

Ronald M. Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
)
v.) Criminal Action No. CR-2000433
)
)
WILLIAM RODERICK BRYAN,)
Defendant.)

**MOTION TO ENJOIN STATE-SPONSORED JURY TAMPERING BY
BRUNSWICK DISTRICT ATTORNEY JACKIE JOHNSON**

COMES NOW Defendant, William Roderick Bryan, by and through his undersigned attorney, and files this is "Motion to Enjoin State-Sponsored Jury Tampering By District Attorney Jackie Johnson." In support thereof, Defendant shows as follows:

1. As reflected in the August 20, 2020 article published in *The Brunswick News*, attached hereto as an exhibit, District Attorney Jackie Johnson admitted that she sent a supposed "private" investigator to investigate individuals who had collected signatures on petitions for her opponent, former assistant district attorney Keith Higgins, as part of the qualification process for Mr. Higgins to run for office as an independent candidate. Ms. Johnson claimed that she did so as a candidate and "private citizen" rather than as district attorney.

2. The private investigator interviewed a number of such individuals that are named in the newspaper article and, additionally, several other individuals whose names were not published. Undersigned counsel has informally interviewed several of the individuals named in the article as well as several other individuals who were not named in the article, all of whom provided information generally consistent with the published information but in greater detail. Local attorney Jonathan Miller has apparently obtained written statements from several of these witnesses but refuses to voluntarily provide copies of these statements for reasons that remain unclear. Mr. Miller's connection, if any, to the Higgins campaign is also unclear.

3. The newspaper article reports that the individuals who gathered signatures for Mr. Higgins felt intimidated by the private investigator, and several report that they were traumatized by their encounter with him.

4. **What the newspaper article omitted, but is now apparently common knowledge within the community, is that the investigator was investigating, at least in part, whether individuals collecting signatures for independent candidate Keith Higgins had tricked or misled and defrauded individuals into believing that they were signing a petition in support of Ahmaud Arbery rather than a qualifying petition for the election.** Such conduct, if true, would violate various criminal provisions set forth in the Georgia Election Code. See generally O.C.G.A. § 21-2-500 *et seq.* These are criminal offenses, including felonies over which District Attorney Jackie Johnson has concurrent and/or exclusive prosecutorial jurisdiction. Such election matters, moreover, are more appropriately investigated by the Sheriff of Glynn County, whose officers provide security for local elections.

5. Jackie Johnson's statement that she merely intended to "inform voters and election officials" of her findings overlooks the fact that she is the only elected official in Glynn County authorized by law to present such findings to a grand jury. In most if not all such instances, moreover, Ms. Johnson's power to pursue a criminal prosecution is not dependent on a determination by the Board of Elections.

6. The above-referenced investigation was unsupported by any objective facts by which one could form a good faith basis to believe that any election misconduct had taken place nor was there any good faith basis to believe that either the name of Ahmaud Arbery, or his family's well publicized quest for justice, had any role in the qualifying process for Ms. Johnson's opponent. Moreover, the sheer number of signatures collected by candidate Higgins rendered

any challenge to the qualifying petitions an exercise in futility. These circumstances suggest that there may have been other motives for her actions beyond her campaign.

7. By her actions, whether intentional or merely reckless, Ms. Johnson has inevitably instilled fear in the minds of some that individuals sympathetic to Ahmaud Arbery, white or black, that they may be singled out for public shame and humiliation, retaliation, and perhaps even criminal prosecution.

8. Defendant concedes that the alleged conduct does not fall within the definition of jury tampering, or embracery, as set forth in O.C.G.A. § 16-10-91, as said statute is limited in scope to tampering with persons already “summoned or serving as a juror.” However, if this were a federal case, the alleged conduct would arguably violate the relevant provision, found at 18 U.S.C. § 1503, which makes it a felony to “corruptly, or by threats of force, or by any threatening letter or communication, influences, obstructs or impedes or endeavors to influence, obstruct, or impede, the administration of justice.” Whether or not the alleged conduct actually constitutes a crime, however, it is grossly improper and violates Mr. Bryan’s due process rights and right to trial by jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section I, Paragraphs I and XI of the Georgia Constitution. If such chilling conduct were allowed to continue it could potentially interfere with jury selection in this case by discouraging potential jurors from being willing to serve as jurors and by discouraging them from answering truthfully questions put to them by the defense with respect to their views towards Ahmaud Arbery or his family for fear of retaliation by District Attorney Jackie Johnson.

9. Defendant further notes that Jackie Johnson is a close friend and former employer of former law enforcement officer and chief investigator Greg McMichael, and that by recusing herself from the prosecution of the Arbery case she has acknowledged her interest in this matter.

10. To further aggravate matters, District Attorney Jackie Johnson has sent out multiple racist direct mail pieces asserting that Mr. Higgins “can’t be trusted” because he allegedly is sympathetic (“pandering”) to peaceful protesters. Undersigned counsel notes that there have been nothing other than peaceful protests in the Brunswick Judicial Circuit. Once again, District Attorney Jackie Johnson conveys the message that those sympathetic to Ahmaud Arbery, however peaceful, may be subject to retaliation by her office. This is simply unacceptable.

11. Defendant seeks entry of an order by this Court directing District Attorney Jackie Johnson to cease and desist from engaging in any further behavior whether as part of her re-election campaign or her in her official capacity, that could reasonably be viewed as intimidating by potential jurors in the Arbery case.

WHEREFORE, Defendant prays that the Court enjoin the District Attorney for the Brunswick Judicial Circuit, Jackie Johnson, from engaging in any further actions that could reasonably be viewed as intimidating by potential jurors in the above-styled case.

So moved, this 6th day of October, 2020.

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

Kevin Gough Firm, LLC
501 Gloucester Street, Suite 121
Post Office Box 898
Brunswick, GA 31521
(912) 242-5114
kevingough.firm@gmail.com

CERTIFICATE OF SERVICE

COMES NOW Kevin Gough, attorney for the defendant, and hereby certifies that a copy of the foregoing document(s) have been served upon the District Attorney by email delivery this date.

This 6th day of October, 2020.

/s/ Kevin Gough
ATTORNEY FOR DEFENDANT

https://thebrunswicknews.com/news/local_news/johnson-hires-pi-to-investigate-higgins-petition-in-da-race/article_dff85778-3c2e-5a46-8799-af6d75826750.html

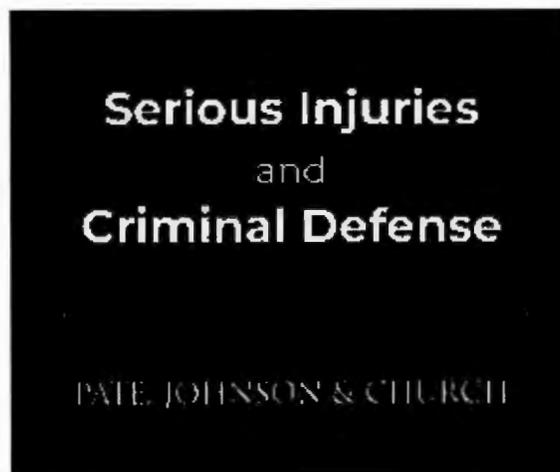
Johnson hires PI to investigate Higgins petition in DA race

By TAYLOR COOPER tcooper@thebrunswicknews.com
Aug 20, 2020

An Augusta private investigation firm is looking into the procedures used to collect signatures needed to put Keith Higgins, independent candidate for Brunswick Judicial Circuit district attorney, on the November ballot.

On Wednesday, the Republican incumbent candidate for the office, Jackie Johnson, told The News she had hired the private investigation firm of Chilton Gibbs & Associates to look into allegations about the methods in which Higgins and others were gathering signatures.

As an independent candidate for district attorney, Higgins had to fill out a petition with at least 5,500 signatures from registered voters. He turned in his petition to the Georgia Secretary of State's office on Friday.



"Several people have approached me with concerns about tactics that were used to collect petition signatures to place Mr. Higgins on the ballot," Johnson said. "Because this involves my re-election campaign, I have chosen to look into these concerns as an individual running for public office, and not in my capacity as district attorney."

“As any candidate would do, I will inform voters and election officials if there are any findings that would be of relevance.”

Several individuals who worked on collecting signatures said they were approached by Alex Chilton, managing member and chief investigator at Chilton Gibbs, about the petition.

When asked, Chilton would only say he had been hired by a group as a third-party fact investigator regarding some issues and could say no more due to a non-disclosure agreement.

Robert Kozlowski, managing broker at Coldwell Banker Access Realty, Kel and Erin Quarterman, owners of Gold Coast Nutrition, and Jeff Guest, owner of Jeff Guest Insurance, and Kristy Anderson, a volunteer, all said they have received visits from Chilton.



Chilton asked several questions centered around the petition that would get Higgins on the ballot in the November general election, all five indicated. The Quartermans, Guest and Anderson, however, said Chilton was overly pushy and seemed intent on catching them in a contradiction.

“It’s like he was trying to trip me up to find me in a lie somewhere,” according to Anderson, who said she was visited at her home Monday night. “I’m traumatized by it.”

Each said they followed guidelines provided by the Glynn County Board of Elections to the letter when taking signatures.

Seth Weathers, a political consultant with Weathers Corp Atlanta, said campaigning differs from state to state, but that candidates do occasionally enlist paid investigators to look into their opponents if they feel the campaign is guilty of impropriety.

Typically, one would use the information to challenge an opponent's candidacy to get them taken off the ballot.

"It's actually pretty common and not a shocking thing," Weathers said. "It's a terrible, dirty world out there, my friend."

The general election is set for Nov. 3.

Visit www.mvp.sos.ga.gov or call the county elections board at 912-554-7060 for more information on registration and absentee ballots.

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Taylor Cooper



There's a reason why Law Enforcement can't trust DA candidate Keith Higgins.

CAUTION

Liberal trial lawyer leads out-of-town protesters at Appling County Sheriff's Office.

Keith Higgins panders to protesters again.

Higgins claims to be an "independent" candidate for district attorney, but he can't hide from a liberal Democrat agenda that targets law enforcement.

Where does Keith Higgins stand?

When it comes to getting a straight answer about supporting law and order, Higgins' actions speak just as loud as his silence. Now is not the time to defund the police.

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IS KEITH HIGGINS REALLY WHO YOU THINK HE IS?

DANGER - DANGER - DANGER - DA

Higgins and out-of-town protest organizers descend on Baxley

Liberal Trial Lawyer promises "change" and "justice for all" to a crowd that includes defendants currently under criminal indictment.



"Independent" candidate Higgins campaigns to protesters with local Democrat Clint Bass.

Higgins sits with protesters blocking the entrance to the Appling Sheriff's Office and Baxley Police Department.



TELL Keith Higgins to stop playing games with law enforcement.

Keep our communities safe.
Vote Republican Jackie Johnson for District Attorney.



**Proven Prosecutor. Lifelong Republican.
The Law & Order Conservative.**

