

Ronald M Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA :
 :
v. : INDICTMENT NO. CR-2000433
 :
TRAVIS MCMICHAEL, :
 :
GREG MCMICHAEL, :
 :
Defendants. :

4.7
TRAVIS AND GREG McMICHAEL'S MOTION IN LIMINE
TO EXCLUDE IRRELEVANT EVIDENCE

The McMichaels ask this Court to prohibit the State from eliciting from witnesses testimony regarding the following facts:

1. That the McMichaels were in possession of firearms at the time of their arrest;
2. That the McMichaels had other firearms in their home;
3. That the McMichaels shoot their firearms while on the river; and
4. That an errant fragment of buckshot was located in Randall Parr's residence after the shooting on February 23, 2020.

Noted items 1-3 are not relevant to the proceedings pursuant to O.C.G.A. § 24-4-401 as they have nothing to do with the McMichaels'

knowledge of Mr. Arbery or their decision to perform an arrest by a private person on February 23, 2020. Additionally, noted items 1-3 do not qualify as 404(b) evidence and are not intrinsic to the events on February 23, 2020.

Noted item 4, while a fact associated with shooting itself, runs afoul of O.C.G.A. § 24-4- 403 in that it is significantly more prejudicial than probative. What remains probative about the shooting is that Travis McMichael shot at Mr. Arbery with a shotgun at close range and that Mr. Arbery's gunshot wounds are consistent with buckshot. The evidence of an errant piece of buckshot hitting a nearby house has nothing to do with the facts necessary to assist the jury in reaching their verdict. It is tangential, at best, and does not make any fact to be determined more or less probable than it would be, without the evidence. "Relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." O.C.G.A. § 24-4-403. *Jernigan v. State*, 357 Ga. App. 415, 422 (2020).

Therefore, Travis and Greg McMichael respectfully request this Court enter an Order prohibiting the State from eliciting from any witnesses the facts set forth above.

This 14th day of July, 2021.

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Certificate of Service

I hereby certify by my signature that I have served a copy of **4.7 Travis and Greg McMichael's Motion in Limine to Exclude Irrelevant Evidence** on the Office of the District Attorney for the Cobb Judicial Circuit by delivering it to District Attorney Flynn D. Broady, Jr., by emailing it to:

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July 14, 2021.

s/ Jason B. Sheffield
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