Murder trial underway in Georgia for three vigilantes who killed Ahmaud Arbery

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The criminal trial of the three Georgia men who killed 25-year-old African American jogger Ahmaud Arbery opened this week. The exposure of Arbery's murder and an attempted cover-up was a catalyst for massive multiracial and multiethnic demonstrations against police violence that exploded in the latter half of 2020 following the killing of George Floyd in Minneapolis.

The three defendants, who are white, are each charged with murder, aggravated assault and attempt to commit a felony.

Two of the men, father and son Gregory and Travis McMichael, armed themselves and chased down Arbery in a pickup truck after they noticed him jogging in the Brunswick suburb of Satilla Shores in February of last year. The third defendant, their neighbor William "Roddie" Bryan, joined the pursuit in his own truck and took cellphone video of Travis McMichael physically assailing and shooting Arbery at close range with a shotgun.

Despite the violent nature of the encounter, the Glynn County police department and its district attorney's office concealed the harrowing video for weeks and sought to whitewash the crime to protect the McMichaels. Several weeks went by before the McMichaels were finally arrested. A criminal indictment was eventually brought against Jackie Johnson, the initial DA involved in the case, for conspiring to cover up the murder. It was also revealed that Gregory McMichael had been a former law enforcement officer who worked with the Glynn County DA's office.

In one key exchange during this week's trial, a police investigator recounted a conversation he held with the elder McMichael at police headquarters a few hours after the shooting. Glynn County police Sgt. Roderic Nohilly told the jury that Gregory told him Arbery "wasn't out for no Sunday jog. He was getting the hell out of there."

According to a transcript of their recorded interview which Nohilly read in court, Gregory McMichael said that the defenseless victim "was trapped like a rat" after being run down by the father and son in their pickup truck. The transcript, reciting McMichael's statements, said further, "I think he was wanting to flee and he realized that something, you know, he was not going to get away." This is in reference to the defendants' claim that they recognized Arbery because he had been recorded by security cameras a few times inside a neighboring home under construction, provoking the chase to stop him from escaping the subdivision.

Defense attorneys say the McMichaels and Bryan were legally justified in their attempt to detain Arbery because they viewed him as a burglar. Gregory McMichael told police Travis McMichael fired at Arbery in self-defense, claiming the victim attacked Travis with his fists and tried to grab his shotgun. Prosecutors say the McMichaels and Bryan chased Arbery for five minutes before he was shot in the street after he ran past the McMichaels' idling truck. Prosecutor Linda Dunikoski described Arbery as an "avid runner" who lived just two miles from the Satilla Shores neighborhood where he was killed.

Stephan Lowrey, a Glynn County police investigator who had led the case, testified that police discovered Arbery's fingerprints by the truck's driver-side door, next to a dent in the body. Bryan said Arbery had tried to open the door. In an interview transcript Lowrey read in court, Bryan admits that he "didn't hit him" before saying, "Wish I would have. Might have taken him out and not get him shot."

In one revealing exchange, Lowrey underscored the degree of support local officials gave to the McMichaels' claims that Arbery was committing a crime for which the three defendants had tried to detain him. When the defendant's defense attorney Kevin Gough asked the investigator if he thought Bryan committed aggravated assault or any other "serious violent felony" with his truck, Lowrey replied, "No, that wasn't the way I interpreted it at the time." The response demonstrated agreement among local police that Bryan was only considered a witness, not a suspect, immediately following the shooting.

Other segments of his testimony highlighted how Glynn County police avoided making any arrest in the weeks following Arbery's shooting. Although Lowrey said his investigative unit had not closed the case when the Georgia Bureau of Investigation took it over in May, local officials remained distant from the proceedings. "It was still open but not getting much traction," Lowrey said before adding, "I think inactive was a fair summary."

Another resident of Satilla Shores who spoke in front of the court, Matthew Albenze, testified that he was splitting logs in his front yard on the day of the shooting when he saw Arbery

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enter the home under construction across the street. Albenze testified on Wednesday that he went inside his house and put a handgun in his pocket before he called police from behind a tree at the curb. Arbery left the house running toward the McMichaels' home while Albenze was on the phone. Albenze told the jury he called the police "non-emergency" number. Prosecutor Dunikoski asked Albenze why he hadn't called 911, to which Albenze replied, "I did not see an emergency."

During witness testimony on Wednesday, Police Sergeant Nohilly responded to one of Greg McMichael's attorneys, Frank Hogue, after the latter asked if raising a gun would be an appropriate response to a fleeing suspect who refused verbal commands to stop, an obvious reference to the McMichaels' demands to Arbery. "I don't just pull my gun," Nohilly said. Hogue then suggested to the sergeant, "At some point, if the person is going to attack you, you'll go ahead and use your weapon," to which Nohilly replied, "It depends on who is attacking me."

Hogue then asked Nohilly if he would fire his weapon if the attacker was trying to take his gun away. "At that point it might meet the threshold, yes," the police sergeant said. The aim of the defense attorney was to give the claim that Travis McMichael was justified in directing and ultimately firing his shotgun at Arbery credibility. This is despite the father and son duo instigating the conflict by chasing Arbery down, having armed themselves with the intent of detaining him.

On Friday, Glynn County police officer Robert Rash testified that he had planned to give Arbery a trespass warning for entering the under-construction home on more than one occasion. Rash had been communicating with the construction site's homeowner Larry English, who had sent him videos of Arbery on the property in the Satilla Shores neighborhood on four separate occasions. "Once we make contact with the person on the property, we explain to them the homeowner does not want them there, they have no legal reason to be there," Rash testified in the Glynn County courtroom.

Rash admitted on the stand that he had not yet known Arbery's identity and that there was no evidence that the victim had ever taken anything from the home. Rash's testimony confirms the explanation given by English at the time of the initial investigation following the murder. Lawyers for English's family released a statement reading, "Ahmaud did not take anything from the construction site" nor did he "cause any damage to the property. He remained for a brief period of time and was not instructed by anyone to leave but rather left on his own accord to continue his jog. Ahmaud's actions at this empty home under construction were in no way a felony under Georgia law."

Both the elder and younger McMichael were apparently shown surveillance video of Arbery walking around the half-built house by Rash himself, according to testimony from the local police officer. "Nobody seems to know who this kid is or where he's coming from," Rash told the two men at the time.

Significantly, the remarks made by the attorneys for English in May 2020 can be interpreted as a condemnation of the McMichaels for slaying Arbery. One of English's attorneys, Elizabeth Graddy, said in an official statement that the waterfront home would "forever be associated with this tragedy." Graddy said her client wanted to "correct the mistaken impression" that English had shared surveillance videos or other information about what had occurred at the property with the McMichaels before the shooting. The statement said further, "If the McMichaels are going to justify what they did, they are going to have to look elsewhere for help."

A public outcry erupted Wednesday after defense attorney Kevin Gough told Superior Court Judge Timothy Walmsley that he objected to "any more Black pastors" entering into the courtroom after spotting Democratic Party activist Reverend Al Sharpton sitting with the slain victim's family. Gough's supposed concern was that the case would serve as "a precedent … where we're going to bring high-profile members of the African American community into the courtroom to sit with the family during the trial in the presence of the jury."

Gough called the appearance of figures like Sharpton "intimidating" and "an attempt to pressure" the predominantly white jury. Explaining his reasoning further on Thursday, Gough said, "we don't want any more Black pastors coming in here … sitting with the victim's family, trying to influence the jurors in this case."

In the face of massive backlash against the racist comments, Gough was forced to walk back on his remarks and issue an apology. "I will let the court know that if my statements yesterday were overly broad, I will follow up with a more specific motion on Monday putting those concerns in the proper context," Gough said. "And my apologies to anyone who might have inadvertently been offended."

Sharpton released a statement rebuking the defense attorney, calling Gough's remarks a display of "arrogant insensitivity" and that the request to bar him or "any minister of the family's choice underscores the disregard for the value of the human life lost and the grieving of a family in need of spiritual and community support."

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