

Russell M. Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

*

V.

*

Indictment:

*

CR 2000433

*

GREG MCMICHAEL

*

TRAVIS MCMICHAEL

*

WILLIAM R. BRYAN

*

4.58 MOTION TO PLAY THE VIDEO OF THE INCIDENT TAKEN BY
DEFENDANT WILLIAM BRYAN DURING THE STATE'S OPENING
STATEMENT

COMES NOW, the State of Georgia, by and through the undersigned District Attorney Pro Tempore, and files this motion in limine to allow the State to play the video of the homicide of Ahmaud Arbery in its opening statement to the jury. In support of this Motion, the State shows as follows.

(1)

The State hereby incorporates its argument in Motion 4.57 regarding admitting the video into evidence with proper authentication pursuant to O.C.G.A. §24-9-923 (b).

(2)

“When making opening statements, the prosecutor is allowed to state what the evidence is expected to show and the content of such statements is within the broad discretion of the trial court.” *Newman v. State*, 309 Ga. 171, 176 (2020) (quoting *Menefee v. State*, 301 Ga. 505, 511 (2017) (internal quotations omitted)). In *Davis v. State*, 306 Ga. 140 (2019), the defendant challenged the State’s playing of a video of the crime scene and another video of a witness’s statement during its opening

statement. The court held that the playing of the videos during opening statements was not error as both videos were admitted into evidence during the trial. Id. at 144.

(3)

The State has a reasonable and good faith basis for believing the video at issue in this case will be admitted either pre-trial or at trial.

Given the foregoing, the State respectfully requests a pretrial ruling allowing the State to play the video of the homicide of Mr. Arbery in its Opening Statement to the jury.

This the 30th day of June, 2021.

/S/ Linda J. Dunikoski

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/S/ Paul Camarillo

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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 TO PLAY THE VIDEO OF THE INCIDENT TAKEN BY DEFENDANT WILLIAM BRYAN DURING THE STATE'S OPENING STATEMENT via the Odyssey E-File System to:

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This the 30th day of June, 2021.

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