

Ronald M Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,)	
)	
)	
v.)	Criminal Action No. 20-CR-00433
)	
WILLIAM RODERICK BRYAN,)	
Defendant.)	

MOTION FOR DISCLOSURE OF INFORMATION (EXISTENCE OF EVIDENCE ARGUABLY SUBJECT TO SUPPRESSION)

COMES NOW Defendant William Roderick “Roddy” Bryan, by and through undersigned counsel, and respectfully moves this Honorable Court pursuant to defendant’s due process rights, see Brady v. Maryland, 373 U.S. 83 (1963), for entry of an order directing the State to inquire, search, serve and file specific written notice, within a time certain, of (1) any and all evidence or information in its possession, custody or control or the existence of which is known, or which by the exercise of due diligence could become known to the Government and which is arguably subject to a motion to suppress. This evidence or information includes, but is not limited to, any and all such evidence or information which the Government presently or at any time intends, contemplates or considers using at trial in its case in chief, or in rebuttal or otherwise, and (2) any an all grounds upon which said evidence may be subject to suppression. In support thereof, Defendant shows as follows:

1. Pursuant to Georgia’s Rules of Criminal Procedure, local custom and practice, suppression issues must be raised by pretrial motion. This Motion has been made to expedite trial preparation and to avoid unnecessary interruptions during trial to conduct suppression hearings
2. Disclosure of suppression issues is necessary not only to protect the rights of the accused, but also to preserve the orderly functioning of trial court.

3. Defendant's motion correctly requests notice of evidence "arguably" subject to suppression. If it is proper to make a suppression argument, counsel is entitled to the opportunity to make it and the Court to hear it. Certainly, prosecutors should not sit as judges and decide which issues will be exposed to the adversary process and which will be secreted from it.

4. This Motion is cast somewhat broadly, because it requests notice of evidence the Government intends to use in its case in chief, or in rebuttal, or otherwise. However, the Court has inherent authority to grant this Motion because the dangers of unfair prejudice and undue delay require pretrial disclosure and resolution of all suppression issues. Disclosure of such evidence is reasonably calculated to lead to the discovery of other exculpatory evidence.

5. There is no reason to permit a "trial by ambush". This Motion is promotes judicial economy and is necessary to safeguard Defendant's constitutional right to a fair trial.

WHEREFORE, the Defendant prays that this Motion be granted.

So noted, this 16th day of July, 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 16th day of July, 2020.

/s/ Kevin Gough

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