

IN THE SUPERIOR COURT OF GLYNN COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,

v.

WILLIAM RODERICK BRYAN,  
Defendant.

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Warrant Nos. \_\_\_\_\_  
Murder; Criminal Attempt to Commit Felony  
Imprisonment

FILED  
CLERK'S OFFICE  
2020 JUN -2 P 3:24  
Renee M. Adams  
CLERK SUPERIOR COURT

**MOTION INQUIRING INTO AUTHORITY FOR APPOINTMENT OF PROSECUTOR**


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 files this his motion inquiring into the legal authority by which the Attorney General of Georgia removed Liberty County District Attorney Tom Durden and replaced him with Cobb County District Attorney Joyette Holmes.

The procedure authorizing the Attorney General of Georgia to substitute one district attorney for another is set forth in O.C.G.A. § 15-8-5. Such appointments are allowed only where a district attorney's office is disqualified by "interest or relationship" to engage in a prosecution. The Attorney General's power to do so is triggered only by "notification" from that district attorney. The notice allegedly transmitted by Tom Durden has not been made public, which is odd in itself, but the reasons publicly stated by the Attorney General of Georgia do not meet the statutory requirement of "interest or relationship." Moreover, the appointment must be made in writing and specify among other things the case or cases to which said appointment applies. A copy of the appointment "shall be filed with the clerk of court" and copied to presiding judge and others including opposing counsel in any action affected by such order. Neither the clerk of court nor undersigned counsel have a copy of either appointment of Tom Durden nor the subsequent appointment of Joyette Holmes.

Defendant reserves the right to interpose an objection to the appointment of Cobb County District Attorney Joyette Holmes until such time as he is provided with a copy of the notification letter provided by Tom Durden and a copy of the appointment of Joyette Holmes pursuant to O.C.G.A. § 15-8-5, and a reasonable opportunity to confer with Mr. Bryan as to whether he wishes to waive any issues that may otherwise be asserted with respect to the change of prosecutor in the above-styled case.

WHEREFORE, Defendant prays that the Attorney General of Georgia be compelled to disclose the notification document received from Tom Durden and the document appointing Joyette Holmes.

So moved, this 2<sup>nd</sup> day of June, 2020.

  
/s/ Kevin Gough  
Kevin Gough  
ATTORNEY FOR DEFENDANT  
Georgia Bar No. 303210

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**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 2<sup>nd</sup> day of June, 2020.

  
/s/ Kevin Gough