

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,)
)
vs.) CASE NO.: CR2000433
)
WILLIAM RODERICK BRYAN,)
)
Defendant.)

ORIGINAL

ARRAIGNMENT AND MOTIONS HEARING VOLUME I of IV
JULY 17, 2020
10:00 A.M.
GLYNN COUNTY COURTHOUSE
BRUNSWICK, GEORGIA
HONORABLE TIMOTHY R. WALMSLEY PRESIDING

APPEARANCES

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FILED
GLYNN COUNTY CLERK'S OFFICE
2020 AUG 14 AM 10:42

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P R O C E E D I N G S

1
2 THE COURT: All right. Good morning.

3 GALLERY IN UNISON: Good morning.

4 THE COURT: All right. I am well beyond six
5 feet away from anybody, so I'm going to take this
6 mask off. That way everybody can hear me as we
7 proceed through this morning and possibly into the
8 afternoon.

9 Welcome to the Superior Court of Chatham County.
10 We have on the docket today the State of Georgia
11 versus Gregory McMichael, Travis McMichael, and
12 William Bryan.

13 Let me just run through where we have everybody
14 and make sure we do have everybody. At the jail, I
15 have the defendants, Travis McMichael and Gregory
16 McMichael. We are going to first arraign those two
17 individuals, and then we're going to do some
18 shuffling over at the jail and bring Mr. Bryan out.
19 We're going to arraign Mr. Bryan and then move into
20 motions that were filed by Mr. Gough on behalf of Mr.
21 Bryan. I have a number of different images that I'm
22 looking at.

23 (At this time, arraignments were held for Travis
24 McMichael and Gregory McMichael. Once concluded, the
25 following transpired:)

1 THE COURT: All right. We're going to
2 transition then at the jail. We're going to bring
3 Mr. Bryan out.

4 NOTE: (Brief pause in proceedings.)

5 THE COURT: All right. We have Mr. Bryan in
6 place. Got the State of Georgia versus William R.
7 Bryan, Case Number CR2000433. Present in the
8 courtroom, Mr. Gough on behalf of the defendant, and
9 Mr. Evans on behalf of the State. The matter was
10 noticed for an arraignment this morning. The
11 defendant is present remotely at the jail.

12 Mr. Bryan, can you hear and see me?

13 DEFENDANT BRYAN: Yes, sir.

14 THE COURT: All right. Now, if at any point
15 during these proceedings you can't hear or see me,
16 please let me know and we'll make sure that that
17 occurs. And that's as simple as waving your hand or
18 letting one of the deputies there at the jail know.

19 Do you understand that?

20 DEFENDANT BRYAN: Yes, sir, I do.

21 THE COURT: All right. In addition, if at any
22 point you need to speak with your lawyer during this
23 arraignment, let me know and we'll make sure that we
24 set it up some way to do that by private line so that
25 you can have a conversation with your lawyer

1 confidentially.

2 Do you understand?

3 DEFENDANT BRYAN: Yes, sir.

4 THE COURT: Do you have any objection to moving
5 forward remotely with this proced -- with the
6 arraignment here as well as a number of motions that
7 have been filed on your behalf by counsel?

8 DEFENDANT BRYAN: No, sir.

9 THE COURT: All right. Mr. Gough, you are
10 standing.

11 MR. GOUGH: I am, Your Honor.

12 THE COURT: Yes?

13 MR. GOUGH: I have an objection -- not to
14 proceeding by video conference. I have an objection
15 to my client being required to wear a mask. It was
16 my understanding -- maybe it was a misunderstanding.

17 THE COURT: My understanding through the
18 sheriff's office is that he's welcome to take that
19 mask off. He can place it on the table in front of
20 him. It doesn't look like there's anybody within six
21 feet of him.

22 MR. GOUGH: All right. But can he hear me, Your
23 Honor?

24 THE COURT: I haven't gotten to that yet.

25 MR. GOUGH: Okay. Well, then I -- I don't think

1 he's aware of that. But that would address the mask
2 issue for my client.

3 This other issue has come up before, and that is
4 the wearing of masks making political statements in
5 the courtroom during these judicial proceedings. I'm
6 not 100 percent sure, but I'm pretty sure that
7 national civil rights attorney F. Lee Merritt is in
8 the courtroom wearing a mask that has the words
9 "George Floyd" printed prominently on it, and we
10 object. If we are permitted to wear masks making
11 political statements, then Mr. Evans and I, Ms.
12 Holmes should be free to wear MAGA masks if we wanted
13 to in the courtroom. I imagine The Court wouldn't
14 appreciate that. And I think that the same rules
15 should apply, and any political statements, whether
16 on masks, lapels, bumper stickers, t-shirts, whatever
17 people -- this is not the place for political
18 statements and we would ask that any individuals
19 wearing such masks be provided content-neutral masks
20 to wear in the courtroom.

21 THE COURT: Mr. Evans?

22 MR. EVANS: Your Honor, I don't think there's
23 any basis for this objection at present. I'll note
24 for our record that our purposes today are limited to
25 the arraignment and the certain motions that this

1 Court will be asked to pass upon, at least one of
2 which is actually going to turn into a bit of a
3 consent, as we'll explain shortly. I say that to say
4 that you're the finder of fact at present, Judge, and
5 I trust that your findings of fact are going to be
6 based on the law and the evidence presented and that
7 you're not going to be swayed by any person's choice
8 on what they may have worn. We are in a judicial
9 emergency. It's more important to have people in
10 masks than not, whatever those masks may -- may look
11 like. We will, of course, as the dynamics of these
12 proceedings change and we get closer to a jury trial,
13 talk with our witnesses and involved parties,
14 attorneys included, about the importance of
15 maintaining objectivity for other finders of fact.
16 But I don't see an issue for today's proceedings,
17 Your Honor, and we'd ask that you deny that
18 objection. This is an open courtroom, subject to the
19 limitations that we're dealing with because of the
20 judicial emergency and everyone does have, within
21 reason, certain First Amendment rights.

22 THE COURT: Final word.

23 MR. GOUGH: I'm sorry, Your Honor?

24 THE COURT: I said, final word.

25 MR. GOUGH: Final word, Your Honor. I mean Mr.

1 Merritt no disrespect. And when he's out in the
2 hallway or outside for whatever events are happening
3 after the proceedings, he can wear whatever he wants.
4 But in this courtroom, there should not be any
5 political statements being made, whether on a mask,
6 on a lapel pin, on a tie, or in any other way. It
7 undermines public confidence in the fairness and the
8 impartiality of the proceedings. It violates my
9 client's constitutional due process rights under
10 Article 1, Section 1, Paragraph 1 of the Constitution
11 of the State of Georgia, and the Fifth and Fourteenth
12 Amendments to the United States Constitution. And
13 with all due respect to Mr. Merritt, it's
14 inappropriate and entirely unnecessary. If -- if
15 rock stars can fly him here for court, somebody can
16 buy him a 50 cent mask. That's my last word.

17 THE COURT: All right. So we're trying to get
18 the defendant arraigned today. I hadn't even noticed
19 the mask. I -- I -- I do notice it now. I'm more
20 than happy to go ahead and address this issue more
21 specifically once we get to the point where we're
22 trying this case. This gives me a great opportunity
23 though -- thank you, Mr. Gough -- to make this
24 statement.

25 To the lawyers present and the gallery, in

1 superior court, we strive to provide a vehicle where
2 the defendant will receive a fair trial. It is not a
3 place for political statements. It is not a place
4 for outbursts. It's a place where we try to take
5 care of very serious business -- and in this
6 particular case, some of the most serious business
7 that we can address, which is a charge of murder. I
8 am not one for games. And I'm not one for wasting
9 time on matters that, although in a way important,
10 distract from the business before The Court.

11 Again, I didn't even notice that mask. But if
12 at some -- and I'm -- I'm going to overrule the
13 objection, but I will instruct Counsel and generally
14 to the gallery, if anything in this court becomes
15 disruptive, it is the Court's position that that
16 disruption will be dealt with.

17 Again, this is not a place to make a statement.
18 We do not have a jury before the Court. I am
19 comfortable with the fact that I will be able to
20 arraign the defendant and hear the motions that are
21 before the Court without being influenced by a face
22 mask. But if we have to address it at some point
23 where we have a separate finder of fact, we'll go
24 ahead and do so because I do understand the concern.

25 I do not see masks as being a political

1 statement as far as this Court is concerned. I've
2 come down from Chatham County. I've been wearing a
3 mask in the back. I wore a mask when I took the
4 bench because the public health guidelines in this
5 particular community indicate that we are to do so
6 within this courthouse and I'm going to comply with
7 those public health guidelines. And that is all that
8 we are asking the lawyers and those that are in this
9 courthouse to do is comply with public health
10 guidelines for this particular community.

11 So that is overruled, Mr. Gough.

12 Anything further before we get started? I still
13 need to confirm that your client can hear and see
14 everything though.

15 MR. GOUGH: Yes, that would be good. I -- I --

16 THE COURT: All right.

17 MR. GOUGH: Thank you, Your Honor.

18 THE COURT: Mr. Bryan, I just want to make sure
19 you can hear and see me. There was some activity
20 that just occurred with regard to an objection. Can
21 you hear and see both of the lawyers that are
22 involved in this case, both Mr. Gough, your counsel,
23 and Mr. Evans with the State?

24 DEFENDANT BRYAN: I can see all three of them,
25 yes..

1 THE COURT: Okay. Can you hear all three?

2 DEFENDANT BRYAN: Yes.

3 THE COURT: Okay.

4 DEFENDANT BRYAN: Yes.

5 THE COURT: All right. Now, if at any point
6 during the proceedings you can't hear or see any of
7 the lawyers or me, please let me know and we'll make
8 sure that that gets addressed as quickly and as well
9 as possible.

10 Do you understand?

11 DEFENDANT BRYAN: Yes, sir, I do.

12 THE COURT: And I think I've said this, but if
13 at any point during the proceedings you need to speak
14 with Mr. Gough, you're welcome to do so. You need to
15 just let me know or let one of the deputies know.

16 Do you understand that?

17 DEFENDANT BRYAN: Yes, sir.

18 THE COURT: All right. The Court is certifying
19 that this arraignment and the proceedings that are to
20 follow, the motions specifically that have been
21 noticed for today, are occurring in compliance with
22 the Uniform Superior Court Rule 9.2, and we are ready
23 to proceed by video conference.

24 Mr. Evans, on the arraignment?

25 MR. EVANS: Your Honor, this defendant, as noted

1 by the Court, is charged with certain offenses,
2 including murder, in Indictment CR2000433. He is
3 charged in Count One with malice murder; Counts Two
4 through Five are varying counts of felony murder;
5 Counts Six and Seven are aggravated assault counts.
6 Count Eight is a false imprisonment count; and,
7 finally, Count Nine is a criminal attempt to commit a
8 felony count, that being false imprisonment.

9 He is charged individually and as party to the
10 crime with two co-indictees who we just arraigned as
11 well while he was out of the room. I have provided a
12 copy of this to defense counsel and he's confirming
13 now that he has a copy of that.

14 . Are you waiving a formal reading of the
15 indictment, Mr. Gough?

16 MR. GOUGH: Your Honor, we waive formal reading
17 of the indictment. We waive formal arraignment;
18 prepared to enter a plea of not guilty at this time.

19 Our practice here is to ask for 10 days to file
20 motions. In this particular case, most of Mr.
21 Bryan's motions have already been filed, and 10 days
22 should be sufficient time to file what remains.

23 THE COURT: Okay. With the -- well, Mr. Bryan,
24 I understand you're entering a not guilty plea; is
25 that correct?

1 DEFENDANT BRYAN: That is correct.

2 THE COURT: Do you have any objection to the
3 Court entering that not guilty plea upon the record?

4 DEFENDANT BRYAN: No, sir.

5 THE COURT: All right. The clerk is instructed
6 then to enter the not guilty plea upon the record.

7 Mr. Bryan, specifically -- and I'll go back over
8 this with Counsel -- this Court's practice -- and
9 again, we're sitting here before this Court -- is to
10 enter pretrial scheduling orders, which will be the
11 operative orders in the case. And those pretrial
12 scheduling orders provide discovery deadlines and
13 motion deadlines and usually will provide a trial
14 docket call date. However, given the current state
15 of emergency, the Court is not able to provide a
16 trial docket call date. But we will do so and amend
17 that scheduling order as quickly as we are given the
18 authority to do so. That is going to be the
19 operative order in the case and you'll see that the
20 order itself specifically indicates that it overrules
21 the statute itself.

22 Mr. --

23 MR. GOUGH: Your Honor, I know the Court will
24 enter a scheduling order. In my experience in the
25 past, the Court generally doesn't further confer with

1 Counsel after arraignment about the scheduling order
2 in advance of issuing it. I did want to bring
3 several matters to the Court's attention. And this
4 is the first time that we've all been together since
5 this case started.

6 First of all, as the Court is aware, my client
7 has statutory and constitutional speedy trial demands
8 in this case.

9 THE COURT: I've only seen a constitutional
10 speedy trial demand. Have you filed a statutory
11 demand?

12 MR. GOUGH: I've prepared it. If I haven't
13 filed it, we'll have it filed by the end of the day.

14 I understand that there's a judicial order
15 purporting to suspend the defendant's federal
16 constitutional speedy trial rights. We'll have to
17 see what that means, but those demands are there.
18 The other defendants, to my knowledge, have not made
19 such requests.

20 We have filed a motion challenging the
21 constitutionality of the judicial emergency order to
22 the extent that it bars criminal jury trials.
23 Uncharted territory for me. Your Honor may have some
24 experience with it. It's not clear to me whether
25 that's even a motion we can hear in -- in -- in the

1 superior court. It may be a matter that has to be
2 taken to district court. I'm not sure how you -- I'm
3 not sure how the Georgia Supreme Court hears a motion
4 challenging its own emergency order. We'll consider
5 that. But we are not consenting to a Covid-related
6 delay of my client's jury trial. I believe we are
7 alone in that motion. I don't believe the co-
8 defendants have joined in that.

9 So we are asking the Court to set deadlines as
10 early as possible so that we're in a position to try
11 this case consistent with my client's speedy trial
12 rights. I've said that. I'm not expecting any
13 response. I just -- when the Court goes home and
14 enters its scheduling order, I just wanted the Court
15 to be aware of those concerns.

16 THE COURT: Scheduling order is ready to go.
17 I'd like to move the case along just like you'd like
18 to move the case along. So we are here in Glynn
19 County ready to go.

20 MR. GOUGH: Last but not least, I believe the
21 Court misspoke earlier. The Court is from Chatham --
22 Your Honor is from Chatham County, but we've not
23 consented to a venue change. I don't believe that
24 anyone's moved for a venue change. Technically,
25 we're under the Superior Court of Glynn County.

1 Nothing I do today, I wouldn't want that to be
2 interpreted as a consent to a change in venue. I
3 don't think that was intended, but I just want to be
4 clear about that.

5 THE COURT: I'm not sure what I said, and if I
6 said anything about Chatham County, it's simply that
7 there's a Chatham County judge that came down here to
8 Brunswick to hear a case.

9 MR. GOUGH: And -- and we're -- we're glad
10 you're here. Thank you, Your Honor.

11 THE COURT: All right. Mr. Evans?

12 MR. EVANS: I'm not sure much of a response is
13 required as those issues don't appear to be ripe, and
14 your scheduling order for this morning was rather
15 specific.

16 I do note that I received notification of e-
17 filing of a number of motions this morning around 8,
18 8:30. I have not looked at those other than one, and
19 I just don't think it's ripe to address those issues
20 at present, Judge. If you think otherwise, we'll
21 just need a little bit of time to print those off.
22 But they haven't been provided to us other than I
23 have received the notice of the e-filing.

24 THE COURT: Yeah. Just again, by way of
25 explanation because this is the first time we've all

1 been together, I normally don't notice hearings the
2 way I'm noticing them in this case. And the reason
3 that I'm trying to be very specific about what is
4 being heard by the Court is because a lot of folks
5 are coming in from a lot of different places and I
6 don't want anybody to be surprised, thrown off
7 balance, however you want to describe it, by the
8 Court picking up a matter and forcing a hearing
9 along. I try to avoid that.

10 You will notice that this Court's practice is to
11 hopefully be out in front of cases far enough where
12 we know where we are and where we're headed and
13 there's not a lot of surprises. So I -- I intend to
14 stick with what was noticed.

15 I did receive from the clerk this morning a pile
16 of additional filings that came in late yesterday,
17 candidly, after I'd left the office, so I didn't see
18 them until this morning. I saw there was, for
19 example, the motion that Mr. Gough filed with regard
20 to the judicial emergency. Other than looking at it,
21 I haven't had an opportunity to really consider
22 what's there, what the issues are. And again, I
23 don't even know whether this would be the court that
24 would be able to address those issues. It's a
25 supreme court order. I plan to comply with the

1 current emergency order out of the Georgia Supreme
2 Court until otherwise directed. All right.

3 MR. GOUGH: And to be clear, Your Honor, I
4 wasn't asking the Court to hear any of those motions
5 this morning.

6 THE COURT: Okay. All right. So the Court will
7 enter the -- the scheduling order. I'm going to
8 execute it here today. We'll get it filed by the --
9 by the time the Court is recessed for the day.

10 I tried to put together a logical way of hearing
11 the remaining motions that were before the Court and
12 I'm not sure there's -- there's a way to do that
13 without either extending some issues or -- I'm
14 probably not saying that very artfully. The bottom
15 line is this: I've written down the remaining motions
16 that the Court has to hear. What I wrote down that I
17 would hear second is the motion to strike the
18 appointment of Ms. Holmes.

19 But before I get to that, I had received a
20 motion to intervene on the motion for relief from
21 prejudicial and inflammatory statements. The Court
22 entered an order granting the intervention. To be
23 clear on the record, there were no objections from
24 the State or any of the Defense teams to the
25 intervention itself. So that order was entered. I

1 don't believe I have any appearances. And just to
2 make sure, no appearances from the intervenor. So
3 I'm not sure whether that's a matter we can address
4 before we get into more evidentiary matters.

5 MR. EVANS: I can explain. I believe we've come
6 to terms on that subject of that motion and we
7 explained that to counsel for -- that Atlanta firm
8 yesterday. They're on standby and I have their cell
9 phone. So whenever you deem it appropriate, Judge,
10 we can talk about the specifics of that order and
11 what terms we've come to.

12 MR. GOUGH: We would just -- I would just as
13 soon we get that out of the way and let the folks in
14 Atlanta go on about their day.

15 THE COURT: Well, and that's what -- I don't
16 want to hold people up for too long, so if we can
17 address that, it sounds like there may be some sort
18 of consent order -- I say consent -- a proposal to
19 the Court.

20 Why don't we go ahead and address that then?

21 MR. EVANS: Sure, Judge. This involves a motion
22 that was filed by the Defense and it involves a
23 motion to -- essentially for a gag order on certain
24 third parties, essentially victims and victim's
25 representatives. And whenever you have a situation

1 where there's a motion for a gag order, it's been the
2 experience from this prosecutor that often media gets
3 their attorneys involved, which is what we have here.
4 And those intervenors were prepared to argue from
5 their standpoint because it might impact their
6 clients, the media, and their ability to access the
7 courtroom. So we had discussions through the past
8 couple of days. Mr. Gough reached out to me
9 initially. We've -- we've gone back and forth on
10 that.

11 And the -- the consideration that basically Mr.
12 Gough was most concerned about was whether or not the
13 State would be turning over any of its case file or
14 information other than public information to counsel
15 for the victim's family or for the victim's family
16 directly. And as I explained to Mr. Gough and I'm
17 going to explain to you, I -- I don't think I've ever
18 done that in a pending case. It certainly wouldn't
19 be subject to open records because of the status of
20 it being a pending case. So I confirmed for Mr.
21 Gough that we had no intention right now of providing
22 that to the Defense or their representatives. I've
23 informed them of that as well and they're well aware
24 that they're not going to get that from us while the
25 case is pending at least. There might be a future

1 date where that becomes ripe to hear.

2 So after discussing that, I believe Mr. Gough
3 can confirm that that is satisfactory for his client,
4 and once we've made that record, it's my
5 understanding he's going to withdraw that motion as
6 there's no need to advance it.

7 Can you confirm?

8 MR. GOUGH: That's correct, Your Honor. The
9 motion would be moot. To be fair, it's not really a
10 gag motion. It's a motion trying to restrict the
11 flow of information out so third parties are not
12 conduits. The State has represented that that's not
13 going to take place and we're satisfied with that.
14 And given that there aren't going to be any
15 dissemination or disclosure of evidence in this case,
16 there's no reason for the district attorney's office
17 to have to log communications that don't take place.
18 That would be a -- a useless formality.

19 So we will abandon and withdraw that motion
20 based on the representation of the State.

21 Now, if things should change, then we may have
22 to come back and revisit. But the things that led to
23 that motion being filed some time ago have -- seem to
24 have abated on their own. So we're in agreement with
25 the State on that.

1 THE COURT: Okay. So as I understand it then,
2 for the record, as of this time, that motion has been
3 abandoned with the reservation of the right to bring
4 the issues back if, in fact, something occurs within
5 the case that would make it relevant or appropriate.

6 MR. GOUGH: And that is, of course, based upon
7 the representation of the State here today.

8 THE COURT: All right. All right. I'll
9 consider that matter abandoned under those
10 circumstances then.

11 I don't have access to the folks in Atlanta, so
12 I assume, Mr. Evans, you'll let them know that unless
13 they've got some further business before the Court,
14 we will go ahead and release them.

15 MR. EVANS: Yes, sir. We'll make sure that
16 that's -- that information gets to them. I suspect
17 they're probably watching real time from Atlanta now.
18 They did tell me that they have no intention to
19 travel based on what we had shared with them but
20 would remain on-call. I told her if she didn't hear
21 from me that likely things went as planned. But I'm
22 -- I'm sure she's aware. We'll make sure during a
23 break that we also tell her --

24 THE COURT: Okay.

25 MR. EVANS: -- directly.

1 MR. GOUGH: And, Your Honor, I hate to impose on
2 the Court, but I need a bathroom break. So a five-
3 minute recess would be greatly appreciated.

4 THE COURT: That's fine. Let's go ahead -- the
5 next matter the Court would intend to address then
6 would be the motion for -- I'm sorry -- motion to
7 strike the appointment of Ms. Holmes. We'll plan on
8 addressing that matter -- where's the clock in this
9 courtroom? -- let's plan on the top of the hour,
10 11:00.

11 We're in recess until 11:00.

12 MR. GOUGH: Thank you, Your Honor.

13 NOTE: (Off the record briefly at 10:38
14 a.m.; then resuming at 10:53
15 a.m., as follows:)

16 THE COURT: All right. We're back on. We have
17 everybody present. Mr. Bryan, can you hear and see
18 me?

19 DEFENDANT BRYAN: I can hear you and I can see
20 the top of Kevin's head.

21 MR. GOUGH: Your Honor, we have to adjust this
22 every time I stand up or sit down.

23 DEFENDANT BRYAN: Yeah.

24 MR. GOUGH: We'll do our best.

25 THE COURT: Okay. Again, Mr. Bryan, if you run

1 into an issue there, just let me know and we'll do
2 whatever we can to address it. All right?

3 DEFENDANT BRYAN: I think we're okay.

4 THE COURT: All right. Again, we're back on.
5 The State of Georgia versus William R. Bryan,
6 CR2000433. When we recessed, I indicated that the
7 Court would be taking up the issue of the motion to
8 strike the appointment of Ms. Holmes as the district
9 attorney. Now, there were a number of filings that
10 came into the Court over a period of time associated
11 with this motion, so let's just -- I guess we'll just
12 dive right into it.

13 Mr. Gough, it's -- it's your motion. Are you
14 ready to proceed?

15 MR. GOUGH: We are, Your Honor. We're not
16 attempting to backdoor any of the other motions.
17 We're -- we're prepared to address this one today.
18 Some of those others that would be related may be
19 moot now or they may have to be amended in light of
20 the subsequent indictment. But we're ready to
21 proceed on the motion that we have before the Court.

22 THE COURT: Yeah, and it occurs to me as you say
23 that -- well, let me do this.

24 Mr. Evans, are you ready to proceed on the --
25 the motion?

1 MR. EVANS: Your Honor, Ms. Dunikoski with our -
2 head of our appeals unit will be handling this motion
3 on behalf of the State. And she is ready.

4 THE COURT: Okay. It occurred to me -- well,
5 the way we track the motions in my office is we've
6 got a spreadsheet that lays out the motions and the
7 responses and the -- the dates. And even prior to
8 indictment in this case, there were a -- there were
9 quite a few motions filed. And you'll see in my
10 scheduling order that one of the things that I ask
11 for is a notice from counsel on whether an
12 evidentiary hearing is requested. And so what I'm
13 going to ask is given all of these filings -- I need
14 to go through and figure out what we actually need to
15 hear. And your comment there raised a little bit of
16 a concern in my head. I don't want to start working
17 through matters that have been -- or at least you
18 consider moot or that don't need the Court's
19 involvement. There's -- there's a better way to --
20 to spend our time.

21 And so what I'm going to ask is given all of the
22 filings prior to arraignment, if there could be a
23 notice filed indicating what you're requesting an
24 evidentiary hearing on. That would be helpful to the
25 Court.

1 MR. GOUGH: And -- and I -- I intend to provide
2 that.

3 THE COURT: All right.

4 MR. GOUGH: My -- my goal is to adhere as
5 closely as possible to the directions of the Court.
6 And in many cases, my motions say whether we're
7 requesting an evidentiary hearing. But in this case,
8 I can see there are several that don't, so I'll make
9 sure going forward we're clearer. And everything
10 filed to date, I'll make sure I get that to Your
11 Honor and copy opposing counsel.

12 THE COURT: Yeah. And Mr. Evans, that would
13 apply to the State also. I've got -- it looks like
14 most of the motions I've got from the State really
15 just address the -- the Defense motion on the -- the
16 appointment of Ms. Holmes.

17 Mr. Gough, I've got -- they're not numbered.
18 I'll just -- I'll just say I've got at least two
19 pages on an Excel spreadsheet already. So it'd be
20 helpful to know what exactly we need to get heard.

21 MR. GOUGH: Thank you, Your Honor.

22 THE COURT: All right. On this motion, the
23 Court's ready to proceed.

24 Let me address one matter that I think would be
25 appropriate to address first, and that was a motion

1 with regard to the testimony of Ms. Holmes herself.
2 The State had filed an objection. There's no motion
3 to quash because I don't think there was a subpoena.
4 There were some discussions. I don't think a motion
5 to quash would have been the appropriate vehicle, so
6 it looks like the State filed a motion objecting to
7 her being called as a witness.

8 MS. DUNIKOSKI: Yes, Your Honor, we did.

9 THE COURT: All right. Do you intend to call
10 Ms. Holmes as a witness?

11 MR. GOUGH: At this point, I don't intend to. I
12 spoke with Mr. Evans, I believe about this subject,
13 not Ms. Dunikoski. And I apologize. I wasn't aware
14 of the division of labor for today's hearing. I
15 would not anticipate wanting to call her as a
16 witness. If I did, I would certainly notify the
17 Court. But I don't see that happening today.

18 We have Mr. Tom Durden, our Liberty County
19 District Attorney, and the Deputy Assistant Attorney
20 General, Mr. [sic] McGowan, I believe, who has been
21 identified by the attorney general's office as the
22 individual in their office most familiar with the
23 appointment process in this case. I don't anticipate
24 any other witnesses.

25 MS. DUNIKOSKI: That is correct. And Your

1 Honor, the State objects to this entire motion. The
2 basis for that objection is that the defendant
3 actually has absolutely no standing to bring this
4 motion. Ms. Blair McGowan from the AG's office is
5 here. Her agreement with Mr. Gough -- because he
6 withdrew his subpoena on Mr. Chris Carr. And Ms.
7 McGowan is the person who actually is in charge of
8 that particular unit that reassigns district
9 attorneys who recuse themselves.

10 And Mr. Durden is also here. However, at this
11 point in time, the State objects to this entire
12 motion given that both Mr. Bryan lacks standing, and
13 in addition, this Court has absolutely no authority
14 to either grant or deny the motion.

15 THE COURT: Let's get into that because I'm
16 trying to -- I've -- I've read through the briefs.
17 And what I understand this to be -- and Mr. Gough,
18 you can address this, I guess, first -- is this is
19 the defendant's challenge to Mr. Durden's
20 representation that he had a conflict of interest.

21 MR. GOUGH: In a roundabout way, that would be
22 true. But what this really is is ascertaining who is
23 the district attorney lawfully prosecuting this case.
24 Our contention is under Georgia law that Tom Durden
25 remains the district attorney prosecuting this case.

1 And if he is the district attorney prosecuting this
2 case, then he should be prosecuting it, not somebody
3 else.

4 THE COURT: Well, isn't -- isn't that a question
5 of law?

6 MR. GOUGH: I'm sorry?

7 THE COURT: Isn't that a question of law? Isn't
8 it simply that Mr. Durden, as I understand it -- and
9 there's some additional documents that the Court
10 received some notice of as possibly being used in
11 this -- this motion hearing. But what I had
12 associated with the motion was Mr. Durden's letter to
13 the attorney general's office indicating he had -- he
14 was recusing. And that recusal was based upon the
15 fact, as I understand from the letter -- and I
16 understand nobody's objecting to the authenticity of
17 the letter --

18 MR. GOUGH: No.

19 MS. DUNIKOSKI: No objection.

20 THE COURT: -- so the letter indicates that Mr.
21 Durden was assigned the case through the statute,
22 that once he was assigned the case, the case then --
23 my words, not his -- morphed into something a little
24 bit different. It expanded. It became more than the
25 -- the murder investigation, but then also started

1 involving some other -- other aspects. And again,
2 from what I understand simply by reading the letter,
3 he then indicated he didn't have the resources to do
4 that, didn't realize what it was, and because of
5 that, he had to recuse. I don't understand how that
6 isn't a conflict of interest under the Georgia rules.
7 And so I'm trying to understand where and what this
8 is really a fight over.

9 MR. GOUGH: Okay. And -- and -- and those are
10 legitimate questions. And I know the Court's read my
11 motion and I know the Court's read the State's
12 response. And we are in uncharted territory.

13 With all due respect to the State, the two cases
14 they cite involve solicitors, not district attorneys.
15 District attorneys are constitutional officers. Most
16 counties don't have a solicitor.

17 THE COURT: Let's -- let's get past that. And I
18 agree. The statute that was addressed in the case
19 that's cited -- I can't remember the name of the case
20 off the top of my head -- Mantooth. I think Mantooth
21 is the case everybody's talking about when it comes
22 to -- and Mantooth addresses a solicitor. That
23 statute's a little different. It was passed a little
24 bit after the prosecutor statute. Fair, okay.

25 Let's -- let's pretend for a moment that we're

1 not going to argue -- well, not -- not pretend.
2 Let's not argue that for a moment.

3 My question about this motion which gets to the
4 standing issue was this is a lawyer saying they have
5 a conflict of interest. This isn't a challenge to
6 the legal process. This isn't a statutory challenge.
7 This is simply, as I understand it, the Defense
8 challenging Mr. Durden's claim that he has a conflict
9 of interest sufficient to trigger the appointment of
10 a new district attorney pro tem.

11 MR. GOUGH: That's not a fully accurate summary
12 of our position.

13 THE COURT: All right.

14 MR. GOUGH: Our position is this: That as a
15 government lawyer and a constitutional officer, the
16 responsibilities and duties of a district attorney
17 are different than that of a private lawyer, number
18 one. And that unlike a private lawyer, the district
19 attorney has an office at his disposal and all kinds
20 of ways to get resources when they're needed to
21 handle a case.

22 Our position is the district attorney doesn't
23 get to choose -- pick and choose which cases they
24 want to prosecute on the ground that they're too busy
25 or they don't have enough resources. There are ways

1 to address that, and as a government lawyer and a
2 constitutional officer, the bar rules must be applied
3 in that context, and that's a very different context.

4 But the second point is, the statute itself does
5 not give the attorney general the unqualified
6 authority to appoint in the event of
7 disqualification. The attorney general's authority
8 is limited by the statute itself. And the statute
9 itself limits the attorney general's authority to
10 make an appointment to, quote-unquote, interest or
11 relationship. If the district attorney does not have
12 an interest in the matter or a relationship to
13 someone in it that would be disqualifying, then the
14 attorney general doesn't have the authority under
15 that statute to make the appointment.

16 Now, who does have that authority would be
17 unclear. Historically, it seems that courts have
18 taken up disqualification issues and have appointed
19 people. Granted, those are mostly solicitor cases.
20 But the argument here is that the attorney general's
21 authority is purely statutory because we're talking
22 about a constitutional officer. Outside of that
23 statutory authority, the attorney general can't make
24 an appointment. So if the reasons provided by Mr.
25 Durden why he wishes to get out of the case,

1 regardless of the bar rules, if the reasons provided
2 do not meet the statutory requirement of interest or
3 relationship as to grounds, then the attorney general
4 -- the district attorney may be able to withdraw, but
5 the attorney general doesn't have the authority to
6 make that appointment. And our position is that in
7 this case, Mr. Durden has provided a letter to the
8 attorney general stating basically that he doesn't
9 have the resources. Well, there's lots of ways for
10 prosecutors to address those resources and those are
11 not addressed. The legal grounds of interest and
12 relationship are not stated. Now, the district
13 attorney's office -- and I -- but I didn't mean the
14 Cobb County District Attorney's Office -- our
15 district attorney pro tempore. Kind of like a search
16 warrant situation, they may well contend that there
17 could be additional reasons that are not stated.

18 Now, my understanding from speaking with Mr.
19 Durden is there are no such reasons, but certainly
20 the State would -- would want to have -- would want
21 to have the right to present them if they existed.
22 But under the statute, which is very clear, interest
23 or relationship are the only reasons that allow the
24 attorney general to appoint another one.

25 Second point here is -- and, of course, this is

1 all unchartered territory. And we certainly want to
2 have the ability to preserve that issue for appeal,
3 maybe even an interlocutory appeal depending on how
4 the Court rules.

5 We also have the issue here of the failure to
6 comply with the statute. When the attorney general
7 makes that appointment, that appointment is to be
8 filed with the clerk of the superior court. It is to
9 be copied to the Chief Judge of the circuit. It is
10 to be provided to the counsel, or the parties if
11 they're unrepresented, who are affected by the
12 appointment. That appointment by the documents
13 submitted by the district attorney's office, that
14 appointment dates back to May 11. The paperwork was
15 not filed until June 8th.

16 And the argument is -- and it's an open question
17 of law, Your Honor. And we concede that there is no
18 case law on that point. The question is whether
19 those provisions are mandatory or they are directory.
20 In other words, whether that's a requirement or
21 whether it's optional. Because if it's a
22 requirement, all acts taken by this district attorney
23 prior to the filing of those documents were illegal
24 and that raises a whole host of problems with the
25 indictment, with the preliminary hearing, with all

1 the events that took place, all the actions taken by
2 the Cobb County District Attorney's Office prior to
3 the filing. And those may or may not be curable, but
4 we're far from getting to that point.

5 But the point I'm making to the Court is you've
6 got the two issues: One is whether under the statute
7 the attorney general had the authority to change the
8 prosecutors in this case; and second, if they had
9 that authority, is that authority effective before
10 they comply with the provisions in the statute.

11 Our contention is that those are mandatory, not
12 directory. The filing and the -- and the provision
13 of notice is not a suggestion. And the reason for
14 that, Your Honor, is the district attorney is, in
15 fact, a constitutional officer, and we don't have
16 star chambers in the state of Georgia. We don't have
17 secret prosecutors and secret things that the people
18 don't know. Every citizen of Glynn County -- not
19 just Mr. Bryan -- every citizen of Glynn County,
20 every citizen of Cobb County should be able to tell
21 who the prosecutor is for felonies in that
22 jurisdiction. And when the attorney general makes
23 secret appointments that don't comply with the
24 statute, then it creates -- and I'm not saying
25 anything improper took place here -- but it creates

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an environment that is not conducive to public trust and confidence in our judiciary.

And therefore, our position is that those requirements are mandatory and not directory, and for both that reason and the fact that there were no grounds to make the appointment. As a matter of Georgia law, the district attorney lawfully appointed to prosecute this case is Tom Durden whether he wants the job or not.

THE COURT: From the State -- again, I'm trying to just work through whether we need to have an evidentiary hearing on whether this is a question of law.

That being the case, from the State?

MS. DUNIKOSKI: Thank you, Your Honor. This is a question of law, Your Honor. It is an attack on the statute. It's an attack on the AG's office, and it's wordplay. This basically says 15-18-5, "Appointment of substitute for absent or disqualified district attorney. Section (a), when a district attorney's office is disqualified from interest." Interest can be taken one of two ways. I have an interest in the case, meaning it's going to affect me personally, financially, familially -- with family -- something along those lines.

1 The other way it can be an interest is as we
2 have under the Georgia Rules of Professional Conduct
3 Rule 1.7, "A lawyer shall not represent or continue
4 to represent a client if there is a significant risk
5 that the lawyer's own interests or the lawyer's
6 duties to another client will materially and
7 adversely affect the representation of the client."
8 And that's what we have here.

9 I will submit to the Court State's Exhibit
10 Number 10. I've shown that to Mr. Gough. This is
11 the letter from Mr. Tom Durden.

12 Any objection, Counsel?

13 MR. GOUGH: No objection.

14 MS. DUNIKOSKI: Okay.

15 THE COURT: Let's figure out how we're going to
16 shuffle documents around here.

17 MR. GOUGH: I don't need to look at it. I
18 already have.

19 THE COURT: Okay. Thank you.

20 MS. DUNIKOSKI: Mr. Durden's letter speaks for
21 itself, that he does, in fact, have an interest that
22 disqualifies him. He is the elected official for the
23 Atlantic Judicial Circuit. Six counties, only 11
24 assistant district attorneys and three investigators.
25 And in that letter, it indicates he were -- was more

1 than happy to take this matter on, but he didn't know
2 what it was and how large it was and how many
3 resources in his office it was going to take up.
4 When he discovered this, he did the right thing
5 because he is representing the people of the state of
6 Georgia. And I --

7 THE COURT: Let me pause you. I just want to
8 make sure. 10 was admitted.

9 MS. DUNIKOSKI: Thank you, Judge.

10 THE COURT: I didn't actually say it. Go ahead.

11 MS. DUNIKOSKI: He was representing the people
12 of the state of Georgia both in the Atlantic Judicial
13 Circuit who -- to whom he has a legal obligation to
14 make sure that he can do what he needs to do to
15 prosecute the crimes in that circuit. He also has an
16 obligation to the people of the state of Georgia in
17 the matter of the death of Ahmaud Arbery. And when
18 he realized that he had taken this on voluntarily,
19 that he did not have the resources to do this, he
20 went ahead and disqualified himself based on his own
21 interest, which is his interest in providing good
22 services to the people of the Atlantic Judicial
23 Circuit and also to the people of the state of
24 Georgia in this particular matter.

25 So while defense counsel wants interest to only

1 be one thing, interest is more than one thing as it
2 falls under the Rules of Professional Conduct 1.7(a).
3 Going behind Mr. Durden and questioning him by
4 putting him on the stand and going, well, what were
5 you thinking, what were you doing, actually violates
6 attorney/client privilege. His client is the State
7 of Georgia. And going behind him -- well, why did
8 you do this and what were you thinking and could you
9 really have done this -- he's basically saying I have
10 a conflict and I have to be taken off this case. The
11 attorney general's office does not go behind a
12 district attorney, an elected official, a lawyer and
13 go, no, you don't really have a conflict. They take
14 the elected official's word, here's your reasoning,
15 you have a conflict, and I have to go ahead and
16 assign it to someone else.

17 And in this particular case, the attorney
18 general's office did that. They received Mr.
19 Durden's letter and they appointed Cobb County
20 District Attorney Joyette Holmes as the district
21 attorney pro tempore.

22 State's Exhibit Number 11, I tender State's 11
23 at this time.

24 THE COURT: Mr. Gough?

25 MR. GOUGH: No objection.

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THE COURT: It's admitted.

MS. DUNIKOSKI: And, Your Honor, Mr. Gough is completely correct that was brought -- that letter went out May 11th of 2020. And he's actually right, I failed to file it. It's on me, totally on me. I'm the one, when it was brought to my attention after speaking with the attorney general's office, they said, you know, you're up in Cobb and there's no way for you to file into this case. There was actually no way for me to electronically file into this case prior to the indictment. They said, okay, you need to figure out a way to make sure this gets filed because, Ms. Dunikoski, you cannot walk across the street to the courthouse. You're up in Cobb County. So I called the clerk's office and I said, you know, I need to get this filed. I need to make sure it hasn't been filed yet, and I will take the hit on that because it did not get done in a timely fashion; it got done by June 8th, not because the district attorney's office was trying -- going to try and hide that they'd been appointed to this, but because of the technicalities of the electronic filing system that Glynn County has. And that is the reason for that. There was no star chamber here and, in fact, once this appointment was made, I'm sure we'll be

1 able to find numerous video clips where Mr. Gough was
2 talking about it on the news. The reason you file
3 this in open court is to make sure that opposing
4 counsel knows that the district attorney has changed
5 and that service now for anything should be on a
6 different district attorney. He was informed of that
7 and was well aware of that on May 11th. So that is
8 not actually an issue.

9 The real issue here, Your Honor, is that this
10 Mantooth case and the Nels case, N-e-l-s, both stand
11 for the proposition that a defendant does not get to
12 select his or her prosecutor. This is the State of
13 Georgia versus William Bryan. If William Bryan was
14 sued civilly, Mr. Bryan would not get to go "Oh, Mr.
15 Johnson's suing me. I don't like his attorney.
16 She's too good. She's too smart. She's got a great
17 team. I want a different attorney representing the
18 person who's suing me." That is not how this works.

19 And in the state of Georgia, a prosecutor is a
20 prosecutor is a prosecutor except if they have a
21 conflict. And in this case, Mr. Durden did, in fact,
22 have a conflict. The attorney general, when he
23 received that notice, did what the statute requires
24 him to do, which is to go ahead and appoint someone
25 else. There is absolutely no law that the defense

1 can point to, no statute that the defense can point
2 to that gives a defendant a right to challenge a
3 district attorney saying I'm disqualified off the
4 case.

5 In this case, it appears that Mr. Bryan didn't
6 like Mr. Durden's choice. "Oh, well, he could have
7 done this, he could have done that, he could have
8 gone ahead and -- and brought in somebody else or
9 asked for somebody else." That's not the defendant's
10 choice. He doesn't get to tell the district attorney
11 how to run his or her office. There's absolutely no
12 standing here for him.

13 In addition, as the Court I'm sure noticed in
14 Mantooth at the very end, it also pointed out that
15 the Court had absolutely no authority in that case
16 whatsoever to grant or deny any sort of challenge,
17 that there is nothing that provides this Court
18 authority to question the district -- district
19 attorney who makes that decision nor the attorney
20 general who goes ahead and respects that elected
21 official's decision to recuse themselves and appoint
22 someone else.

23 Thank you very much.

24 THE COURT: Mr. Gough?

25 MR. GOUGH: I'll try and be brief. Not my long

1 suit, but I'll do my best.

2 First of all, Your Honor, this e-filing story
3 is, with all due respect, utter nonsense. I'm not
4 implying that anybody has evil intent or malicious
5 intent here, but let's be clear. We had a
6 preliminary hearing in this courtroom four days
7 before the paperwork was filed. Ms. Dunikoski was
8 here and present all day for that hearing. And two
9 days prior to that hearing, a motion was filed or a -
10 - a pleading filed putting the DA on notice that
11 there was a question about whether there was a proper
12 appointment. So the idea that some e-file technical
13 issue was the reason why it wasn't done, well, that's
14 just not true. So to the extent that it causes the
15 Court concern, I think it justifies a hearing beyond
16 that.

17 The real issue isn't Mantooth or Nels because
18 they really don't -- they're not squarely on point.
19 There's certainly the Court of Appeals. None of the
20 issues I've raised today are actually directly
21 addressed in either of those decisions. The State
22 contends that the defendant does not have the right
23 to select his prosecutor. Now, that is -- that is
24 undoubtedly true.

25 THE COURT: We agree on something.

1 MR. GOUGH: We agree on that.

2 THE COURT: Perfect.

3 MR. GOUGH: We -- we may have an objection to --
4 to a particular one or the manner in which they're
5 appointed, but we don't get to pick. At the same
6 time, Your Honor, the victim doesn't get to pick the
7 prosecutor either. And this is a case literally of
8 national importance. Everyone from the President of
9 the United States on down to the janitor seems to
10 have an opinion about this matter. And we are now on
11 our fourth prosecutor.

12 And -- and two of those prosecutors, as I
13 understand it, are under investigation not only by
14 the State Law Department, but by the United States
15 Department of Justice supposedly over the -- the
16 manner in how they got in and out of this case and
17 what they were doing when they were in it. So I
18 think under those circumstances, I do believe we're
19 entitled to a hearing.

20 And to be fair, Mr. Durden's come down here
21 today, he's prepared to testify on this subject. So
22 is the -- Ms. McGowan. And I meant her no
23 disrespect. This issue is going to get addressed at
24 some point and I would humbly suggest that we address
25 it now. But if the Court doesn't want to do that, I

1 mean, the Court has all the power, but I'm going to
2 suggest in a case of national importance where so
3 many questions have arisen about the prosecutors in
4 this case and how things were handled in this case
5 that in this case above any other case that's --
6 that's been in the -- in the -- in Georgia judiciary,
7 this is a case where any question as to the propriety
8 of an appointment or how it was done should be
9 addressed thoroughly, openly, on the record as early
10 as possible. And that's what we're asking to do
11 today.

12 THE COURT: All right. Well, here's where I am.
13 I am concerned on the standing issue. The -- the
14 issue -- and I -- I get back to whether or not this
15 Court in this setting has the authority to go in and
16 address a challenge to a claim of conflict of
17 interest by a district attorney under these
18 circumstances. I'm going to leave the standing issue
19 alone.

20 As to the conflict itself, there is nothing in
21 the record indicating that the way the attorney
22 general was notified of the conflict was
23 inappropriate. I've gone through the bar rules and
24 just gleaning what I can from Mr. Durden's letter,
25 there's no indication that the -- the attorney was

1 not complying with the rules when he wrote the
2 letter.

3 As to the AG's decision then to move forward and
4 appoint Ms. Holmes, I understand the argument. I
5 have the appointment document dated May 11th. There
6 is no argument in the motion and I have heard no
7 argument with regard to prejudice or surprise. I
8 don't believe that that is an issue before the Court.

9 And under those circumstances, the Court --
10 we're not going to move forward with a hearing with
11 all due respect to those individuals who, although
12 they may be here and the implication is they're more
13 than happy to provide that testimony, my
14 understanding is these folks were either subpoenaed
15 or told they would be under subpoena, and they're
16 complying with court process. Being officers of the
17 court, they'd be required to do anyway. So whether
18 the subpoenas were served, unserved or not, they're
19 here because they believe that they were material to
20 this case based upon representations made to them.
21 This Court's position is these are questions that can
22 be addressed without a full-blown evidentiary
23 hearing.

24 The Court is denying the motion to strike the
25 illegal appointment of Ms. Holmes as district

1 attorney pro tem. I'll go ahead and enter a written
2 order on that. It'll probably be sometime early next
3 week.

4 MR. GOUGH: Thank you, Your Honor.

5 MS. DUNIKOSKI: Thank you, Your Honor.

6 THE COURT: All right. The final matter then
7 the Court has before it today as properly noticed
8 would be the amended motion for bond filed on behalf
9 of Mr. Bryan dated June 24th, 2020.

10 Is the Defense ready to proceed on that motion?

11 MR. GOUGH: We are, Your Honor. We have been
12 conferring with -- Mr. Evans, I believe, is -- is
13 handling this motion for the State.

14 MR. EVANS: Correct.

15 MR. GOUGH: There's two aspects to -- to the
16 motion. One is the standard 17-16-1 conditions under
17 which the Court can grant bond. And we have
18 presented by way of exhibit a number of statements
19 from family and friends on behalf of Mr. Bryan. We
20 have one witness to testify briefly on that subject.

21 As indicated in our amended motion, pursuant to
22 the ABA guidelines and previous directions of our
23 appellate courts, we believe this is a case where the
24 Court can and should consider the substantive
25 strengths and weaknesses of the prosecution in this

1 matter. And we've discussed that and there's the
2 long way of doing it and there's the short way of
3 doing it. And unless the Court has an objection, I
4 think our proposal is both sides are going to tender
5 their exhibits that are relative to the substance to
6 the case itself and rather than planning a bunch of
7 evidence or reading, you know, the transcript from
8 the preliminary hearing at length, submit those and
9 let the Court review them and decide what the Court
10 is -- is willing to consider and needs to consider,
11 and whether it impacts the decision of the Court.

12 The Court -- if the Court's inclined to grant
13 bond, there's no reason to go into that. If the
14 Court doesn't care what the strengths or the
15 weaknesses of the case are, that may not matter. So
16 rather than spend hours trying to go through that
17 process, I think if we take a five-minute recess, we
18 can probably agree on the exhibits to be filed rather
19 than played or presented here, and we can either
20 argue that issue now or the Court can direct us to
21 file briefs on -- on that subject, in which case, our
22 bond hearing would be relatively short and relatively
23 traditional, but we would have the record there if it
24 was important to the Court. And given the State's
25 response to the motion, I would think it might be.

1 So -- but whatever we agree with doesn't really
2 matter. It's -- ultimately it's what the Court wants
3 to do.

4 But there are four or five videos. We don't
5 have all the videos. We're not going to get into
6 that today. We thought there would be more evidence
7 here than there is, but there's enough and we're
8 prepared to go forward. And that would be my
9 suggestion. We're not here in front of a jury.

10 The Court can well decide what -- what evidence
11 it wishes to consider under the fairly relaxed rules
12 of a preliminary hearing. And if the State's
13 comfortable, I'm comfortable if the Court will
14 consider the evidence that -- that it deems relevant
15 and will not consider the evidence it -- it doesn't.
16 And if it's not referenced in the Court's order, I'm
17 going to assume that the Court considered it.
18 Neither -- and if are found not persuasive, are not
19 relevant, in which case we can probably be done
20 within the hour, maybe half an hour.

21 THE COURT: Mr. Evans?

22 MR. EVANS: Your Honor, I will be handling this
23 motion and I will tell the Court the State's ready to
24 go forward.

25 The exhibits that the State intends to introduce

1 in as a responsive matter are here in the courtroom
2 and they've already been furnished to both the
3 Defense and, I believe, copies have also been
4 furnished to your office per your directive from us.
5 So all of those exhibits are now pre-marked, sitting
6 here on my table. We'll be ready to tender those at
7 the appropriate time in response to the Defense
8 motion for bond.

9 So we're ready to go forward with that. And if
10 there isn't any objection to it at that time, I trust
11 the Court will -- will receive those for the
12 appropriate purpose.

13 I will, however, tell the Court that I don't
14 believe that the strength of the case has anything to
15 do with the considerations before this Court today.
16 And because of that, that might impact the
17 admissibility or the relevance of certain evidence
18 that I know the Defense wants to put in, namely some
19 videos that they brought in this morning. And since
20 that is not a factor to be considered in a bond
21 consideration, I would object to them being admitted
22 for that purpose. I know that that is one of the
23 things that Defense counsel has alluded to.

24 MR. GOUGH: Well, ultimately, whatever the Court
25 does, we want them proffered. In the event that we

1 file an appeal, the Court's decision on the bond,
2 should that be necessary, we would want the proffer
3 so it'd be part of the record to take up to the
4 appeals court. But the authorities are cited in the
5 motion and -- and they're not new and they're not
6 novel.

7 THE COURT: Maybe I'm not hearing correctly.

8 MR. GOUGH: Okay.

9 THE COURT: But I was under the impression there
10 was some sort of agreement.

11 MR. GOUGH: I thought there was. I'm not sure
12 there isn't.

13 THE COURT: And I'm not suggesting there should
14 be, there is, but I just heard two completely
15 parallel nonintersecting explanations about what we
16 are going to do. So we're dancing around an issue of
17 evidence. It's a scope issue from the sounds of
18 things. A bond hearing is not a place where we try a
19 case. Okay? We're not trying the case today.

20 MR. GOUGH: We're not, Your Honor. But the --

21 THE COURT: So what are we getting at? I don't
22 really -- you're talking about the strength of the
23 case. There's some motions filed by the State
24 objecting to certain -- and I've seen -- I haven't
25 gone through all the evidence, but objecting to

1 certain evidence which, under the Georgia rules,
2 seems a little questionable to begin with.

3 MR. GOUGH: Well, Your Honor --

4 THE COURT: So I'm wondering what we're getting
5 into, what we're referring to. Because what I'm not
6 going to do is have a bond hearing where the doors
7 are thrown wide open to evidence in the case
8 admissible, inadmissible or otherwise under the
9 pretense that we're talking about the strength of the
10 case.

11 So again, we're on parallel tracks. So why
12 don't we take a short recess and the two of you talk
13 about what exactly the two of you just told me
14 because it didn't make a lot of sense to me. If you
15 can reach an agreement about something, stipulate to
16 it, present the stipulation, and we'll move forward.
17 If we can't, then we'll address the bond motion and
18 we'll address any objections to any presentation of
19 evidence associated with the bond motion.

20 Do both of you understand my instructions?

21 MR. GOUGH: Yes, Your Honor.

22 MR. EVANS: (Nods head affirmatively.)

23 THE COURT: Okay.

24 MR. GOUGH: And I would humbly suggest -- I'm
25 sure the Court read it at some point, but to review

1 the authority cited in the amended motion that we
2 filed --

3 THE COURT: Mr. Gough, we're not trying your
4 case today. We've already had a seven-hour
5 preliminary hearing. I've read that transcript. I'm
6 fully aware of that evidence. So we're not going
7 back over all of the preliminary hearing matters as
8 well as retrying the case in the context of a bond
9 hearing. If you've got issues specific to bond, then
10 so be it. I'm aware of the authority. But the
11 authority isn't to try your case on the day of the
12 bond and then just kind of see how the chips lie.
13 That's not what we're going to do here today.

14 So if there's evidence that you wish to present
15 that there's an objection to, now is an opportunity
16 for the two of you to talk about it. If there's no
17 stipulations reached, we'll see what the status of
18 that conversation is and what we have to hear today.
19 I'd like to get into the bond hearing. So we're
20 going to take a 10-minute recess and I'll come back
21 on the bench and hear what y'all plan to have me
22 hear.

23 MR. GOUGH: Thank you, Your Honor.

24 NOTE: (Off the record at 11:38 a.m.;
25 then resuming at 11:47 a.m., as

follows:)

1
2 THE COURT: Okay. We are back on. Defendant's
3 present. Mr. Bryan, can you hear me?

4 DEFENDANT BRYAN: Yes, sir.

5 THE COURT: And you can see me?

6 DEFENDANT BRYAN: Yes, sir.

7 THE COURT: Okay. All right. We're back on
8 then. Again, everybody's present.

9 MR. GOUGH: Your Honor, we've resolved most of
10 the issues with respect to the evidence, bearing in
11 mind that whether the Court considers it and to what
12 extent will be up to the Court. But -- and to review
13 those, with the Court's permission, I'm going to
14 approach sidebar -- or the jury bar.

15 We are consenting to the admission of State's 1,
16 2, 3, 4, 5, 6, 6(a), 7, and the unnumbered statement
17 -- oh, no, that's not going to be tendered. That's
18 to show -- that's just demonstrative, I guess. Your
19 Honor, we are consenting to that, to those. In fact,
20 some of those are exhibits that we had intended to
21 present ourselves. We have Defendant's Composite
22 Exhibit 1 that was attached to the amended motion for
23 bond. The State has no objection to those. We wish
24 to present what is Composite -- would be Composite
25 Exhibit 3, which is five of the videos from this

1 case. The State has reviewed those. I think they're
2 objecting, so that'll have to be addressed. The
3 State consents to Exhibit 4, which is the incident
4 report, not the full - well, the incident report from
5 the day in question.

6 And the State objects to what are marked as
7 Exhibits 14 and 15. Those are certified convictions
8 of the alleged victim in this case. So we have -- of
9 all the exhibits that both sides intended to present
10 today, we have three that we would like to discuss
11 with the Court.

12 THE COURT: Okay. Mr. --

13 MR. GOUGH: And since they're my exhibits, I
14 guess I will go first and I will take these back to
15 counsel table so I can discuss those.

16 THE COURT: Okay. Mr. Evans?

17 MR. EVANS: Judge, I'm certainly appreciative of
18 the Court giving us opportunities like this to
19 discuss things to see what clarity we can provide to
20 the Court and I sincerely hope the Court realizes
21 that I'm not trying to, in any way, create gray --
22 and I don't think that I have. I tend to be a law
23 and order sort of linear kind of person, Judge. You
24 strike me as somebody that's sort of like that, too,
25 very linear in your approach to things. I think

1 perhaps the disconnect here is that normally we have
2 an opening if there's an opening. The Defense will
3 present its evidence. This has been my experience
4 with bond hearings. The State would either object or
5 not object to it. I've already told counsel for the
6 defendant what I would be objecting to. In fact, I
7 actually did so in writing with a responsive pleading
8 in objection to certain character evidence, so that -
9 - that was done in advance of this hearing. There
10 are admittedly certain items once they're presented
11 where I don't think the State's going to object to
12 them because there's at least an arguable basis for
13 why the Court might want to look at those.

14 And then I've also provided well in advance of
15 this hearing a number of exhibits that the State
16 intends to tender at the appropriate time, unless you
17 tell me that that time is now, that has been
18 articulated by defense counsel, he doesn't intend to
19 object to once we've talked through those things.

20 So that's where we are in the process is that
21 that's what's been going on behind the scenes even
22 before we arrived down to Glynn County from Cobb
23 County.

24 And I do agree that there's probably going to be
25 some exhibits that are tendered at some point,

1 whether that's now or during the course of a bond
2 hearing that probably are not going to be objected
3 to. And there's also going to be some victim impact
4 testimony and a statement that Ahmaud's father has
5 asked that I read to the Court.

6 So that's where we are from the State's
7 perspective regarding the matters now before the
8 Court and I think that that summarizes what I thought
9 the procedure would be with the bond hearing as is
10 normally the course of a bond hearing as they're
11 handled in at least our judicial circuit. If you
12 instruct the State or the Defense to do otherwise we,
13 of course, will abide by the wishes of the Court and
14 we'll be ready to go in whatever fashion you deem
15 fit.

16 MR. GOUGH: Your Honor, we took a 10-minute
17 recess to figure out what we could agree on and I
18 thought we had and now I guess I'm confused. The
19 Court has already indicated the Court's reviewed the
20 preliminary hearing transcript. And it's a State
21 exhibit and a Defense exhibit. We're going to use
22 the State's copy because it's a better copy than I
23 was able to make at home this morning. And our
24 position is that we -- we address the three exhibits
25 that there's an issue about, and that brings us down

1 to one five-minute witness for the Defense and one
2 probably five-minute witness for the prosecution, and
3 that seems like that will be a whole lot simpler than
4 spending an hour or two going exhibit by exhibit when
5 we're basically in agreement as to all but three.
6 And I'm pretty confident that the --

7 THE COURT: Well, here's -- here's the challenge
8 for the Court -- all right? -- is unless I have a
9 stipulation that the parties have entered into, I --
10 I don't have any stipulation. And what one party may
11 think is -- using a more or less time-consuming way
12 of addressing a matter may be -- seem completely
13 opposite by the other party. What I'm hearing is
14 that there's an agreement on most of these exhibits.

15 MR. GOUGH: There is.

16 THE COURT: We still need a hearing though.

17 MR. GOUGH: Well, we -- we can go ahead and
18 stipulate to the admission of the ones that we can
19 stipulate to and then we'll address the rest during a
20 hearing.

21 THE COURT: Okay. That's what I thought we were
22 going to try and do.

23 MR. GOUGH: Well, I -- I mean, yes. I think --
24 I think we're there. And -- and we're going to go
25 ahead and tender --

1 THE COURT: Well, let's do this. Hold on.
2 Let's take a - back up. The burden of proof is on
3 the Defense; the burden of persuasion is on the
4 State.

5 As to the burden of proof, Mr. Gough.

6 MR. GOUGH: Your Honor, at this time, I would
7 enter into a stipulation. We're going to tender
8 State's Exhibits 1, 2, 3, 4, 5, 6, 6(a), 7. I think
9 that's -- those are the number of the exhibits.

10 Am I correct?

11 MR. EVANS: So, Judge, again, I'm not trying to
12 be difficult. Those are State's exhibits. I have no
13 problem tendering them. If you're telling me now is
14 the appropriate time, then we'll make that tender. I
15 understand there's no objection to them. So I'll
16 tender the exhibits. There's no need for the Defense
17 to tender my exhibits.

18 THE COURT: Okay. All right. State's 1 through
19 7 -- I want to be clear for the clerk -

20 MR. GOUGH: Yes.

21 THE COURT: Where's my clerk? -- there you go --
22 1 through 7 are admitted. That's State's exhibits.

23 MR. EVANS: Thank you.

24 MR. GOUGH: And, Your Honor, at this time, we
25 would tender State's Exhibit 1 and 4. 1 is a

1 composite exhibit of character statements for the
2 defendant, and 4 is the incident -- not the full
3 Glynn County police report but just the incident
4 report from the day in question.

5 THE COURT: I'm a stickler for the record. I
6 just admitted 1 through 7, I believe.

7 MR. GOUGH: Yes. Those are S-1 through 7.

8 THE COURT: Let's hold onto that for just a
9 second.

10 MR. GOUGH: And we're now tendering D-1 and D-4.

11 THE COURT: Okay. I think you referred to them
12 as State's 1 and State's 4.

13 MR. GOUGH: Ah.

14 THE COURT: These are D-1 and D-4.

15 MR. GOUGH: I still sometimes do that.

16 THE COURT: Okay.

17 MR. GOUGH: And we'll just leave those there.

18 THE COURT: Any objection from the State?

19 MR. EVANS: No, not as to those two exhibits.

20 THE COURT: D-1 and D-4 are admitted.

21 MR. GOUGH: At this time, Your Honor, we would
22 tender Composite D-3. It's not marked. If Madam
23 Court Reporter will help me with a sticker. I'm not
24 sure how well they stick to these things, but we'll
25 do our best.

1 THE COURT: Sometimes it's easier to just throw
2 it in an envelope.

3 MR. GOUGH: And I probably should have thought
4 of that before I got here, and my apologies. If
5 Madam Clerk has an envelope, I will be happy to
6 borrow it. Well, borrow's not the word. I probably
7 won't return it.

8 MR. EVANS: By my accounts is that it's
9 government property that he's borrowing and not
10 returning.

11 THE COURT: I believe that's --

12 MR. GOUGH: Fortunately, Mr. Evans doesn't have
13 jurisdiction over that offense. And I'll put this
14 over -- over here.

15 Your Honor, and that has been properly marked.
16 It's already been shown to opposing counsel.

17 THE COURT: Mr. --

18 MR. GOUGH: Your Honor --

19 THE COURT: I'm sorry. You tendered it. Is
20 there an objection?

21 MR. EVANS: There is.

22 THE COURT: All right. Mr. Evans.

23 MR. EVANS: I object to it based on relevance in
24 that it doesn't go to the issues that are framed for
25 bond. I was told during the break that these video

1 clips which are contained on this flash drive are
2 being proffered to the Court regarding the issue of
3 strength of the case. And under Georgia law, I'm
4 aware of no legal principle by which that should be a
5 pertinent consideration for the Court as you pass
6 upon the issues of bond which are codified and also
7 encompassed in the Ayala case.

8 MR. GOUGH: And, Your Honor, if I may briefly
9 respond to that?

10 THE COURT: Yeah.

11 MR. GOUGH: First of all, Your Honor, the
12 Georgia statute, 17-6-1(e)(2), the Court shall
13 consider any other factor the Court deems
14 appropriate. So the consideration of that exhibit is
15 consistent with the statute. Moreover, as I pointed
16 out generally earlier, Georgia courts have long
17 looked to the ABA standards of pretrial release. For
18 example, Lane v. State. And those ABA standards
19 expressly reference consideration of the apparent
20 probability of conviction. And, in fact, I suspect
21 Your Honor, in rare cases over the years has, in
22 fact, considered that in deciding whether to grant a
23 bond or not. Other states, of course, have codified
24 that.

25 Now, in this case, my suggestion is that this is

1 admissible simply for the rule of completeness.
2 Because the Court has already read the preliminary
3 hearing transcript in this case, as -- as we would
4 have asked if -- if we had been asked. The Court
5 already has reviewed 274 pages of evidence in this
6 case, specifically the testimony of Agent Richard
7 Dial, about the content of these videos. While
8 they're not referenced by exhibit number, when the
9 Court is reviewing that transcript, the Court is
10 hearing the officer's testimony as to what he
11 observed on these videos. They're -- they're all --
12 the content of all five of these videos is explicitly
13 referenced in the preliminary hearing. So all we're
14 asking the Court to do, having already heard
15 basically a full day's worth of testimony by way of
16 transcript, is we're asking the Court to allow us to
17 append to that information the Court has already
18 accepted, the actual videos, most of which are short,
19 so that they're available so the Court can
20 independently assess the credibility of the testimony
21 of the affiant, Richard Dial, in deciding whether to
22 grant bond in this case. Having already heard his
23 testimony and his testimony referencing these
24 exhibits, we think it's appropriate for the Court to
25 be able to actually look at the exhibits themselves

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and not simply rely on his opinions.

So we believe under the circumstances for all those reasons that Exhibit 3 is appropriate. And whether the Court admits it or not, we want it part of the record as a proffer in the event that this matter winds up going on appeal.

THE COURT: Mr. Evans?

MR. EVANS: I don't believe I've got anything further to add for the Court. I think I've simply stated the basis of the State's objection. We stand by it. We just don't think that the strength of the case is really the controlling factor that the Court needs to consider as you pass upon the bond in this case.

THE COURT: I don't want to get into what's on the videos, but I don't know what the videos are of. What are we talking about?

MR. GOUGH: If I may, Your Honor, there is a video --

THE COURT: Just to be clear, I don't want to editorialize on the videos.

MR. GOUGH: Yes. Your Honor, there is a video from outside the English residence on the day of the shooting. There is a video from the inside of the residence on the day of the shooting. It is an

1 excerpt because the full video is, to our knowledge,
2 only in the possession of the State. But the excerpt
3 is sufficient for purposes of -- of the hearing that
4 we have today. There is the video of the shooting
5 itself. It's not a complete video, but it is -- it
6 is complete enough and the Court has probably already
7 seen it on television anyway. That video is on there
8 as well. It's, like, 90 seconds.

9 And there are -- there's a video of previous
10 instances where the alleged victim entered the same
11 residence -- or what appears to be the same person
12 entered the residence on other occasions, including
13 the incident where there was an encounter between
14 Travis McMichael and Mr. Arbery. And it's referenced
15 specifically in Agent Dial's testimony.

16 And -- am I missing one? I think I've got them
17 covered.

18 But these are videos -- they're all relatively
19 short and they're all specifically referenced in the
20 preliminary hearing testimony that your Court -- Your
21 Honor has already heard. And I wouldn't -- I
22 wouldn't try to suggest to Your Honor that you're
23 going to try and rule with the fiction that you
24 haven't read it. You've already read it. You've
25 already heard the evidence. This is simply providing

1 impeachment if nothing else because the video and the
2 testimony of the agent don't track each other.

3 THE COURT: All right. So I -- I am -- we're
4 going to go ahead and admit it. I'm - I'm admitting
5 it with a very clear statement that I have not done
6 so based upon ruling that the strength of the case
7 is, in fact, a determinative factor with respect to
8 bond. I'm admitting it. I'm going to take a look at
9 the cases and make sure -- apparently, I've got a
10 number of exhibits I'm going to have to take a look
11 at before I can rule on the bond issue anyway, so
12 I'll take a look at the strength of the case issue
13 along with that.

14 I think the -- the four factors are really what
15 we need to focus on, which is again why the Court did
16 not want to get into effectively trying this case
17 today.

18 With that explanation heard, Mr. Gough.

19 MR. GOUGH: Thank you, Your Honor. Exhibit 14
20 is a certified copy of a conviction for Mr. Arbery
21 for the offense of theft by shoplifting for which he
22 was on probation at the time of his tragic death.
23 And we are tendering that because it is relevant to
24 the claim of the State that Mr. Arbery was justified
25 in assaulting Travis McMichael in this case.

1 Understanding that Mr. Bryan's liability here is
2 largely derivative of the conduct of the McMichaels
3 on the day in question, if their conduct was, in
4 fact, justified and Mr. Arbery's conduct was not
5 justified then, with all due respect, there's no case
6 against Mr. Bryan either. And I would refer the
7 Court -- now, I'm not going to argue this twice, but
8 I have on file the pre-hearing memorandum of law
9 regarding citizen arrest, which addresses the
10 appropriate authorities and this conviction goes --

11 THE COURT: Which -- which is one of the things
12 that was filed last night; correct?

13 MR. GOUGH: I had thought I had served it on the
14 State earlier. Maybe not. But I did file it last
15 night.

16 THE COURT: Okay. Yeah, I saw it.

17 MR. GOUGH: But -- but the law nevertheless
18 hasn't changed and I suspect the Court probably knows
19 that a lot better than I do.

20 THE COURT: The only reason I raised it, I just
21 don't -- I don't think it's fair to anybody to start
22 getting into issues -- I saw the memorandum of law
23 filed. I -- I don't think we need to get into this
24 issue yet. Let's address the specific exhibit. I
25 understand --

1 MR. GOUGH: Yes.

2 THE COURT: -- you're claiming that it's
3 associated with that --

4 MR. GOUGH: Yes.

5 THE COURT: -- particular legal issue.

6 MR. GOUGH: In -- in -- in my argument, when the
7 evidence is -- is finished, I will be addressing
8 those issues in context of this exhibit. We contend
9 that the -- that the knowledge of Mr. Arbery as to
10 what he had done in his past are relevant to whether
11 his actions were objectively justifiable. And
12 therefore, the shoplifting conviction would be
13 relevant to whether he had reason to believe that he
14 was subject to citizens arrest for his conduct. And
15 that is 14.

16 And 15 is a certified copy of conviction, and
17 that is for carrying weapons within school areas
18 without a license and multiple counts of obstruction
19 of a law enforcement officer. I believe that's a
20 felony obstruction.

21 And we believe those are both relevant to the
22 assessment of whether or not Mr. Arbery was justified
23 in attacking Mr. McMichael, whether Mr. McMichael was
24 justified in defending himself. Those turn on
25 Georgia's unusual law with respect to the right to

1 resist arrest as well as stand your ground. So these
2 are admitted because they -- they reference
3 objectively what Mr. Arbery knew about his situation
4 on the day in question. Mr. Arbery knew what he did
5 and Mr. Arbery knew what he had done in the past.
6 And that is relevant to whether or not --

7 THE COURT: We're -- we're now going --

8 MR. GOUGH: I -- I've made my point. I've made
9 my point to --

10 THE COURT: Well, let me be clear about
11 something. Yes, the Court's not going to be used as
12 a vehicle to try the case outside of the court.

13 MR. GOUGH: Yes, Your Honor.

14 THE COURT: Do you understand the Court's
15 instruction?

16 MR. GOUGH: Yes.

17 THE COURT: All right. So before we start
18 getting too far in argument, I want to hear from the
19 State because the State has objected to the evidence
20 as I understand based on the character of the victim.
21 In your argument, as I understand it, is this is what
22 the victim was thinking at the time that this
23 occurred.

24 MR. GOUGH: This is what he knew.

25 THE COURT: Okay. Mr. Evans?

1 MR. EVANS: I do object to the admission of the
2 evidence. I did file a motion regarding that
3 objection involving the limited purpose of what we
4 are here to deal with today.

5 Regarding the factors that this Court must
6 consider under O.C.G.A. 17-16-1, those exhibits have
7 absolutely nothing to do with Defendant's burden of
8 showing that he poses no significant risk of flight;
9 that he poses no significant danger to persons,
10 community or property; Defendant's burden of showing
11 that he poses no significant risk of committing a new
12 felony; and finally, that he poses no significant
13 risk of intimidating witnesses or obstructing
14 justice. They bear absolutely no pertinent, relevant
15 information as to those factors, which is, of course,
16 what this Court must consider when assessing the
17 issue of bond.

18 Furthermore, they establish nothing regarding
19 Defendant's roots in the community, his length of
20 residence in the community, his employment status and
21 history, his history of responding to legal process,
22 or Defendant's criminal history. And for those
23 reasons, Judge, there's a valid basis for the State
24 to object to the admission of those evidence -- items
25 of evidence as they currently have no bearing on the

1 issues that are before the Court when it comes to
2 consideration in matters of bond.

3 THE COURT: All right. Final word, Mr. Gough.

4 MR. GOUGH: Your Honor, if Mr. McMichael was
5 justified in defending himself against Mr. Arbery's
6 assault, then there is no case against my client.
7 That's not a weak case; that's no case. And that is
8 obviously important. I don't like necessarily the
9 Georgia law on -- on any of these subjects but we
10 deal with the law that we have, as Your Honor does.
11 Mr. Arbery knew what he was doing that day. He knew
12 what he'd done in the past --

13 MR. EVANS: Judge, I -- I need to object.

14 THE COURT: Yeah. Go -- go ahead. How -- how
15 do you know that?

16 MR. GOUGH: Mr. Arbery is on the video so we
17 know what he knew.

18 THE COURT: Okay. The -- right. Hold on.

19 MR. GOUGH: And -- and Mr. Arbery was there when
20 he entered --

21 THE COURT: The objection's sustained. Okay?
22 It's not coming in.

23 MR. GOUGH: Well, we're still proffering them.
24 We want them part of the record even if they're not
25 going to be considered by the Court.

1 THE COURT: You can proffer them as part of the
2 record, but they're not going to be an exhibit in the
3 bond hearing other than the fact -- they're not going
4 to be considered as part of the bond hearing.

5 MR. GOUGH: I understand. Well, I'll just give
6 these to the clerk of court then.

7 THE COURT: We'll call those Court's 1.

8 MR. GOUGH: Court 1 and Court, what, 2?

9 THE COURT: Just do them Court -- Court 1 and 2.
10 Mr. Gough.

11 MR. GOUGH: We have one witness to present this
12 morning, Your Honor, and -- and that is Preston Bryan
13 or Preston Kelly.

14 MR. PRESTON BRYAN: Bryan.

15 MR. GOUGH: Bryan. Your Honor, that's our first
16 witness.

17 THE COURT: All right.

18 MR. GOUGH: Sir, if you'll come forward.

19 THE COURT: So every jurisdiction does it a
20 little bit different. So I take it that the Court
21 generally here in Glynn County will swear the
22 witness? Or the clerk?

23 CLERK: Me.

24 THE COURT: Okay. We'll get the clerk to swear
25 him.

1 Whereupon,

2 PRESTON BRYAN,

3 having first been duly sworn and being called as a witness
4 in behalf of the Defense, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. GOUGH:

8 Q Sir, would you -- would you please state your
9 full name for the record.

10 A My name is Preston Roderick Kelly Bryan.

11 Q And what is your relation to William Roderick
12 Roddie Bryan?

13 A He's my father.

14 Q All right. And how long have you known him?

15 A 26 years, all my life.

16 Q Very good, sir. And although it is unsigned, I
17 believe you did submit a statement on behalf of your
18 father?

19 A Yes, I did.

20 Q All right.

21 MR. GOUGH: And that's part of Composite 1, Your
22 Honor.

23 BY MR. GOUGH: (Resuming)

24 Q Sir, I have a few additional questions I need to
25 ask you. Okay? If your father were to be released on

1 bond, would he pose a significant risk of fleeing from the
2 jurisdiction of the court or failing to appear in court
3 when required?

4 A No, he would not. He would be there, wherever
5 he needs to be.

6 Q Do you know whether your father poses a
7 significant threat or danger to any person, to the
8 community, or to any property in the community?

9 A He does not.

10 Q Do you know whether your father poses any
11 significant risk of committing any felony pending trial?

12 A No, he will not.

13 Q Do you know whether your father poses any
14 significant risk of intimidating witnesses or otherwise
15 obstructing the administration of justice?

16 A No, sir. He will not.

17 Q All right. And if I understand it, your father
18 has lost his home?

19 A Yes, sir. Yes, sir.

20 Q Do -- are there other family members in
21 Southeast Georgia, without disclosing addresses, where he
22 would be able to live?

23 A Yes, sir.

24 Q All right. And if he were to be released, do
25 you believe he'd be able to find other gainful employment?

1 A Yes.

2 Q All right. Are you asking the Court to release
3 your father on a reasonable bond -- bail pending trial?

4 A Yes, I am.

5 Q Thank you, sir.

6 MR. GOUGH: I have no further questions.

7 THE COURT: Anything from the State?

8 MR. EVANS: Thank you. Very briefly.

9 CROSS-EXAMINATION

10 BY MR. EVANS:

11 Q The defendant is your father; correct?

12 A Yes, sir.

13 Q And fair to say that you're here in support of
14 your father, accurate?

15 A Right.

16 Q And you wouldn't want to see anything bad happen
17 to your father; correct?

18 A No, sir.

19 Q If you needed something from your father, for
20 example, he could call upon you, and just as you've
21 testified here today, you would be there in support of
22 him; correct?

23 A Yes, sir.

24 Q I -- I note that you have a relative that lives
25 in Costa Rica who is pretty close to your family. Who's

1 that?

2 A My ex-step-mother.

3 Q Okay. So your ex-step-mother lives out of the -
4 - the country; correct?

5 A Right.

6 Q You're aware that your father remains in close
7 contact with her by texts and otherwise; correct?

8 A Right.

9 Q You're still in contact with her, too?

10 A Not really.

11 Q And you had mentioned that you don't believe
12 your father is a risk of committing a new felony. You're
13 aware of the charges that are - have been currently levied
14 against him by the State of Georgia through the Glynn
15 County grand jury; correct?

16 A Yes, sir.

17 Q Okay. They include malice murder and other
18 crimes; correct?

19 A Right.

20 Q I want to ask you about some testimony that you
21 gave here on Direct. It's accurate that your father has
22 lost his home; correct?

23 A Right.

24 Q And he's currently unemployed.

25 A Yes, sir.

1 Q He doesn't have a job as we speak; right?

2 A No, sir.

3 Q Can you please articulate for the Court what
4 real property, like real estate, does your father have in
5 the state of Georgia that would -- could be put up as
6 collateral for a bond? What -- what real estate does he
7 have currently?

8 A I'm not sure of what he owns.

9 Q Okay. You're -- you can't articulate for the
10 Court that he owns any real property in the state or in
11 Glynn County?

12 A No, sir.

13 Q All right. And then in terms of financial
14 needs, please identify for the Court any real thing of
15 value that your father currently possesses that could be
16 used as collateral if the Court were to issue some sort of
17 bond. What -- what would be used as a basis for assisting
18 in the posting of that bond?

19 MR. GOUGH: I'm sorry, Your Honor, that's a
20 multiple question. I'd ask that he rephrase it.

21 MR. EVANS: I'll break it up.

22 THE COURT: Just rephrase it.

23 BY MR. EVANS: (Resuming)

24 Q Your -- your father doesn't own any real things
25 of significant value that could be used as collateral for

1 the bond; correct?

2 A Ever since he went to jail, he didn't -- does
3 not have anything.

4 Q He doesn't have anything in terms of any --

5 A That I know of.

6 Q -- valuable -- valuable property that you're
7 aware of?

8 A Exactly.

9 Q Okay. And his only ties currently to Glynn
10 County are -- are the fact that he may have some family
11 members that happen to live here. Is that accurate?

12 A Well, yes, but he's worked here for most of his
13 life, so --

14 Q Sure. Can you please identify for the Court any
15 relative or friend that you have that lives outside the
16 state of Georgia?

17 Or let me say of your father's that lives
18 outside the state of Georgia. We'll break it up. You've
19 got relatives that live out of the state?

20 A No, sir.

21 Q Okay. Do you got family friends that live
22 outside the state, your father's close family friends?

23 A He does not, no.

24 Q You're not aware of any of those?

25 A Not that I can think of right now.

1 Q Yeah, so there was a question that was posed
2 about whether your -- your father would be getting a job
3 if he were released from custody. What -- what job
4 specifically is that that you're referring to?

5 A He'd probably go back to being a mechanic on
6 lawnmowers and small equipment.

7 Q Okay. So when you say "probably go back," so he
8 doesn't have a job pending or anything like that as we sit
9 here now?

10 A I can think of two places that would probably
11 hire him back.

12 Q Okay. Again, probably; correct?

13 A Yes, sir.

14 Q All right. Thank you, sir.

15 THE COURT: Any Redirect?

16 MR. GOUGH: Yes, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. GOUGH:

19 Q Sir, at the time that your -- at the time your
20 father was arrested, he was, in fact, a homeowner, was he
21 not?

22 A Yes, sir.

23 Q And as a result of his incarceration, he's lost
24 his home?

25 A Right.

1 Q At the time that he was arrested, he owned a car
2 -- a truck?

3 A Yes, sir.

4 Q And he's lost that as well?

5 A Yes, sir.

6 Q And he had a job at the time that he was
7 arrested?

8 A Yes, sir.

9 Q In fact, your father was gainfully employed as a
10 mechanic for many, many years, was he not?

11 A Yes, sir. For 20, 30 to -something years.

12 Q And through no fault -- he lost those things due
13 to his arrest?

14 A Yes, sir.

15 Q And you've testified that he is capable, able,
16 and willing to work and that there are people that you
17 believe would hire him if they had the opportunity to do
18 so?

19 A Yes.

20 MR. EVANS: I object to the leading.

21 THE COURT: Yeah. It's sustained.

22 BY MR. GOUGH: (Resuming)

23 Q And you've indicated that -- well, I'll
24 rephrase.

25 Do you know whether other family members have

1 real property and other assets that they would be willing
2 to put up to post bond for your father?

3 A Yes.

4 Q Do you know whether your father has friends that
5 would be willing to put up property and other assets --

6 A Yes.

7 Q -- to secure a bond for your father?

8 A Yes, he does.

9 Q All right. Do you have any doubt that your
10 father, through friends and family, would be able to post
11 bond in a reasonable amount in this case?

12 A No, they shouldn't have any problems.

13 Q Okay. There was some reference to an ex-wife
14 living in another country.

15 A Right.

16 Q Has Mr. Bryan ever visited that country?

17 A Yes. We visited -- visited there before when
18 they were still married. We went to Costa Rica and spent
19 Christmas there.

20 Q Since -- since they got divorced -- how many
21 years ago was that?

22 A It's about four years ago now.

23 Q All right.

24 A Five years ago.

25 Q Since they got divorced and since she remarried

1 another man, has your father been to Costa Rica?

2 A No, sir.

3 Q All right. Do you know whether your father even
4 has a passport right now?

5 A I do not know.

6 Q Do you have any -- do you know of any reason why
7 he would object to surrendering any passport that he might
8 have?

9 A No, sir.

10 Q And in this Covid era, is there any reason to
11 believe he could leave the United States if he wanted to?

12 A No.

13 Q All right. Does your father speak any other
14 language other than English?

15 A No.

16 Q Does he speak Spanish?

17 A No.

18 Q Okay. So is it practical for him to try and
19 live somewhere else?

20 A No.

21 Q All right. If Mr. Bryan -- if your father was
22 placed under house arrest, do you have any reason to
23 believe he wouldn't comply with that condition?

24 A He would comply.

25 Q If you were aware that your father was not in

1 compliance with a house arrest condition, would you report
2 that to the Court?

3 A Yes, I would.

4 Q All right. If the Court were to impose an ankle
5 monitor on Mr. -- on your dad, on Mr. Bryan, do you have
6 any reason to believe that he would attempt to thwart that
7 device?

8 A No, he would not.

9 Q All right. If you became aware that he was
10 attempting to thwart that device or defeat it in any way,
11 would you promptly notify the Court or law enforcement or
12 wherever the district attorney's office would direct?

13 A Yes, I would.

14 Q All right. And if the Court were to impose a
15 curfew, likewise, do you have any reason to believe your
16 father would not comply with a curfew?

17 A He would comply.

18 Q And if you were aware that your father was not
19 in compliance with a curfew, is there any reason why you
20 wouldn't promptly notify the Court or the district
21 attorney's office or whoever would be appropriate?

22 A I would.

23 Q All right. Now, you have a number of other
24 family members, many of whom have made statements to the
25 Court here today in support of your father. Do you have

1 any doubt that these individuals, including his sister,
2 his fiancé and others, do you have any doubt that they
3 would promptly notify the Court or any appropriate
4 authority in the event that your father violated either an
5 ankle monitor provision, a house arrest or curfew
6 restriction or other restriction imposed by the Court?

7 A No doubt that they would all comply.

8 Q Are you asking the Court to release your father
9 under the least restrictive conditions that would assure
10 his appearance and compliance with the orders of the
11 Court?

12 A Yes.

13 Q Thank you, sir.

14 THE COURT: Any Recross on this limited issue?

15 REXCROSS-EXAMINATION

16 BY MR. EVANS:

17 Q I mean, if he was -- he was released on bond,
18 are you saying that he'd be living with you such that you
19 could report these things to the Court?'

20 A He would not be living with me, but he would be
21 living with family.

22 Q Okay. So those questions then about what you
23 might report, then your knowledge, that would be limited
24 because you weren't actually living with him, that's not
25 the intention; correct?

1 A Well, if I had to, to monitor him, I would go
2 live with him, yes.

3 Q All right. Thank you, sir.

4 MR. GOUGH: I have no further questions.

5 THE COURT: All right. Thank you, sir. You may
6 step down.

7 (STENOGRAPHER'S NOTE: At this
8 time the witness was excused from
9 the witness stand.)

10 THE COURT: Any additional witnesses or evidence
11 from the Defense?

12 MR. GOUGH: No, Your Honor.

13 THE COURT: All right. Mr. Evans?

14 MR. EVANS: I have evidence before the Court. I
15 do want to present some victim impact evidence for
16 the Court as well pursuant to the Crime Victims Bill
17 of Rights. So in addition to the seven exhibits that
18 have been presented here, I want to point out that
19 Mr. Arbery's father's here in the courtroom.

20 Would you just stand up so the Court can see
21 where you are? (Father stands.)

22 Judge, and he's asked that we share his
23 sentiments -- thank you, sir; you can have a seat --
24 with the Court.

25 Just one second, Judge. It was emailed to me.

1 Let me find it real quick.

2 Kristin, do you have your phone?

3 And thank you submitting that to me.

4 Because we're remote, Judge, this sometimes
5 makes things a little bit complicated from our
6 perspective.

7 This is from Ahmaud's father:

8 "I suffered the deepest loss a family can endure
9 when the McMichaels, with the knowing participation
10 of William Roddie Bryan, Jr., acted as my son's
11 judge, jury and executioner. I urge the Court to
12 reject the motion for bond and continue to keep Mr.
13 Bryan behind bars and to maintain District Attorney
14 Joyette Holmes as a prosecutor on the case."

15 That's his short statement that he asked that
16 would be shared with the Court, and I did provide
17 that to Defense counsel as well. Thank you, Ms.
18 Burch (phonetic).

19 MR. GOUGH: And we have no objection to that.

20 MR. EVANS: And then it's my understanding that
21 Mr. Arbery's mother wishes to address the Court.

22 Is that accurate?

23 MS. COOPER JONES: (Nods head affirmatively.)

24 MR. EVANS: Okay. So I'll call her as a witness
25 so she can give a short victim impact statement as

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well.

BAILIFF: Do you want to have them up here or --

THE COURT: Let's -- she's not -- it's just the impact statement itself?

MR. EVANS: It is.

THE COURT: Mr. Gough, any objection to her reading that statement?

MR. GOUGH: No objection to the victim impact statement, but I believe she's being sworn. She will be subject to cross-examination if we choose to do so.

MR. EVANS: I don't think that she needs to be sworn for a victim impact statement. I probably don't have an objection to her being sworn, but I don't think that's required. It's merely a victim impact statement.

THE COURT: What are we getting into, Mr. Gough? You're going to ask her about the statement?

MR. GOUGH: Your Honor, if it would facilitate the hearing, I'll waive my right to cross-examine her.

THE COURT: All right. Let's go ahead and just take it as a statement into the record as a victim impact statement.

MR. GOUGH: Yes, Your Honor.

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THE COURT: Can she come forward?

MR. EVANS: Would you prefer she use the podium?

THE COURT: Yes. That's probably -- let's do that if we're just going to do it as a statement as opposed to sitting as a witness.

MR. EVANS: So first, if you will, introduce yourself to the Court. State your name.

MS. COOPER JONES: My name is Wanda Cooper Jones.

MR. EVANS: And Ms. Cooper Jones, Ahmaud Arbery was your son; correct?

MS. COOPER JONES: That is correct.

MR. EVANS: Do you understand what we're here for today? We've talked to you about the fact that the Defense is seeking a bond for this defendant; correct?

MS. COOPER JONES: Yes, sir. I understand.

MR. EVANS: And in advance of this hearing, we asked if you wanted to address the Court regarding that issue. Have you prepared a victim impact statement regarding the issue of bond in this case today?

MS. COOPER JONES: Yes, I have.

MR. EVANS: Would you please share that with the Court?

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MS. COOPER JONES: Thank you.

VICTIM IMPACT STATEMENT OF MS. COOPER JONES

William Roddie Bryan conspired with two other men to kill my youngest son. I named him Ahmaud Arbery. I raised Ahmaud on my own in this small community of Brunswick. Ahmaud was loving. Ahmaud worked extremely hard to provide income for our household. Also, Ahmaud also worked hard to be physically fit.

Mr. Bryan does not deny getting into his pickup truck and chasing my son. He does not deny blocking his pathway. He does not deny recording the murder of my son. He does not deny -- deny being within feet of his co-conspirators as my son was called a racist named as he laid on the ground before passing away. He does not think there's anything wrong with what he did. He wants this Court to allow him to go home. I am asking this Court to say no, he cannot go home. He did not allow my son to go home.

My son ran away. He ran beside -- he ran -- my son actually ran around him and my son actually ran for his life. But William Bryan did not allow my son to return home. So I stand before you as the mother of Ahmaud asking this Court to do not -- to -- to give Mr. Bryan the same energy that he gave my son.

1 There's not enough evidence to establish this
2 unrepentive man in -- in being a danger to this
3 community. He lived just feet from where my son was
4 murdered. I live just feet, just miles away from
5 where my son was murdered. I'm actually scared,
6 Judge, to stay inside of my home. I've actually put
7 my house up for sale. I often visit the location
8 where my son was killed. And each time I visit
9 there, I fear running into either three of the men
10 that murdered my son.

11 Because William Bryan did not -- does not feel
12 he did anything wrong, what is it to say -- to stop
13 him from doing this again? He must remain in
14 custody. He's dangerous. He's unapologetic. And,
15 therefore, I'm asking this Court to keep him behind
16 bars.

17 MR. EVANS: Thank you, ma'am. Absent any
18 inquiry from the Court, we appreciate your sharing
19 your words today.

20 MS. COOPER JONES: Thank you.

21 MR. EVANS: You can have a seat.

22 THE COURT: Thank you.

23 MR. EVANS: I believe that completes the
24 evidence that the State wishes to present regarding
25 these narrow issues.

1 THE COURT: Burden of proof on the Defense. Mr.
2 Gough?

3 CLOSING ARGUMENTS:

4 MR. GOUGH: Your Honor, this is a serious case
5 and the eyes of the nation are upon us today and upon
6 Your Honor, and that's a heavy burden and I'm glad
7 you have that job.

8 But the law is very clear and there are no
9 conditions set forth by statute that my client hasn't
10 met here. There is no evidence that he poses a
11 significant risk of fleeing from the jurisdiction or
12 failing to appear. There's been no evidence
13 whatsoever of that. There's no evidence whatsoever
14 that he poses a threat or danger to any person in the
15 community or to any property in the community. The
16 State hasn't even tendered a criminal history because
17 it's incredibly minor. And there are no prior
18 felonies and no previous offenses of any severity of
19 any kind in a nearly 50-year life. And there's just
20 utterly nothing prevent -- to suggest that he poses
21 that threat or danger. There is no evidence, not a
22 scintilla of evidence before the Court that he poses
23 any significant risk of committing any felony pending
24 a trial, nor is there any evidence whatsoever, not
25 even a scintilla, that he poses any significant risk

1 of intimidating witnesses or otherwise obstructing
2 the administration of justice.

3 Those are the legal standards and we have met
4 our burden and the State hasn't even begun to meet
5 theirs. He would certainly be entitled to a bond.
6 Now, this is a murder case. People get bonds in
7 murder cases when they meet the statutory criteria as
8 Mr. Bryan has in this case. And, you know, it's
9 important in the way we conduct these proceedings,
10 that we maintain confidence in our criminal justice
11 system. And when people who wear badges in other
12 high profile cases get OR bonds --

13 MR. EVANS: I object to the relevance of that.

14 MR. GOUGH: -- in small amounts --

15 THE COURT: That's -- that's sustained. Let's
16 address the case that's before the Court.

17 MR. GOUGH: We would submit, Your Honor, that
18 Mr. Bryan is entitled to a bond, notwithstanding the
19 fact that this is a murder case, just like any number
20 of other defendants have been granted bonds in murder
21 cases in Glynn County, in Chatham County, and
22 elsewhere.

23 MR. EVANS: It's not relevant, Your Honor, and I
24 would object.

25 THE COURT: The Court's already ruled on it.

1 Again, we're addressing the facts and circumstances
2 of this case. What may have happened in another case
3 that this Court is unaware of, facts and
4 circumstances and so forth, there's no relevance to
5 what's going on before the Court currently. Let's
6 stick with the burden that is placed upon the Court
7 in this particular case.

8 MR. GOUGH: Well, as I've addressed, there isn't
9 a scintilla of evidence to suggest that the defendant
10 doesn't meet all four of the conditions set forth by
11 statute. But beyond that, Your Honor, there are the
12 -- the facts and the strengths and weaknesses of this
13 case. And I'm not going to repeat at length the
14 arguments that were previously made at the
15 preliminary hearing. I know the Court's already read
16 the transcript.

17 But as a general proposition, it doesn't matter
18 how many counts the State files. The same problem
19 adheres to all of the charges against Mr. Bryan. Mr.
20 Bryan was not in communication with the McMichaels or
21 anyone else that -- that day prior to the shooting
22 about what was going on. He has had, as a matter of
23 law, no knowledge of any unlawful intent if there was
24 such unlawful intent on the part of the McMichaels.
25 He cannot conspire to do something unlawful when he

1 is unaware of it. He cannot conspire to
2 intentionally aid and abet people in committing a
3 crime when he's unaware of their purpose. That's not
4 opinion. That's undisputed, uncontradicted fact.
5 You don't need the polygraph.

6 Agent Dial's testified that's what their
7 investigation shows. The investigation shows that
8 Mr. Bryan was unarmed at the time of the offense.

9 You know, we talk about witnesses and
10 intimidating witnesses. Your Honor, Mr. Bryan is the
11 only eyewitness in this case other than the
12 McMichaels. He is the -- whether they like it or
13 not, he is, in fact, the State's star witness. If he
14 had not made the video in this case, there would be
15 no case, and notwithstanding any false narrative that
16 has been painted, it is utterly absurd to think that
17 there was a lynch mob or a posse running around
18 Satilla Shores in 2020. It didn't happen.

19 And whatever was going on between the father and
20 son, Greg and Travis McMichael, my client doesn't
21 have any knowledge or awareness of any unlawful
22 purpose. He can't have such knowledge. And he
23 doesn't have such knowledge.

24 So it doesn't matter how many counts there are.
25 It doesn't matter how you spin it. The State cannot

1 meet the mens rea element. This is a directed
2 verdict all day long. And there's no way around that
3 for Mr. Bryan.

4 The McMichaels, that's a different story, and
5 I'm not here -- I'm not their lawyer. I'm not
6 representing them. They have very capable counsel
7 for that.

8 But from my client's perspective, there is no
9 case against Mr. Bryan. There never has been.

10 MR. EVANS: I'm going to object. It's not
11 pertinent. It's not an argument regarding directed
12 verdict or an argument to a jury. We're here to
13 focus, as I understand, on limited factors this Court
14 must consider to bond. It's not relevant.

15 THE COURT: I -- I understand the argument.
16 Again, we're not trying the case here today.

17 MR. GOUGH: I understand.

18 THE COURT: I understand that there are defenses
19 that will be raised.

20 MR. GOUGH: I do specifically want to address
21 issues raised by the mother of Mr. Arbery. I think
22 I'm entitled to do that.

23 THE COURT: Well, it's unsworn testimony. It's
24 a victim impact statement and --

25 MR. GOUGH: But if the Court considers it, I can

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THE COURT: You need to let me finish. I'll -
I'll give you all sorts of opportunities to talk.
Give me an opportunity to talk.

It's a victim impact statement. It's not being
considered by the Court as evidence. It was unsworn.
It's simply the mother of the victim stating her
position on bond. As to the facts from that
witness's, again, unsworn statement, the Court's not
going to be considering those facts. The Court is
considering simply the statement itself as well as
her position with regard to bond. The basis of her
position needs to be weighed by the Court based upon
what is actually competent evidence before the Court.

MR. GOUGH: Thank you, Your Honor. And -- and
directing Your Honor to the preliminary hearing
transcript that's been admitted in evidence and
Exhibit 3, the -- the videos in this case, we
respectfully submit that the narrative that has been
put forth at times is incorrect. It has been
suggested that Mr. Arbery was simply jogging while
black.

THE COURT: We're not getting into that today.
Again, her statement is her position as the mother of
the victim. The evidence that you're about to get

1 into, we will have more than enough time to address.
2 There is a disagreement, clearly, between the State,
3 your client, and the McMichaels about the facts and
4 circumstances of this case. This is not the time for
5 that. There's a disagreement. We're not going to
6 resolve that today, which gets back to this question
7 about the strengths and weaknesses of the case.
8 We're going to try the case eventually and that's
9 where we're going to determine ultimately where this
10 case plays out.

11 For the purposes of bond, whatever the Defense
12 believes the evidence shows, we're not going to get
13 terribly far into it. As I've indicated, I've read
14 the preliminary hearing. There was a lot of cross-
15 examination. In fact, a signifi- -- that was one of
16 the longest preliminary hearings I've ever seen.
17 Okay? There's a lot of evidence in the record. The
18 Court's familiar with the disputes between the
19 parties over the time lines and the evidence that's
20 out there so we don't need to get into that now.

21 MR. GOUGH: And, Your Honor, based on that, I'm
22 not going to regurgitate the pre-hearing memorandum
23 of law -- memorandum of law regarding citizens
24 arrests and the authority cited therein. I trust at
25 some point the Court will review those.

1 Your Honor, I think it's also important to
2 recognize here that the landscape, the legal
3 landscape, has changed a lot in the last few months.
4 And, you know, we're operating in a public health
5 emergency. Jails and prisons here and around the
6 country are riddled with this virus and for some
7 people, that's a death sentence.

8 And Mr. Bryan is presumed innocent, and I can't
9 cite a particular case Your Honor has addressed, but
10 all around the state of Georgia, we have been
11 granting people bonds partly in recognition of the
12 fact that the dangers are exceptional and
13 extraordinary. And we're asking the Court to
14 consider the fact that my client is -- I think he's
15 close to that age to be in a high-risk category. He
16 has other health issues that place him in -- in a
17 risk category. And we think that in this case and in
18 this current environment that the Court can take
19 those matters into account. Even in violent cases
20 Courts have taken those matters -- in serious cases,
21 Courts have taken that into account and granted bond
22 where ordinarily they might not.

23 And again in this case, of course, I haven't
24 seen a scheduling order yet. I mean, we'll -- we'll
25 see that soon enough. But unless we prevail on our

1 challenge to the Supreme Court's judicial emergency
2 order, we're looking at a situation where there may
3 not be any jury trials until May or June of next
4 year. Mr. Bryan could be incarcerated for 18 or more
5 months before we could have a jury trial, maybe
6 longer than that.

7 So in this situation, given all of the
8 circumstances as well as the evidence in this case
9 and his lack of a record and the lack of any evidence
10 whatsoever for the State to question whether he meets
11 the qualifications for a bond, we are asking the
12 Court to grant him a bond under such circumstances in
13 whatever amount the Court deems appropriate, whether
14 that's surrendering his passport if he has a
15 passport, whether that's house arrest, whether that's
16 an ankle monitor.

17 The Court's concerned about where he would stay.
18 We don't want to put that in the open record, but we
19 certainly can provide that information in confidence
20 to the district attorney, the Court and the sheriff.
21 And if he needs to, he can stay with his son, but
22 there are family members who reside outside of Glynn
23 County. We are sensitive to the concern of the
24 Arbery family that they not be running into people
25 associated with the case. And there's no reason that

1 Mr. Bryan cannot remain and be banished from Glynn
2 County pending the resolution of this case.

3 So all of -- as far as I can see, all of the
4 issue -- legitimate issues that the State would have
5 in this case have been addressed, and we're asking
6 the Court to set bond for Mr. Bryan in a reasonable
7 amount.

8 THE COURT: Thank you, Mr. Gough.

9 Mr. Evans?

10 MR. EVANS: Thank you, Your Honor. I'm going to
11 limit my remarks to the state of the law regarding
12 this issue and then the evidence before the Court or
13 maybe even some of the evidence that's not before the
14 Court.

15 So for the purpose of our record, you have
16 correctly noted, Judge, that the burden of proof
17 falls upon the defendant. That's Dunn, D-u-n-n, v.
18 Edwards, 275 Ga. 458. It's a 2002 decision.
19 Defendant must produce evidence as to each of the
20 four Ayala factors. Ayala is A-y-a-l-a. I believe
21 your court reporter probably knows that.

22 And I'll cite Constantino v. Warren out of Cobb
23 County. And that proposition -- C-o-n-s-t-a-n-t-i-n-
24 o. Warren is common spelling. 285 Ga. 851. That's
25 a 2009 case. The State admittedly has the burden of

1 persuasion. You can find that the Constantine --
2 Constantino case.

3 And then I do want to point out an important
4 fact here, which is why some of the State's documents
5 become pertinent. But the defendant is not entitled
6 to a bond as a matter of rights, on felony offenses
7 where he's indicted in a timely fashion within 90
8 days of his arrest. I'm sure the Court is aware of
9 the state of that law. You can find that not only in
10 Constantino, but it's also codified in O.C.G.A. 17-7-
11 50, which stands for the proposition that the
12 Defendant, if we exceed 90 days and he hasn't been
13 indicted, might be entitled to bond on certain
14 offenses but not all of those offenses depending on
15 what the indictment looked like.

16 So now getting to the factors that the Court
17 must consider, some of those factors would include
18 evidence of Defendant's roots in the community,
19 length of residence in the community, his employment
20 status and history -- which is suspect as we stand
21 here now -- history of responding to legal process.
22 There's really been no evidence presented by the
23 defendant as to that.

24 And then admittedly as to criminal history,
25 there's not much of one for Mr. Bryan. He may have a

1 DUI or something like that. But he certainly started
2 off with a bang for this one.

3 O.C.G.A. 17-16-1 is where you can find the
4 codification of the four factors that you must
5 consider, that evidence must present -- be presented
6 by the defendant. And, of course, shall be
7 authorized -- note the key word "authorized" -- to
8 release a person on bail if the Court finds that the
9 person poses no significant risk of flight; poses no
10 significant danger to persons, community or property;
11 number three, poses no significant risk of committing
12 a new felony; and finally, poses no significant risk
13 of intimidating witnesses or otherwise obstructing
14 justice. I'm sure the Court's keenly aware of those
15 four factors.

16 Of note, the failure of Defendant to carry its
17 burden as to any one of those factors is a sufficient
18 legal basis for this Court to grant your discretion.
19 It is a discretionary function as we sit here right
20 now to deny Defendant's request for bond and the
21 State would urge that you do so. There are a number
22 of reasons for that. So let's go through some of the
23 pieces of evidence before the Court that I trust
24 you'll be considering.

25 The purpose of tendering State's Exhibit Number

1 1, the arrest warrants, is for showing the Court the
2 date of the arrest. That warrant was issued 5-21 of
3 2020, initially charging the defendant with felony
4 murder and criminal attempt to commit false
5 imprisonment. The upgrade, obviously, came with the
6 indictment, which is State's Exhibit Number 4. It
7 was issued 6-24 of 2020, so well within the 90-day
8 period. So the purpose of showing that is to, again,
9 show the Court that this is a discretion --
10 discretionary function.

11 I'm pleased that the Court read through State's
12 Exhibit Number 2, the preliminary hearing transcript.
13 Certain facts that I'm going to reference have
14 nothing to do really with the strength of the case,
15 but they're mentioned because of the four factors
16 that you must deal with.

17 What you'll see on Page 31 is the Defendant and
18 his co-defendants saw the victim. Defendant said,
19 "you got him." That's 31 and 32. The evidence shows
20 that Defendant participated in chasing the victim, an
21 unarmed jogger, on public streets through a
22 protracted chase and that it lasted minutes. That's
23 Page 47 and 251 to 52.

24 When it comes to danger committing a felony,
25 these facts bear directly on that issue and that

1 factor that this Court must consider. There's been
2 some argument that the defendant might not be a
3 danger.

4 There's some questions that were raised about
5 firearms. I will point out on Page 34 through 36,
6 the defendant used a truck against a man running on a
7 road. I think that that certainly goes to the fact
8 that this man is a danger to the community. He did
9 take video of Mr. Arbery's flight and evasion.
10 That's on Page 38. Nonetheless, Defendant chose to
11 use his vehicle as a weapon which bears consideration
12 as you pass upon whether he's a danger to the
13 community.

14 We now have an added part that came since the
15 indictment, and that is going to be a GBI report
16 which is State's Exhibit Number 5. It shows that
17 this Defendant's vehicle was used to strike Mr.
18 Arbery, in that there was a dent that Defendant
19 acknowledged was on the truck because of his contact
20 with Mr. Arbery. And then since the probable cause
21 hearing, State's 5 confirms that we have victim
22 Ahmaud Arbery's palm print on the side of Defendant's
23 truck. And as was testified to during the
24 preliminary hearing, the victim was essentially,
25 quote-unquote, trapped, on Page 57 and 63. That,

1 again, goes to the dangerousness.

2 In terms of obstruction of justice and those
3 concerns, I'll point out as revealed in the
4 transcript, Defendant did not call 911 as he began
5 this chase. He also says -- or claims, Page 31 to
6 32, quote, we didn't really know each other.
7 Nonetheless, after he and his co-defendants were
8 arrested, they had contact with each other. And that
9 was testified to in State's 22 and 255. Its
10 confirmed and captured Call Detail 6-A which shows
11 the McMichaels having attempted contact with this
12 defendant after this murder. And despite his claim
13 that they didn't really know each other, one of the
14 co-defendants actually refers to the defendant as an
15 ally in a recorded jail call. That's on Page 66 to
16 67, which goes again to the obstruction factor, I
17 would submit to the Court. The full phone report
18 involving call detail is State's Exhibit Number 6.
19 And then the pertinent phone calls extracted from
20 that are labeled now as 6-A showing the contact
21 between these co-defendants after the murder but
22 before the arrest.

23 And then State's Exhibit Number 7, I would
24 really ask the Court to take consideration of in
25 light of a important exhibit that we've put before

1 Your Honor, and that's State's Exhibit Number 3.
2 State's Exhibit Number 3 is a press release regarding
3 the Civil Rights Division of the Department of
4 Justice, the FBI, and the United States Attorney's
5 Office for the Southern District of Georgia. They
6 confirm that their case is under investigation and
7 that federal charges are under consideration. I
8 can't confirm whether or not that decision will
9 ultimately be made in the affirmative or not. But
10 State's Exhibit Number 7 is particularly telling. We
11 have a number of text communications that were
12 extracted from this defendant's phone and they were
13 replete with racist and bigot remarks and
14 communications which goes directly to the risk of
15 flight and concern that this defendant might pose a
16 risk once the Department of Justice has time to
17 digest -- digest this. Repeatedly, this defendant
18 uses the N-word, a term that I had to look up --
19 bootlip -- talks about monkey parades, working like
20 an N today. There's just a ton of filth in this
21 defendant's texts regarding that.

22 And that's of particular note and consideration
23 in light of the very public fact that there might be
24 additional forthcoming charges, not just the indicted
25 charges at the state level here, and we think you

1 should consider that, Your Honor, as you pass upon
2 these four factors and whether this heightens the
3 risk that we might have flight on the part of this
4 defendant.

5 So now getting to those factors and mentioning
6 sort of the facts before the Court and that law, we
7 believe that there is evidence the defendant poses a
8 significant risk of flight. As indicted, he's facing
9 not just 18 months that speculatively he might be
10 held upon prior to trial. By my calculations, he's
11 facing potentially life without the possibility of
12 parole, plus at least 27 and a half years. That's a
13 significant amount of time and the most serious
14 charge that could be levied against a defendant in
15 the state of Georgia.

16 There are texts to support the DOJ's
17 investigation.

18 I've revealed this to Mr. Gough and he knows it.
19 We talked about it on the phone. I can confirm as of
20 yesterday that the GBI is opening an additional
21 parallel investigation into sex crimes that stem from
22 this. So that confirmation came by email yesterday.
23 I say that to say that this now also heightens the
24 risk of flight as well. And Mr. Gough and I did
25 discuss that. Conditions are certainly not improving

1 for the defendant, and we are very concerned that
2 he's got connections outside the country, connections
3 to Costa Rica. In fact, the text -- text messages
4 you'll see, Judge, some of those communications with
5 a person outside of Costa Rica, they're -- they're
6 listed as Costa Rica, so it will be easy for you to
7 look at, Judge. They're -- they're just days before
8 this -- this murder.

9 As to prong number two, pose a significant
10 danger to persons in the community and to property,
11 the facts alone that I've articulated, particularly
12 the pertinent facts, show that this defendant
13 participated in a chase corralling and murder of an
14 unarmed man, using a truck as a weapon. And we think
15 that those facts alone show that he is a danger to
16 the community, and that should weigh heavily against
17 bond as this Court passes upon it.

18 As for posing a risk of committing a new felony,
19 I agree that the GCIC or criminal history is limited
20 here and that's why it wasn't tendered for the Court.
21 Should the Court need that at some future date, I'm
22 sure we'll decide whether to tender it or not.

23 But that doesn't tell the entire sordid story of
24 this defendant. Things have changed with the DOJ
25 investigating and the confirmation that the GO -- GBI

1 is investigating a further unrelated offense, an
2 offense that arises from our investigation in this
3 case.

4 And then the last factor, poses no significant
5 risk of intimidating witnesses or obstructing
6 justice. Defendant's referred to as an ally by his
7 co-defendants. That's before the Court. And while
8 Defendant minimizes his connection to his co-
9 defendants, phone records reveal continued contact
10 and those evidence -- that evidence is before the
11 Court, too, where it basically seems to show that
12 there's kind of a circling of the wagons of these
13 three defendants, at least after the murder but
14 before the arrests were made.

15 As for the allegation regarding the pandemic in
16 the jail, first of all, I want to say that since the
17 opportunity presents itself, how appreciative I am of
18 the Court. We are as the Court taking added
19 precautions to make sure we're all safe today. And I
20 want to, again, publicly say -- we want to say that
21 we are confident that the Glynn County Sheriff's
22 Office is doing an incredible job maintaining our
23 safety, maintaining social distance where feasible,
24 requiring masks when people are not talking, limiting
25 the number of people in the courtroom. Those things

1 to me certainly suggest that if there's a sheriff
2 capable of protecting the safety of people in the
3 Glynn County jail, it's Sheriff Neal Jump. And I
4 feel confident that issues regarding the pandemic
5 will be adequately addressed at that jail. Certainly
6 they've demonstrated in this courthouse that they're
7 cognizant of these -- these things.

8 I'll also note for the Court that I see no
9 factor that says because we have a pandemic it's a
10 wholesale time to start setting people charged with
11 murder out on bond because there's a risk they might
12 be getting sick. Probably a good argument that being
13 in a controlled environment might be even a safer
14 place at this time. I don't know the answer to that
15 because I -- I haven't talked to the sheriff about
16 his -- his numbers there. But I'm confident that
17 he's taking the needed steps to protect the inmate
18 population there.

19 Judge, I point out that any one of these four
20 prongs is a sufficient basis for this Court to deny
21 bond. The State's presented evidence as to each of
22 them. You need only find that one has failed, that
23 the defendant has failed to carry his burden as to
24 any one of those prongs.

25 And I'd just articulate in arguments to the

1 Court as to how the defendant arguably fails on each
2 of these through the State's exhibits and the current
3 situation. We've provided not only argument, I've
4 now given evidentiary support as to each of these
5 prongs and it is within your discretion to deny bond.
6 The fact of the matter is the defendant is not
7 entitled to bond. He was indicted with considerable
8 effort, I might add, in extraordinary protective
9 measures, and we did so within 90 days because of the
10 gravity and seriousness of this case and, quite
11 frankly, what the national impact has been in terms
12 of riots and things like that. And it's for that
13 reason that we were able to fashion a carve-out or
14 avail ourselves of a carve-out to the grand jury
15 limitations so that we could make sure for the
16 betterment of the community in this particular case
17 that we're able to get that indictment in a timely
18 fashion. That puts this Court in a good spot in
19 terms of your consideration of bond because you're
20 not required to grant bond on this case on any of the
21 counts or otherwise. That's not a -- a -- a portion
22 of the -- the law that the Defense could avail itself
23 of and I think you know that those timetables have
24 been suspended anyway. Nonetheless, out of an
25 abundance of caution, the State wanted to demonstrate

1 for the benefit of the Court and the community that
2 we're committed to the fact that we're going to move
3 this case forward in a timely fashion. And trying
4 this case in 18 months or six months, the State will
5 be ready. And I trust that at the first available
6 opportunity in considering your scheduling order,
7 when it's feasible to talk about a trial, we'll get
8 to that point.

9 I can also assure the Court that when it's time
10 to try this case, whenever that may be, probably is
11 not going to be the State that's going to be the
12 delay in getting it to trial. We'll be ready when we
13 get reached and that's certainly something that I can
14 commit to the Court as you consider this bond issue.

15 Bond is discretionary. This defendant's not
16 entitled. Quite simply, you should deny bond.

17 THE COURT: Mr. Gough, final word.

18 MR. GOUGH: Your Honor, we're not going to begin
19 to address the charges that have not been made by
20 other entities. If the Justice Department wants to
21 bring charges, if they believe that they should do
22 that, they will. And -- and Mr. Bryan can address
23 whether he can get bond at that time in that court.
24 This Court is also quite capable of revoking a bond
25 if additional charges come from some other source.

1 As to these other matters, again, if I had a dime for
2 every time a prosecutor said something else was going
3 on out there and it never materialized, I'd be a rich
4 man. If there's something else out there, it'll get
5 addressed at that time. We're here addressing this
6 case now.

7 The suggestion that my client, a mechanic with a
8 high school education is going to flee in this Covid
9 environment to another country, Costa Rica -- I don't
10 know whether he's going to swim or how that's going
11 to happen, but I think that even if -- even if the
12 Court let him keep a passport, it's still overly
13 unrealistic to think that a citizen of the United
14 States is going anywhere right now out of this
15 country. And the fact that his ex-wife that moved
16 there years ago and remarried another man, that she
17 is going to facilitate that, the State has presented
18 no actual evidence to suggest that.

19 Basically, what it all comes down to is they
20 want an elaborate version of the-dog-ate-my-homework.
21 The standard justifies the Court and authorizes the
22 Court to grant Mr. Bryan a bond. And we believe,
23 given the problems with this case, which are, without
24 belaboring the point, are fairly obvious, and the
25 likelihood that one or all of these defendants will

1 be acquitted at trial, and given the delays that are
2 associated with this virus and the risks to everyone
3 involved and specifically Mr. Bryan, we believe it's
4 appropriate and the just and right thing to do to
5 grant Mr. Bryan a bond. The Court is certainly
6 capable of fashioning, whether it's house arrest,
7 curfew, ankle monitoring. There's many different
8 ways the Court can assure itself that Mr. Bryan will
9 be here.

10 And, again, as far as intimidating witnesses,
11 Your Honor, there are no witnesses to intimidate.
12 The number one witness in the case is Mr. Bryan
13 himself, whether he intended to be or not.

14 There's -- there's -- this isn't -- this isn't
15 like some mob case where we're going to go out and
16 we're going to rub out somebody. There's -- there's
17 no -- this isn't that kind of case. You've read the
18 preliminary hearing transcript. And I -- I -- I find
19 it hard to believe the State would suggest that even
20 if some diabolical mastermind wanted to harm somebody
21 to advance their -- their position in the case, this
22 just isn't that case.

23 So the State hasn't met that burden and we're
24 asking the Court to grant Mr. Bryan a bond.

25 THE COURT: All right. Thank you.

1 All right. Where do we go from here? Let's
2 see. It's 1:00. At a minimum, I'm going to need to
3 take a look at those documents. To your credit, a
4 lot of that had been submitted to the Court or at
5 least referenced so I'm familiar with chunks of it.
6 I do want to make sure that I have -- have an
7 opportunity to digest what has actually been
8 submitted. And I think, based on the -- the running
9 start we have at it, I can do that over lunch. And
10 so I think at this point the best way to proceed --
11 because the other option is to simply figure out how
12 to get that evidence back with me, review it and get
13 a written order out. I -- I think this is a case
14 that would probably just warrant taking a look at
15 this over lunch, making sure I'm clear on what the
16 evidence is, and reconvening so that there's a
17 definitive ruling today as opposed to everybody
18 waiting over the weekend.

19 So that's a long way of me saying we're going to
20 break for lunch. I'm going to take a look at the
21 evidence over the lunch break. It is 1:00. Let's
22 try and reconvene at 2:00. If for some reason it's
23 taking me longer to get through what I need to or I'm
24 otherwise delayed, I'll notify everybody at 2:00.

25 Any questions from the State?

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MR. EVANS: No, Your Honor.

THE COURT: From the Defense?

MR. GOUGH: None, Your Honor.

THE COURT: All right. Then we'll be in recess until 2:00.

NOTE: (Off the record at 1:00 p.m., then resuming at 2:01 p.m. as follows:)

THE COURT: We're back on. State of Georgia versus William Bryan, Case Number CR2000433. Just addressing some preliminary matters before we get back on.

I just returned all of the exhibits that I had taken at lunch, so the original exhibits have been returned to the clerk.

I am entering the pretrial scheduling order dated for today's date. We're going to go ahead and open that -- or file that in open court.

All right. And being back on, I've got Mr. Bryan -- Mr. Bryan, can you hear and see me?

DEFENDANT BRYAN: Yes, sir, I can.

THE COURT: All right. And again, can you hear and see your -- at this point, he hasn't said anything. But can you see Mr. Gough and Mr. Evans?

DEFENDANT BRYAN: Yes, sir.

1 THE COURT: All right. All right. And we are
2 formally back on. When the Court recessed, I
3 indicated I would review the exhibits.

4 Since that time, anything from the State?

5 MR. EVANS: No, Your Honor.

6 THE COURT: From the Defense?

7 MR. GOUGH: No, Your Honor.

8 THE COURT: Okay. Well, the Court is prepared
9 to rule on the amended motion for bond. I'm just
10 going to let everybody get settled. But I do want to
11 make sure I don't forget this. If I could get that
12 to the clerk to file in open court.

13 BAILIFF: Who gets that?

14 THE COURT: To the clerk, yeah.

15 BAILIFF: Okay.

16 THE COURT: So I assume we're doing that --
17 we'll file it in open court?

18 THE CLERK: Yes, sir.

19 THE COURT: We'll do it that way? Okay. And
20 again, just so the -- that counsel are clear, I'm
21 filing the scheduling order so it's available. I'll
22 also copy everybody on a copy or copy everybody a
23 copy. Will copy everybody on the scheduling order.

24 ORDER OF THE COURT:

25 All right. The Court reviewed the evidence that

1 was submitted, the exhibits, and having considered
2 the evidence presented on the defendant's amended
3 motion for bond, the Court will enter a written
4 order, but I'll have to get the written order
5 drafted.

6 The order of the Court is that bond is denied.
7 The basis of the bond is the risk of flight
8 primarily. Life without plus 27 years is a
9 significant sentence.

10 The -- I understand there are at least two
11 ongoing investigations of this defendant, including
12 potential hate crime charges with the federal
13 government and some additional investigation by the
14 GBI.

15 The context in this state really could cut both
16 ways, but because of that, the Court does have
17 concerns with the defendant's current unemployment,
18 lack of real property and other issues in the state
19 of Georgia.

20 There are a number of other factors the Court
21 has considered. I'll make sure that those are
22 reflected in a written order so that both parties
23 have an opportunity to review that and understand the
24 Court's full decision.

25 That being the order of the Court, anything from

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the Defense? It is the Defense motion.

MR. GOUGH: Nothing more at this time, Your Honor.

THE COURT: Anything from the State?

MR. EVANS: No, Your Honor. Thank you.

THE COURT: All right. Any further matters before we recess? From the State?

MR. EVANS: Nothing further from the State today, Judge.

THE COURT: From the Defense?

MR. GOUGH: Nothing further from the Defense today.

THE COURT: All right. With that, I appreciate everybody making the effort to appear here in Glynn County. As I said at the outset of this hearing, with counsel scattered across the state as well as the Court not being in its home jurisdiction, some of the logistics are a little bit difficult. That will not go away, so we'll continue to work very hard at making sure that this case proceeds in an orderly fashion. The scheduling order is an attempt to do that. I do ask for compliance with that. And if any other matters are raised before the Court, we'll address them as quickly as we possibly can.

Thank you everybody for the time. We're in

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recess.

MR. GOUGH: Thank you, Your Honor.

MS. DUNIKOSKI: Thank you, Your Honor.

MR. EVANS: Thank you.

(HEARING CONCLUDED AT 2:05 P.M.)

CERTIFICATE

STATE OF GEORGIA :
COUNTY OF APPLING :

I, CRYSTAL P. PEACOCK, hereby certify that the within and foregoing record of the proceedings in the matter of the The State of Georgia vs. William Roderick Bryan, CR2000433, was held at the time and place aforesaid, and that the foregoing pages contained herein numbered One through One Hundred Twenty-Two, constitute a true and accurate transcript of the Proceedings as held therein.

I FURTHER CERTIFY that I bear no statutorily prohibitive relationship to any of the parties in this cause, that I am not of counsel and have no personal or financial interest in the pending events or the outcome of this matter.

IN WITNESS WHEREOF, I affix my Hand and Official Seal at Baxley, Appling County, Georgia, this 4th day of August, 2020.



CRYSTAL P. PEACOCK

Georgia Certified Court Reporter
B-1962

cp/CP

ACCUSATION NO. CR-1800075

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

SEPTEMBER TERM, 2017

THE STATE OF GEORGIA vs. AHMAUD MARQUEZ ARBERY

CT. 1: THEFT BY SHOPLIFTING

Filed in office, this 16th day of February, 2018.

Suzanne Zelada, Dep.
CLERK SUPERIOR COURT

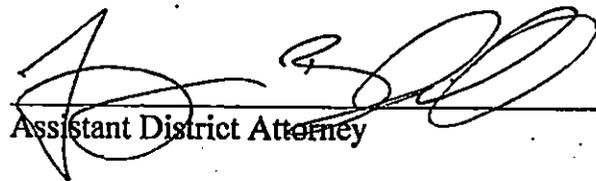
JACKIE L. JOHNSON
District Attorney, Brunswick Judicial Circuit

GEORGIA, GLYNN COUNTY
I, do certify that the within and foregoing is a true, complete and correct copy of the original in said case, as appears by the original on file and of record in the office of the clerk of Glynn Superior Court, Brunswick, Georgia.
Witness my hand and the seal of said court this the 16th day of July 2020
Nichel Moore, Deputy
Clerk of Superior Court

The defendant, **AHMAUD MARQUEZ ARBERY**, hereby waives preliminary hearing (if that hearing has not been discharged by operation of law) and waives indictment by a Grand Jury and consents and agrees that said case proceed on accusation, waives formal arraignment and pleads not guilty.

The defendant, **AHMAUD MARQUEZ ARBERY**, hereby waives preliminary hearing (if that hearing has not been discharged by operation of law) and waives indictment by a Grand Jury and consents and agrees that said case proceed on accusation, waives copy of accusation, list of witnesses, formal arraignment, trial by jury, and pleads guilty.

Assistant District Attorney



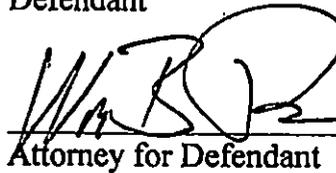
Assistant District Attorney

Defendant

Ahmad Arbery

Defendant

Attorney for Defendant



Attorney for Defendant

Date: _____

Date: 2/16/18

VERDICT

We, the jury, find the Defendant, _____
This the ___ day of _____, 2018

Court # 1

Foreperson

Exhibit "14"

**GEORGIA, GLYNN COUNTY
IN THE SUPERIOR COURT OF SAID COUNTY**

COUNT ONE

I, Jackie L. Johnson, as District Attorney of the Brunswick Judicial Circuit, the circuit in which Glynn County is located, and being the prosecuting officer of Superior Court of Glynn County, in the name and behalf of the citizens of Georgia, charge and accuse **AHMAUD MARQUEZ ARBERY** with the offense of **THEFT BY SHOPLIFTING**, for that the said accused **ON THE 1ST DAY OF DECEMBER, 2017**, in Glynn County, **DID KNOWINGLY AND UNLAWFULLY TAKE POSSESSION OF A VIZIO TV, MERCHANDISE BEING THE PROPERTY OF WALMART, A RETAIL ESTABLISHMENT, WITH A VALUE OF GREATER THAN \$500.00, WITH THE INTENT TO APPROPRIATE SAID PROPERTY TO HIS OWN USE WITHOUT PAYING SAID OWNER FOR SAID PROPERTY**, all of said act being contrary to the laws of the State of Georgia, the good order, peace and dignity thereof.

This 16th day of February, 2018.

GLYNN SUPERIOR COURT


George F. Barnhill, Assistant District Attorney
Brunswick Judicial Circuit
Georgia State Bar# 181824
701 H Street, Box 301
Brunswick, GA 31520
Phone: 912-554-7200; Fax: 912-267-5360
Email: gfbarnhill@pacga.org

IN THE SUPERIOR COURT OF GLYNN COUNTY Suzanne Zelada, Dep.
STATE OF GEORGIA Clerk, Superior Court
Glynn County, Georgia.

THE STATE OF GEORGIA

CASE NO.: CR-1800095

VS.

CHARGE(S):

Ahmad Arbery
DEFENDANT.

Theft By Shoplifting

PLEA PETITION AND RIGHTS WAIVER

By filling out and signing this Plea Form, I am asking the Judge of this Superior Court to allow me to enter a plea of GUILTY / NOLO CONTENDERE to the charges listed above. By initialing the ()'s below, I admit that I know and I acknowledge that:

1. I understand and speak the English language. (AA)
2. I understand the potential consequences of entering this GUILTY / NOLO CONTENDERE plea. I have discussed them thoroughly with my attorney. (AA)
3. I have been told and I understand the maximum possible sentence of incarceration that I could receive for all charges related to this case. (AA)
4. I understand that if I am not a citizen of the United States of America, this GUILTY / NOLO CONTENDERE plea may result in deportation, the exclusion from admission into this county, and the denial of naturalization under Federal Law. AA)
5. I have a right to remain silent and not to sign or file this Plea Form. (AA)
6. I have a right to have legal counsel at all stages of the proceedings against me. (AA)
7. If I cannot afford legal counsel, the Court will appoint an attorney to represent me. (AA)
8. I have legal counsel; I am satisfied with the services of that attorney. (AA)
9. I have had enough time to confer with my attorney; I have talked with my attorney about my case and this plea. I have discussed with my attorney, the applicable laws, the elements of the offense(s), and the facts that support the offense(s) with my attorney. (AA)
10. I have seen and read the indictment/accusation, I understand that with which I am charged; I am familiar with the facts and details surrounding the above charge(s). There is a factual basis, which supports this/these charge(s). (AA)

Ahmad Arbery
Defendant

11. I am pleading GUILTY / NOLO CONTENDERE to the charges as agreed to with my attorney and the State. (AA)
12. I have been told what the maximum and mandatory minimum sentence(s) is/are for each charge to which I am pleading GUILTY / NOLO CONTENDERE. (AA)
13. I understand that this or any guilty plea, or a nolo plea can be and may be used to enhance any future sentence and punishment subsequently imposed upon me by any jurisdiction. (AA)
14. I understand that, if I have been convicted before the entry of this plea of another felony or more than one previous felony, and if the State gives notice of that or those convictions, the Court will have to sentence me to certain **REQUIRED** sentence(s) which may be longer than what my plea agreement is for. I also understand that, under certain circumstances, I could not be required to serve the maximum sentence or some other lengthy sentence **WITHOUT POSSIBILITY OR ELIGIBILITY FOR PAROLE OR THE EARLY TERMINATION OF MY SENTENCE**. (AA)
15. I can plead NOT GUILTY and receive a jury trial to determine my guilt/innocence. (AA)
16. In a jury trial, I can confront the witnesses against me and cross-examine them. I also can have time to prepare for that trial, subpoena witnesses for my case, and present evidence and testimony from witnesses in my own behalf. *I do not want a jury trial.* I know that this GUILTY / NOLO CONTENDERE plea will be the final disposition of my case. (AA)
17. I understand that by entering a plea of GUILTY / NOLO CONTENDERE to armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, and/or aggravated sexual battery, the Court will have to sentence me to at least 10 years to be served in prison without the possibility of parole, early release, termination, probation, or suspension of my sentence. (AA)
18. I specifically waive the following rights: my presumption of innocence; the right to confront witnesses against myself; my right to subpoena witnesses; my right to testify and to offer other evidence; my right to assistance of counsel during my trial; my right not to incriminate myself; and that by pleading not guilty or remaining silent and not entering a plea, I can get a jury trial. I also understand that if I cannot afford a lawyer one will be appointed by the Court to represent me. (AA)
19. If I am representing myself, I understand the consequences of my actions and the potential dangers of proceeding without an attorney. I knowingly, intelligently, and purposefully waive the right to be represented by counsel. I accept that this plea may be used against me in the future. (AA)
20. The judge can sentence me to any sentence that the law authorizes for my crime even if I have an agreement with the State. (AA)

Abdul Malik
Defendant

21. The Court can reject this plea agreement; if it does so, I have the right to withdraw this petition prior to sentencing and proceed to jury trial. I also can withdraw this petition at anytime prior to the imposition of the sentence. (AA)
22. I have been told what sentence the State will recommend to the Judge. I agree with that recommendation. (AA)
23. I have not been threatened, coerced, or forced to enter this GUILTY / NOLO CONTENDERE plea. (AA)
24. I have not been promised anything by anyone to make me enter this GUILTY / NOLO CONTENDERE plea. (AA)
25. When I voluntarily enter this plea, I knowingly give up and intentionally waive all of my rights. (AA)
26. I know what I am doing. I am not under the influence of drugs and / or alcohol. If I am taking a prescribed medication, it does not and is not affecting my judgment. I understand and appreciate the consequences facing me and the consequences of my actions. My judgment is not impaired. I voluntarily and freely enter this plea of GUILTY / NOLO CONTENDERE. (AA)
27. I either have read the above or I have had it read to me. I have initialed the above ()'s to indicate that I understand the individual rights I am waiving. Additionally, I hereby acknowledge my culpability in the above-styled case. (AA)
28. I understand that there is a limited right to appeal this plea. I must exercise any such right within 30 days of the imposition of sentence. (AA)
29. I have also been informed that, I have the right to seek habeas corpus relief in this matter. Any action seeking habeas relief shall be filed within one year in the case of a misdemeanor, except in the case of a misdemeanor traffic offense, relief must be sought within 180 days, and within four years in the case of a felony, as measured from: (A) the date this judgment before final by the conclusion of direct review or the expiration of the time for seeking such review; (B) the date on which an impediment to filing a petition which was created by State action in violation of the Constitution or laws of the United States or of this state is removed, if it prevented filing such action; (C) the date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right is newly recognized by said courts and is made retroactively applicable to cases on collateral review; or (D) the date on which the facts supporting the claims presented could have been discovered through any exercise of due diligence. (AA)
30. I understand all of my rights and I knowingly and voluntarily waive my rights in this case thereby ending all proceedings. (AA)

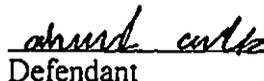
ahmed aulla
Defendant

AFFIDAVIT OF COUNSEL

As the attorney for defendant, I have conferred with the defendant about this case; I have told defendant of the legal principles involved in this case. I have also informed the defendant of defendant's rights and privileges, including those of appeal. I have reviewed with defendant the rights set out above with the defendant and legal effect it will have on the defendant. I have told the defendant about the possible penalties for the crime(s) with which the defendant is / are charged. I am satisfied that defendant is voluntarily entering this plea and that defendant knows and understands the rights the defendant is waiving. No threats or promises have been made by anyone to induce defendant to enter this plea. There is a sufficient factual basis to legally sustain this plea. I have discussed with the defendant the facts, which support the offense(s); the defendant agrees that there is factual basis and sufficient evidence, which supports the entry of this plea from which a jury could find the accused guilty beyond a reasonable doubt.



Attorney for Defendant



Defendant

ORDER

The Court read and considered the foregoing application, and having examined Defendant and Defendant's Counsel in open Court concerning same, and it appearing that the allowing of such proposed plea is proper, the Court having specifically advised Defendant of his rights under *Rule 33.8* of the **Uniform Rules of Superior Court** as said rights are set forth in the plea petition and rights waiver form, the same petition being accepted by this Court and entered as part of the official court record;

IT IS ORDERED AND ADJUDGED that such waivers as contained in said application, as well as such plea of GUILTY / NOLO CONTENDERE are freely, voluntarily, intentionally, understandingly, intelligently, and knowingly made and entered by Defendant, without being induced by another by any hope of benefit or any fear of injury and of Defendant's own free will and accord, and that such plea of guilty is proper. The Court further finds, based on the stated factual basis, the charging document(s), all documents submitted with this plea, the defendant's entering the plea, and the affidavit of defendant's counsel, there is a factual basis for the plea of GUILTY / NOLO CONTENDERE.

THEREFORE, IT IS FURTHER ORDERED AND ADJUDGED that such plea of guilty be allowed, and accepted, and that such application and this order be filed and entered with such plea and made a part of the record in this case.

SO ORDERED AND ADJUDGED this the 16 day Feb,
20 18.

Robert W. Bray JR
Judge, Superior Courts
Brunswick Judicial Circuit

Edward A. Kelly
Defendant

IN THE SUPERIOR COURT OF GLYNN COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus
AHMAND MARQUEZ ARBERY

Clerk to complete if
incomplete:

CRIMINAL ACTION #:
CR-1800095

OTN(s):88410984723
DOB: 05/08/1994
Ga. ID#:4339496X

SEPTEMBER Term of 2017

Final Disposition:
FELONY with PROBATION

First Offender/Conditional Discharge
entered under:

PLEA:

VERDICT:
 Jury Non-jury

- O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2
 Repeat Offender as imposed below
 Repeat Offender waived

- Negotiated Non-negotiated

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty- Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	THEFT BY SHOPLIFTING	GUILTY	5 YEARS	1500.00	
2					
3					
4					

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of **5 YEARS**, with the first to be served in confinement and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from ____; or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

§ 17-10-7(a); § 17-10-7(c); § 16-7-1(b); § 16-8-14(b); or § ____.

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that: the Defendant shall pay the probation supervision fee as required by law; or the probation supervision fee is waived.
- 2) If counsel was provided under the Georgia Indigent Defense Act: the Defendant shall pay the \$50 Public Defender Application Fee; or the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense: the Defendant shall pay attorney's fees of \$_____ to **GLYNN** County; or attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation: as designated on the attached Inventory of Special Conditions of Probation; or as follows:

***SC3: The Defendant shall perform 100 hours of community service** at the discretion of the Probation Officer.

***SC10: Fourth Amendment waiver.** The Defendant shall submit to a search of person, residence, papers, vehicle, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe that the Defendant is in violation of probation or otherwise acting in violation of the law, and the Defendant shall specifically consent to the use of anything seized as evidence in any judicial proceedings or trial.

***SC12: Limited or no contact. BANISHED FROM ALL WALMARTS IN BRUNSWICK JUDICIAL CIRCUIT.**

***SC16: Evaluation and treatment.** The Defendant shall provide verification of evaluation and/or treatment for: mental health substance abuse clinical evaluation anger management cognitive skills training educational training or alcohol at a State- or Court-approved provider at his/her own expense, and shall cooperate and comply with all rules and regulations of the treatment or program, including any aftercare deemed necessary, at the probation officers discretion.

***SC17: 12-step meetings.** The Defendant shall provide verification of attendance as deemed necessary by any treatment recommended by CAC/substance abuse/drug and alcohol evaluation or at the officers discretion.

***SC19: Curfew.** The Defendant shall abide by any curfew established by the Probation Officer.

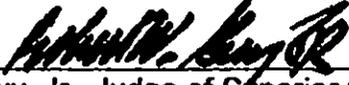
***SC32: Avoid alcohol, drug use.** The Defendant shall: not consume alcoholic beverages, and not use narcotics or dangerous drugs unless lawfully prescribed.

***SC34: Other special condition(s).** The Defendant shall abide by the following additional special condition(s): No firearms/illegal weapons and may not live with anyone who does; Notify the PO of any new arrest w/in 24 hours; Any violation of special conditions could result in full revocation/prison; Do not violate any criminal laws. 1500.00 FINE.
FINES AND FEES ARE AS IMPOSED IN SPECIAL CONDITIONS

For Court's Use:

The Hon. JOHNSON, Attorney at Law, represented the Defendant by: employment; or appointment.

SO ORDERED this 16TH day of FEBRUARY, 2018.



Robert W. Guy, Jr., Judge of Superior Court
Brunswick Judicial Circuit

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Probation Officer

Defendant/Ahmand Marquez Arbery

**ADDENDUM TO SENTENCE SHEET REFLECTING SURCHARGES, ADD-ONS, AND FEES
REQUIRED BY LAW**

	COUNT 1	COUNT 1	COUNT	COUNT	COUNT	COUNT
COURT COST						
FINE		\$1,500.00				
POPIDF-A FUND (10% TO MAX)	\$0.00	50.00	0.00	0.00	0.00	0.00
POPIDF-B FUND (10%)	\$0.00	150.00	0.00	0.00	0.00	0.00
JAIL FEE (10%)	\$0.00	150.00	0.00	0.00	0.00	0.00
DUI SURCHARGE (10%/\$26 MAX)						
DATE SURCHARGE (50%)						
CRIME VICTIM ASSISTANCE (5%)	\$0.00	75.00	0.00	0.00	0.00	0.00
LAW LIBRARY						
BSIT FUND (10%) DUI'S ONLY						
DETF (5%)						
RESTITUTION	0.00					
TOTAL: COURT COSTS AND FINES	\$0.00	\$1,925.00	\$0.00	\$0.00	\$0.00	\$0.00
PLUS CRIME LAB FEE	\$50.00					
TOTAL TO CLERK OF COURT	1975.00					

and a **PROBATION FEE** of **\$23.00** and **\$9.00 G.C.V.E.F.** per month. Payments are **\$50.00** per month (not including probation fees) beginning **TBD** to the GDC Consolidate Banking Unit each month thereafter until paid in full.

Payments by Debit or Credit Card:

JPAY 1-800-574-5729

JPAY.com

Payments by Money Order:

JPAY PO Box 820810, Pembroke Pines, Fl. 33082

To obtain voucher slips: please go to www.dcor.state.ga.us and select the tab "send money" highlighted in blue. Then select "create a Money Order Voucher" highlighted in blue. Choose your type Parolee or Probationer", then enter GDC # in the empty box, click on the tab "get a voucher". Print your voucher.

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

Docket#: CR1800095

VS.

ARBERY, AHMAUD MARQUEZ

GDC#: 1001541820

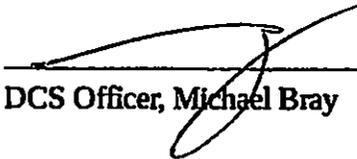
Offense: Count 1 Theft By Shoplifting

PETITION FOR TERMINATION OF PROBATION

COMES NOW the undersigned Michael Bray, DCS Officer and respectfully states to this honorable court that ARBERY, AHMAUD MARQUEZ died on 02/23/20. (see attached copy of Obituary listing).

HEREAS the above defendant was sentenced to 5 years on February 16th, 2018, it is respectfully requested that the probation on the above defendant be terminated and that all and any monies collected be disbursed to the GLYNN County Clerk of Court as full settlement.

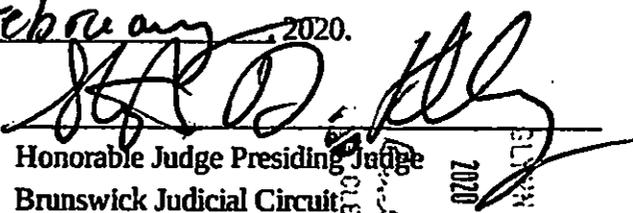
THIS 27 DAY OF February, 2020.



DCS Officer, Michael Bray

WHEREAS, the above defendant is deceased and it is ordered that the probation on the above defendant, ARBERY, AHMAUD MARQUEZ, be terminated, that all and any monies collected be disbursed to the GLYNN County Clerk of Court as full settlement.

SO ORDERED THIS 28 DAY OF February, 2020.



Honorable Judge Presiding
Brunswick Judicial Circuit

FILED
CLERK'S OFFICE
2020 FEB 28 P 3:11
CLERK SUPERIOR COURT

INDICTMENT NO. CR-1500114-063

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

SEPTEMBER TERM 2014

THE STATE OF GEORGIA vs. AHMAUD MARQUEZ ARBERY

- Ct. 1: CARRYING WEAPONS WITHIN CERTAIN SCHOOL AREAS (O.C.G.A. 16-11-127.1)
- Ct. 2: CARRYING A WEAPON WITHOUT A LICENSE (O.C.G.A. 16-11-126)
- Ct. 3: OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(b))
- Ct. 4: OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(b))
- Ct. 5: OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(a))

Prosecutor Tru. Ricky Hilburn

True All cts BILL

JACKIE L. JOHNSON
District Attorney, Brunswick Judicial Circuit

Chyde n'd Foreperson

Received and filed in open court this 28 day of January, 2015

Lola B. Jamsky
Clerk, Superior Court

The Defendant, **AHMAUD MARQUEZ ARBERY**, waives being formally arraigned and pleads not guilty.

The defendant, **AHMAUD MARQUEZ ARBERY**, hereby changes his/her plea from one of not guilty to one of Guilty/Nolo Contendere.

Shirley M Stewart
Assistant District Attorney

[Signature]
Assistant District Attorney

Waive
Defendant

Admitted with
Defendant

[Signature]
Attorney for Defendant

[Signature]
Attorney for Defendant

Date 3-6-15 055450

Date 5-4-15

VERDICT

We, the jury, find the Defendant, _____.

This the _____ day of _____, 2015

Court #2

Exhibit "15"

GEORGIA, GLYNN COUNTY
I, do certify that the within and foregoing is a true, complete and correct copy of the original in said case, as appears by the original in file and of record in the office of the clerk of Glynn Superior Court, Brunswick, Georgia
Witness my hand and the seal of said court this the 28 day of July, 2015
Lola B. Jamsky
Clerk of Superior Court

**GEORGIA, GLYNN COUNTY
IN THE SUPERIOR COURT OF SAID COUNTY**

The Grand Jurors selected, chosen and sworn for the County of Glynn, to wit:

1. Clyde Dixon, Foreperson, Foreperson
2. Connie R. Couch, Vice Foreperson
3. Karen Sue LaLone, Secretary
4. Dana Arnett
5. ~~Theo James Carver~~
6. ~~Larry Earl Credle~~
7. Walter Lynn Dunlap, Jr.
8. ~~Helen Ferguson~~
9. Ray Gary Glendenning
10. Linda M. Henderson
11. Melissa R. Hurt
12. Lisa Marie King
13. Cindy H. Knight
14. James Aiken Knight
15. Amy Elizabeth McNally
16. Brenda Mitchell
17. Lisa Norris
18. Robert Sattelmeyer
19. Carrie Soles
20. Samuel Wayne Strickland
21. ~~Keotta Taylor~~
22. Jennie Waye
23. Andrea Woods
24. Tre' murray (Alternate)
Yolanda Lee

COUNT ONE

In the name and behalf of the citizens of Georgia, charge and accuse AHMAUD MARQUEZ ARBERY with the offense of CARRYING WEAPONS WITHIN CERTAIN SCHOOL AREAS (O.C.G.A. 16-11-127.1) for that the said accused, ON OR ABOUT THE 3RD DAY OF DECEMBER, 2013, in the County aforesaid, DID, WITHOUT HAVING A WEAPONS CARRY LICENSE, POSSESS WHILE AT A SCHOOL FUNCTION OF BRUNSWICK HIGH SCHOOL A WEAPON, TO WIT: A BIG BEAR .380 CALIBER HANDGUN, all of said act being contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT TWO

And the Grand Jurors aforesaid, on their oaths aforesaid, in the name and behalf of the Citizens of Georgia, further charge and accuse AHMAUD MARQUEZ ARBERY with the offense of CARRYING A WEAPON WITHOUT A LICENSE (O.C.G.A. 16-11-126) for that the said accused ON OR ABOUT THE 3RD DAY OF DECEMBER, 2013, in the County aforesaid, DID CARRY A WEAPON, TO-WIT: A BIG BEAR .380 CALIBER HANDGUN, WITHOUT A VALID WEAPONS CARRY LICENSE, all of said act being contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT THREE

And the Grand Jurors aforesaid, on their oaths aforesaid, in the name and behalf of the Citizens of Georgia, further charge and accuse **AHMAUD MARQUEZ ARBERY** with the offense of **OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(b))** for that the said accused **ON OR ABOUT THE 3RD DAY OF DECEMBER, 2013**, in the County aforesaid, **DID KNOWINGLY AND WILLFULLY RESIST OFFICER RON HARRIS, A LAW ENFORCEMENT OFFICER WITH THE GLYNN COUNTY SCHOOL POLICE, IN THE LAWFUL DISCHARGE OF HIS OFFICIAL DUTIES BY DOING VIOLENCE TO SAID PERSON, BY KNOCKING OFFICER HARRIS TO THE GROUND WHILE ATTEMPTING TO FLEE**, all of said act being contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT FOUR

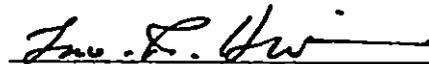
And the Grand Jurors aforesaid, on their oaths aforesaid, in the name and behalf of the Citizens of Georgia, further charge and accuse **AHMAUD MARQUEZ ARBERY** with the offense of **OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(b))** for that the said accused **ON OR ABOUT THE 3RD DAY OF DECEMBER, 2013**, in the County aforesaid, **DID KNOWINGLY AND WILLFULLY RESIST OFFICER DAVID SMITH, A LAW ENFORCEMENT OFFICER WITH THE GLYNN COUNTY SCHOOL POLICE, IN THE LAWFUL DISCHARGE OF HIS OFFICIAL DUTIES BY DOING VIOLENCE TO SAID PERSON, BY SCRATCHING OFFICER SMITH'S ARM WHILE ATTEMPTING TO FLEE**, all of said act being contrary to the laws of said State, the good order, peace and dignity thereof.

COUNT FIVE

And the Grand Jurors aforesaid, on their oaths aforesaid, in the name and behalf of the Citizens of Georgia, further charge and accuse **AHMAUD MARQUEZ ARBERY** with the offense of **OBSTRUCTION OF AN OFFICER (O.C.G.A. 16-10-24(a))** for that the said accused **ON OR ABOUT THE 3RD DAY OF DECEMBER, 2013**, in the County aforesaid, **DID KNOWINGLY AND WILLFULLY OBSTRUCT CHIEF ROD ELLIS, A LAW ENFORCEMENT OFFICER WITH THE GLYNN COUNTY SCHOOL POLICE, IN THE LAWFUL DISCHARGE OF HIS OFFICIAL DUTIES BY FAILING TO COMPLY WITH THE LAWFUL COMMANDS OF CHIEF ELLIS TO STOP RUNNING**, all of said act being contrary to the laws of said State, the good order, peace and dignity thereof.

GLYNN SUPERIOR COURT

SEPTEMBER TERM 2014


Prosecutor



Jackie L. Johnson, District Attorney
Brunswick Judicial Circuit



George F. Barnhill,
Assistant District Attorney
Brunswick Judicial Circuit
Georgia State Bar# 181824
701 H Street, Box 301
Brunswick, GA 31520
Phone: 912-554-7200; Fax: 912-267-5360
Email: gfbarnhill@pacga.org

Filed in Open Court this
4th day of May, 2015
by Maria Jacobson, Deputy
Clerk, Superior Court
Glynn County, Georgia

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA ♦ CASE NO.: CR1500114-063
VS: ♦ CHARGE(S): Weapon with Intent
Amos Abery ♦ Repeat After Carrying a weapon
DEFENDANT ♦ without a license and obstructed
 ♦ an officer x 3

PLEA PETITION AND RIGHTS WAIVER

By filling out and signing this Plea Form, I am asking the Judge of this Superior Court to allow me to enter a plea of GUILTY/NOLO CONTENDERE to the charges listed above.

By initialing the ()'s below, I admit that I know and I acknowledge that:

1. I understand and speak the English language. (AA)
2. I understand the potential consequences of entering this GUILTY/NOLO CONTENDERE plea. I have discussed them thoroughly with my attorney. (AA)
3. I have been told and I understand the maximum possible sentence of Incarceration that I could receive for all charges related to this case. (AA)
4. I understand that if I am not a citizen of the United States of America, this GUILTY/NOLO CONTENDERE plea may result in deportation, the exclusion from admission into this country, and the denial of naturalization under Federal Law. (AA)
5. I have a right to remain silent and to not sign or file this Plea Form. (AA)
6. I have a right to have legal counsel at all stages of the proceedings against me. (AA)
7. If I cannot afford legal counsel, the Court will appoint an attorney to represent me. (AA)
8. I have legal counsel; I am satisfied with the services of that attorney. (AA)
9. I have had enough time to confer with my attorney; I have talked with my attorney about my case and this plea. I have discussed with my attorney, the applicable laws, the elements of the offense(s), and the facts that support the offense(s) with my attorney. (AA)
10. I have seen and read the indictment / accusation. I understand that with which I am charged; I am familiar with the facts and details surrounding the above charge(s). There is a factual basis which supports this/these charges. (AA)

Amos Abery
Defendant

11. I am pleading GUILTY / NOLO CONTENDERE to the charges as agreed to with my attorney and the State. (AA)
12. I have been told what the maximum and mandatory minimum sentence(s) is/are for each charge to which I am pleading GUILTY / NOLO CONTENDERE. (AA)
13. I understand that this or any guilty plea or a nolo plea can and may be used to enhance any future sentence and punishment subsequently imposed upon me by any jurisdiction. (AA)
14. I understand that, if I have been convicted before the entry of this plea of another felony or more than one previous felony, and if the State gives notice of that or those convictions, the Court will have to sentence me to certain **REQUIRED** sentence(s) which may be longer than what my plea agreement is for. I also understand that, under certain circumstances, I could be required to serve the maximum sentence or some other lengthy sentence **WITHOUT POSSIBILITY OR ELIGIBILITY FOR PAROLE OR THE EARLY TERMINATION OF MY SENTENCE**. (AA)
15. I can plead NOT GUILTY and receive a jury trial to determine my guilt / innocence. (AA)
16. In a jury trial, I can confront the witnesses against me and cross-examine them. I also can have time to prepare for that trial, subpoena witnesses for my case, and present evidence and testimony from witnesses in my own behalf. I do not want a jury trial. I know that this GUILTY / NOLO CONTENDERE plea will be the final disposition of my case. (AA)
17. I understand that by entering a plea of GUILTY / NOLO CONTENDERE to armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, and / or aggravated sexual battery, the Court will have to sentence me to at least 10-years to be served in prison without the possibility of parole, early release, termination, probation or suspension of my sentence. (AA)
18. I specifically waive the following rights: my presumption of innocence; the right to confront witnesses against myself; my right to subpoena witnesses; my right to testify and to offer other evidence; my right to assistance of counsel during trial; my right not to incriminate myself; and that by pleading not guilty or remaining silent and not entering a plea, I can get a jury trial. I also understand that if I cannot afford a lawyer one will be appointed by the court to represent me. (AA)
19. If I am representing myself, I understand the consequences of my actions and the potential dangers of proceeding without an attorney. I knowingly, intelligently, and purposefully waive the right to be represented by counsel. I accept this plea may be used against me in the future. (AA)
20. The judge can sentence me to any sentence that the law authorizes for my crime even if I have an agreement with the State. (AA)
21. The court can reject this plea agreement; if it does so, I have the right to withdraw this petition prior to sentencing and proceed to jury trial. I also can withdraw this petition at anytime prior to the imposition of sentence. (AA)
22. I have been told what sentence the State will recommend to the Judge. I agree with that recommendation. (AA)

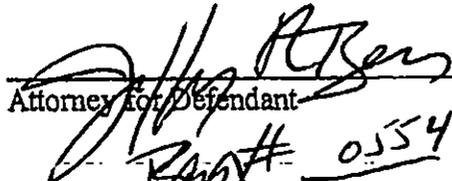
Abner Allen
Defendant

23. I have not been threatened, coerced, or forced to enter this GUILTY / NOLO CONTENDERE plea. (AA)
24. I have not been promised anything by anyone to make me enter this GUILTY / NOLO CONTENDERE plea. (AA)
25. When I voluntarily enter this plea, I knowingly give up and intentionally waive all of my rights. (AA)
26. I know what I am doing. I am not under the influence of drugs and / or alcohol. If I am taking a prescribed medication, it does not and is not affecting my judgment. I understand and appreciate the consequences of my actions. My judgment is not impaired. I voluntarily and freely enter this plea of GUILTY / NOLO CONTENDERE. (AA)
27. I either have read the above or I have had it read to me. I have initialed the above ()'s to indicate that I understand the individual rights I am waiving. Additionally, I hereby acknowledge my culpability in the above styled case. (AA)
28. I understand that there is a limited right to appeal this plea. I must exercise any such right within 30 days of the imposition of sentence. (AA)
29. I have also been informed that, I have the right to seek habeas corpus relief in this matter. Any action seeking habeas relief shall be filed within one year in the case of a misdemeanor, except in the case of a misdemeanor traffic offense, relief must be sought within 180 days, and within four years in the case of a felony, as measured from: (A) the date this judgment becomes final by the conclusion of direct review or the expiration of the time for seeking such review; (B) the date on which an impediment to filing a petition which was created by state action in violation of the Constitution or laws of the United States or of this state is removed, if it prevented filing such action; (C) the date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right is newly recognized by said courts and is made retroactively applicable to cases on collateral review; or (D) the date on which the facts supporting the claims presented could have been discovered through any exercise of due diligence. (AA)
30. I understand all of my rights and I knowingly and voluntarily waive my rights in this case thereby ending all proceedings. (AA)

abroad adiss
Defendant

AFFIDAVIT OF COUNSEL

As the attorney for defendant, I have conferred with the defendant about this case; I have told defendant of the legal principles involved in this case. I have also informed the defendant of defendant's rights and privileges, including those of appeal. I have reviewed with defendant the rights set out above with the defendant and the legal effect it will have on the defendant. I have told the defendant about the possible penalties for the crime(s) with which the defendant is / are charged. I am satisfied that defendant is voluntarily entering this plea and that defendant knows and understands the rights the defendant is waiving. No threats or promises have been made by anyone to induce defendant to enter this plea. There is a sufficient factual basis to legally sustain this plea. I have discussed with the defendant the facts which support the offense(s); the defendant agrees that there is a factual basis and sufficient evidence which supports the entry of this plea from which a jury could find the accused guilty beyond a reasonable doubt.


Attorney for Defendant
Bar # 055450
Dad #

Defendant

ORDER

The court read and considered the foregoing application, and having examined Defendant and Defendant's Counsel in Open Court concerning same, and it appearing that the allowing of such proposed plea is proper, the Court having specifically advised Defendant of his rights under Rule 33.8 of the Uniform Rules of Superior Court as said rights are set forth in the plea petition and rights waiver form, the same petition being accepted by this Court and entered as part of the official court record;

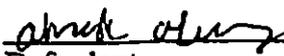
IT IS ORDERED AND ADJUDGED that such waivers as contained in said application, as well as such plea of GUILTY / NOLO CONTENDERE are freely, voluntarily, intentionally, understandingly, intelligently, and knowingly made and entered by Defendant, without being induced by another by any hope of benefit or nay fear of injury and of Defendant's own free will and accord, and that such plea of guilty is proper. The Court further finds, based on the stated factual basis, the charging document(s), all documents submitted with this plea, the defendant's entering the plea, and the affidavit of defendant's counsel, there is a factual basis for the plea of GUILTY / NOLO CONTENDERE.

THEREFORE, IT IS FURTHER ORDERED AND ADJUDGED that such plea of guilty be allowed, and accepted, and that such application and this order be filed and entered with such plea and made a part of the record in this case.

SO ORDERED AND ADJUDGED this the 4 day of May, 2015.



Judge, Superior Courts
Brunswick Judicial Circuit



Defendant

Filed in Open Court this
4th day of May, 2015
T. Maria Jacobs, Dep. Clerk
Clerk, Superior Court
Glynn County, Georgia

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA

◆ CASE NO.: CR1500114-063

VS:

◆ CHARGE(S): Unlawful Carrying a Weapon

Ammanuel A. Berry
DEFENDANT

◆ Should have Carrying a Weapon
without a License and Instruction
◆ 4 or Officer x 3

PLEA PETITION AND RIGHTS WAIVER

By filling out and signing this Plea Form, I am asking the Judge of this Superior Court to allow me to enter a plea of GUILTY/NOLO CONTENDERE to the charges listed above.

By initialing the ()'s below, I admit that I know and I acknowledge that:

- 1. I understand and speak the English language. (AA)
- 2. I understand the potential consequences of entering this GUILTY/NOLO CONTENDERE plea. I have discussed them thoroughly with my attorney. (AA)
- 3. I have been told and I understand the maximum possible sentence of Incarceration that I could receive for all charges related to this case. (AA)
- 4. I understand that if I am not a citizen of the United States of America, this GUILTY/NOLO CONTENDERE plea may result in deportation, the exclusion from admission into this country, and the denial of naturalization under Federal Law. (AA)
- 5. I have a right to remain silent and to not sign or file this Plea Form. (AA)
- 6. I have a right to have legal counsel at all stages of the proceedings against me. (AA)
- 7. If I cannot afford legal counsel, the Court will appoint an attorney to represent me. (AA)
- 8. I have legal counsel; I am satisfied with the services of that attorney. (AA)
- 9. I have had enough time to confer with my attorney; I have talked with my attorney about my case and this plea. I have discussed with my attorney, the applicable laws, the elements of the offense(s), and the facts that support the offense(s) with my attorney. (AA)
- 10. I have seen and read the indictment / accusation. I understand that with which I am charged; I am familiar with the facts and details surrounding the above charge(s). There is a factual basis which supports this/these charges. (AA)

Ammanuel A. Berry
Defendant

11. I am pleading GUILTY / NOLO CONTENDERE to the charges as agreed to with my attorney and the State. (AA)
12. I have been told what the maximum and mandatory minimum sentence(s) is/are for each charge to which I am pleading GUILTY / NOLO CONTENDERE. (AA)
13. I understand that this or any guilty plea or a nolo plea can and may be used to enhance any future sentence and punishment subsequently imposed upon me by any jurisdiction. (AA)
14. I understand that, if I have been convicted before the entry of this plea of another felony or more than one previous felony, and if the State gives notice of that or those convictions, the Court will have to sentence me to certain **REQUIRED** sentence(s) which may be longer than what my plea agreement is for. I also understand that, under certain circumstances, I could be required to serve the maximum sentence or some other lengthy sentence **WITHOUT POSSIBILITY OR ELIGIBILITY FOR PAROLE OR THE EARLY TERMINATION OF MY SENTENCE**. (AA)
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16. In a jury trial, I can confront the witnesses against me and cross-examine them. I also can have time to prepare for that trial, subpoena witnesses for my case, and present evidence and testimony from witnesses in my own behalf. I do not want a jury trial. I know that this GUILTY / NOLO CONTENDERE plea will be the final disposition of my case. (AA)
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18. I specifically waive the following rights: my presumption of innocence; the right to confront witnesses against myself; my right to subpoena witnesses; my right to testify and to offer other evidence; my right to assistance of counsel during trial; my right not to incriminate myself; and that by pleading not guilty or remaining silent and not entering a plea, I can get a jury trial. I also understand that if I cannot afford a lawyer one will be appointed by the court to represent me. (AA)
19. If I am representing myself, I understand the consequences of my actions and the potential dangers of proceeding without an attorney. I knowingly, intelligently, and purposefully waive the right to be represented by counsel. I accept this plea may be used against me in the future. (AA)
20. The judge can sentence me to any sentence that the law authorizes for my crime even if I have an agreement with the State. (AA)
21. The court can reject this plea agreement; if it does so, I have the right to withdraw this petition prior to sentencing and proceed to jury trial. I also can withdraw this petition at anytime prior to the imposition of sentence. (AA)
22. I have been told what sentence the State will recommend to the Judge. I agree with that recommendation. (AA)

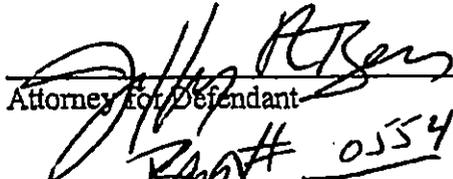
Abner King
Defendant

23. I have not been threatened, coerced, or forced to enter this GUILTY / NOLO CONTENDERE plea. (AA)
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25. When I voluntarily enter this plea, I knowingly give up and intentionally waive all of my rights. (AA)
26. I know what I am doing, I am not under the influence of drugs and / or alcohol. If I am taking a prescribed medication, it does not and is not affecting my judgment. I understand and appreciate the consequences of my actions. My judgment is not impaired. I voluntarily and freely enter this plea of GUILTY / NOLO CONTENDERE. (AA)
27. I either have read the above or I have had it read to me. I have initialed the above ()'s to indicate that I understand the individual rights I am waiving. Additionally, I hereby acknowledge my culpability in the above styled case. (AA)
28. I understand that there is a limited right to appeal this plea. I must exercise any such right within 30 days of the imposition of sentence. (AA)
29. I have also been informed that, I have the right to seek habeas corpus relief in this matter. Any action seeking habeas relief shall be filed within one year in the case of a misdemeanor, except in the case of a misdemeanor traffic offense, relief must be sought within 180 days, and within four years in the case of a felony, as measured from: (A) the date this judgment becomes final by the conclusion of direct review or the expiration of the time for seeking such review; (B) the date on which an impediment to filing a petition which was created by state action in violation of the Constitution or laws of the United States or of this state is removed, if it prevented filing such action; (C) the date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right is newly recognized by said courts and is made retroactively applicable to cases on collateral review; or (D) the date on which the facts supporting the claims presented could have been discovered through any exercise of due diligence. (AA)
30. I understand all of my rights and I knowingly and voluntarily waive my rights in this case thereby ending all proceedings. (AA)

abroad ad
Defendant

AFFIDAVIT OF COUNSEL

As the attorney for defendant, I have conferred with the defendant about this case; I have told defendant of the legal principles involved in this case. I have also informed the defendant of defendant's rights and privileges, including those of appeal. I have reviewed with defendant the rights set out above with the defendant and the legal effect it will have on the defendant. I have told the defendant about the possible penalties for the crime(s) with which the defendant is / are charged. I am satisfied that defendant is voluntarily entering this plea and that defendant knows and understands the rights the defendant is waiving. No threats or promises have been made by anyone to induce defendant to enter this plea. There is a sufficient factual basis to legally sustain this plea. I have discussed with the defendant the facts which support the offense(s); the defendant agrees that there is a factual basis and sufficient evidence which supports the entry of this plea from which a jury could find the accused guilty beyond a reasonable doubt.


Attorney for Defendant
Bar # 055450
Dial #

Defendant

ORDER

The court read and considered the foregoing application, and having examined Defendant and Defendant's Counsel in Open Court concerning same, and it appearing that the allowing of such proposed plea is proper, the Court having specifically advised Defendant of his rights under Rule 33.8 of the Uniform Rules of Superior Court as said rights are set forth in the plea petition and rights waiver form, the same petition being accepted by this Court and entered as part of the official court record;

IT IS ORDERED AND ADJUDGED that such waivers as contained in said application, as well as such plea of GUILTY / NOLO CONTENDERE are freely, voluntarily, intentionally, understandingly, intelligently, and knowingly made and entered by Defendant, without being induced by another by any hope of benefit or nay fear of injury and of Defendant's own free will and accord, and that such plea of guilty is proper. The Court further finds, based on the stated factual basis, the charging document(s), all documents submitted with this plea, the defendant's entering the plea, and the affidavit of defendant's counsel, there is a factual basis for the plea of GUILTY / NOLO CONTENDERE.

THEREFORE, IT IS FURTHER ORDERED AND ADJUDGED that such plea of guilty be allowed, and accepted, and that such application and this order be filed and entered with such plea and made a part of the record in this case.

SO ORDERED AND ADJUDGED this the 4 day of May, 2015.



Judge, Superior Courts
Brunswick Judicial Circuit

Defendant

IN THE SUPERIOR COURT OF GLYNN COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

AHMAUD MARQUEZ ARBERY

CRIMINAL ACTION #:

CR-1500114-063

MARCH Term of 2015

CLYNN CO. CLERK'S OFFICE

Clerk to complete if
Incomplete:

2015 MAY 11 AM 10 49

OTN(s): 88392716790

DOB: 05/08/1994

Ga. ID#: 4339496X

Helen B. Gansky

CLERK SUPERIOR COURT

Final Disposition:
FELONY with PROBATION

First Offender/Conditional Discharge
entered under:

- O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2
 Repeat Offender as Imposed below
 Repeat Offender waived

PLEA:

- Negotiated Non-negotiated

VERDICT:

- Jury Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty- Lesser Incl, Nolo, Not Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	CARRYING WEAPON WITHIN SCHOOL AREA	GUILTY	5 Y PROB	1500.00	
2	CARRING WEAPON WITHOUT LICENSE	GUILTY	12 MO		CC TO CT 1
3	OBSTRUCTION OF LAW ENF OFFICER	GUILTY	12 MO		CC TO CT 2
4	OBSTRUCTION OF LAW ENF. OFFICER	GUILTY	12 MO		CC TO CT 2
5	OBSTRUCTION OF LAW ENF OFFICER	GUILTY	12 MO		CC TO CT 2

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of 5 YEARS, with the first _____ to be served in confinement and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from _____; or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

**ADDENDUM TO SENTENCE SHEET REFLECTING SURCHARGES, ADD-ONS, AND FEES
REQUIRED BY LAW**

	COUNT 1	COUNT	COUNT	COUNT	COUNT	COUNT
COURT COST						
FINE	\$1,500.00					
POPIDF-A FUND (10% TO MAX)	\$0.00	50.00	0.00	0.00	0.00	0.00
POPIDF-B FUND (10%)	\$0.00	150.00	0.00	0.00	0.00	0.00
JAIL FEE (10%)	\$0.00	150.00	0.00	0.00	0.00	0.00
DUI SURCHARGE (10%/\$26 MAX)						
DATE SURCHARGE (50%)						
CRIME VICTIM ASSISTANCE (5%)	\$0.00	75.00	0.00	0.00	0.00	0.00
LAW LIBRARY						
BSIT FUND (10%) DUI'S ONLY						
DETF (5%)						
RESTITUTION		0.00				
TOTAL: COURT COSTS AND FINES	\$0.00	\$1,925.00	\$0.00	\$0.00	\$0.00	\$0.00
PLUS CRIME LAB FEE	\$50.00					
TOTAL TO CLERK OF COURT	\$1,975.00					

and a PROBATION FEE of **\$23.00** and **\$9.00 G.C.V.E.F.** per month. Payments are **\$66.00** per month (not including probation fees) beginning 06/01/2015 to the GDC Consolidate Banking Unit each month thereafter until paid in full.

2. Upon service of _____, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that: the Defendant shall pay the probation supervision fee as required by law; or the probation supervision fee is waived.
- 2) If counsel was provided under the Georgia Indigent Defense Act: the Defendant shall pay the \$50 Public Defender Application Fee; or the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense: the Defendant shall pay attorney's fees of \$_____ to GLYNN County; or attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation: as designated on the attached Inventory of Special Conditions of Probation; or as follows:

***SC10: Fourth Amendment waiver.** The Defendant shall submit to a search of person, residence, papers, vehicle, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe that the Defendant is in violation of probation or otherwise acting in violation of the law, and the Defendant shall specifically consent to the use of anything seized as evidence in any judicial proceedings or trial.

***SC17: 12-step meetings.** The Defendant shall provide verification of attendance as deemed necessary by any treatment recommended by CAC/substance abuse/drug and alcohol evaluation or at the officers discretion.

***SC19: Curfew.** The Defendant shall abide by any curfew established by the Probation Officer.

*SC3: The Defendant shall perform **100** hours of community service at the discretion of the Probation Officer, with transportation to be provided by the Defendant.

*SC32: **Avoid alcohol, drug use.** The Defendant shall: not consume alcoholic beverages, and not use narcotics or dangerous drugs unless lawfully prescribed.

*SC34: **Other special condition(s).** The Defendant shall abide by the following additional special condition(s): No firearms/illegal weapons; Notify the PO of any new arrest w/in 24 hours; Any violation of special conditions could result in full revocation/prison; Do not violate any criminal laws . IF NO VIOLATIONS, MAY TERMINATE AFTER 3 YEARS. BANISHED FROM GLYNN CO SCHOOL PROPERTY.

FIRST OFFENDER OR CONDITIONAL DISCHARGE

(If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

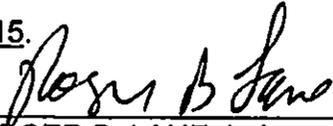
Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

For Court's Use:

The Hon. JEFF BERRY, Attorney at Law, represented the Defendant by: employment; or appointment.

SO ORDERED this 4TH day of MAY, 2015.



ROGER B. LANE, Judge of Superior Court
Brunswick Judicial Circuit

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Probation Officer

Defendant/AHMAUD ARBERY

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

DOCKET NO: CR1500114-063

VS

OFFENSE(S): Carrying Weapon within School Area,
Carrying Weapon Without License, Obstruction of Law Enf Officer

Ahmaud Marquez Arbery

MOTION TO AMEND PROBATED SENTENCE

WHEREAS, this Court did sentence the above named defendant on the 4th day of May, 2015 as follows: Five (5) years probation.

WHEREAS, the defendant violated the terms and conditions of probation as follows: Violation General Condition #4 - "Report to the probation officer as directed and permit such officer to visit him/her at-home or elsewhere": In that Defendant has failed to report on 11/4/16 as directed by door tag left with female resident on 11/2/16 And in that Defendant has not responded to postcard mailed to his home on 11/10/16 to report on 11/15/16.

WHEREAS, the defendant waives his/her right to a Revocation Hearing and his/her right to legal counsel at said Hearing and consents to the above-cited violations.

WHEREFORE, the defendant and the Probation Office respectfully request the Court to amend the defendants probated sentence to provide for the following additional condition(s): Defendant is revoked 30 days to the Glynn County Detention Center until 3/2/17, with credit for time served since 2/3/17. Upon release, he will return to active probation supervision with all general and special conditions intact and shall report to the probation office within 72 hours. Waive all court ordered fines/fees and arrears for time served.

X Ahmaud Arbery
Ahmaud Marquez Arbery, Defendant

Don M. Inghel
Community Supervision Officer

ORDER

This Court having read and considered the Motion to Amend Probated Sentence

is hereby Granted.
So ordered, this 13th day of February, 2017.

[Signature]
Honorable Presiding Judge
Georgia Superior Courts

Ronald J. Arbery
CLERK SUPERIOR COURT

2017 FEB 13 PM 2 34

FILED
GLYNN CO. CLERK'S OFFICE

JMO

Petition for Modification/Revocation of Probation
Department of Corrections/Probation Division

THE STATE OF GEORGIA

DOCKET NUMBER CR 1500114-063

VS.

SUPERIOR COURT OF GLYNN COUNTY

Ahmaud Marquez Arbery

Now comes W. Caleb Mobley, Supervising Officer, in the name of and behalf of the State of Georgia, and brings this action against Ahmaud Arbery, hereinafter called the Defendant, and shows

I

That the Defendant entered a plea of guilty to or was convicted of the offense(s) of: **CT 1: Carry Weapon at School; CT 2 Carry Pistol Without License; CT 3, 4, 5 Obstruction of Law Enforcement Officer.**

That this Court on the **4th** day of **May, 2015** did sentence the Defendant to serve as follows: **CT 1: 5 years. CT 2: 12 months CC with CT 1. CT 3-5: 12 Months CC with CT2**

III

That this Court, by proper order, however, permitted the Defendant to serve said sentence on probation, the terms and conditions of which are fully set forth in the copy of said sentence which is attached hereto, marked as "Exhibit A", and specifically incorporated herein.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars:

Violation of General Condition 1: In that the defendant did commit the offense of Theft by Shoplifting (Felony) on or about the date of 12/01/2017.

V

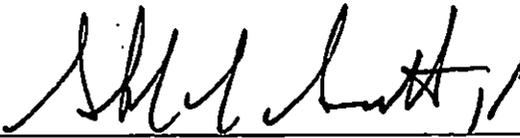
WHEREFORE, the State of Georgia prays that the citation for modification/revocation of probation be served on the Defendant and that the Defendant be directed to appear before this Court on a day to be fixed by the Court and at that time to show cause why probation should not be modified or revoked.

This 31st day of Jan., 2018


W. Caleb Mobley, Community Supervision Officer I
Brunswick Judicial Circuit

Having read and considered the foregoing petition, it is hereby ordered that the Defendant be served with a copy of same and that the Defendant show cause before the presiding Judge on the 15th day of February, 2018 at 9:30 a.m./p.m. at the courthouse in Glynn County, Georgia why said probation should not be modified/revoked.

This 1 day of Feb, 2018.


Presiding Superior Court Judge, Brunswick Judicial Circuit

FILED
GLYNN CO. CLERK'S OFFICE
1509 FEB 14 AM 8 27
CLERK
SUPERIOR COURT

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing petition upon the Defendant in person (or by registered mail).

This 9 day of Feb, 2018.

W. Cobb Miller
Community Supervision Officer

ACKNOWLEDGMENT

I hereby acknowledge service of the foregoing petition and that I am aware that I may employ legal representation at said hearing and that if I am indigent, I have the right to representation at the hearing by the Circuit Public Defender or be represented otherwise as the Court may direct.

This 9 day of Feb, 2018.

Ahmaud M. Arbery
Ahmaud M. Arbery, Defendant

WHEREAS, pursuant to notice given to the Defendant, a full hearing was conducted by the Court on the date aforesaid in accordance with O.C.G.A. ' 42-8-38 and the Court has adjudicated that the terms and conditions of probation had been violated as set forth in the following particulars:

- Technical violation of probation conditions or
- New non-violent misdemeanor offense

And Revocation/Modification is therefore limited in accordance with O.C.G.A. ' 17-10-1(a)(3)(A) to a Probation Division Alternative or County Jail.

--OR--

- New violent misdemeanor offense, or
- Serious infraction of rules/regulations in a Community Corrections facility, or
- New felony offense
- Violation of Special Condition of Probation so worded and ordered at initial sentencing.
- Violation of Special Condition of Probation ordered at a Revocation Hearing or by Waiver/Consent.

And the Defendant is therefore eligible in accordance with O.C.G.A. ' 17-10-1(a)(3)(A) for Revocation/Modification of sentence to Prison, or a Probation Division Alternative, or County Jail.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be:
 Revoked in accordance with O.C.G.A. ' 42-8-38 and the Defendant is hereby required to serve yrs. months 60 days with credit for time served from 1/04/2018 in the County Jail County Correctional Institution, State Penal System, or such other place as the Court may direct

~~OR~~

Continued on probation subject to the added further provisions that:
Adjudicated guilty; resentenced to Five (5) years probation with credit from 5/04/2015.

So ordered, this 16th day of February, 2018.

Robert W. Guy JR
Honorable Judge Robert W. Guy
Glynn County Superior Court

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

Docket#: CR1500114063

VS.

ARBERY, AHMAUD MARQUEZ

GDC#: 1001541820

Offense: Count 1 Carry Weapon At School, Count 2 Carry Weapon Without License, Count 3,4,5 Obstruction Of Law Enf Officer

PETITION FOR TERMINATION OF PROBATION

COMES NOW the undersigned Michael Bray, DCS Officer and respectfully states to this honorable court that ARBERY, AHMAUD MARQUEZ died on 02/23/20. (see attached copy of Obituary listing).

HEREAS the above defendant was sentenced to 5 years on May 4th, 2015, it is respectfully requested that the probation on the above defendant be terminated and that all and any monies collected be disbursed to the GLYNN County Clerk of Court as full settlement.

THIS 27 DAY OF February, 2020.

DCS Officer, Michael Bray

WHEREAS, the above defendant is deceased and it is ordered that the probation on the above defendant, ARBERY, AHMAUD MARQUEZ, be terminated, that all and any monies collected be disbursed to the GLYNN County Clerk of Court as full settlement.

SO ORDERED THIS 28 DAY OF February, 2020.

Honorable Judge Presiding Judge
Brunswick Judicial Circuit

FILED
CLERK'S OFFICE
GLYNN COUNTY
2020 FEB 28 P 3:11
Michael M. Atlanta
CLERK SUPERIOR COURT



Kevin Gough <goughk1@gmail.com>

Roddie

1 message

[REDACTED]

To: Kevin Gough <goughk1@gmail.com>

Tue, Jul 14, 2020 at 5:39 PM

Your Honor,

I write today on behalf of William Roderick Bryan, Jr. I have know him since my teenage years when I raced BMX bicycles. Roddie repaired and worked on our bikes to get them race ready, always offering his advice. He also maintained the mowers I have owned throughout the years. I know I am partial, but he is the best small engine repair man in Southeast Georgia.

Four years ago after a bad break up with a boyfriend of 7 years, and he separating from his wife, Roddie and I began talking. We found out we had a lot in common like rock music, going to concerts, bike riding, and the beach. I quickly learned that he is my soul mate. Roddie has the biggest heart and tries to help where ever needed. Family, friends, and coworkers call all the time for questions about small engines, life troubles, or anything in between. He never turns away anyone in need.

Since his arrest and the loss of his job, I have lost my second job, our house, and the financial and emotional strain is almost too much for me to bear. Please see it in your heart to listen to the truth, talk with Roddie and believe like so many of his loved ones believe that he should have a bond so that we can prepare to face this trial and get fair shot at proving his innocence.

Thank you for your time and consideration.

Amy Eileen Elrod
07/14/2020

Sent from my Verizon, Samsung Galaxy smartphone

Defense Exhibit "1"



Kevin Gough <kevingough.firm@gmail.com>

Preston Character witness statement

1 message

~~Kevin Gough <kevingough.firm@gmail.com>~~

Tue, Jul 14, 2020 at 8:12 PM

To: Kevin G <kevingough.firm@gmail.com>

I am Preston Roderick Kelly Bryan, William Roddie Bryan Jr's son. I have known my father my whole life, he is always putting the needs of others before his own. A man who has never demonstrated any acts of violence in my 26 years of living. I've never even seen him get a single traffic ticket not even for a seat belt. He has always thought me right from wrong and to love everyone. Hate is a word he would tell me not to use because he would say you don't hate anything, you may dislike something but hate is something he thought me not to feel.

My father and I we talk almost everyday, I always have a tool that needs his hands and brain power to repair. If it wasn't to fix something it was to plan a surf trip or a beach day. Since I was young i can remember my dad doing any and everything to provide for me, he would work long hours all day then come home and work till past dinner time. The past months have been the hardest seeing my father this way. They say a boy can make a baby but only a man can be a father.

Sent from my iPhone

May 30, 2020

To the officer of the Magistrate Court in Glynn County:

I am writing this letter regarding the character of William Roderick Bryan, Jr. (Roddie Bryan). I feel very qualified to write this letter as I have known Roddie since his teenage years when his sister worked for me. Then years later, I was married to Roddie. Roddie and I married in August of 2001 and later divorced in February of 2017. I know this man through and through; better than most people and am happy to be allowed to share my opinion of his character.

Roddie is one of the kindest hearted, most gentle men that I have ever known. He is always eager to help others; all others be they young, old, black, white or anything in between. In this letter I will share some insight to this man to attest to his character.

As a teenager, while his sister worked for me; Roddie was such a good "big brother" to his sister that I employed. His sister was incredibly young, a single mother with a toddler who trying her best to survive. He loved her and always made sure that she was taken care of. As I later learned he had done this since his early childhood and they both had been abandoned by their mother when neither was much more than a toddler. They were "given" to his father to raise. His father was not in any position to raise these children as he himself was an alcoholic and drug addict. Roddie in every sense of the word, had raised her since her own childhood. Roddie never had a "role model" of a parent to teach him right from wrong; however, he persevered. I remember as we were first married asking him how he knew how to be such a good father to his son without having a positive role model. His words have stayed with me for a lifetime; "My father. He had taught me that I knew that I never wanted to be the kind of father that he was to me." Roddie was certain never one of this "privileged white kids" that society so freely speaks of.

Life happened to us both and we totally lost touch for years. Later in life around the year 1999, our paths crossed again. This is when we began our life together as man and wife. Roddie was still employed by the same place and was building an exceptionally good reputation as a hardworking, reliable, and darn good small engine mechanic. Roddie was a great husband. Roddie and I lived in a very modest, run down home on the South end of Brunswick. My mother lived a few blocks away in a dilapidated, run down "shotgun" house that was literally falling around her. Her health was failing, and she had been put on oxygen about 5 years before. As Roddie was working tirelessly to better himself and our family; we bought land and decided to build a home in Camden County. As we first started to "design" our dream home, Roddie (not me) insisted that the house have a ground floor "mother-in-law suite" for my Mother to live out the rest of her life. He said, there is no way we can leave her behind." And that is what we did.

In the meanwhile; one of Roddie's half-sisters; who was also a drug addict and alcoholic as well as a very unfit mother. We were out of town when DEFACS finally stepped up and removed this little girl from her mother. Roddie and I fought tooth and nail, jump through so very many hoops, and worked tirelessly to remove this little girl innocent child from state custody. He refused to give up. We were finally able to adopt our daughter a couple of years later. It was no easy battle; but again, he persevered. As I mentioned earlier, Roddie's father was an alcoholic. Your honor, I am sure you are aware that addiction is a very genetic disease that he was unable to escape. Even as an alcoholic, He never went out to bars and was *never* mean or violent. A couple of years after we adopted our

daughter; Roddie asked for me to help him get help, he knew that his alcoholism was bigger than he was. We found help at an inhouse facility to help him. I drove him there and I remember to this day part of conversation on that long drive to the facility. I asked him why; why now. His answer was, "to save myself and to keep my family". And he did it! He checked himself in to the facility and to this day remains sober. Not a drop; not one since that day. Roddie has 6 years sober.

Roddie is a good man, your honor that absolutely abhors violence of any kind. He always has. Roddie in all the years that I have known him has never owned a handgun. As a matter of fact, while we were married, Roddie asked that I sell my handgun because he was not comfortable with a handgun being in the house. We did own a rifle when we lived in the country of Camden County to kill poisonous snakes and perhaps pesky armadillos that destroyed our garden and landscape. Roddie would never kill an animal; not even to eat. We have avid deer hunters as friends, but not Roddie.

Your honor, Roddie is not a man of violence of any nature. He has not been involved in a physical altercation of any kind since he was a child in school. He is kind. He is gentle. He has a kind spirit and good soul. He is a hardworking, kindhearted, gentle Christian who chooses to always believe the best in anyone.

Thank you, your Honor for your time. I do believe in our justice system. And I strongly believe that Roddie has done no evil or had any malicious intent.

Sincerely,

Peyton Ann Thompson

Your Honor,

I am writing on behalf of William Roderick Bryan Jr "Roddie". I have known Roddie for 28 years. Roddie learned early on that he would have to work hard to accomplish his goals & provide for his family. That is exactly what Roddie has always done. From starting in his teens working on small engines. He continued as an adult to learn & master his mechanic skills through every available course he could take. I have attached a few of his continuing education certificates. This is just a few of them, there are many more. Which shows the dedication he has to improving himself, not just for himself but for his family & customers/community as well.

In 28 years, I have never seen Roddie angry, or show any aggression. To the contrary Roddie is a very calm person. He does not like any type of confrontation. Roddie loves surfing, bike riding, and music. He enjoys teaching other people to surf & also getting them involved in activities like bike riding. Roddie & others volunteered 100's of hours back in 2005 creating Glynn County's first off road bike path. I have included a copy of the article that was in the Brunswick newspaper & run in a local island magazine for reference. Roddie has always loved Glynn County & his community. I also included a newspaper article from the Brunswick News dated Jan. 1 2014. When Roddie was a mechanic for the Glynn County School System. The picture depicts who Roddie Bryan is, as they set the anchor in front of Brunswick High School it shows exactly how Roddie's family & friends view him. He is an anchor, a man who is true to his word and determined to better himself every day.

Thank you for your time Your Honor

Respectfully,

Joselynn Spencer

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an afternoon shower
reaches around
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ises to 90 percent at
the low dropping
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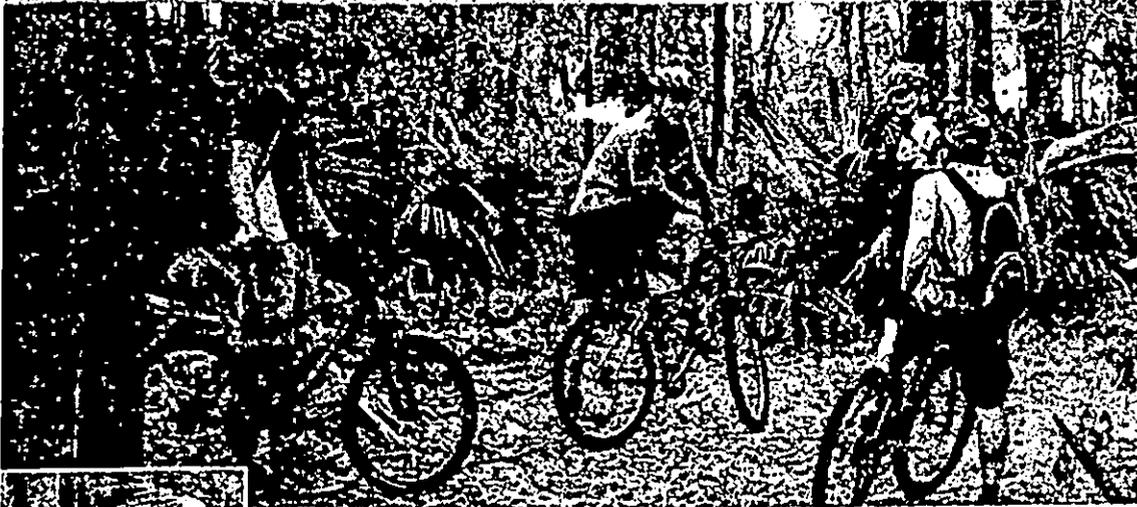
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ding a new park

RAISING THE ANCHOR



Glynn County School System welder Tony Brantley, from left, mechanic Roddy Bryan and grounds manager Steve Bolling guide the Brunswick High School anchor into place Tuesday in front of the new school on Altama Avenue. The anchor, presented to the school by the class of 1970, the first graduating class of BHS, was moved from the front of the old school.

Bobby Haven/The Brunswick News



**Congrats guys, on the first and only
off-road bike trail** between
Jacksonville and Savannah now open at Blythe
Island Regional Park Campground.

**4 miles of off-road bicycle trails complete with
more to come. It's a great place to tie in a
camping trip with trail riding. Now officially
open, grand opening soon.**

**Open 8-5 six days, noon-5 Sunday. Call 261-
3805. Stop by campground office to pick up
trail map and rules.**

**Fred Griffin and Roddie Bryan of Griffin Bike
worked over 100 hours each on design and
construction. Special thanks to Chris Beaufait,
Matt Haugan, Mitch Parrish, Pebbles, Rich
Meyers and Stanley Santee.**

**Volunteers needed for ongoing construction
and maintenance. Please call Griffin Bike at
264-0621.**

To: Judge Wallace E. Harrell
Glynn County Chief Magistrate
C/O Kevin Gough, Esquire

Via Email

Date: June 1, 2020

Re: Defendant Roddie Bryan's Character

Dear Judge Harrell:

My association and familiarity with Mr. Bryan spans 20 years. He first came into my life as my sister's husband and remains a close and valued friend.

By nature Roddie is a quiet and thoughtful person. He has always been cognizant of the needs of the people in his life and has been responsive to those needs generously sharing his meager resources to help out. While married to my sister they adopted his niece due to her mother's inability to cope with drug addiction and provided her with a loving and nurturing home. She graduated from high school this year with honors.

Roddie is a man of integrity. He has always taken pride in being part of the community and as a responsible member of the family. Most of all, he is a compassionate person with a good heart.

Sincerely,

Elizabeth Thompson Daniel

Email: [REDACTED]

May 29, 2020

To Whom it may concern
Glynn County, Georgia Court
Brunswick, Georgia:

Subject: Character reference letter to Respected
Authorities of the court

I, Darlene Bennett am writing this letter to you with reference to the character of William "Roddie" Bryan, who is my brother, with knowledge of the charges that have been brought against him.

The two of us were raised together from childhood in the same home until adulthood. Roddie was not only my big brother, but in many cases he selflessly would assume the role of a parent in the absence of our parents. Though our childhood was not considered always pleasant, he did not let that deter him from becoming successful in his goals. He found a career that he was passionate about and has excelled at it. He has always shown kindness and patience with others and kept to himself enjoying his hobbies of surfing and attending concerts. Even after we were grown, it was Roddie who was there for me and my children when times were at their worst to assist us through a difficult time. I can honestly admit that without Roddie being a constant presence in my life, I would not be the person I am today. I am just one person among many that can vouch for his character as being one who is certainly not the person he is being viewed as in the public eye or by those who believe he is responsible for committing the acts he has been accused of. I know my brother's heart from experience. I know that he is not a person that would ever willfully cause another person harm. It is not who he is or ever was. I respectfully submit this letter to you with hope that you will also see that he did nothing with intent to cause anyone harm.

Thank you,
Darlene Bennett



Kevin Gough <goughk1@gmail.com>

Roddie Bryan - Character

1 message

Marla Thomas [REDACTED]
To: goughk1@gmail.com

Wed, Jul 15, 2020 at 8:48 AM

Good Evening Mr. Gough,
I appreciate the opportunity to correspond with you regarding my opinion of the character of my friend, Roddie Bryan.

I have known Amy and Roddie for the past 4 years. I met them through mutual friends.

Over the past several years of knowing Amy and Roddie, we have shared many good times, meals, and hanging out to watch bands. I have a background in banking and helped Amy and Roddie prepare for the purchase of their home in Satilla Shores. Roddie has helped me out with the repair of my lawn mower on a few occasions as well.

Roddie is a great guy. He loves his girlfriend and he loves his kids. Roddie is kind and approachable. I have never seen him act aggressively or in any way that made me feel uncomfortable around him.

A lot of the shows we would go to watch bands would be in bars and Roddie does not drink alcohol. He would frequently record the band's shows and upload them to Facebook. Many people at the bars would be intoxicated and sometimes annoying, but what might make a normal sober guy agitated, Roddie would always be calm and laugh it off. Sometimes we would be the annoying ones, but Roddie was always patient with us too!

The best way to describe Roddie's character is that he is good and he is kind. It pains me to see him in this situation because I know if it was me, he would try and help me. That's the kind of man that he is. He is a hard worker and he takes pride in his job and his home.

Professionally speaking, as someone with a B.A. in Sociology and a focus on Medical Social Work, Roddie is introverted and shy, until you get to know him. He speaks softly and doesn't have big reactions. He thinks before he speaks and gets straight to the point. I think all of these traits benefit him in his trade and really help balance him in his relationship with Amy.

Please let him know that he has all of our support and that we all pray for him every day. We have a lot of faith in you, Mr. Gough, that you will be able to get him back home.

Should you need any other detail or information, please do not hesitate to ask.

Kindest Regards,
Marla Thomas

Marla A. Thomas

Telephone: [REDACTED]

Email: [REDACTED]

NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.



Kevin Gough <goughk1@gmail.com>

Roddie Bryan Character witness

Chelsea Howell <[REDACTED]>

Fri, May 29, 2020 at 12:23
PM

To: Kevin Gough <goughk1@gmail.com>

Your very welcome if you need anything else from me please let me know

On Fri, May 29, 2020 at 12:22 PM Kevin Gough <goughk1@gmail.com> wrote:
Thank you, Chelsea.

-- Kevin Gough

On Fri, May 29, 2020 at 10:35 AM Chelsea Howell <[REDACTED]> wrote:

My name is Chelsea Howell, I am the girlfriend of Preston Bryan, Roddie Bryan's son. I have known Roddie Bryan for 3 years. In my 3 years of knowing Roddie, I have witnessed on multiple occasions selflessness and genuine concern/care for others. Upon first meeting Roddie I could tell immediately that him and I would get along just fine, he accepted me into the family right away and has always treated my child and I exceptionally. He also without blinking an eye accepted my child into his family even though he wasn't biological his grandchild. We have been blessed to spend multiple holidays and celebrations with Roddie he always went above and beyond to please everyone, he is in fact one of the most caring and empathetic people that I've ever had the pleasure of meeting.

When we first heard of what had happened with Amaud we knew that Roddie was crushed to have witnessed something of that nature. In the days after the incident Roddie was empathetic and concerned for the family and also heart broken about the passing of Amaud. I haven't known Roddie long but I think I know him good enough to know that he would never put anyone in a position to be harmed. Roddie is one of the most fun loving guys I have ever met it's always been about pleasing people and doing what's right. My heart aches knowing he is sitting in a jail cell being wrongfully accused. All he ever wanted was justice for Amaud which is why he has cooperated with police and investigators from the beginning. Roddie is a God fearing man, and prays daily I know he doesn't have a wicked heart. Sure he's not perfect. But who is? I hope the jury can find it in their hearts to free this man whose intentions were always pure.

EXHIBIT

babble's

D-3

CP 2/12/72

D

-

N



Glynn County Police Department

Public Release Incident Report for G20-11303

Nature: Homicide

Address: 219 SATILLA DR; SATILLA SHORES
Brunswick GA 31523

Reporting Area: Satilla Shores

Complainant:

Last:	First:	Mid:
DOB:	Dr Lic:	Address:
Race:	Sex:	Phone:
		City: ,

Offense(s)

Reported: - **Observed:** HOMI - Homicide
Offense: HOMI - Homicide
Offense: CTPA - Criminal Trespass

Circumstances

DEATH Death
 DAY Day (6 a.m. - 6 p.m.)
 INV Investigation
 LT13 Highway, Road, Alley
 WSHOT Shotgun Used

Responding Officers:

Unit :

R. Minshew	184
136 R.Leska	136
198 C.Mitchell	198
163 J. Lewis	163
Je. Brandeberry	128
130 K.Roberts	130
167 W.Duggan	167
136 R.Leska	136
A Jackson	227
206 S.Lowrey	206
S. Ferguson	125
212 R.Nohilly	212
205 P.Marcy	205

Responsible Officer: Je. Brandeberry

Agency: GCPD

Defense Exhibit "4"

Public Release Incident Report for G20-11303

Narrative

Subject: Shots fired Officer: J. Brandeberry #128

Date: 02/23/2020

Report:

On Sunday, February 23, 2020 I responded to the intersection of Satilla Drive and Holmes Drive in reference to shots fired. While in route I was advised there were shots fired and a male on the ground "bleeding out". A short time later I was advised the male on the ground was deceased.

Upon my arrival I observed Officer Minshew (184) setting up a perimeter. I began speaking with [REDACTED] who was a witness to the incident. [REDACTED] stated there have been several Break-ins in the neighborhood and further the suspect was caught on surveillance video. [REDACTED] stated he was in his front yard and saw the suspect from the break-ins "hauling ass" down Satilla Drive toward Burford Drive. [REDACTED] stated he then ran inside his house and called to Travis (McMichael) and said, "Travis the guy is running down the street lets go". [REDACTED] stated he went to his bedroom and grabbed his .357 Magnum and Travis grabbed his shotgun because they "didn't know if the male was armed or not". [REDACTED] stated, "the other night" they saw the same male and he stuck his hand down his pants which lead them to believe the male was armed.

[REDACTED] stated he and Travis got in the truck and drove down Satilla Drive toward Burford Drive. [REDACTED] stated when they arrived at the intersection of Satilla Drive and Holmes Drive, they saw the unidentified male running down Burford drive. [REDACTED] then stated Travis drive down Burford and attempted to cut off the male. [REDACTED] stated the unidentified male turned around and began running back the direction from which he came and "Roddy" attempted to block him which was unsuccessful. [REDACTED] stated he then jumped into the bed of the truck and he and Travis continued to Holmes in an attempt to intercept him.

[REDACTED] stated they saw the unidentified male and shouted "stop, stop, we want to talk to you". [REDACTED] stated they pulled up beside the male and shouted stop again at which time Travis exited the truck with the shotgun. [REDACTED] stated the unidentified male began to violently attack Travis and the two men then started fighting over the shotgun at which point Travis fired a shot and then a second later there was a second shot. [REDACTED] stated the male fell face down on the pavement with his hand under his body. [REDACTED] stated he rolled the man over to see if the male had a weapon.

I observed blood on [REDACTED] hands from rolling the unidentified male over. Photographs were taken of [REDACTED] hands and were uploaded to Spillman under property number 20-03176.

Public Release Incident Report for G20-11303

My Axon body camera was on while I was on scene and the video has been uploaded into Spillman under property number 20-03179. Glynn County Coroner was notified and Coroner Christy Rozier arrived on scene. Coroner Rozier pronounced time of death to be 13:46. Glynn County CID was called to the scene and upon their arrival, the scene was turned over to them.

Name Involvements:

Victim-LO :

Last: [REDACTED] First: [REDACTED] Mid:

Address:

Race: [REDACTED] Sex: [REDACTED] Phone: City: [REDACTED]

Suspect : C5250984

Last: Mcmichael First: Travis Mid: James

Address: 230 SATILLA DR

Race: W Sex: M Phone: City: Brunswick, GA 31523

Witness : C5424820

Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]

Address: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Phone: City: [REDACTED]

Witness : 51226

Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]

Address: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Phone: City: [REDACTED]

Witness : C5066650

Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]

Address: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Phone: City: [REDACTED]

Witness : C5250715

Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]

Address: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Phone: City: [REDACTED]

Witness : C5079480

Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]

Address: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Phone: City: [REDACTED]

Victim :

Last: Arbery First: Ahmaud Mid: Marquez

Address:

Race: B Sex: M Phone: City: Brunswick, GA 31525

Witness : C5492091

Last: [REDACTED] First: [REDACTED] Mid:

Public Release Incident Report for G20-11303

Address:



Race:



Sex:



Phone:

City:



C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF APPLING

I hereby certify the foregoing exhibit pages in represent true and complete copies of the exhibits submitted to me in exactly the same order on the 18th day of July, 2020.

I further certify that I have no interest in the outcome of this case and I am neither kin nor counsel to any party.

I further certify that I have not entered into any contractual agreements with any party involved in this.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript or the proceedings or any part thereof, including exhibits, unless said disassembly or photocopying is executed by the undersigned certified court reporter.

Witness my hand and seal this 6th day of August, 2020.

CRYSTAL P. PEACOCK



Georgia Certified Court Reporter
B-1962