

Senator wants release of Wilson tape probed: Calling it 'an utter disgrace,' Decatur's Jones asks that DA's distribution of the videotape to reporters, others be investigated.

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A state senator who has railed against the 10-year prison sentence given a Douglas County 17-year-old for having sex with a 15-year-old has now asked the state attorney general for an investigation into the distribution of a tape depicting the act.

State Sen. Emanuel Jones (D-Decatur) said it is "an absolute, utter disgrace" that a videotape of the raunchy party in a Douglasville hotel room that led to the conviction of Genarlow Wilson on aggravated child molestation charges has been given to both reporters and legislators. He characterized the videotape as child pornography.

Wilson, 17 at the time, was sentenced to 10 years in prison for receiving oral sex from the 15-year-old girl. Many reporters, and some legislators, have viewed the videotape that was taken by one of the party-goers showing the sex act with Wilson.

A letter that Jones delivered to Georgia Attorney General Thurbert Baker asks the state's top legal officer to issue an opinion on Douglas County District Attorney David McDade's distribution of the video.

Even if the state's Open Records Act permitted its release, the identity of the 15-year-old should've been masked, Jones said.

McDade, whose office prosecuted Wilson, did not return calls Tuesday from The Atlanta Journal-Constitution.

But McDade told The Associated Press that he was required to release the tape under the state's open records law because it was introduced as evidence at the trial.

"The law is very clear," McDade told the AP. McDade also told the AP that Jones was among those who requested the videotape — a claim Jones denied.

An edited version of the tape was played on some local newscasts, and copies of it were viewed by some legislators earlier this year at the state Capitol. At the time, lawmakers were being asked by Jones to consider passing a law that might have allowed a judge to reduce Wilson's sentence.

Former DeKalb County District Attorney J. Tom Morgan dismissed McDade's argument about the open-records law.

The former prosecutor said distributing or possessing the video was a felony punishable by up to 20 years in prison unless it was done for reasons of law enforcement, educational, medical or scientific purposes. Morgan said even allowing reporters and legislators to view the video at the district attorney's office, which McDade has done, violated the law.

"Anybody who possess that tape is in violation of the law," Morgan said. "I've tried a lot of child pornography cases and what would typically happen is the judge would seal the record and order the prosecutor to keep it locked in a box until a higher court needed to review it." The judge who presided over Wilson's case did not seal the video.

McDade emphasized in a previous interview that the tape showed legislators that the case wasn't about a teenage lovers' tryst but showed something more akin to a gang rape involving a 17-year-old victim and child molestation of a 15-year-old girl. Wilson was also charged with rape but was acquitted.

Karen Worthington, director of the Barton Child and Policy Clinic at Emory University, questioned McDade's ethics in distributing the video, but she said the law and court rulings might allow him to show it to legislators who were concerned about his handling of the case.

"You could argue that since the Legislature was considering passing law based on this case, they should be able to view it for educational purposes," Worthington said.