

Closing arguments presented in murder trial of the three men who killed Ahmaud Arbery

Kevin Reed**22 November 2021**

On Monday, the lead prosecutor and defense attorneys for the three white men on trial for the murder of 25-year-old African American Ahmaud Arbery in Brunswick, Georgia, on February 23, 2020, presented their closing arguments. A final prosecution rebuttal is set for Tuesday morning before the case goes to the jury.

Gregory McMichael, 67, his son Travis McMichael, 35, and William “Roddie” Bryan, 52, have been charged with multiple felonies including malice murder, aggravated assault and false imprisonment in the shooting of Arbery. While he was jogging through the Satilla Shores neighborhood near Brunswick—a coastal town 40 miles north of the Florida border—the three men followed Arbery in their pickup trucks, confronted him and then Travis McMichael shot him three times with a shotgun.

In her hour-long closing, Senior Assistant District Attorney for Cobb County Linda Dunikoski demolished the claims of the three defendants that they killed Arbery in self-defense during a citizen’s arrest.

The prosecutor said that the McMichaels and Bryan made the decision to attack Arbery because he was “a Black man running down the street,” not because he was a threat. Dunikoski also said “they shot and killed him. Not because he’s a threat to them, but because he wouldn’t stop and talk to them.”

She went on, “They assumed he must have committed some kind of crime. ... but for their decisions, but for their choices, Ahmaud Arbery would be alive today.”

Dunikoski then exposed the self-defense legal strategy of the killers, “They are going to try and convince you that Ahmaud Arbery was the attacker, that he was somehow threatening to them.”

The prosecutor went into the specifics of Georgia law

regarding self-defense, “you cannot claim self-defense under certain circumstances,” she said. There are three conditions where self-defense cannot be claimed, “If you are the initial unjustified aggressor, you don’t get to claim self-defense. If you are committing a felony against somebody, you don’t get to claim self-defense. And the third one is, if you provoke somebody so that they defend themselves against you. ...”

Dunikoski also reviewed the state law with regard to citizen’s arrest saying, “They are going to try and claim that this was a citizen’s arrest.” A private person may arrest someone if an offense is committed in their presence. However, the prosecutor noted that the defendants who killed Arbery said they were attempting to arrest him for crimes they did not witness themselves.

The McMichaels and Bryan were pursuing and detaining Arbery, they said, based on information they had from others that he had been involved in trespassing and loitering on private property in the neighborhood. They specifically claimed that Arbery matched the description of someone who had been seen in surveillance video at a construction site in the Satilla Shores neighborhood.

However, if they had immediate knowledge that Arbery had committed a crime, why did they want to stop and question him, the prosecutor asked. “Wanting to question Ahmaud demonstrates uncertainty. They don’t know what he’s done ... this is lack of immediate knowledge which is required to be a citizen’s arrest.”

Lastly, the prosecutor explained why all three of the men are guilty in the murder even though it was Travis McMichael who pulled the trigger on the shotgun at close range that killed Arbery. She noted that the three are “party to a crime” because they all encouraged and helped the younger McMichael commit the murder.

“Everybody involved is guilty. Advising and encouraging. Let’s get our guns and go after this guy. Everybody’s responsible,” Dunikoski said.

In closing, Dunikoski warned the jury, “They’re good defense attorneys. The state is so concerned that they will say that the victim started it. He was trapped like a rat, he had nowhere else to go. ... This was an attack on Ahmaud Arbery. They can’t claim self-defense under the law.”

In the closing arguments of the defense, attorney Jason Sheffield emphasized the law enforcement and Coast Guard background of Gregory McMichael. Sheffield used the video recorded by Bryan on his smartphone from his pickup truck to claim that Travis McMichael believed his life was in danger when he pulled the trigger—after he aimed his shotgun at Arbery, who ran toward McMichael in an effort to take the weapon from him.

Laura Hogue, attorney for the elder McMichael, went on an undisguised racist rant and said the McMichaels had a duty to catch Arbery who was a frightening burglar with “long dirty toenails,” a description that was derived from the victim’s autopsy report. Hogue, furthermore, claimed without proof that Arbery had an intent to steal from the construction site he had visited on multiple occasions.

Kevin Gough, attorney for Bryan, claimed that his client had nothing to do with the death of Arbery. He said, “Roddie Bryan is no vigilante” and that his presence at the scene had no impact on the death of Arbery even though it was clear from the evidence that he jumped in his pickup truck in order to contribute as a wingman for the McMichaels.

Gough even went so far as to claim that Bryan had been “guided by divine providence” and the “hand of God” to the scene so that the jury could have the most important evidence in the case: his cellphone video.

The self-defense claim in the Arbery trial follows close behind the not guilty verdict in the trial of Kyle Rittenhouse in Kenosha, Wisconsin, on Friday. After the teenage vigilante shot to death two men and injured a third in Kenosha during police violence protests on August 25, 2020, a campaign was launched by the far right to lionize Rittenhouse as a hero of self-defense.

In that trial, the fascist sympathizing Judge Bruce Schroeder blocked any discussion of the shooter’s political and ideological motivations for volunteering

as a member of a militia group and walking the streets of Kenosha with an AR-15 style assault rifle loaded with 30 rounds, 8 of which he fired against supporters of the protests.

During the closing arguments in Kenosha, the prosecutor presented similar legal reasons for a guilty verdict against Rittenhouse, that self-defense does not apply when the shooter provokes the violence for which he has been charged. Even though the prosecutor said, “You lose the right to self-defense when you’re the one who brought the gun, when you’re the one creating the danger, when you’re the one provoking other people,” Judge Schroeder gave the jury instructions that dismissed any of these considerations from the self-defense claims of Rittenhouse.



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