

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

v.

WILLIAM RODERICK BRYAN,
Defendant.

)
)
)
)
)
)

CRIMINAL ACTION NO: 2020CR-_____

Warrants: Felony Murder; Criminal Attempt to
Commit False Imprisonment

AMENDED MOTION FOR BAIL

COMES NOW William Roderick "Roddie" Bryan, Defendant in the above-styled criminal action, and files this his "Amended Motion for Bail", and moves this Honorable Court to set a reasonable bond pending the disposition of this case. In support of this motion, Defendant states:

1. That the Defendant William Roderick "Roddie" Bryan was arrested on the above-referenced charges on May 21, 2020, in Glynn County, Georgia. As of today, June 24th, Mr. Ryan has been held for thirty-four days.
2. That the Defendant has not been granted bond.
3. That the Defendant poses no significant risk of fleeing from the jurisdiction of the court or failing to appear when so required.
4. That the Defendant poses no significant threat or danger to any person, or to the community, or to any property in the community.
5. That the Defendant poses no significant risk of committing any felony pending trial.
6. That the Defendant poses no significant risk of intimidating witnesses or otherwise obstructing the administration of justice.

FILED
 CLERK'S OFFICE
 2020 JUN 24 P 3:05
Ronald M. Alana
 CLERK SUPERIOR COURT

7. “The American Bar Association’s Standards for Criminal Justice presume a defendant should be released on his own recognizance. Generally, if release on the accused’s own recognizance is unwarranted, the judicial officer should impose the least onerous condition necessary to assure defendant’s appearance in court. If money bail must be set to assure [his] presence at trial, the amount should not be greater than the amount necessary to assure his appearance.” Daniel, Georgia Criminal Trial Practice, § 8:3, at 552 (2018) (citations omitted).

8. Georgia’s courts have long looked to the A.B.A. Standards for Pre-trial Release for guidance. See, e.g., Lane v. State, 247 Ga. 387 (1983) (extending Birge v. State, 238 Ga. 88 (1976) beyond the context of appeal bond to expressly cite A.B.A. Standards in consideration of motion for bond prior to trial). These standards expressly include: “. . . the apparent probability of conviction . . .” Id. at 247 Ga. At 390 n.2.

9. Other states have gone so far as to codify the apparent probability or improbability of conviction as a consideration in determining bond. See, e.g., Florida Statutes Sections 907.041& 903.046; Fla. R. Crim. P. 3.131(b)(3); Alabama Rule of Criminal Procedure 7.2(a)(6). Putting aside the case law, moreover, the weakness of the case against Mr. Bryan is logically related and therefore relevant to whether he would appear for trial.

10. Defendant’s motion to dismiss facially defective arrest warrant will also necessitate this court’s consideration of the substantive evidence against Mr. Bryan. In the interest of judicial economy this motion should be heard contemporaneously with the bond motion.¹

¹A motion to the strike illegal appointment of the the Honorable Joyette Holmes, District Attorney Pro Tempore, also remains pending before this court. It is respectfully submitted that this motion must be addressed by the court prior to any other hearing in this matter or the presentation of the above-styled matter to a grand jury.

11. Defendant has ordered the transcript of the preliminary hearing in the above-styled case but said transcript will not be available prior to Monday, June 29th.

12. The court also has before it Mr. Bryan's motion to assure that he can meaningfully exercise his right to the compulsory attendance of witnesses and production of documents, videos and other evidence at the bond hearing. Defendant specifically requires the attendance of GBI Special Agent Jason Scacrist, production of defendant's recorded statements to the Georgia Bureau of Investigation (GBI) and Glynn County Police Department, production of the so-called re-enactment video produced by the GBI and production of the cell phone and other digital devices and video recordings seized from Mr. Bryan by the GBI. Defendant further notes that his motion for return of property, which he will need for his bond hearing, remains pending before this court.

13. Defendant is presumed innocent, and yet he has already lost his job, his home, his motor vehicle, and the tools of his trade that have been sold to pay off his expenses. The few physical possessions of Mr. Bryan that remain have been placed in boxes to be stored at an undisclosed location. Nevertheless, Mr. Bryan has a place to stay, and employment prospects, in the event that he is released. The interests of justice are consistent with affording Mr. Bryan the opportunity to put his life back together.

14. Defendant cannot adequately assist undersigned counsel in preparing his defense while the defendant is incarcerated.

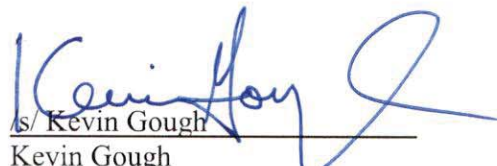
15. Defendant further notes that, according to multiple news sources, a similarly situated individual, Atlanta Police Officer Devin Brosnan – charged with aggravated assault in the tragic shooting death of Rayshard Brooks for allegedly holding Mr. Brooks down with his feet as he died – was granted a consent bond in the amount of \$30,000 by the State of Georgia

and was then released on his own recognizance without actually posting any cash or other collateral beyond his word. Mr. Bryan, in contrast, stands charged with the far less serious offense of criminal attempt to commit false imprisonment. Mr. Bryan stood at least a hundred feet away from Mr. Arbery, unarmed, operating a cell phone camera when Mr. Arbery was shot.² It would be a manifest injustice to deny Mr. Bryan bond under these circumstances.

16. Defendant cannot earn money or assist others in securing funding for his legal defense while he is incarcerated. Defense costs, especially expert witnesses, could amount to several hundred thousand dollars or more. Defendant does not wish to become a burden upon the taxpayers of Glynn County who will ultimately have to foot the bill if Defendant cannot raise sufficient funds for his defense. The total cost of criminal proceedings related to the tragic death of Mr. Arbery could amount to several million dollars for the taxpayers of Glynn County. Appropriate motions will be filed by Mr. Bryan to address defense needs in the days to come.

WHEREFORE, Defendant requests that bail be set in a reasonable amount.

So moved, this 24th day of June, 2020.


s/ Kevin Gough
Kevin Gough
ATTORNEY FOR DEFENDANT
Georgia Bar No. 303210

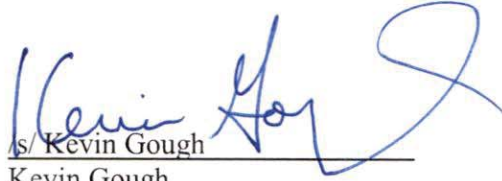
Kevin Gough Firm, LLC
501 Gloucester Street, Suite 121
Post Office Box 898
Sea Island, GA 31521
(912) 242-5114
kevingough.firm@gmail.com

²Mr. Bryan was also charged with felony murder but Mr. Brosnan could likewise have been charged with felony murder under the same legal theories relied on by the prosecution in the above-styled case. It will undermine public confidence in our judicial system – as another manifestation of “Blue Privilege” -- if the State of Georgia continues to oppose bond to Mr. Bryan after consenting to bond for Mr. Brosnan.

CERTIFICATE OF SERVICE

COMES NOW Kevin Gough, attorney for the defendant, and hereby certifies that a copy of the foregoing document(s) have been served upon the District Attorney by email delivery this date.

So moved, this 24th day of June, 2020.



s/ Kevin Gough

Kevin Gough

ATTORNEY FOR DEFENDANT

Georgia Bar No. 303210