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Ronald M. Alford
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
 v.) CRIMINAL ACTION NO: 2020CR-)
)
 WILLIAM RODERICK BRYAN,) Warrants: Felony Murder; Criminal Attempt to)
 Defendant.) Commit False Imprisonment)

MOTION FOR RELIEF FROM PREJUDICIAL AND INFLAMMATORY STATEMENTS MADE BY INDIVIDUALS PURPORTING TO SPEAK FOR THE VICTIM AND HIS FAMILY, AND FOR OTHER RELIEF.

COMES NOW Defendant William Roderick Bryan, by and through undersigned counsel, pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section I, Paragraph I of the Georgia Constitution, and files this "Motion for Relief from Prejudicial and Inflammatory Statements Made by Individuals Purporting to Speak for the Victim and his Family, and for Other Relief. In support thereof, Defendant shows as follows:

1. Various individuals claiming to either speak for Ahmaud Arbery or his family, or to represent the family of Ahmaud Arbery, continue to make malicious, prejudicial and inflammatory statements to the national media about Roddie Bryan. Notwithstanding the fact that Roddie Bryan committed no crime and has fully cooperated with law enforcement agencies investigating the tragic death of Mr. Arbery – and remains a key witness for the prosecution – statements have been made to the effect that Roddie Bryan is a "devil," a "stooge", "racist" and even a "psycho." It has been stated that Mr. Bryan conspired to murder Mr. Arbery, and/or that he is an accomplice to murder, offenses with which he has never been charged. It has even been suggested Mr. Bryan deserves the death penalty, notwithstanding Enmund v. Florida, 458 U.S. 782 (1982), and its progeny under which Mr. Bryan could not be death eligible. Some of the statements made constitute malice per se under Georgia law.

2. Information and facts about this case continue to be leaked to the news media, including some information which may well have come directly or indirectly from the State of Georgia.

3. Effective January 1, 2019, Georgia's version of Marsy's Law was enshrined in both the Georgia Constitution, at Article I, Section I, Paragraph XXX, and in the Georgia Code at O.C.G.A. § 17-17-1, *et. seq.*

4. Among other things, these new "victim rights" provisions require the District Attorney to: (1) provide advance notice of any court proceedings and other events associated with the prosecution of the case; (2) "confer" with the victim and/or representatives thereof; (3) allow the victim to assert rights by motion before the court; and (4) for the victim to be represented by a private attorney at any hearing as to any said motion.

5. Notwithstanding language to the contrary set forth in these new victim rights enactments, essentially stating that victims still lack standing to be treated as a party in criminal proceedings, these recent enactments have effectively made crime victims "parties" to the criminal proceedings as a matter of federal constitutional law – at least with respect to Mr. Bryan's substantive and procedural due process rights.

6. The District Attorney has expressed a desire to try this case in the courts rather than the court of public opinion, a desire shared by all the parties to this case and their counsel, but the District Attorney has made no overt effort to reign in the malicious, prejudicial and inflammatory statements that continue to be put out by those purporting to speak on behalf of Ahmaud Arbery.

7. Defendant is rightly concerned, moreover, that under the guise of “informing” the Arbery family under the recent “victims rights” enactments -- and “conferring” with the family pursuant to the same authority – that the GBI and/or the District Attorney’s office may unwittingly be or become a conduit for the public disclosure of information about this case through proxies for whatever use said individuals may deem appropriate.

WHEREFORE, Defendant prays that the Court grant the following relief:

(1) declare that the victim’s family are *de facto* parties to the above-styled case for due process purposes under current Georgia law and therefore subject to the jurisdiction of this Court from this day forward until the conclusion of criminal proceedings in this matter;

(2) place the District Attorney on notice that statements made by the individuals referenced above may be attributed to the State of Georgia in determining whether the State of Georgia has complied with Mr. Bryan’s procedural and substantive due process rights;

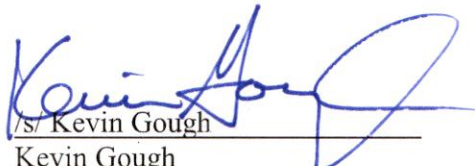
(3) request that the District Attorney confer with the victim’s family and their representatives with respect to future media contact with respect to ensuring that Mr. Bryan’s due process rights and right to a fair trial are scrupulously honored;

(4) request that the District Attorney enter a confidentiality or non-disclosure agreement with the victim’s family and their representatives preventing pre-trial disclosure of evidence and factual information shared with them about this case;

(5) require that the District Attorney and Georgia Bureau of Investigation maintain and preserve a log of all contact with the victim’s family and their representatives including the time, place and manner of all such communications as well as the substance thereof; and

(3) for such other and further relief as the Court deems just and proper.

So moved, this 27th day of May, 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
Sea Island, 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 27st day of May, 2020.


/s/ Kevin Gough