

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

*

4.53 STATE'S FOR ADDITIONAL TIME FOR
THE STATE'S CLOSING ARGUMENT

COMES NOW the State of Georgia and motions this Honorable Court for three (3) hours to make its closing argument.

THE LAW

The Georgia Unified Superior Court Rules about time limitations for closing argument are found at Rule 13.1.

“Time limitations. Counsel shall be limited in their arguments as follows:

(A) Felony cases punishable by the death penalty or life in prison -- 2 hours each side.”

However, the Court may, in its discretion allow more time.

Georgia Unified Superior Court Rule 13.2. Extensions.

“Before arguments begin, counsel may apply to the court for an extension of the time prescribed for argument. The applicant shall state the reason that additional time is needed; the court in its discretion may grant extensions.”

Thus, the State motions this Honorable Court to allow the State three (3) hours for closing argument. This is based on a review of everything the State wishes to argue in its Closing Argument, the jury charges and the amount of time necessary to adequately present complicated legal concepts as applied to the evidence in this case (and rebut or explain any contested arguments made by the defendants).

NATURE OF THE CASE

This homicide happened on February 23, 2020. There are three co-defendants. The defendants, through their motions and statements in Court have indicated that they will be asserting the affirmative defenses of “citizen’s arrest” and “self-defense.” While at first, this may seem to be a simple case where the jury can watch the video of the homicide and decide whether the defendants were truly acting in self-defense, or whether Mr. Ahmaud Arbery was the one acting in self-defense against their unlawful use of force, legally it is actually a more complicated case.

The State must disprove beyond a reasonable doubt the defendants’ affirmative defenses, and show that they were not in fact effectuating a legal “citizen’s arrest” and thus, they are not entitled to claim “self-defense.” All three defendants have been charged as parties to the crimes in the indictment. The indictment includes two types of Aggravated Assault, one with a shotgun and one with a vehicle. The indictment also contains charges of Criminal Attempt to Commit False Imprisonment and False Imprisonment itself, each at a separate location.

Both the factual and the legal issues must be presented in a thorough and logical opening statement,¹ and then argued in a clear and concise closing argument.

While the State may opt to present an “opening-closing argument” and then a “closing-closing argument,” in between will be (potentially) six hours of defense closing arguments, two hours for each defendant.

¹ The State understands that the State’s opening statement will be “limited to expected proof by legally admissible evidence” and that “Defense counsel’s statement shall be restricted to expected proof by legally admissible evidence, or the lack of evidence.” Georgia Unified Superior Court Rule 10.2. Opening statements in criminal matters.

The State respectfully requests an allotment of three (3) hours for its closing argument given the burden on the State to disprove not one, but two affirmative defenses, against three co-defendants. The State will sincerely endeavor to keep its closing argument to two hours.

This the 30th day of June, 2021.

/S/ Linda J. Dunikoski

Linda J. Dunikoski

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Senior Assistant District Attorney

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/S/ Larissa Ollivierre

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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 4.53 STATE'S FOR ADDITIONAL TIME FOR THE STATE'S CLOSING ARGUMENT via the Odyssey E-File System to:

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This the 30th day of June, 2021.

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