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Ronald M. Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

v.

WILLIAM RODERICK BRYAN,
Defendant.

)
) Warrant Nos. _____
)
) Murder; Criminal Attempt to Commit False
) Imprisonment
)

**MOTION TO COMPEL ENFORCEMENT OF AGREEMENT FOR GOVERNMENT
TO PUBLICLY DISCLOSE COOPERATION OF WITNESS RODDIE BRYAN**

COMES NOW Defendant William Roderick "Roddie" Bryan, by and through undersigned counsel, pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section I, Paragraphs I of the Constitution of the State of Georgia, and principles of contract law, and files this his Motion to Compel Enforcement of Agreement for Government to Publicly Disclose Cooperation of Witness Roddie Bryan. In support thereof, Defendant shows as follows:

1. Defendant William Roderick "Roddie" Bryan has fully cooperated with law enforcement officers and prosecutors from day one, February 23, 2020, the day that Ahmaud Arberys' life was tragically taken from him in a shooting in the Satilla Shores neighborhood of Glynn County. It was Mr. Bryan who videotaped the incident in question, disclosed the existence of the videotape, and invited a responding Glynn County Police Officer to sit with him in his truck where they watched the video together. Mr. Bryan went home, came back out to the crime scene shortly thereafter at the request of law enforcement to further assist them, and then later voluntarily went to the Glynn County Police Department where he answered all the questions they had for him, without a lawyer, during a lengthy recorded interview. Roddie even gave the police consent to search his cell phone. The police took possession of the phone for well over an hour and led Mr. Bryan to believe they had made a copy of everything that they needed.

2. After being contacted by the Georgia Bureau of Investigation, Roddie Bryan met with GBI Special Agent Jason Seacrist at the DNR offices in Brunswick, Georgia on Monday, May 11, 2020. Roddie Bryan did so with full understanding that there were calls nationally for his arrest in the New York Times and in other media outlets. Roddie Bryan was also aware that GBI Director Vic Reynolds suggested at his press conference that Roddie Bryan was a "subject" of the investigation rather than a witness and, in his somewhat evasive response to follow up questions, created the public impression that Roddie Bryan was actually a target of the investigation.

3. Roddie's concerns were addressed directly with S/A Jason Seacrist. Agent Seacrist assured Roddie that – in the eyes of the GBI officers on the ground – Roddie Bryan was, in fact, only a witness to the shooting of Ahmaud Arbery rather than a participant, and that Mr. Bryan was not a target of the investigation, but that GBI Director Vic Reynolds and the Cobb County District Attorney's office felt uncomfortable in saying so publicly at that time. It was agreed that Roddie Bryan would be interviewed by GBI that day with respect to his knowledge of events that transpired since he was interviewed by the Glynn County Police Department on February 23, 2020. It was agreed that a second subsequent interview at a later date would address the events of February 23, 2020. In proceeding on May 11, 2020, Mr. Bryan expressed concern for his safety and that of his family and was assured that when the interviews were finished the GBI would publicly disclose his cooperation, clarify his status as a witness, and confer with the Sheriff of Glynn County about taking appropriate steps to ensure the safety of Roddie and his family. In addition to submitting to the interview, Mr. Bryan consented to the GBI imaging the contents of his cellphone and downloading the contents of his facebook page. Mr. Bryan invited GBI into his home, providing access to his security system videos as well.

4. On May 13, 2020, Mr. Bryan again met with the GBI at the DNR office in Brunswick, Georgia. Jason Seacrist again assured Roddie Bryan that there were no plans to arrest him, and that his cooperation and status as a witness would be clarified later that day. Mr. Bryan shared the results of a polygraph examination that confirmed what GBI professed to already know – that Mr. Bryan was unarmed at the time of the shooting and had not been in communication with the McMichaels or anyone else that day prior to the shooting with respect to Mr. Arbery or with respect to criminal activity in the neighborhood. Having passed the polygraph, and having come to trust Special Agent Seacrist, Mr. Bryan was interviewed again and led back by GBI through the events of February 23, 2020. The GBI again asked for and received consent to search Mr. Bryan's phone again. GBI continued to assure Mr. Bryan that GBI would publicly disclose his cooperation and clarify his status as a witness. As he had difficulty articulating his path of travel on the day in question, Mr. Bryan voluntarily went to Satilla Shores with the GBI where the second interview concluded with Mr. Bryan being led by GBI through a video recorded re-enactment of the events of February 23, 2020. The GBI was invited back to Mr. Bryan's home a second time where they examined the security system again, examined the firearm and ammunition in the house, and obtained consent to retrieve the data from the computer in his motor vehicle so that his path of travel and speed could be verified by GBI.

5. When he finished with GBI, anticipating a public announcement of his cooperation and clarifying his status as a witness – as one of the good guys rather than someone to be hunted down and killed as others had suggested – Mr. Bryan waited in vain for several hours for the GBI to take the target off his back with a public statement about his cooperation. Mr. Bryan waited at the residence of his lawyer with national news media trucks parked in the front yard.

6. In a text at 7:26 pm, Special Agent Seacrist texted: "Can I call you later." The response was "Yes. Looking for an ETA on an announcement. Would prefer to wait and see what is put out to the public this evening. I've bet the farm on your personal character and integrity here." At 7:29 pm, Special Agent Seacrist responded: "Thx Kevin. I will have an update soon. Are you still in town? I'd like to meet to discuss."

7. Special Agent Seacrist then called, asking for undersigned counsel to clandestinely meet him at Starbucks on St. Simons Island – requiring undersigned counsel to sneak out of his residence without alerting the news media parked outside. After waiting for some time, Seacrist called to state that he couldn't make it. Seacrist advised that GBI and the District Attorney's office were not ready to issue a press release and were spooked by the prospect of the defense giving another press conference. GBI had already been advised that they if they preferred that they could disclose the polygraph results or, in the alternative, that they could even edit the press release to be made on behalf of Mr. Bryan. Under this pressure from GBI, and fearful of retaliation against Mr. Bryan, undersigned counsel then cancelled the press conference that night as reflected in the attached text. The press conference was reset to noon, but again in response to the unwillingness of GBI to move forward as agreed, and pressure from GBI not to speak, that press conference was also cancelled and the news media sent away as reflected in a contemporaneous text.

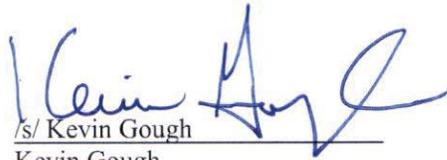
8. Five days later, with the promised public statement from GBI never having been made, nor "permission" to speak with the media ever having been granted, undersigned counsel sent a lengthy and apologetic email to the Cobb County District Attorney's office and GBI Director Vic Reynolds, among others. Said email is attached hereto.

9. The GBI having failed to articulate any legitimate law enforcement-related reason why Mr. Bryan should not disclose the polygraph results, and it having become apparent that the GBI not only had no intention of correcting the false and dangerous narrative being spread by representative(s) of the Arbery family but were actually complicit in sustaining that false narrative, undersigned counsel issued an innocuous press release disclosing the polygraph results – but without disclosing the extent of Mr. Bryan’s cooperation with the GBI.

10. A copy of the press release was copied to GBI and Cobb County District Attorney Joyette Holmes shortly after midnight on May 19, 2020. Rather than make the requested public disclosure of his cooperation, and in clear retaliation for exercising his first amendment freedom of speech in order to protect his life and the lives of his family, friends and neighbors, GBI instead arrested Mr. Bryan on May 21, 2020, just as they promptly arrested Gregory and Travis McMichael several weeks earlier for disclosing the video of the shooting to the news media.

WHEREFORE, Defendant prays that this Court direct the Cobb County District Attorney and GBI to keep their promises to Mr. Bryan and publicly disclose the depth and breadth of Mr. Bryan’s cooperation with law enforcement in this matter. Undersigned counsel notes that Mr. Bryan remains in lockdown for his own protection at the Glynn County Detention Center, that his family, friends and neighbors remain in fear for their lives and the safety of their property, and that his attorney continues to be threatened and harassed all because the GBI refuses to keep its promises to Mr. Bryan. The outrageous misrepresentation of Mr. Bryan’s status (target, subject, witness, etc.) will be addressed at a later time by a separate motion. Whether the promises made to Mr. Bryan to obtain his cooperation render his statements "induced by another by the slightest hope of benefit," or the product of the "remotest fear of injury," see OCGA § 24-3-50, will be addressed at a later time by a separate motion.

So moved, this 2nd day of June, 2020.



/s/ Kevin Gough

Kevin Gough

ATTORNEY FOR DEFENDANT

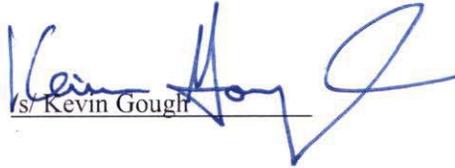
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kevingough.firm@gmail.com

CERTIFICATE OF SERVICE

COMES NOW Kevin Gough, attorney for the defendant, and hereby certifies that a copy of the foregoing document(s) have been served upon the District Attorney by email delivery this date.

This 2nd day of June, 2020.



/s/ Kevin Gough

5/13/20 7:26 PM



Can I call you later?

Yes. Looking for an ETA on an announcement.



Would prefer to wait and see what is put out to the public this evening. I've bet the farm on your personal character and integrity here.

5/13/20 7:59 PM



Thx Kevin. I'll have an update soon



Are you still in town? I'd like to meet to discuss.



5/13/20 9:25 PM

I looked like an idiot, but I apologized for my misunderstanding and for wasting their time. Is there a deal being cut with the McMichael lawyer's? Why are they are doing a press conference tomorrow? I didn't even know they had lawyers.

5/14/20 11:20 AM

The gates to my house are closed. Apparently, the media didn't get the message that there are no announcements coming from me at this time. I have sent the news trucks away -- again. Roddie thought y'all sent them but I told him to relax. But he can't leave here without his phone.



Kevin Gough <kevingough.firm@gmail.com>

William "Roddie" Bryant

1 message

Kevin Gough <kevingough.firm@gmail.com>

Mon, May 18, 2020 at 4:48 PM

To: John Pursley <john.pursley@cobbcounty.org>, Vic Reynolds <vic.reynolds@gbi.ga.gov>, jason.seacrist@gbi.ga.gov, Honorable Joyette Holmes <joyette.holmes@cobbcounty.org>

Bcc: Kevin Gough <gough@bellsouth.net>

John:

Perhaps there was some misunderstanding or miscommunication, but I've been waiting to hear something from your office for five days. We have shown our good faith, over and over. The Arbery attorneys have put a target on my client's back. Nothing GBI has said or done has corrected the false and dangerous narrative that others have put out there. I would like to hear SOMETHING from your office today. I am deeply concerned about my client's safety.

The McMichaels chose to try their case in the media, not Roddie Bryant. It seems like evidence favorable to the McMichael defense leaks out daily. It appears that their previous attorney leaked evidence deliberately. Whether the new lawyers are doing that is unclear, but the flow of supposedly "exculpatory" evidence into the public domain seems to continue unabated. I know that one group of lawyers raised public expectations last week about a video during their press conference, a representation that I personally felt created unwarranted expectations, and now the Arbery lawyers have seized on that today in renewing their demand for the arrest of Roddie Bryant.

There have also been leaks out of law enforcement. I didn't leak any videos to the press but apparently somebody else. Some of the law enforcement leaks appear to be inadvertent but they impact my client nonetheless.

The Arbery lawyers are trying this case in the media, and in doing so they create public expectations that neither your office nor any prosecutor could ever live up to. I suspect that you would prefer that they stop "helping" you but that I assume that you are powerless to stop them.

Mr. Bryant is being tried in the court of public opinion, and losing badly, because I have naively adhered to the proposition that attorneys should try their cases in courts of law. The amount of attention paid to what we put out in the media has been vastly disproportionate to the actual substantive content thereof.

I wanted to release the polygraph results on Wednesday but cancelled not one but two press conferences -- consistent with GBI wishes as I understood them-- as a show of good faith to your office. In that short time, well over a hundred additional stories about this case have hit the media.

I don't need your permission to disclose polygraph results; I never did. But Mr. Bryant and I are genuinely interested in seeing that justice is done for Mr. Arbery -- whatever that may look like. If there is some legitimate law enforcement-related reason not to release the polygraph results then somebody may wish to clue me in.

I have no intention of engaging back and forth with the Arbery attorneys (or anyone else) on an ongoing basis. They will obviously get the last word. But the polygraph result is the best answer that I have to them and that information should be out there. The disclosure of that information -- which is not admissible in evidence anyway -- may well save my client's life.

Please let me hear from you.

-- Kevin Gough



Kevin Gough <kevingough.firm@gmail.com>

William "Roddie" Bryant

Pursley, John <John.Pursley@cobbcounty.org>
To: Kevin Gough <kevingough.firm@gmail.com>

Mon, May 18, 2020 at 9:33 PM

Dear sir:

This office is in the process of evaluating the case.

John Pursley
Chief Assistant District Attorney
Cobb Judicial Circuit

On May 18, 2020, at 4:48 PM, Kevin Gough <kevingough.firm@gmail.com> wrote:

[Quoted text hidden]

CAUTION: This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .



Kevin Gough <kevingough.firm@gmail.com>

William "Roddie" Bryant

Kevin Gough <kevingough.firm@gmail.com>

Tue, May 19, 2020 at 12:05 AM

To: "Pursley, John" <John.Pursley@cobbcounty.org>

Bcc: Kevin Gough <gough@bellsouth.net>

Understood. If there is anything more that Mr. Bryan can do to cooperate with your office, or GBI, then please let me know. Mr. Bryan and I have put our faith in your office and GBI to do the right by him. My personal cell phone is 912-266-5454. Please feel free to call anytime that I can be of assistance.

Attached is tonight's press release, which was as innocuous as I could draft it. I do not anticipate any more media contact. As you know from my earlier email, I did not feel that we could withhold the polygraph results any longer.

I remain deeply concerned about the safety of my client and his fiancée. I know that isn't necessarily your job, or that of the GBI, but if and when you could do something to alleviate this situation I would be most appreciative.

-- Kevin Gough

[Quoted text hidden]

 **Press Release - May 18.pdf**
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