

Ronald M Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA :
 :
v. : INDICTMENT NO.
 : CR-2000433
TRAVIS MCMICHAEL, :
 :
GREG MCMICHAEL, :
 :
Defendants. :
 :

DEFENDANT McMICHAELS' ELECTION
REGARDING VIDEO TESTIMONY

By signing below, the undersigned Defendants represent that they have had an opportunity to consult with counsel and understand that they have a Constitutional right to be confronted with any witness against them in a criminal prosecution. That further, the Defendants understand that they have the right to cross-examine a witness testifying against them and also typically have the right to see the witness in- person when the witness testifies. The Defendants also understand that they have the right under Georgia law, as set forth in Uniform Superior Court Rule 9.2, to object to witnesses testifying by video.

The Defendants understand they have the right to demand that any witness who may testify against him do so in person. The Defendants

understand that they may object to the witness testifying by video, and in almost all cases, the Court will grant such an objection and require in-person testimony.

The Defendants also understand that if they object to video testimony, the Court may not be able to hold an evidentiary hearing in the above captioned case until the ongoing COVID-19 public health emergency has subsided enough to allow for in-person hearings, as determined in the Court's discretion in accordance with guidance from the Georgia Supreme Court and applicable public health agencies. The Defendant acknowledges that if they object to video testimony, this may result in a delay.

Defense counsel hereby certify to the Court that they have explained the Defendants' Constitutional rights and rights under Georgia law to Travis and Greg McMichael and discussed the consequences of the decision indicated by the Defendants below.

ELECTION

Defendants, Travis McMichael and Greg McMichael, do not consent to witness testimony and other evidence being presented by video in pretrial hearings in the above-captioned case with regard to:

1.14 Travis and Greg McMichaels' Notice of Intent to Introduce Evidence Pursuant to O.C.G.A. § 24-4-404(b) and Uniform Superior Court Rule 31.1.

Defendants consent to participating in a remote hearing and to witness testimony and other evidence being presented by video in the below listed motions filed by the State and Defendant McMichaels:

4.1 State's Motion in Limine: Hearsay

4.2 State's Motion in Limine: Character of Victim

4.3 State's Motion in Limine: Character of Defendants

4.4 State's Motion in Limine: Polygraph Examinations

4.5 Notice of State's Intent to Introduce Evidence of Other Acts Pursuant to O.C.G.A. §§ 24-4-404(b) and 24-4-403 (and First Amended Notice)

2.1 Motion to Exclude from Trial all Jail Calls

2.2 Motion to Order the State to Produce to the Defendants all Potentially Exculpatory Evidence

4.2 Motion to adopt Co- Defendant's Objections

4.3 Motion to Limit Quantity and Content of "In Life" Photographs

4.4 Motion in Limine to Exclude Use of the term "Victim"

4.5 Motion to Maintain Safety and Decorum in the Courtroom

Defendants waive any and all objections under Uniform Superior Court Rule 9.2(C)(including objections as to notice), all rights of in-person confrontation, and any other objections to the hearing being held by video under applicable law. The Defendants understand that they may not change their minds in the middle of a video hearing.

Submitted this xxx day of February, 2021.


TRAVIS McMICHAEL *R62*


GREG McMICHAEL


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Certificate of Service

I hereby certify by my signature that I have served a copy of **DEFENDANT McMICHAELS' ELECTION REGARDING VIDEO TESTIMONY** on the Office of the District Attorney for the Cobb Judicial Circuit by delivering it to District Attorney Flynn Broady, by emailing it to:

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February 10, 2021.


ROBERT G. RUBIN