

Ronald M Adams
CLERK SUPERIOR COURT

**IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)	
)	
)	
)	INDICTMENT NO.
v.)	
)	CR-200043
GREGORY MICHAEL and)	
TRAVIS MCMICHAEL,)	
)	
Defendant.)	

4.1

JOINT MOTION TO TAKE DEPOSITION OF LARRY ENGLISH

The Defendants, Gregory McMichael and Travis McMichael, by and through undersigned counsel, move this court for authorization to take the deposition of Larry English in advance of trial, pursuant to O.C.G.A. §24-13-130. In support of this motion, the McMichaels show the following:

(1)

Larry English is 51 years old and currently lives at 2080 Highway 64, Nicholls, Georgia. He is also the property owner of 220 Satilla Road, Brunswick, Georgia, the house that was under construction when Ahmaud Arbery unlawfully entered it on February 23, 2020. From at least October 25, 2019 through February 11, 2020, Mr. English was communicating about Mr. Arbery's criminal activity with the Glynn County Police and with his neighbors in Satilla Shores. Mr.

English also shared video clips of Mr. Arbery's unlawful intrusion on his property with Glynn County Police, the GBI, and Satilla Shores neighbors to inform all parties of the nature of the unlawful conduct by Mr. Arbery.

(2)

Mr. English's surveillance video has been seized by the GBI, and provided to the defense in discovery. Mr. English has been interviewed by the GBI on several occasions, and by counsel for the McMichaels, and is expected to be a material, indeed, critical witness in the above-styled case regarding the events that eventually lead up to February 23, 2020.

(3)

Unfortunately, Mr. English suffers from serious health issues that put his ability to testify at trial at risk. According to his cardiologist, Dr. Leslie Cooper, M.D., Mr. English suffers from cardiac sarcoidosis, which is a fairly rare condition in which clusters of white blood cells form clusters in heart tissue. Because of his sarcoidosis, Mr. English has diminished heart function and is on immunosuppressive therapy to control inflammation in his heart. According to Dr. Cooper, Mr. English also suffers from shortness of breath and is at high risk of developing infections and ventricular tachycardia (a fast, abnormal heart rate) which can be life threatening. Dr. Cooper has submitted a letter outlining Mr. English's condition, which is attached as **Exhibit A**.

(4)

According to Mr. English, through his attorney, Elizabeth Graddy, there is a substantial chance that Mr. English will be too ill to attend the expected trial in 2021. Further complicating matters is that Mr. English is at high risk for developing life-threatening complications should he contract COVID 19, a risk that is increased if he is subpoenaed to attend trial in the Glynn County Courthouse.

(5)

Pursuant to O.C.G.A. §24-13-130(b)(4), the Court may order the taking of the deposition of a material witness upon a showing to the Court's satisfaction that the witness is "so sick or infirm as to afford reasonable grounds to believe that such witness will be unable to testify as a witness at a criminal trial or proceeding [.]” As the attached letter from Dr. Cooper attests, Mr. English's condition is so severe as to afford a reasonable basis for concluding that Mr. English will be unable to testify at trial in this case, and that the risk of suffering life-threatening complications from contracting COVID 19 makes Mr. English's ability to testify at trial especially dangerous and high risk.

WHEREFORE, counsel for the McMichaels respectfully request that this Court order that a deposition of Mr. English be taken, and set a time period not to exceed 30 days during which the deposition shall be taken.

Respectfully submitted this 2nd day of October, 2020.

/S/ Robert G. Rubin

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/S/ Jason B. Sheffield

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EXHIBIT A

Mr. Larry English Jr.

July 30, 2020
RE: Larry English Jr.
MC#: 7-874-538
DOB: 11/29/1969

Dear Mr. Larry English:

I am writing to summarize your care and current cardiovascular condition. I first saw you in September of 2017 for evaluation of possible cardiac sarcoidosis. You had a transbronchial biopsy in 2014 that demonstrated sarcoidosis with noncaseating granulomas. After that time you would have developed cryptococcal pneumonia requiring a decrease in your immunosuppressive therapy. A right heart catheterization demonstrated a decrease in cardiac output and our echocardiogram in September of 2017 demonstrated a left ventricular ejection fraction that was diminished at 40%. You developed ventricular tachycardia requiring treatment with amiodarone and placement of a biventricular implantable defibrillator in October of 2017. Since that time you have had both guideline directed heart failure medical management and immunosuppressive therapy to control inflammation from sarcoidosis. Your most recent left ventricular ejection fraction was 29% and you have been developing symptoms of shortness of breath with moderate activities which places you in NYHA class 2 or 3 status. You have required ventricular tachycardia ablation. In addition to your pulmonary and cardiac sarcoid, opportunistic infection and ventricular tachycardia you also have severe obstructive sleep apnea and transient ischemic attack in 2018 for which you are on anticoagulation.

Based upon your current cardiovascular and pulmonary limitations, you would be at high risk for complications should you develop COVID19. Therefore I recommend you avoid crowds wherever possible, practice social distancing, wear a face mask when in public and practice frequent hand washing.

Please let me know if I can provide any additional information regarding her cardiovascular and pulmonary limitations.

Sincerely,

Leslie Cooper, M.D.
Department of Cardiovascular Diseases in Jacksonville, Florida
4500 SAN PABLO RD S
JACKSONVILLE FL 32224-1865
Dept: 904-953-2000

CERTIFICATE OF SERVICE

This is to certify that I have this date served the within and foregoing JOINT MOTION TO TAKE DEPOSITION OF LARRY ENGLISH upon the parties via the Odyssey E-File System to:

Jesse Evans
Cobb County District Attorney's Office
70 Haynes Street
Marietta, Georgia 30090
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Kevin Gough
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501 Gloucester Street, Suite 121
P.O. Box 898
Brunswick, Georgia 31521
Kevingough.firm@gmail.com

This 2nd day of October, 2020.

Respectfully submitted,

/S/ Robert G. Rubin

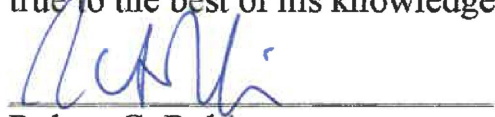
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Georgia Bar No. 618635

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VERIFICATION

Personally appeared before me, the undersigned notary public, *ROBERT G. RUBIN*, who, being duly sworn, states that the facts alleged in the foregoing JOINT MOTION TO TAKE DEPOSITION OF LARRY ENGLISH are true to the best of his knowledge.



Robert G. Rubin
Attorney for Travis McMichael

Sworn to and subscribed before me this 2 day of October, 2020.



Notary Public

Ashuana Gbye
NOTARY PUBLIC
Douglas County, GEORGIA
My Commission Expires 09/17/2024