

Fulton County Superior Court
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Date: 9/17/2026 12:47 PM
Che Alexander, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

State of Georgia	)	Indictment No. 26SC005373
	)	
v.	)	
	)	
Kroy J. Biermann, Jr.	)	
Defendant	)	

ORDER ADDRESSING DEFENDANT'S "MOTION TO CLOSE COURTROOM, ALTERNATIVELY TO RESTRICT MEDIA RECORDING AND PHOTOGRAPHY; ALTERNATIVELY, TO PROTECT JUVENILE IDENTITIES AND TO SEAL JUVENILE RECORDS"

On September 3, 2026, a grand jury indicted Defendant Kroy Biermann Jr. with Aggravated Child Molestation, Aggravated Sexual Battery, Aggravated Sodomy, three counts of Sexual Battery Against a Child Under Sixteen and False Imprisonment. The juvenile Defendant is being tried as an adult, pursuant to Senate Bill (SB) 440.[1] On the afternoon of September 10, 2026, Defendant's counsel filed Defendant's "Motion to Close Courtroom; Alternatively to Restrict Media Recording and Photography; Alternatively, to Protect Juvenile Identities and to Seal Juvenile Records." The State filed a response to the said motion on the same day. On September 11, 2026, a hearing was held in connection with Defendant's motion, specifically as it related to information to be brought forth in Defendant's bond hearing.

[1] O.C.G.A. 15-11-560(b) grants the Superior Court exclusive original jurisdiction over the trial of this case.



Defendant's counsel requests this Court prohibit the State from mentioning in any filings or in open court, not only the disposition and written records of defendant's juvenile history, but from mentioning the underlying supporting allegations and evidence. Defendant's counsel further requests this prohibition be applied to the bond hearing, that the bond hearing be held in a closed courtroom setting, and that the media be excluded or prevented from reporting on any prior conduct of the defendant. Specifically, putting forth that "the nature of this volume of coverage supports the clear and convincing proof that closure is the *only* means of avoiding a clear and present danger to the defendant's right to a fair trial." This Court disagrees.

Open courtrooms are essential to fostering and maintaining public trust in our legal system. Georgia law has historically been more protective of the concept of open courtrooms than federal law. R.W. Page Corp. v. Lumpkin, 249 Ga. 576, 578 (1982). The Georgia Constitution expressly provides criminal trials shall be public. Const. of Ga., Art. I, Sec. I, Par. XI.[2] "Closure should not be allowed to obscure the extreme importance of the strong presumption favoring the general rule, which is that in Georgia, the criminal trial itself, and all its consequent hearings on motions (pre-trial, mid-trial and post-trial) shall be open to the press and public on equal terms unless the defendant or other movant is able to demonstrate on the record by 'clear and convincing proof' that closing the hearing to the press and the public is the only means by which a 'clear and present danger' to his right to a fair trial or other asserted right can be avoided." Id.

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[2] This provision has been applied to all pre-trial, mid-trial and post-trial proceedings, R.W. Page, *supra*.

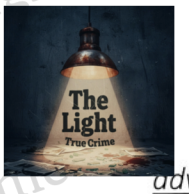


at 579. Trial court judges in our State "must approach these issues *possessed of less discretion than [our] federal counterpart[s]* because our [State] constitution commands that open hearings are the nearly absolute rule and closed hearings the very rarest of exceptions." Id.

A motion to close courtroom proceedings, *inter alia*, must be supported by "clear and convincing proof" that no means available other than closure of the hearing, will serve to protect the right of the movant. *See* Id. The Court has considered Defendant's request and the applicable law in connection with the circumstances brought before the Court at this juncture. In this regard, the Court has expressly prohibited the media (both print and broadcasting) from capturing images of the Defendant during his Court proceedings. The Court further mandated that the media refrain from engaging in any specialized (live) streaming of the bond hearing and limited the number of broadcasting news media outlets who could physically be present in the courtroom to a single station. [3] The Court prohibited the media from filming members of the family connected with the juvenile Defendant (and the juvenile minor at issue), within the confines of the courtroom and inside the courthouse in its entirety. The Court further limited the information the State proffered in connection with facts undergirding a prior action.

"A criminal defendant's right to a fair trial is not placed in clear and present danger by media coverage of pre-trial hearings that provide the public with accurate, responsible, non-inflammatory reports of the matters raised in those hearings: 'pretrial publicity – even pervasive,

[3] At the hearing, the Court further notes there was only one print media journalist present.



adverse publicity – does not inevitably lead to an unfair trial." [Cit. omitted] [Emphasis supplied] Rockdale Citizen Publ. Co. v. State, 266 Ga. 579 (1996) at 581. [4] [5]

In connection with a decision to *close* a courtroom, the Court must set forth by written order making findings of fact, articulating how each alternative to closure is insufficient. *See* RW Page, *supra*. In this case, the Court finds that the measures taken by the court articulated above, as alternatives to closure of the courtroom, are *sufficient*, at this juncture. The Court **DENIES** Defendant's Motion to Close Courtroom finding that the high legal standard for permitting a closed courtroom was not met by Defendant. The Court **GRANTS** Defendant's Motion to Restrict Media Recording and Photography to the extent of the "protective" actions/measures taken by the Court. The Court hereby **GRANTS** Defendant's Motion, as it relates to this Court enforcing the legal measures to be taken regarding the handling of juvenile court records. To that end, any such records *shall be filed under seal* and any such exhibits admitted at the bond hearing for the court's consideration will conform to the terms of this Order, accordingly. To the extent Defendant requests this Court to prohibit the State from putting forth limited proffered

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[4] At various times prior to September 11, 2026, the date of the hearing, Defendant's counsel repeatedly engaged in making statements "picked up" by the "widespread media coverage" he now claims as a basis for confidentiality of the proceeding(s).

[5] Indeed, in cases such as this, there are alternative measures which can, and have, been imposed with respect to the trial of any such matter.



information regarding Defendant's juvenile court case--- but pertinent to the Court's consideration of the issue of bond, it is **DENIED**. Let it be **SO ORDERED**.

This 17 day of September 2026

Nunc pro tunc to September 11, 2026

Judge Melynee Leftridge
Superior Court of Fulton County
Atlanta Judicial Circuit

The Light True Crime