolle Prosequi of all charges in the above Indictment/Accusation is HEREBY ENTERED for the following reason(s):

Due to insufficient evidence to prove the charges beyond a reasonable doubt;

At the request, or due to the unavailability, of the alleged victim;

A co-Defendant has pleaded guilty and given sworn testimony exonerating this Defendant;

Other: While probable cause existed for the above charges, the State agreed to a dismissal upon payment of restitution, the Defendant has paid restitution in the amount of \$2,889.00 and confirmed the receipt of funds with the Superior Court Clerk, as such this case is being submitted for dismissal.

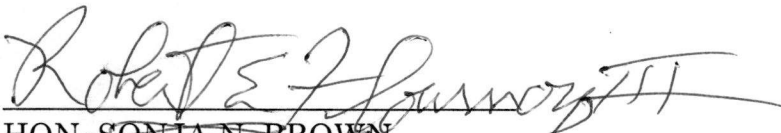
Access to criminal history record information regarding this case shall be restricted pursuant to OCGA 35-3-37(h)(2)(A).

This the 17 day of April, 2025.



JAY WINKLER
Senior Assistant District Attorney
Cobb Judicial Circuit

APPROVED BY:



HON. SONJA N. BROWN
Judge, Superior Court
Cobb Judicial Circuit

ROBERT E. FLOURNOY III
SENIOR JUDGE, STATE OF GEORGIA
PRESIDING IN COBB JUDICIAL CIRCUIT

ROBERT E. FLOURNOY III
SENIOR JUDGE, STATE OF GEORGIA
PRESIDING IN COBB JUDICIAL CIRCUIT

Exhibit B

INCIDENT/INVESTIGATION REPORT

| | | | | | |
|--|---|-------|--|----------------------------|--|
| I N C I D E N T D A T A | Agency Name Cobb County Police | | Case# 22-036911 | | |
| | ORI GA 0330200 | | Date / Time Reported 05/12/2022 12:45 Thu | | |
| | Location of Incident 2999 Circle 75 Pkwy, Smyrna GA 30080- | | Premise Type Commercial Office | Zone/Beat C, 319 | Last Known Secure 05/12/2022 12:33 Thu |
| | | | | | At Found 05/12/2022 12:45 Thu |
| #1 | Crime Incident(s) Damage/destruction/vandalism Of Property 290A | (Com) | Weapon / Tools Personal Weapons, Fire/incendiary Device, | Activity | |
| | | | Entry | Exit | |
| | | | Security | | |
| #2 | Crime Incident | () | Weapon / Tools | Activity | |
| | | | Entry | Exit | |
| | | | Security | | |
| #3 | Crime Incident | () | Weapon / Tools | Activity | |
| | | | Entry | Exit | |
| | | | Security | | |

| | | | | | | | | | | | | | | |
|----------------------------|---|---|-------|-----------------|-------------------|-----------|---------|---------------------|----------------|---------------------|--------------------------|-----------------|------------------------|--|
| MO | | | | | | | | | | | | | | |
| V I C T I M | # of Victims | 1 | Type: | BUSINESS | | | Injury: | Domestic: NO | | | | | | |
| | V1 | Victim/Business Name (Last, First, Middle) BRASFIELD AND GORRIE LLC | | | Victim of Crime # | 1, | DOB | Age | Race | Sex | Relationship To Offender | Resident Status | Military Branch/Status | |
| | Home Address 2999 CIRCLE 75 PKWY, Smyrna, GA 30080- | | | | | | | | | | Home Phone | | | |
| | Employer Name/Address GENERAL CONTRACTORS | | | | | | | | Business Phone | 678-581-6400 | | Mobile Phone | 678-581-6400 | |
| | YVR | Make | Model | Style | Color | Lic/Lis | VIN | | | | | | | |

| | | | | | | | | | | | | | | |
|--|---|----------------------------|--|--|-------------------|-----|-----|------|----------------|--------------------------|-----------------|------------------------|--|--|
| O T H E R S I N V O L V E D | CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) | | | | | | | | | | | | | |
| | Type: | | | | | | | | | | | Injury: | | |
| | Code | Name (Last, First, Middle) | | | Victim of Crime # | DOB | Age | Race | Sex | Relationship To Offender | Resident Status | Military Branch/Status | | |
| | Home Address | | | | | | | | | | Home Phone | | | |
| | Employer Name/Address | | | | | | | | Business Phone | Mobile Phone | | | | |

| P R O P E R T Y | 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction) | | | | | | | | | | | |
|--------------------------------------|---|------|---------------|-------------|----|-----|--------------------------------------|------------|---------------|--|--|--|
| | VI # | Code | Status Frm/Tc | Value | OJ | QTY | Property Description | Make/Model | Serial Number | | | |
| | 1 | 31 | 4 | \$5,000.00 | | 1 | STRUCTURE- OTHER COMMERCIAL/BUSINESS | | | | | |
| | 1 | 77 | 4 | \$20,000.00 | | 8 | WINDOWS | | | | | |
| | 1 | 77 | 4 | \$5,000.00 | | 1 | LANDSCAPING | | | | | |
| | | | | | | | | | | | | |
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|-------------|--|---|
| Officer/ID# | MEYER, G. C. (2100, PCT3) (2563) | |
| Invest ID# | THOMPSON, B. R. (2100, CIU3) (0959) | Supervisor DENSON, C. J. (2100, PCT3) (1616) |
| Status | Complainant Signature | Case Status Active 05/17/2022 |
| | | Case Disposition: |

Incident Report Additional Name List

Cobb County Police

OCA: 22-036911

Additional Name List

| Name Code/# | Name (Last, First, Middle) | Victim of Crime # | DOB | Age | Race | Sex |
|-------------|----------------------------|-------------------|----------------------|-----|------|-----|
| 1) WI I | [REDACTED] | | [REDACTED] | | | |
| Address | [REDACTED] GA [REDACTED] | | H: - - | | | |
| Empl/Addr | | | B: - - | | | |
| | | | Mobile #: [REDACTED] | | | |

INCIDENT/INVESTIGATION REPORT

Cobb County Police

Case # 22-036911

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

| | IBR | Status | Quantity | Type Measure | Suspected Type | |
|-----------------------|-----|--------|----------|--------------|----------------|--|
| D R U G S | | | | | | |
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Assisting Officers

Suspect Hate / Bias Motivated: *NONE (NO BIAS)*

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-036911

Cobb County Police

NARRATIVE

On the above date and time, I was working a part-time job and 2999 Circle 75 Pkwy (Brasfield and Gorrie). I was advised by staff that they had observed a large group of people wearing black, green, and grey clothes with masks/face coverings on. The staff informed me they were walking from Herodian way and Cobb Pkwy area and heading towards the building.

I drove around the building to look for any open gates, doors, or windows that the group could use to access the building. I advised Cobb County Dispatch of the group forming and walking towards my location. I then positioned my vehicle to block an open back gate until it could be closed by security personnel. Once the gate was closed, I drove around the front of the building and noticed the group had started to light fireworks and flares. The fireworks and flares were causing several brush fires on the ground close to and against the building.

I observed several members throwing rocks and other items at the building. Some of them were spray-painting the windows and walls of the building. I began to put out the brush fires as more units arrived. As additional police units arrived, the group then moved away from the building and headed in the direction they came from. Officers followed the group to the parking lot of the Public Storage parking lot at 2490 Herodian Way.

Officers blocked the entry and exit points of the parking lot and began to ID the group members and their vehicles. The group members began to surround me, Officer Aleskerov and Officer Healy. I advised dispatch of this, and additional officers arrived and assisted with dispersing the crowd. The following tags were observed in the parking lot;

- WI- [REDACTED]
- GA- [REDACTED]
- IL- [REDACTED]
- IL- [REDACTED]
- VA- [REDACTED]
- MD- [REDACTED]

No tag on a black Nissan versa

- GA- [REDACTED]
- IL- [REDACTED]
- GA- [REDACTED]

Once additional units arrived, I went back to 2999 Circle 75 Pkwy and began to establish a perimeter around the building until I was relieved by a higher authority. After being relieved, I started to gather videos that I could and tried to give clothing descriptions to officers of members who threw rocks and other items at the building.

Once the area was clear, I observed the front of the building had been spray-painted, eight windows were damaged, approx. In addition, the flares and fireworks had started 4-to-5 brush fires, and signs/banners were placed on the fence of the building. I asked management if

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-036911

Cobb County Police

they could provide me with a list or a total for the damaged items.

Later, I was informed that eight windows were damaged, they had landscaping damage, and graffiti on the building walls totaling approximately \$ 30,000 in damages.

Detectives from CIU 3 arrived and took over the investigation. This case is being turned over to them.

Incident Report Suspect List

Cobb County Police

OCA: 22-036911

| | | | | | | | | | | | | | |
|---|--|-----|------|-----|-----|-----|-----|---------------|-----|------|--|--|--|
| 1 | Name (Last, First, Middle) [REDACTED] | | | | | | | Also Known As | | | | Home Address [REDACTED] AZ [REDACTED] | |
| | Business Address | | | | | | | | | | | | |
| | DOB | Age | Race | Sex | Eth | Hgt | Wgt | Hair | Eye | Skin | Driver's License / State. [REDACTED] AZ | | |
| Scars, Marks, Tattoos, or other distinguishing features | | | | | | | | | | | | | |

| | | | | | | | | |
|--------------------------------|---------|-------------|-------|-----|-------|---------------|---------------------------------|-----|
| <i>Reported Suspect Detail</i> | | Suspect Age | Race | Sex | Eth | Height | Weight | SSN |
| Weapon, Type | Feature | Make | Model | | Color | Caliber | Dir of Travel Mode of Travel | |
| VehYr/Make/Model | | Drs | Style | | Color | Lic/St | | VIN |
| Notes | | | | | | Physical Char | | |

| | | | | | | | | | | | | | |
|---|---|-----|------|-----|-----|-----|-----|---------------|-----|------|--|--|--|
| 2 | Name (Last, First, Middle) <i>KASS, HANNAH</i> | | | | | | | Also Known As | | | | Home Address [REDACTED] PA [REDACTED] | |
| | Business Address | | | | | | | | | | | | |
| | DOB | Age | Race | Sex | Eth | Hgt | Wgt | Hair | Eye | Skin | Driver's License / State. [REDACTED] WI | | |
| Scars, Marks, Tattoos, or other distinguishing features | | | | | | | | | | | | | |

| | | | | | | | | |
|--------------------------------|---------|-------------|-------|-----|-------|---------------|---------------------------------|-----|
| <i>Reported Suspect Detail</i> | | Suspect Age | Race | Sex | Eth | Height | Weight | SSN |
| Weapon, Type | Feature | Make | Model | | Color | Caliber | Dir of Travel Mode of Travel | |
| VehYr/Make/Model | | Drs | Style | | Color | Lic/St | | VIN |
| Notes | | | | | | Physical Char | | |

Incident Report Suspect List

Cobb County Police

OCA: 22-036911

| | | | | | | | | | | | | | | | |
|---|----------------------------|------|-------|-----|--------|---------------|---------------------------------|------|-----|------|---------------------------|--|--|--|--|
| 3 | Name (Last, First, Middle) | | | | | Also Known As | | | | | Home Address | | | | |
| | | | | | | | | | | | IL | | | | |
| | Business Address | | | | | | | | | | | | | | |
| | DOB | Age | Race | Sex | Eth | Hgt | Wgt | Hair | Eye | Skin | Driver's License / State. | | | | |
| | | | | | | | | | | IL | | | | | |
| Scars, Marks, Tattoos, or other distinguishing features | | | | | | | | | | | | | | | |
| Reported Suspect Detail | | | | | | | | | | | | | | | |
| Suspect Age | | Race | Sex | Eth | Height | | Weight | | SSN | | | | | | |
| Weapon, Type | Feature | Make | Model | | Color | Caliber | Dir of Travel Mode of Travel | | | | | | | | |
| VehYr/Make/Model | | Drs | Style | | Color | Lic/St | | | VIN | | | | | | |
| Notes | | | | | | | Physical Char | | | | | | | | |