

IN THE SUPERIOR COURT OF GLYNN COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,

v.

WILLIAM RODERICK BRYAN,  
Defendant.

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CRIMINAL ACTION NO: \_\_\_\_\_

Warrants: Felony Murder; Criminal Attempt to  
Commit False Imprisonment

**MOTION TO PREVENT USE OF “GRAND JURY HANDBOOK” AND  
PROHIBIT DISPENSATION OF OTHER EXTRANEIOUS “GUIDANCE”  
MOTION FOR SUPPLEMENTAL GRAND JURY CHARGE BY COURT  
MOTION FOR STAY OF GRAND JURY PROCEEDINGS PENDING HEARING  
AND FOR OTHER RELIEF.**

COMES NOW Defendant William Roderick “Roddie” Bryan, by and through undersigned counsel, pursuant to Fifth and Fourteenth Amendments to the United States Constitution, Article I, Section I, Paragraph I of the Constitution of the State of Georgia, and this Court’s inherent authority and respectfully files this his Motion to Prevent Use of “Grand Jury Handbook”, Prohibit Dispensation of Other Extraneous “Guidance” to the Grand Jury, Motion for Supplemental Grand Jury Charge by the Court, Motion for Stay of Grand Jury Proceedings Pending Hearing, And for Other Relief. In support of his motion, Defendant shows as follows:

1. Upon understanding and belief, the Special District Attorney Pro Tempore intends to present charges against Defendant the Grand Jury by way of indictment.

2. Defendant notes that the Special District Attorney Pro Tempore and Georgia Bureau of Investigation misrepresented not only the evidence but also the relevant law in presenting its case to the Chief Magistrate of Glynn County at the preliminary hearing in this matter on June 4, 2020. Moreover, as was evident in the handling of the Carolyn Small murder case (unarmed woman publicly executed as she sat in her motor vehicle by officers of the Glynn County Police Department) – a case that garnered national and international attention – there is a history in Glynn County, Georgia, of the prosecution presenting false and misleading evidence and argument to the grand jury.

Original filed in office this  
June 17, 2020  
Maisha Kuznetsov  
Clerk, Superior Court, Glynn County, Georgia

3. Defendant is especially concerned with the possibility that the Special District Attorney Pro Tempore may again misrepresent the law with respect to the offense of criminal attempt to commit false imprisonment which is the predicate offense for the charge of felony murder.

4. Defendant is also concerned that the Special District Attorney Pro Tempore may also attempt to exceed her authority under Georgia law to unduly “steer” the jury with unauthorized “guidance” and discourage the grand jury from exercising the full extent of its authority under Georgia law. The so-called “Grand Jury Handbook”, for example, discourages grand jurors from exercising its powers under Georgia law to consider and return indictments or special presentments against prosecutors within its jurisdiction – in this case, for example, the Special District Attorney Pro Tempore that has thus far improperly exercised jurisdiction over this prosecution in violation of Georgia law. The handbook does not adequately advise the grand jury under such circumstances and there is an inherent conflict in the Special District Attorney Pro Tempore advising the jury with respect to such matters. The handbook advises that the grand jury cannot obtain legal advice from any other attorney but does not inform the grand jury that the superior court may under certain circumstances instruct the jury as to the applicable law. The handbook contains “practical suggestions” that the prosecutor is not authorized to give such as “A reckless grand jury can do as much harm to the community and law enforcement as a weak Grand Jury.” (Handbook at 7). Such efforts to reign in a sitting grand jury are inappropriate.

5. Grand jury secrecy developed to protect jurors and accused persons from the tyranny of the King. That attitude of distrust for the power of government carries over to this day. Abuse of prosecutorial power is an unacceptable intrusion on the grand jury process.

6. Grand juries operate as an arm of the Superior Court. Gates v. State, 73 Ga. App. 824, 826 (1946).

7. Under special circumstances, courts are authorized to exercise their supervisory authority to constrain abuse of prosecutorial power. See In re Grand Jury, 489 F. Supp. 844 (N. D. Ga. 1980) is instructive in this regard:

**“[C]ourts have authority to intervene during the pre-indictment stage to ensure that this insulating purpose [of the grand jury] is not imperiled by prosecutorial misconduct which may mislead grand jurors. Apparently, such instruction can even go so far as to include the giving of a supplemental charge when manifestly necessitated by the situation before the judge.”**

489 F. Supp. At 848 (emphasis added). In that case, Judge Ward declined to give a supplemental charge because there was little danger of the grand jury misunderstanding the applicable law **“nor any intimation of prosecutorial misconduct in this matter or any showing that such is likely to occur.”** Id (emphasis added). The case before this court, in contrast, is now on the fourth district attorney in three months with the previous prosecutors under investigation by the Attorney General of Georgia and the United States Department of Justice. And that is in addition to the conduct thus far of the current Special Assistant District Attorney Pro Tempore.

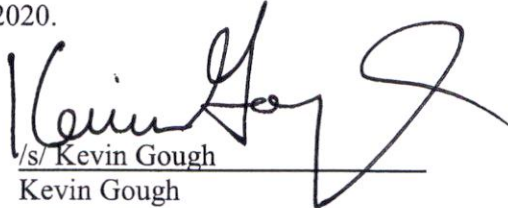
WHEREFORE, the Defendant prays that this Honorable Court:

- 1) Prohibit use of the so-called “Grand Jury Handbook”;
- 2) Prohibit the District Attorney from dispensing wisdom and “guidance” to the grand jury beyond that advice authorized by Georgia law;
- 3) Prohibit the District Attorney from attempting to constrain the full exercise of discretion by the grand jury;

4) Provide a supplemental charge to the grand jury prior to the consideration of the shooting of Ahmaud Arbery to ensure that they are correctly apprised of the applicable law; and

5) For such other and further relief as the court deems proper.

So moved, this <sup>17<sup>th</sup></sup>~~8<sup>th</sup>~~ day of June, 2020.

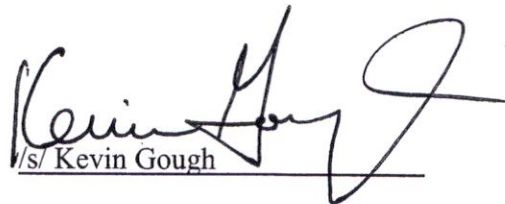
  
/s/ Kevin Gough  
Kevin Gough  
ATTORNEY FOR DEFENDANT  
Georgia Bar No. 303210

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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.

So moved, this <sup>17<sup>th</sup></sup>~~8<sup>th</sup>~~ day of June, 2020.

  
/s/ Kevin Gough