

  
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

V.

GREG MCMICHAEL  
TRAVIS MCMICHAEL  
WILLIAM R. BRYAN

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Indictment:  
CR 2000433

STATE'S RESPONSE TO DEFENDANT'S  
MOTION IN LIMINE: VANITY PLATE

Defendants have requested that this Court limit the State's presentation of certain photographic evidence depicting the front of Travis McMichael's truck which shows a representation, similar to the State of Georgia State Flag from 1956 through 2001, contending that it is not relevant and is prejudicial.

Regarding Travis McMichael's vanity plate, the State will present the facts of this case, and one of those facts is that Travis McMichael purchased a new truck sometime after January 1, 2020 and put this vanity plate on it. This vanity plate was on the truck at the time of the homicide. The jury may interpret that evidence in any way they deem appropriate and the State may make reasonable inferences, in closing argument, drawn from the evidence.

The state is entitled to prove motive and can may present evidence of other acts that prove motive without notice under Rule 404b.<sup>1</sup> The fact that the state has chosen to not tender evidence of racial animus in the form of communications by the defendants with third parties, in its case in chief, to illustrate the defendants' motive, is a strategic decision made by the state. The State has and will provide the defense with potential racial animus motive evidence, and will seek a Rule 403 ruling prior to tending in such evidence, should the State decide that it is pertinent to do so.

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<sup>1</sup> O.C.G.A. § 24-4-404 "Notice shall not be required when the evidence of prior crimes, wrongs, or acts is offered to prove the circumstances immediately surrounding the charged crime, motive, or prior difficulties between the accused and the alleged victim."

However, the fact that defendant Travis McMichael knowingly, intentionally and purposefully attached a vanity plate to the front of his truck for all the world to see, has nothing to do with the State's strategic decision regarding third party communications that show racial animus. Defendant Travis Michael's choice, and the fact that this vanity plate was on the front of his pick-up truck on Feb. 23, 2020, are intrinsic evidence in this case and can be fully be used by the State to illustrate the intent and motive of Travis McMichael.<sup>2</sup>

The State requests that this Court deny this motion.

This the 1st day of October, 2021.

/S/ Linda J. Dunikoski

Linda J. Dunikoski

State Bar # 233887

Senior Assistant District Attorney

District Attorney Pro Tempore

Cobb Judicial Circuit

/S/ Larissa Ollivierre

Larissa Ollivierre

State Bar # 743602

Senior Assistant District Attorney

District Attorney Pro Tempore

Cobb Judicial Circuit

/S/ Paul Camarillo

Paul Camarillo

State Bar # 215044

Senior Assistant District Attorney

District Attorney Pro Tempore

Cobb Judicial Circuit

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<sup>2</sup> The Defendant's intent must be proven by the State (Jury Charge 1.41.10), while the Defendant's motive in the homicide may be proven by the State (Jury Charge 2.10.12).

**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 STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE: VANITY PLATE via the Odyssey E-File System to:

Mr. Robert G. Rubin  
Mr. Jason Sheffield  
Peters Rubin Sheffield & Hodges, PA  
2786 North Decatur Road, Suite 245  
Decatur, GA 30033  
robertrubin@justiceingeorgia.com  
jasonsheffieldattorney@gmail.com  
(404) 296-5300

Laura and Frank Hogue  
Hogue & Hogue LLP  
341 Third Street  
PO Box 1795  
Macon, GA 31202-1795  
(478) 750-8040  
laura@hogueandhogue.com  
frank@hogueandhogue.com

Mr. Kevin Robert Gough  
Ms. Jessica Burton  
Kevin Gough Firm LLC  
PO Box 898  
Brunswick, GA 31521  
kevingough.firm@gmail.com  
jessica@justice.law  
(912) 242-5114

This the 1st day of October, 2021.

*/s/ Linda J. Dunikoski*  
Linda J. Dunikoski  
Senior Assistant District Attorney  
State Bar # 233887  
District Attorney Pro Tempore  
Cobb Judicial Circuit  
70 Haynes Street, Marietta, GA 30090  
Tel. (770) 528-3080  
Linda.Dunikoski@CobbCounty.org