

New details emerge in hearing for three charged in murder of Ahmaud Arbery

By Matthew MacEgan
5 June 2020

Thursday saw the preliminary hearing for Travis McMichael, Gregory McMichael and William Bryan, who have been charged with the February 23 murder of Ahmaud Arbery just outside Brunswick, Georgia. New details emerged, including that Travis McMichael hurled a racial epithet at Arbery's lifeless body immediately after he shot and killed the young black man. At the end of the hearing, the judge found probable cause against all three defendants and declared that all three cases would move forward to trial.

Prosecutors and defense attorneys questioned Georgia Bureau of Investigation (GBI) Special Agent Richard Dial, who provided a more detailed overview of the events that unfolded on the day of the murder. A crowd gathered outside of the courthouse to protest the potential release of the three killers on bond, which is under consideration during such hearings. The three men charged appeared by video from the Glynn County Detention Center, and all three of their defense attorneys asked that the charges be dismissed. Jason Sheffield, the attorney representing Travis McMichael, claimed that his client was acting in self-defense when he killed Arbery.

The evidence that Dial used to answer questions about the killing and lay out a more succinct timeline of events on the day of the murder are statements made by the three men who have been charged as well as video recorded by multiple cameras. These include a security camera at the construction site owned by Larry English, a security camera placed at William Bryan's house, and Bryan's own cell phone, which was used to record the actual killing of Arbery. Dial estimated that the course of events which led to Arbery's death lasted roughly seven minutes.

The events of that day began with Arbery's visit to the English property, where a house is under construction, a location that many neighborhood residents had visited over the course of several months. According to both English and later Gregory McMichael, Arbery had not taken anything from the property. Arbery then left the property and began jogging south down Satilla Drive, which took him by the

McMichaels' house. He did not have a cell phone with him, since his device had recently been damaged and was inoperable.

According to Dial, the McMichaels "decided he was some place he was not supposed to be," so they armed themselves, Gregory with a revolver and Travis with a shotgun; entered their pickup truck; and began pursuing Arbery. They did not call 911, and they later told first responders that their intention had been to capture Arbery and detain him so that police could identify him.

They pursued Arbery, who was on foot, southeast on Burford Road, where Bryan's residence is located. His motion sensor cameras recorded Arbery attempting to change his direction in front of Bryan's house to evade his pursuers, who ordered him to stop. Travis stepped out of his vehicle and then, according to his own testimony, told Arbery that they "just wanted to talk." Arbery then continued fleeing down Burford Road, before shaking off his pursuers and doubling back west toward Holmes Road.

While fleeing back west on Burford Road, Arbery encountered Bryan, who had entered his own pickup truck and attempted to block Arbery from escaping his pursuers. Meanwhile, the McMichaels continued southeast down Burford Road and turned left onto Zellwood Drive, intending to loop north and then west so that they could cut Arbery off back on Holmes Road.

Bryan also did not call 911 before joining in the McMichael's pursuit. Bryan admitted that he made "several" attempts to block Arbery, which the young man dodged, and then pursued him the rest of the way up Burford Road until he turned right and ran northeast up Holmes Road. It was at this point that Arbery came upon the McMichaels from the opposite direction and Bryan started recording the events from his cell phone.

According to Dial, Arbery "couldn't run anymore and saw someone with a shotgun, so he chose to fight." When defense attorneys tried to ask Dial whether Travis McMichael could claim self-defense, Dial specifically stated, no, it was Arbery who was defending himself in this

incident, due to the fact that he had pickup trucks both in front and behind him.

The cell phone video shows Travis McMichael standing in front of his pickup truck with a shotgun while his father Gregory climbed into the bed of the truck to call 911. Arbery then charged at Travis, who aimed his shotgun at Arbery and fired the first shot, which the autopsy report shows hit Arbery in his right wrist. Dial specifically testified that Travis already had his weapon in “firing position” before contact was made between himself and Arbery.

Bryan’s cell phone recording shows that Arbery then struck Travis McMichael with his hand and began struggling with him over the shotgun. This is when Travis fired two more rounds into Arbery—one into the upper left portion of his chest and the other into the center of his chest. Travis McMichael admitted to first responders that he fired all three shots, for which spent shells were found at the scene. After these were fired, the video shows that Arbery fell to the ground.

Travis McMichael told police who arrived on the scene that he “could tell Arbery was going to fight.” It was at this time that he “squared up” into a fighting stance and shot him. Gregory McMichael told police that he only heard two shots and claimed that these both came after Arbery had already “attacked” his son. Dial speculated that Gregory simply did not register the initial shot, which struck Arbery’s wrist, and was busy talking to a 911 operator while this took place. Gregory also told first responders that he shouted at his son not to shoot Arbery, but Dial testified that this was not present on the emergency 911 call. Dial also stated that he did not see any visible evidence in the photos taken of Travis that showed Arbery had injured him. Travis was not treated for any injuries on the day of the killing.

During a recess, Lee Merritt, the attorney who is representing Arbery’s family, told reporters, “The first shot was to the chest. What that indicates to us was that it was not a defensive shot; it was an offensive shot. He planned to kill Ahmaud Arbery by shooting him body center mass in the chest. It wasn’t a response to an assault on him. It helps us establish the intent requisite for murder.”

During the course of the hearing, it was revealed that Bryan reported to first responders that Travis had hurled a racial epithet at Arbery’s lifeless body before police arrived. After he shot the young jogger three times, killing him, he uttered the phrase, “fucking nigger.” The GBI looked through Travis McMichael’s US Coast Guard training records and found that he had once said that he loved his job “because he was on a boat and there were not any ‘niggers’ anywhere.”

Defense attorneys tried to raise an issue with Arbery’s

“mental history,” to which a prosecutor objected, claiming that it was only intended to assassinate the victim’s character. Dial reported that Arbery had been diagnosed with a mental illness that causes hallucinations but that he was not under treatment in February when he was killed. Merritt told reporters that Arbery’s mental health and records have nothing to do with this trial and were inappropriate to bring up in the case.

According to Gregory McMichael’s statements to first responders, he was only pursuing Arbery based on his “gut instinct” that the young man was responsible for various crimes in the area. He and Travis both described a “hunch” combined with recognition of Arbery from English’s security cameras, which had captured evidence of many people in the neighborhood visiting the construction site in question. Gregory told police that he did not think anything was actually stolen on the day of the murder.

Defense attorneys also questioned Dial about Arbery’s movements around the two vehicles that were pursuing him, suggesting that Arbery was trying to open their vehicle doors to “carjack” them. Dial rejected these spurious claims. “It’s obvious that Mr. Arbery was trying to escape.” Bryan’s attorney, Kevin Gough, even referred to the interactions between Bryan and Arbery as an “attempted carjacking,” which the prosecutors, judge and Dial himself all vigorously opposed.

Arbery’s supporters called for people to show up for a peaceful protest at Piedmont Park in Atlanta later on Thursday. Hundreds of protesters took a knee for eight minutes to symbolize the amount of time that Minneapolis Police Officer Derek Chauvin held his knee on George Floyd’s neck on Memorial Day, killing him and sparking more than a week of nationwide and international protests against police violence. They then marched to Downtown Atlanta where at least two other marches were convening from various origins.

Merritt wore a face mask to the hearing emblazoned with Floyd’s name on one side. Defense attorneys made a motion to the court that Merritt remove his mask, but the court declined to even consider the motion.

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