

Fulton County Superior Court
EFILEDFD
Date: 9/2/2026 1:07 PM
Che Alexander, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,	:	
	:	
V.	:	**CASE NO: 26-PI-006558**
	:	
KROY J. BIERMANN JR.,	:	
Defendant.	:	

MOTION FOR BOND AND FOR CONFIDENTIALITY PROCEEDINGS

COMES NOW, Kroy J. Biermann Jr., by and through his attorney, Jason B. Sheffield, who files this Motion for Bond. In support thereof, counsel shows the following:

1.

The accused is a juvenile, arrested for Aggravated Sexual Battery and Aggravated Sodomy, which automatically vests jurisdiction in the Superior Court of Fulton County.

2.

This case concerns extraordinarily serious allegations. It also concerns two children. Both the accused and the alleged victim were only fourteen years old at the time of the alleged incident. Their conduct, perceptions, decisions, and recollections necessarily arose within the limitations of their age, maturity, and life experience.

Those already difficult circumstances have now been complicated by a wildfire of social-media activity and widespread media coverage. Neither child chose this attention. Yet both must now live beneath it. More importantly, publicity of this magnitude threatens more than privacy. It can affect witnesses, contaminate recollections, impede the development of evidence, and complicate the difficult decisions entrusted to those charged with determining what happened and how this case should proceed.



That concern is particularly acute because this case may continue publicly in Superior Court rather than in the relative privacy traditionally afforded juvenile proceedings. Allegations arising between two fourteen-year-old children should not become a public spectacle merely because of the forum in which the law requires them to be heard.

Counsel does not minimize the seriousness of the allegations, nor does counsel intend to disparage either child. But counsel has an obligation to respond to the allegations against the accused and to vigorously defend the truth. For purposes of this Motion, however, counsel will exercise restraint and confine the presentation to those facts necessary for the Court's consideration of the factors established in *Ayala*.

3.

Our jurisprudence holds:

The purpose of a pretrial bond is to prevent punishment before a conviction and to secure the appearance of the person in court for trial. Ayala v. State, 262 Ga. 704, 705 (1993). (*citing* Roberts v. State, 32 Ga. App. 339, 340-41 (1924)). The standards for determining whether to grant release prior to trial are based on the 1968 American Bar Association pretrial release standards. *Id* (*citing* Lane v. State, 247 Ga. 387, 388, n. 2 (1981)). The trial court may release a person on bail if the court finds the person:

> (1) Poses no significant risk of fleeing from the jurisdiction of the court or failing to appear in court when required;
> (2) Poses no significant threat or danger to any person, to the community, or to any property in the community;
> (3) Poses no significant risk of committing any felony pending trial; and
> (4) Poses no significant risk of intimidating witnesses or otherwise obstructing the administration of justice.



OCGA § 17-6-1(e).

The trial court must explain its reasons for denying bond to assist appellate review. *Ayala*, 262 Ga. at 705 (*citing Lane,* 247 Ga. at 389). The granting or denial of bail will not be set aside unless there is a manifest and flagrant abuse of discretion. *Id* (*citing* Jernagin v. State*,* 118 Ga. 307, 308 (1903)).

As a pretrial matter, the Court does not make any findings at the bond hearing about whether the evidence proves the accused committed the crime. Any determination of guilt or not is left for another day. The bond hearing remains an important moment in the case where the accused enjoys the right to be presumed innocent. The presumption of innocence remains with the accused until and unless a jury concludes he is guilty beyond a reasonable doubt.

This presumption includes at a minimum that he has not committed the elements of the charged offense, specifically the acts alleged for an unlawful purpose, and that he did not have the requisite mental intent to commit the crimes alleged.

In *Ayala*, supra, the Georgia Supreme Court does not indicate or authorize a trial court to make findings about these factors from the facts of the case. Rather, in *Ayala*, the Court stated:

> In this state, unlike many other states, the presumption of innocence has always remained with the person accused of a [criminal] offense, even during the trial. *Vanderford v. Brand,* 126 Ga. 67, 70, 54 S.E. 822 (1906). "The most fundamental premise of our criminal justice system is that a person ought not to be punished for a criminal offense until the state demonstrates guilt beyond a reasonable doubt." 2 ABA, Standards for Criminal Justice 10-1.1 comment (1980). "Unless [the] right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." Stack v. Boyle*,* 342 U.S. 1, 4, 72 S. Ct. 1, 3, 96 L. Ed. 3 (1951).

Ayala, 262 Ga. 704, 706 (1993).



The accused turned fifteen years old in May. He is a high school student in good standing who has demonstrated strong academic achievement and regularly participates in extracurricular and community-based activities. He is an accomplished football player who has received scholarship offers based upon his athletic ability.

His ties to his family and community are substantial. His parents live separately, and he maintains a home and relationship with each. He has five siblings, including three children of his parents' marriage and two siblings from his mother's prior marriage. Beyond his immediate family, he is surrounded by an established community of extended family, friends, coaches, teachers, and others who remain actively involved in his life and continue to support him and his family during the pendency of these serious allegations.

These are not merely favorable attributes. They are ties that bind him to his home, his school, his family, and this community. They provide structure, supervision, accountability, and compelling reasons for him to remain here and comply with every condition imposed by this Court.

5.

The accused was notified by Detective Gore of the Alpharetta Police Department that the alleged victim had made a complaint against him concerning an alleged assault on April 23, 2026. His family immediately retained counsel, who contacted Detective Gore to facilitate a meeting. Detective Gore agreed to meet with counsel and further agreed to provide counsel time to investigate the allegations and develop evidence in the accused's defense.

Over the next two months, the accused did exactly that. Working through counsel, he participated in the development of evidence in his defense, including voluntarily submitting to a



polygraph examination administered by licensed examiner Dan Sosnowski[1]. Based upon the allegations Detective Gore had disclosed to counsel, the accused showed no deception when answering the two relevant questions concerning the alleged conduct.

Meanwhile, the accused remained exactly where he had always been. He did not leave the State. He did not attempt to flee the jurisdiction of this Court. He did not contact or intimidate witnesses. He did not violate the laws of any municipality, county, or this State. He continued attending summer school activities and living at home with his family.

Counsel, for his part, continued attempting to arrange the meeting Detective Gore had agreed to provide. Messages left for Detective Gore on July 17, July 30, and August 10 went unanswered. Then, on August 17, Detective Gore contacted counsel and advised that, without the promised meeting, she had proceeded with obtaining arrest warrants.

The accused had just turned fifteen years old.

He now faces two felony charges carrying mandatory minimum sentences of twenty-five years each and the possibility of fifty years of incarceration. Yet before those warrants were obtained, Detective Gore never sat down with counsel as promised to hear the evidence counsel had spent two months developing in his defense.

---

[1] Since 1992, Mr. Sosnowski has conducted over 600 training seminars across the United States for various law enforcement agencies and police academies and had conducted approximately 30,000 polygraph examinations. Developed specialized training course for: **(1)** *The 5 Stages of Successful Interview & Interrogation Technique*; and **(2)** *Understanding & Interviewing Sexual Deviant Behavior*. Presented these courses in multiple locations in the United States and overseas. He is also an approved examiner for Georgia's Department of Community Supervision (DCS) as a post-conviction sex offender examiner due to his specialization in sex offense examinations. His polygraph are used by DCS to ensure that registered sex offenders are not violating conditions of probation or parole.



The accused had been available. His lawyer had been asking to meet. He had submitted himself to examination. He had remained at home, attended school, obeyed the law, and waited.

And he had yet to be given a voice.

When Detective Gore informed counsel that the warrants had been obtained, counsel immediately advised that the accused would voluntarily surrender himself into State custody. He did exactly that, at the time and place requested.

His conduct from the first notice of the investigation through his surrender was consistent: he did not run from the allegation, from law enforcement, or from this Court. He remained, he participated, and when the State called upon him to surrender his liberty, he appeared.

The Court may consider "any evidence" at a bond hearing that bears upon the considerations identified in *Ayala*. Although *Ayala* expressly recognizes that the accused remains presumed innocent, the parties may nevertheless seek to present evidence concerning the circumstances underlying the allegations, as well as the conduct of the parties before and after the alleged incident.

That breadth, however, warrants particular care in this case. The accused and the alleged victim were both fourteen years old at the time of the alleged incident, and the evidence may necessarily implicate the identities, statements, and conduct of still other juveniles. The Court can receive the evidence necessary to make the determinations required by *Ayala* without permitting the hearing to become an unnecessary public airing of the lives of these children.



Counsel therefore respectfully requests that the Court proceed cautiously and with precision, balancing the need for a complete evidentiary record against the privacy interests of the juveniles involved and the potential harm caused by further public dissemination of their identities, statements, and conduct. The fact that the accused has been charged by warrant as an adult does not transform the other children involved in this matter into adults, nor should it unnecessarily strip them of the privacy ordinarily afforded to juveniles.

To the extent relevant, Georgia law protects the confidentiality of juveniles in several ways and strictly limits the use and disclosure of information in superior court proceedings. *See generally* O.C.G.A. § 15-11-700, 703, and 704 and Uniform Superior Court Rule 21. USCR 21, for example, authorizes the sealing of court records upon appropriate findings and procedures, permitting this Court to receive records in camera, file them under seal, and direct tailored redactions.

Additionally, courtroom closure and access restrictions must be narrowly tailored and supported by specific findings. Under Georgia law, R.W. Page Corp. v. Lumpkin, 249 Ga. 576 (1982) and Rockdale Citizen Publ'g Co. v. State, 266 Ga. 92 (1995) require the Court to articulate specific, on-the-record findings that closure is necessary to protect a higher interest and that no reasonable alternatives would adequately safeguard that interest, and to tailor any closure no broader than necessary. Federal standards in Waller v. Georgia, 467 U.S. 39, (1984) and Press-Enter. Co. v. Superior Ct. of California for Riverside Cnty., 478 U.S. 1 (1986) likewise require an overriding interest that is likely to be prejudiced, findings that the closure is essential to preserve higher values, narrow tailoring, and consideration of reasonable alternatives.

The relief requested by counsel is directed to the parties, counsel, witnesses, court personnel, and court filings. It is not a prior restraint on the press. Any closure or access limitation will follow



the procedural requirements for courtroom closure, including notice and an opportunity to be heard, specific written findings, and the least-restrictive means necessary.

6.

Counsel asks for the following:

A. Prohibit disclosure, reference, or introduction in open court or in any filing of any records, filings, allegations, or information containing any information about any juvenile, predating the arrest warrants in this case (hereinafter the "juvenile records") and instead to proceed through sealed, in camera procedures, with appropriate redactions.

B. Direct that any such juvenile records or information that must be presented for bond purposes be submitted to the Court in camera and filed under seal, with narrowly tailored redactions, and instruct counsel, 3rd party record holders, and witnesses not to disclose the details of the accused's records in open court.

C. Order closure of the courtroom for all or part of the bond hearing, only to the extent necessary to protect the juvenile's statutory confidentiality, privacy, and fair-trial rights, after consideration of reasonable alternatives and with specific, written findings.

D. Prohibit any audio or video recording, photographing, livestreaming, or broadcasting of the hearings by any person, including spectators and media, and limit dissemination of any exhibits containing juvenile information through sealing and redaction orders.

E. Make specific written findings supporting any closure, sealing, or recording restrictions, and provide notice and an opportunity to be heard as required before any portion of the proceedings is closed to the public.



CONCLUSION

For the foregoing reasons, Counsel for the accused respectfully requests that the Court set a hearing date for bond, grant this motion for bond, and implement the procedures outlined above to protect the accused and any other juvenile's statutory confidentiality, privacy, and fair-trial rights while employing the narrowest possible restrictions, or in the alternative hold a hearing on the basis for counsel's motion to hear argument and citation of authority.

This 2nd day of September 2026.

Respectfully submitted,

/s/ Jason B. Sheffield
Jason B. Sheffield
Attorney for Mr. Biermann
Georgia Bar No. 639719

Peters, Rubin, Sheffield, & Hodges, PA
2786 N. Decatur Rd., Ste. 245
Decatur, GA 30033
jasonsheffieldattorney@gmail.com
justiceingeorgia.com

The Light True Crime



IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,	:	
	:	
V.	:	**CASE NO: 26-PI-006558**
	:	
KROY J. BIERMANN JR.,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have served opposing counsel a copy of the Biermann's MOTION FOR BOND AND FOR CONFIDENTIALITY PROCEEDINGS via email and through the filing of this document via Fulton County's online electronic filing system at:

Caitlin.mcgillicuddy@fultoncountyga.gov

This 2nd day of September 2026.

Respectfully submitted,

/s/ Jason B. Sheffield
Jason B. Sheffield
Attorney for Mr. Biermann
Georgia Bar No. 639719

Peters, Rubin, Sheffield, & Hodges, PA
2786 N. Decatur Rd., Ste. 245
Decatur, GA 30033
jasonsheffieldattorney@gmail.com
justiceingeorgia.com

The Light True Crime