IN THE SUPERIOR COURT OF DECATUR COUNTY

STATE OF GEORGIA

THE STATE OF GEORGIA	Criminal Action
	Case Number 14CR-00168
Versus	
Bryan Lamar Harrell	

PRO SE MOTION

The Defendant, BRYAN LAMAR HARRELL, respectfully requests that the Honorable Court grant an order to vacate and set-aside the "Guilty" plea previously entered by this Court on October 14, 2014.

My previous plea of "Guilty" was erroneously offered to the Court in response to the following merged criminal counts:

A. 'Homicide by Vehicle in the First' degree, on the date of March 6, 2012.
B. 'Reckless Driving' on the date of March 6, 2012.

The above merged counts were proposed by inaccurate and false allegations relating to a highway traffic accident of March 6, 2012.

Contrary to counts A & B, and contrary to assertions made at my plea hearing of October 14, 2014, both on the record and off, the accident in-question was completely survivable, and further, my actions were not the cause of death. In truth the collision of March 6, 2012 had provoked known mechanical failures, which had previously resulted in foreseeable but avoidable death. In numerous previous accidents, a true death cause had been connected to mechanical failures, caused by a design flaw contained in the 1999 Jeep Grand Cherokee vehicle, where the death victim of March 6, 2012 was a passenger. This design flaw was previously deemed a death-cause by auto safety experts. This was unknown to me. This "safety defect" was later unanimously found as the true cause of death in the March 6, 2012 accident (Civil Action 12CV472 of April 2, 2015). That is, the Bainbridge, Georgia jury had adjudicated that a safety defect was the true cause of death, but this verdict occurred after my ill-advised and erroneous plea of October 14, 2014.

In support of this *pro se* motion, the undersigned defendant now states and affirms:

1. Regarding the tragic death of March 6, 2012, the undersigned never had any intent to do harm, and the undersigned has not even been accused of intent to do harm.

2. Regarding the accident of March 6, 2012, the undersigned did not leave the scene, and in truth did everything humanly possible to assist with the victims of that accident; my behavior was witnessed by many unbiased observers.

3. Contrary to the assertions and innuendoes made at the plea hearing of October 14, 2014, I did not receive any traffic citations at the scene of the accident of March 6, 2012. At no later time leading up to the plea hearing did I receive any traffic citations of any kind from any law enforcement or police personnel. For example, I never received a citation for 'reckless driving.' I have never paid any traffic fines relating to the accident of March 6, 2012.

4. The tragic death that occurred on March 6, 2012 was not the result of the collision between the front of my vehicle and the rear of the1999 Jeep Grand Cherokee; the collision provoked a safety defect, and that defect was the cause of death. The autopsy, which was available but not shared with me or the Court at the plea hearing, states that fire was the cause of the death, not the collision *per se*. Had the Jeep Grand Cherokee not contained a fuel system safety defect, and had a competent design avoided the foreseeable fire, all involved would have survived.

5. My original plea of "guilty" was entered under deep emotional duress,

6. My original plea of "guilty" was entered under Bainbridge-area social duress,

7. My original plea of "guilty" was entered under legal duress, a result of grossly inadequate defense lawyer representation and advice,

8. My original plea of "guilty" was entered under duress derived from my ignorance of major exculpatory evidence, especially as such related to the first merged count: Homicide by Vehicle in the First degree. Had I been aware of this exculpatory evidence, I would not have submitted to a "negotiated" plea, and instead I would have vigorously sought the due process of a trial-by-jury.

9. My original plea of “guilty” was entered under duress resulting from the fact that exculpatory evidence, which was knowable or known-to both the District Attorney for the South Georgia Judicial Court *and* my defense counsel, was never proffered to the Court. This exculpatory evidence was at the disposal of the District Attorney at times prior to, during, and now subsequent to the undersigned’s arraignment; the latter especially in light of Civil Action 12CV472 (Walden v FCA).

10. My plea of “guilty” was entered on October 14, 2014 under duress derived from my ignorance of the direct prior investigation efforts (mere days after the March 6, 2012 accident), by the nationally recognized expert and Automotive Safety Consultant Mr. Paul V. Sheridan, whose brief in support of this *pro se* motion is attached.

The undersigned respectfully apologizes for the burden placed upon the Honorable Court, but pleads that this *pro se* motion be the subject of an open hearing. I plead that the Honorable Court schedule a hearing at its convenience, wherein the injustice of the false accusations of the merged criminal counts A&B above, and wherein the ongoing injustice of my incarceration can be legally and properly remedied.

Please know that the undersigned thanks the Honorable Court in-advance:

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Mr. Bryan L. Harrell

In the care of:

Ms. Christina E. Small
140 Riverchase Drive
Bainbridge Georgia 39819
229-726-9101

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Certificate of Service

I hereby certify that I have mailed a copy of this motion to:

Mr. Joseph K. Mulholland
District Attorney
South Georgia Judicial Court
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