

IN THE SUPERIOR COURT OF GLYNN COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA, )  
 )  
 v. ) Warrant Nos. \_\_\_\_\_  
 )  
 ) Murder; Criminal Attempt to Commit False  
 ) Imprisonment  
 WILLIAM RODERICK BRYAN, )  
 Defendant. )

**MOTION TO DISMISS FACIALLY DEFECTIVE ARREST WARRANT**

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, Paragraph I of the Constitution of the State of Georgia, and files this his “Motion to Dismiss Facially Defective Arrest Warrant. In support thereof, Defendant shows as follows:

1. Defendant was arrested on May 21, 2020, and charged with the offense of criminal attempt to commit false imprisonment in violation of O.C.G.A. § 16-5-41. Arrest Warrant No. 20-00288.

2. It is legally impossible, as a matter of law, for the operator of a motor vehicle – acting alone – to “confine or detain” someone with a motor vehicle other than perhaps by locking someone inside the vehicle. Using a motor vehicle simply to block the path or another (or to compel that person to change the direction in which they are traveling), may constitute an illegal lane change, failure to exercise due care, or perhaps even reckless driving, but it cannot constitute the crime of false imprisonment. There isn’t a single reported false imprisonment case in Georgia or any other jurisdiction in which the driver of a motor vehicle has been charged with the offense of false imprisonment under such circumstances. The warrant does not even state how the motor vehicle was used to “confine and detain” Mr. Arbery. This is a telling omission.

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3. "A person commits the offense of criminal attempt when, **with intent to commit a specific crime**, he performs any act which constitutes a substantial step towards the commission of that crime." O.C.G.A. § 16-4-1. In other words, this is a specific intent crime.

4. The arrest warrant is facially defective, therefore, in that it does not even allege that Mr. Bryan acted with intent to commit the offense of false imprisonment. The warrant merely alleges intent to: "confine and detain." This is not the same thing. This is another telling omission.

5. Nor does the arrest warrant allege another element of the statute, to wit: that Mr. Bryan acted to violate the "personal liberty" of Mr. Arbery. Another telling omission.

6. As it is legally impossible, as discussed above, for Defendant William Roderick "Roddie" Bryan to commit the offense of criminal attempt to commit false imprisonment while acting alone, in the manner suggested, then it follows that the criminal attempt to falsely imprison Mr. Arbery requires that Defendant Bryan act in concert with the McMichael defendants to falsely imprison Mr. Arbery.

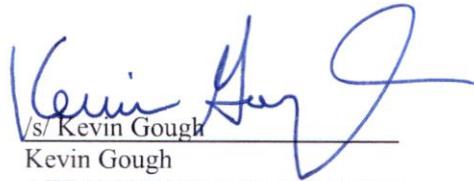
7. The McMichael's have never been charged, however, with criminal attempt to commit false imprisonment. The McMichael defendants are charged with aggravated assault, an offense with which Mr. Bryan is not charged. That discrepancy is also telling.

8. In order to show that Mr. Bryan possessed the specific intent to commit the crime of false imprisonment, therefore, the State of Georgia would have to show that Mr. Bryan **knew** that the McMichael defendants were not authorized to make a citizen's arrest under Georgia law. See O.C.G.A. § 17-4-60. The warrant does not allege that Mr. Bryan knew that the McMichael's were acting unlawfully to deprive Ahmaud Arbery of his personal liberty. Therefore, the arrest warrant is fatally defective.

9. It would appear, on reflection, that the arrest warrant was cleverly drafted by affiant to conceal the fact that the warrant does not state the offense of criminal attempt to commit criminal trespass nor any other offense under Georgia law. The lack of candor by affiant with the issuing tribunal is an issue to be addressed later by subsequent motion.

WHEREFORE, Defendant prays that the above-referenced warrant be dismissed. Without the predicate felony, the related warrant for felony murder should likewise be dismissed.

So moved, this 5th day of June, 2020.

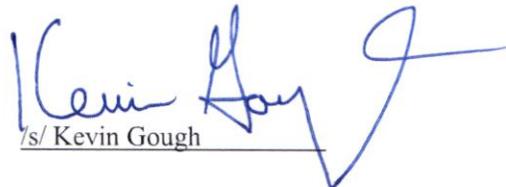
  
/s/ Kevin Gough  
Kevin Gough  
ATTORNEY FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

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 5th day of June, 2020.

  
/s/ Kevin Gough