

The medical examiner has concluded that Mr. Arbery died as a result of these gunshot wounds and that, at the time Officer Duggan arrived, Mr. Arbery could not be saved. He has further concluded that the sounds Mr. Arbery's body made, which were captured on Officer Duggan's video, do not evidence that Mr. Arbery was conscious or "alive" or that any amount of resuscitation could have brought Mr. Arbery back to life. Instead, he will testify (should the state be allowed to play the body cam video) that the sounds Mr. Arbery's body is making are associated with autonomic responses unrelated to consciousness or being alive.

3.

The state conducted an autopsy of Mr. Arbery. In doing so, they photographed his body and the extent of the injuries caused by the shooting. These photographs will establish the nature of the injuries and how they caused the death of Mr. Arbery. They will do so more accurately than the body cam video from the scene. Officer Duggan's body cam is redundant, irrelevant, and substantially inflammatory. There is ample other evidence the Court may use to balance both the state's interest in showing the injuries and the defense's interest in preventing prejudice. See O.C.G.A. section 24-4-401, 403.

WHEREFORE, Travis and Greg McMichael request the Honorable Court to prevent the state from offering the aforementioned evidence.

This 30th day of September, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the within and foregoing MOTION IN LIMINE: OFFICER DUGGAN BODY CAM upon the parties via the Odyssey E-File System to:

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This 30th day of September, 2021.

Respectfully submitted,

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