

*Randall M Adams*  
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

\*

V.

\*

Indictment:

\*

CR 2000433

\*

TRAVIS MCMICHAEL

\*

GREG MCMICHAEL

\*

WILLIAM R BRYAN

\*

**4.2 STATE'S 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 character evidence of the victim in this case, in the form of testimony or exhibits, 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 running in Glynn County, Georgia on February 23, 2020.

2.

None of the defendants knew Ahmaud Arbery prior to February 23, 2020. Thus any evidence regarding his character, prior convictions, or his mental health are irrelevant and inadmissible as to the issues in this case, including the issues of self-defense.

3.

Defendants have not filed any 404(b) motions.

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, unless the trial court exercises its discretion to allow cross-examination as to the issue of truthfulness, which would not apply to the deceased victim in this case. O.C.G.A. § 24-6-608.

Character evidence of a victim is limited to reputation or opinion, as to a pertinent character trait relevant to the issues in dispute, not specific bad acts under Georgia’s evidence code. Mohamud v. State, 97 Ga. 532 (2015) (overruling Chandler v. State, 261 Ga. 402 (1991)); see also, Hendrix v. State, 298 Ga. 60 (2015). In a self-defense case, defendants may offer evidence of the victim’s violent character, as that trait may be pertinent to a defendant’s claim of self-defense, however, under O.C.G.A. § 24-4-405, the victim’s character trait can only be proven with reputation and opinion testimony, because a victim's violent character is not an essential element of a self-defense claim. Strong v. State, 845 S.E.2d 653, 670 (2020).

5.

WHEREFORE, the State moves this Court to prohibit Defendant in the above-styled case from introducing evidence regarding bad character, his mental health status or alleged specific instances of misconduct of the victim, including any encounters with law enforcement, arrests, convictions or that he was on probation at the time of his death.

This the 29th day of September, 2020.

/S/ Linda J. Dunikoski

Linda J. Dunikoski

State Bar # 233887

Senior Assistant District Attorney

District Attorney Pro Tempore

Cobb Judicial Circuit

/S/ Jesse D. Evans

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## **CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served opposing counsel with a true and correct copy of the above Motion via the Odyssey E-File System to:

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This the 29th day of September, 2020.

*/S/ Linda J. Dunikoski*  
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