

*Randall M. Adams*  
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

V.

GREG MCMICHAEL  
TRAVIS MCMICHAEL  
WILLIAM R. BRYAN

\*  
\* Indictment:  
\* CR 2000433  
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4.71 STATE'S MOTION IN LIMINE REGARDING PROBATION

The State moves for clarification of this Court's Order on the admissibility of 404(b) evidence as it relates to the victim's status as a probationer at the time of the homicide on February 23, 2020.

It has come to the attention of the State that the defense may wish to introduce evidence that Ahmaud Arbery was on probation at the time of the homicide. However, the State's position is that his status as a probationer is not relevant, as the defendants did not know Mr. Arbery was on probation. Further, it is not relevant to the defenses of "citizen's arrest" or self-defense.

The victim being on probation falls under the State's Motion on the Victim's Character, and this Court's ruling and order from August 30, 2021, which found that Defendants' true intended use of the victim's other acts was to engage in speculation as to why Mr. Arbery acted as he did. This would be the same purpose, speculation, for placing evidence of his status as a probationer before the jury.

The State requests that any evidence that Mr. Arbery was on probation at the time of the homicide be excluded as impermissible character evidence that does not fall under Rule 401 and violates Rule 403, and is once again intended for the Defendants to engage in speculation as to why Mr. Arbery acted as he did.

This the 4th day of October, 2021.

/S/ Linda J. Dunikoski  
Linda J. Dunikoski  
State Bar # 233887  
District Attorney Pro Tempore

**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 4.71 STATE'S MOTION IN LIMINE REGARDING PROBATION via the Odyssey E-File System to:

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This the 4th day of October, 2021.

*/S/ Linda J. Dunikoski*  
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