

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. :
 :

1.14.2.1

**ADDENDUM TO DEFENDANT'S BRIEF IN SUPPORT
OF THE ADMISSIBILITY OF DECEASED'S MENTAL HEALTH**

Following our in-court motion hearing on the admissibility of Mr. Arbery's mental health records and our filing of our Brief in Support, Travis and Greg McMichael have been provided with additional evidence from the federal investigation. As a result of this additional evidence, the McMichaels seek to make the Court aware of additional evidence that makes Mr. Arbery's mental illness relevant and that contradicts the state's assertions to the Court.

1.

On May 12 and 13, 2020, the Court heard argument about whether or not evidence of Mr. Arbery's mental illness should be admissible at trial. Both sides issued briefs on the matter. The Court's decision on the admissibility of mental illness evidence is pending.

2.

At the same time, the Federal Magistrate Judge Cheesbro issued a protective order about federal discovery on May 13, 2021. Undersigned counsel received a copy of the federal discovery on June 9, 2021.

3.

At the hearing on May 13th, the state argued against the admissibility of the mental illness evidence about Mr. Arbery, claiming that his diagnosis was not credible because of the length of the interview conducted with Mr. Arbery and the skill level of the medical staff. Additionally, the state characterized Mr. Arbery's conduct and behavior over a several year period of time as the "four (4) worst days of his life," stating that his behavior was not the result of a chronic mental illness, but rather sporadic and unrelated events. The federal discovery rebuts this.

4.

In her interview with federal authorities, Ms. Wanda Cooper-Jones, Mr. Arbery's mother, recalls how she sought help from Mr. Arbery's probation officer in 2018 because Mr. Arbery was acting strange. She recalls that she "didn't recognize" him – that he became a "different young man" – that although she had raised him, she "didn't recognize him anymore," and she "couldn't fix it." She called it "his challenges."

In trying to figure out what was "wrong with him," she agreed to have him evaluated by Gateway Behavioral Health systems, who ultimately diagnosed Mr. Arbery with "schizophrenic [sic]." Prior to this diagnosis, Ms. Cooper-Jones had noticed that Mr. Arbery began to run obsessively – all the time. She said he had always been "fit" before,

but this was different. It was a change reported to her by her mother, Mr. Arbery's grandmother, after Mr. Arbery went to stay with his grandmother due to Ms. Cooper-Jones going out of town for several months. His grandmother would report "he's running" – again and again, every day.

According to Ms. Cooper-Jones, after the diagnosis by Gateway, the staff there advised her that his running could very well be associated with his schizophrenia and his trying to comfort or calm himself. Before she had been told this, she continually tried to get Mr. Arbery to run less. Afterwards, though, she too noticed how his running would help his mental state. She recalls several occasions when Mr. Arbery would get distant or aggravated with her, but that she would see a difference in him after he ran.

But still, "the old Ahmaud" did not return – the one who loved to work, to drive his car, or ride bikes. Those were things he no longer did, according to Ms. Cooper-Jones. In fact, she said the old Ahmaud never returned. She states she even became afraid of him: "I became fearful of him, myself."

Still, Ms. Cooper-Jones wanted to get Mr. Arbery back where she had him before "his challenges" - back to the old Ahmaud. She continued to do what she could – to help him not get in trouble or get caught in a situation where he would "not understand" what he had done. Ms. Cooper-Jones told federal authorities that between 2017 and 2020, the old Ahmaud never returned. The challenges remained, sadly.

5.

As confirmed by Ms. Cooper-Jones, Mr. Arbery suffered from a significant change, undoubtedly related to mental illness – a change not even she could combat. As such, it is

additional evidence of how his mental illness affected his conduct and behavior and rebuts the state's assertions that his relevant conduct was limited or passing. Additionally, it sets the stage for the remainder of the evidence about Mr. Arbery's particular type of schizoaffective disorder, Mr. Arbery actual diagnosis, and the remainder of the defense evidence of Mr. Arbery's conduct and behavior related to his illness and his conduct on the months, weeks, and days leading up to, and including, the day of the shooting.

Wherefore, the defendants ask the Court to consider the following addendum and admit evidence of Mr. Arbery's mental illness.

This 25th day of August, 2021.

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the within and foregoing ADDENDUM TO DEFENDANT'S BRIEF IN SUPPORT OF THE ADMISSIBILITY OF DECEASED'S MENTAL HEALTH upon the parties via the Odyssey E-File System to:

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This 25th day of August, 2021.

Respectfully submitted,

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