

Randall M Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

V.

TRAVIS MCMICHAEL
GREG MCMICHAEL
WILLIAM R BRYAN

*
* Indictment:
* CR 2000433
*
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*

4.1 STATE'S MOTION IN LIMINE: HEARSAY

COMES NOW THE STATE OF GEORGIA and moves this Court to prohibit Defendants in the above-styled case from introducing impermissible hearsay, 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.

The State anticipates that the defendants may testify from their personal knowledge of the events. However, the State would object should they attempt to introduce, through their testimony, or the testimony of another witness, the

statements, thoughts, intentions, motivations or knowledge of their co-defendants, of which they may speculate, or may have learned from their interviews with law enforcement, their attorneys or the other co-defendants themselves, as that would violate O.C.G.A. § 24-6-602. (“A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of such matter.”)

3.

The defendants, while testifying, may seek to recount what they told certain people at certain times, prior to their arrest. The introduction of self-quotation and self-serving assertions is banned by the hearsay rule under O.C.G.A. § 24-8-801(a) to (c).

4.

Should the defendants choose not to testify, any statements made by the defendants would be hearsay. While a “party's own admission, offered by an opponent, is not hearsay and is always admissible, a self-serving declaration, such as a statement of one's innocence, remains inadmissible hearsay unless the declarant testifies and is subject to cross-examination.” (Citations and punctuation omitted.) *Pruitt v. State*, 349 Ga. App. 101, 110 (2019).

Thus, the State motions that the hearsay statements of the defendants not be allowed.

This the 29th day of September, 2020.

/S/ Linda J. Dunikoski

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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.

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