

Randall M Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,)
)
)
)
v.)
)
TRAVIS MCMICHAEL,)
GREG MCMICHAEL,)
)
Defendants.)

INDICTMENT NO: CR-2000433

MOTION IN LIMINE: VANITY PLATE

Travis and Greg McMichael requests that this Court limit the state's presentation of certain photographic evidence which is not relevant and is prejudicial. In support thereof shows the following:

1.

The state, in their case-in-chief, intends to introduce a photograph of Travis McMichael's truck that includes a portion of Mr. McMichael's truck which had a front vanity license plate. Their purported purpose is twofold:

1. To draw the conclusion that Mr. Arbery saw the vanity plate, that he interpreted its meaning, and that he feared the occupants in the truck because of this vanity plate, which is why he ran away from the truck; and
2. To create the inference that Travis McMichael placed the vanity plate on his truck in order to telegraph some reprehensible motive, bias, or prejudice, which is not true.

2.

The state has already informed the defense and the Court that it did not intend to

introduce any evidence that spoke to Mr. Arbery's state of mind or his intent, motive, plan, etc. In part, the Court ruled against the defense in its pretrial order preventing such evidence by the defense when it stated the same was not relevant. Additionally, the state informed the defense and the Court that it was not going to bring in prior act evidence against the McMichael's and withdrew their request for a hearing on the matter.

WHEREFORE, Gregory and Travis McMichael request the Honorable Court to prevent the state from offering the aforementioned evidence.

This 30th day of September, 2021.

Respectfully submitted,

/s/ Robert G. Rubin
ROBERT G. RUBIN
Georgia Bar No. 618635
Attorney for Travis McMichael

/s/ Jason B. Sheffield
JASON B. SHEFFIELD
Georgia Bar No. 639719
Attorney for Travis McMichael

PETERS, RUBIN, SHEFFIELD, & HODGES, P.A.
2786 North Decatur Road, Suite 245
Decatur, Georgia 30033
(404) 296-5300

/s/ Franklin J Hogue
FRANKLIN J. HOGUE
State Bar No. 360030
Attorney for Greg McMichael

/s/ Laura D. Hogue
LAURA D. HOGUE
State Bar No. 786090
Attorney for Greg McMichael

HOGUE, HOGUE, FITZGERALD, & GRIFFIN, LLP
341 Third Street
P.O. Box 1795

Macon, GA 31202-1795
(478) 750-8040

CERTIFICATE OF SERVICE

This is to certify that I have this date served the within and foregoing MOTION IN LIMINE:
VANITY PLATE upon the parties via the Odyssey E-File System to:

Linda Dunikoski
Cobb County District Attorney's Office 70 Haynes Street
Marietta, Georgia 30090 Linda.dunkikoski@cobbcounty.org

Kevin Gough
Attorney for William R. Bryan
501 Gloucester Street, Suite 121
P.O. Box 898
Brunswick, Georgia 31521 Kevingough.firm@gmail.com

This 30th day of September, 2021.

Respectfully submitted,

/s/ Jason B. Sheffield
JASON B. SHEFFIELD