

Federal hate crimes trial begins for men who murdered Ahmaud Arbery

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15 February 2022

The federal hate crimes trial of the three killers of 25-year-old African-American jogger Ahmaud Arbery began with opening statements on Monday and testimony on Tuesday in US district court in Savannah, Georgia before Judge Lisa Godbey Wood.

The three white men—Gregory McMichael, 66, Travis McMichael, 36, and William “Roddie” Bryan, 52—were convicted of murdering Arbery by a majority-white jury in a state criminal trial on November 24 and were sentenced to life in prison by Georgia Judge Timothy Walmsley six weeks later.

The federal indictment against the men was filed by the US Justice Department on April 28, 2021, and included charges of interference with rights, attempted kidnapping and using a firearm during a crime of violence.

The indictment states that on February 20, 2020, “as Arbery was running on a public street in the Satilla Shores neighborhood of Brunswick, Georgia,” Travis McMichael and his father Gregory McMichael, “armed themselves with firearms, got into a truck, and chased Arbery through the public streets of the neighborhood while yelling at Arbery, using their truck to cut off his route, and threatening him with firearms.”

At the same time, Bryan, a neighbor of the McMichaels, also “got into a truck and chased Arbery through the public streets of the neighborhood and used his truck to cut off Arbery’s route.” These actions led to the fatal shooting of the unarmed Arbery by Travis McMichael with a Remington shotgun at close range.

The charge of “interference with rights” requires prosecutors to prove to the jury that Arbery’s killers were motivated by racism. It states that the men “while aiding and abetting one another, did willfully, by force and threat of force, injure, intimidate, and interfere with Ahmaud Arbery, an African American man, because of

Arbery’s race and color ...”

In her opening statement, Justice Department civil rights attorney Bobbi Bernstein said that conviction of the men, “does not require proof of hate,” but instead requires proof that “the defendants acted because of race ... meaning in this case, the defendants made assumptions about Ahmaud based on the color of his skin.”

She went on, “At the end of the day, the evidence in this case will prove that if Ahmaud Arbery had been white, he would have gone for a jog, checked out a house under construction and been home in time for Sunday supper. Instead, he went out for a jog, and he ended up running for his life. Instead, he ended up bleeding to death, alone and scared, in the middle of the street.”

Prosecutor Bernstein then reviewed the five-minute chase through the neighborhood before Arbery was murdered. She exposed the justifications given to law enforcement by Gregory McMichael, a former police officer, for chasing down and shooting Arbery as false. He had claimed that Arbery broke into multiple houses in the neighborhood “over and over” and had probably stolen a gun from his son’s truck.

Bernstein then presented evidence, taken from social media posts and other electronic communications, that the men held racist views. She showed that Travis McMichael referred to black people as “animals,” “criminals,” “monkeys,” “subhuman savages” and “niggers.” She said that a former colleague of Gregory McMichael will testify that he said, following the death in 2015 of civil rights leader Julian Bond, “Those blacks are all nothing but trouble.”

Finally, the federal prosecutor said that days before the murder of Arbery, Bryan had used a racial slur when referring to a black man that was dating his

daughter and called him a “monkey.”

The lawyers representing the defendants each in their own way attempted to dismiss the evidence of racist views expressed by their clients and, at the same time, argue that the actions of Arbery’s killers were reasonable and justified.

A.J. Balbo, representing Gregory McMichael, acknowledged that his client had used racial epithets, but they occurred 15 to 20 years ago and played no role in the shooting of Arbery. Balbo said the elder McMichael did not racially profile Arbery or make assumptions based on his race but was motivated by legitimate concerns about a series of break-ins in the neighborhood. Using the language of law enforcement, the attorney said his client had “probable cause” for his actions that day.

The lawyer for Travis McMichael, Amy Lee Copeland, said that despite the “ugly statements” of her client, he was not guilty of a federal hate crime. She said the jury should consider the context of the racist statements of the younger McMichael and ask if they were connected to any specific acts. Like his father, the lawyer said that Travis was concerned about crime in the neighborhood and was trying to be a “good neighbor.”

J. Pete Theodocion, representing Bryan, said his client had assumed that Arbery might have done something “tremendously serious” when he saw the black man being pursued by the McMichaels and would have chased him “whether he was white, Hispanic or Asian.” Theodocion made the claim that Bryan, who had recorded portions of the chase and the shooting on his smart phone, had driven his truck into Arbery to cut him off and force him into a ditch because he was trying to get video evidence in case it turned out that the jogger had committed a serious crime.

Government witness testimony began on Tuesday morning with Dan Allcott, a physical therapist that lived in the Satilla Shores neighborhood and was at home with his wife and daughter on the day of Arbery’s murder. Questioned by US Attorney Tara Lyons, Allcott said he had heard about break-ins in the subdivision, but “I didn’t feel particularly threatened by it.”

Allcott described what he saw in front of his home that afternoon, saying, “It’s an unfortunate and pretty

memorable day for me. I’ve never seen anything like that before.” He went on to say that he watched and listened as the three men were questioned by police after the shooting. The Allcott’s yard became a crime scene with shell casings and blood on the grass near the road.

The witness said that Travis McMichael sat on a raised flower bed in his yard while Gregory McMichael called someone on his phone while Arbery lay dead in the road. Allcott said, “I was surprised he was allowed to make a phone call from the scene.” He also said that none of the men seemed terribly concerned about Arbery’s death.

The jury also heard testimony from the neighbor who called the police after seeing Arbery enter a home construction site in the neighborhood that day. Matt Albenze said he did not call 911 because “it wasn’t an emergency-type situation. It was just a fellow in the house.” When prosecutor Bernstein asked Albenze why he did not pull the pistol he had in his pocket as he called the non-emergency line and did not chase Arbery as he proceeded on his jog through the neighborhood, the witness replied, “Not my job.”

Tuesday afternoon jurors were presented with Bryan’s smartphone video and an animated recreation of Arbery’s final minutes as he was chased down by the defendants in their pickup trucks and shot along with testimony from Georgia Bureau of Investigation lead investigator Richard Dial. Significantly, jurors saw video of the police interviews of the McMichaels at the scene and, later on, with Glynn County detectives. Neither of these concluded with the arrest of the two men.

The 12-person jury consists of eight white, three black and one Hispanic jurors. Testimony will continue Wednesday.



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