

Randall M Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

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V.

*

CASE # CR-2000433

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TRAVIS MCMICHAEL, and
GREG MCMICHAEL

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OBJECTION TO EXHIBITS & MOTION IN LIMINE:
CHARACTER OF VICTIM

COMES NOW THE STATE OF GEORGIA and moves this Court to prohibit Defendants in the above-styled case from introducing exhibits and character evidence of the victim in this case and shows the following:

1.

Defendants are charged individually and as parties to the crime with Murder and related crimes involving the fatal shooting of victim Ahmaud Arbery, an unarmed man shot while jogging in Glynn County, Georgia on February 23, 2020.

2.

On Friday November 6, 2020, counsel for Defendant Travis McMichael emailed the State notice and a listing of certain items of "rebuttal evidence" that might be tendered during specially set motions hearings on November 12, 2020. A flash drive containing the same was delivered to the State on this date, November 9, 2020. That evidence and those exhibits appear to include, among other things:

- Prior acts evidence of the victim,
- DCS documents,
- A 911 call from mother of Ahmaud Arbery, and
- 911 CADs involving Larry English

3.

The specially set November 12, 2020 evidentiary motions hearing is for Motions for Bond. The above listed items have no bearing or relevance to the issues pertaining to bond, namely, whether Defendants in the above-styled case: a) pose no significant risk of flight, b) pose no significant danger to persons, community, or property, c) pose no significant risk of committing new felony, or d) pose no significant risk of intimidating witnesses or obstructing justice. See O.C.G.A. § 17-16-1.

4.

Unless otherwise authorized by law, “[e]vidence of a person’s character or a trait of character shall not be admissible for the purpose of proving action in conformity therewith[.]” O.C.G.A. § 24-4-404 (a). Moreover, specific instances of conduct are generally inadmissible. O.C.G.A. § 24-6-608. Furthermore, evidence that a “witness” has been convicted of a crime shall only be admissible for impeachment of a *witness* subject to O.C.G.A. § 24-4-403 and only “if the crime was punishable by death or imprisonment in excess of one year under the law under which the witness was convicted[.]” O.C.G.A. § 24-6-609. Of course, the Defendants having unlawfully killed the victim in this case, said victim cannot be called as a *witness* in the above-styled case, thus rendering O.C.G.A. § 24-6-609 inapplicable. Moreover, character evidence of a *victim* is limited to reputation or opinion, not specific bad acts under Georgia’s evidence code effective 2013. Mohamud v. State, 97 Ga. 532 (2015) (overruling Chandler v. State, 261 Ga. 402 (1991)); see also, Hendrix v. State, 298 Ga. 60 (2015).

5.

WHEREFORE, the State moves this Court to prohibit Defendant in the above-styled case from introducing evidence regarding bad character or alleged specific instances of misconduct of the victim.

This 9th day of November 2020.

Presented by:

/s/ Jesse Evans

Jesse D. Evans
Deputy Chief Assistant District Attorney
Cobb Judicial Circuit
State Bar No. 252342