



FILED  
Jun 18 2024

BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS

THE BOARD of DISCIPLINARY APPEALS  
Appointed by the Supreme Court of Texas

IN THE MATTER OF  
KENNETH J. CHESEBRO  
STATE BAR CARD NO. 04184400

§  
§  
§

CAUSE NO. 69583

**PETITION FOR COMPULSORY DISCIPLINE**

**TO THE BOARD OF DISCIPLINARY APPEALS:**

The Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against attorney Kenneth J. Chesebro (hereinafter called "Respondent"), showing as follows:

1. This action is commenced by the Commission pursuant to Part VIII of the Texas Rules of Disciplinary Procedure. The Commission is also providing Respondent a copy of this Board's procedures for handling a compulsory discipline matter by attaching a copy of such procedures to this petition.

2. Respondent, Kenneth J. Chesebro, may be served with a true and correct copy of this Petition for Compulsory Discipline, its attachments, as well as a notice of hearing, at Kenneth J. Chesebro, 86 Lakeside Villas, Vega Alta, Puerto Rico 00692.

3. On or about August 14, 2023, Respondent was charged by Indictment (Exhibit 1) in Cause No. 23SC188947, styled *The State of Georgia v. Donald John Trump, Rudolph William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith, III, Robert David Cheeley, Michael A. Roman, David James Shafer, Shawn Micah Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham Hall, Misty Hampton AKA Emily Misty Hayes*, in the Fulton County Superior Court, with Count 1 – Violation of the Georgia Rico (Racketeer Influenced and Corrupt Organizations) Act O.C.G.A.

§ 16-14-4(c); Count 9 – Conspiracy to Commit Impersonating a Public Officer O.C.G.A. §§ 16-4-8 & 16-10-23; Count 11 – Conspiracy to Commit Forgery in the First Degree O.C.G.A. §§ 16-4-8 & 16-9-1(b); Count 13 – Conspiracy to Commit False Statements and Writings O.C.G.A. §§ 16-4-8 & 16-10-20; Count 15 – Conspiracy to Commit Filing False Documents O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1); Count 17 – Conspiracy to Commit Forgery in the First Degree O.C.G.A. §§ 16-4-8 & 16-9-1(b); and Count 19 – Conspiracy to Commit False Statements and Writings O.C.G.A. §§ 16-4-8 & 16-10-20.

4. On or about October 20, 2023, Respondent signed the Indictment/Waiver (Exhibit 2) in Cause No. 23SC188947, styled *The State of Georgia v. Donald John Trump, Rudolph William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith, III, Robert David Cheeley, Michael A. Roman, David James Shafer, Shawn Micah Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham Hall, Misty Hampton AKA Emily Misty Hayes*, in the Fulton Superior Court, which states the Defendant waives a copy of indictment, list of witnesses, formal arraignment and pleads Guilty to Count 15 [Count 15 – Conspiracy to Commit Filing False Documents O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1)].

5. On or about October 20, 2023, a Plea of Guilty (Exhibit 3) was entered in Indictment No. 23SC188947; styled *State of Georgia vs. Kenneth Chesebro*, in the Superior Court of Fulton County, State of Georgia, wherein Responded pleaded guilty to the charge of Count 15.

6. On or about October 23, 2023, a Final Disposition Judgment (Exhibit 4) was entered in Criminal Action #: 23SC188947; styled *State of Georgia vs. Kenneth John Chesebro*, in the Superior Court of Fulton County, State of Georgia, wherein Respondent pleaded guilty to

Count 15 – Conspiracy to Commit Filing False Documents O.C.G.A. § 16-4-8; Count 17 – Conspiracy to Commit Forgery in the First Degree O.C.G.A. § 16-4-8. Respondent was sentenced for a total of FIVE (5) YEARS to be served on probation. Other conditions of probation imposed on Respondent included: 1) Defendant shall perform 100 hours of communitu[sic] service; 2) Defendant shall pay a fine of \$5000 to the Secretary of State; 3) Defendant shall write an apology letter to the citizens of the State of Georgia; 4) Defendant shall testify truthfully at all hearings or trials involving the co-defendants in this matter; 5) Defendant shall no communication with co-defendants, witnesses, or media until all cases have been closed; 6) the Defendant must do a full, recorded proffer with the State and continue to provide any requested documents or evidence subject to any lawful privileges asseted in good faith; 7) State and Defense agree that count 15 is not a crime of moral turpitude.

7. Attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein, are true and correct copies of the following documents in the Chesebro criminal case: 1) Indictment (Exhibit 1) in Cause No. 23SC188947, styled *The State of Georgia v. Donald John Trump, Rudolph William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith, III, Robert David Cheeley, Michael A. Roman, David James Shafer, Shawn Micah Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham Hall, Misty Hampton AKA Emily Misty Hayes*, in the Fulton County Superior Court; 2) Respondent's signed Indictment/Waiver (Exhibit 2) in Cause No. 23SC188947, styled *The State of Georgia v. Donald John Trump, Rudolph William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith, III, Robert David Cheeley, Michael A.*

*Roman, David James Shafer, Shawn Micah Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham Hall, Misty Hampton AKA Emily Misty Hayes*, in the Fulton Superior Court; 3) Plea of Guilty filed on October 20, 2023 (Exhibit 3), in Indictment No. 23SC188947; styled *State of Georgia vs. Kenneth Chesebro*, in the Superior Court of Fulton County, State of Georgia; and 4) Final Disposition Judgment (Exhibit 4) filed on October 23, 2023, Criminal Action #: 23SC188947, styled *State of Georgia vs. Kenneth John Chesebro*, in the Superior Court of Fulton County, State of Georgia. The Commission expects to introduce certified copies of all exhibits at the time of hearing of this cause.

8. Respondent, Kenneth J. Chesebro, whose bar card number is 04184400, is the same person as the Kenneth John Chesebro who is the subject of the Indictment, Signed Indictment/Waiver, Plea of Guilty, and Final Disposition Judgment described above, true and correct copies of which are attached hereto.

9. Attached hereto as Exhibit 5 and made a part hereof for all intents and purposes as if the same were copied verbatim herein is a true and correct copy of an affidavit of Amanda M. Kates, Attorney of Record for the Commission herein, attesting to the fact that Respondent is the same person as the person who is the subject of the Final Disposition Judgment entered in the Chesebro criminal case. The Commission expects to introduce the original of said affidavit at the time of hearing of this cause.

10. The offense for which Respondent was convicted is an intentional crime as defined by Rule 1.06(V), Texas Rules of Disciplinary Procedure. It is also a serious crime as defined by Rule 1.06(GG), Texas Rules of Disciplinary Procedure.

11. The above-referenced offense to which Respondent pled guilty is an Intentional Crime (as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure), as each such offense is also a Serious Crime (as defined by Rule 1.06(GG), Texas Rules of Disciplinary Procedure) that requires knowledge or intent as an essential element. Specifically, a Serious Crime is defined as "barratry; any felony involving moral turpitude; any misdemeanor involving theft; embezzlement, or fraudulent or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes." TEX. RULES DISCIPLINARY P.R. 1.06(GG).

12. Having pled guilty to one or more Intentional & Serious Crime and having been placed on FIVE (5) YEARS probation, Respondent is subject to compulsory discipline as provided in Part VIII, Texas Rules of Disciplinary Procedure.

#### PRAYER

WHEREFORE, PREMISES CONSIDERED, the Commission prays that Respondent be given notice of these proceedings as provided by law and, upon hearing of this matter, that the Board enter an order imposing compulsory discipline on Respondent, and for such other and further relief to which the Commission may be entitled to receive, including costs of court and attorney's fees.

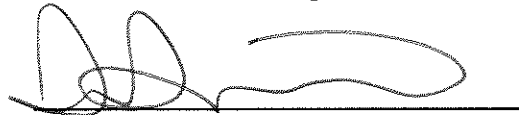
Respectfully submitted,

**Seana Willing**  
Chief Disciplinary Counsel

**Royce Lemoine**  
Deputy Counsel for Administration/  
Austin Regional Counsel

**Amanda M. Kates**  
Assistant Disciplinary Counsel  
Office of the Chief Disciplinary Counsel

STATE BAR OF TEXAS  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711-2487  
Telephone: 512.427.1350  
Facsimile: 512.427.4253  
Email: amanda.kates@texasbar.com

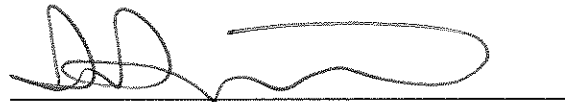


**Amanda M. Kates**

State Bar Card No. 24075987

**CERTIFICATE OF SERVICE**

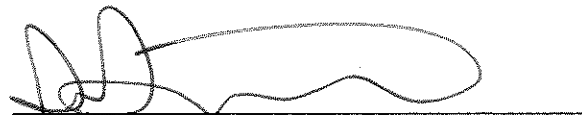
I hereby certify that a true and correct copy of the foregoing instrument has been sent for personal service on Kenneth J. Chesebro, 86 Lakeside Villas, Vega Alta, Puerto Rico 00692, on this 18<sup>th</sup> day of June, 2024.



Amanda M. Kates

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that a trial on the merits of the Petition for Compulsory Discipline heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at 9:00 a.m. on the 26th day of July, 2024. The hearing location and format (in-person vs virtual) are subject to change based on conditions related to the COVID-19 pandemic. The Board of Disciplinary Appeals will notify the parties of any changes to the hearing location or format.



Amanda M. Kates

Fulton County Superior Court

INDICTMENT

\*\*FILED\*\* CA

Date: August 14, 2023

Che Alexander, Clerk of Court

Clerk No.

23SC188947

FULTON SUPERIOR COURT

**THE STATE OF GEORGIA**

**V.**

**DONALD JOHN TRUMP**

Counts 1, 5, 9, 11, 13, 15, 17, 19,  
27-29, 38-39

**RUDOLPH WILLIAM LOUIS  
GIULIANI**

Counts 1-3, 6-7, 9, 11, 13, 15, 17, 19,  
23-24

**JOHN CHARLES EASTMAN**

Counts 1-2, 9, 11, 13, 15, 17, 19, 27

**MARK RANDALL MEADOWS**

Counts 1, 28

**KENNETH JOHN CHESEBRO**

Counts 1, 9, 11, 13, 15, 17, 19

**JEFFREY BOSSERT CLARK**

Counts 1, 22

**JENNA LYNN ELLIS**

Counts 1-2

**RAY STALLINGS SMITH III**

Counts 1-2, 4, 6, 9, 11, 13, 15, 17, 19,  
23, 25

**ROBERT DAVID CHEELEY**

Counts 1, 9, 11, 13, 15, 17, 19, 23, 26,  
41

**MICHAEL A. ROMAN**

Counts 1, 9, 11, 13, 15, 17, 19

**DAVID JAMES SHAFER**

Counts 1, 8, 10, 12, 14, 16, 18, 40

**1 VIOLATION OF THE GEORGIA RICO  
(RACKETEER INFLUENCED AND CORRUPT  
ORGANIZATIONS) ACT**

O.C.G.A. § 16-14-4(c)

**2 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**

O.C.G.A. §§ 16-4-7 & 16-10-1

**3 FALSE STATEMENTS AND WRITINGS**

O.C.G.A. § 16-10-20

**4 FALSE STATEMENTS AND WRITINGS**

O.C.G.A. § 16-10-20

**5 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**

O.C.G.A. §§ 16-4-7 & 16-10-1

**6 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**

O.C.G.A. §§ 16-4-7 & 16-10-1

**7 FALSE STATEMENTS AND WRITINGS**

O.C.G.A. § 16-10-20

**8 IMPERSONATING A PUBLIC OFFICER**

O.C.G.A. § 16-10-23

**9 CONSPIRACY TO COMMIT  
IMPERSONATING A PUBLIC OFFICER**

O.C.G.A. §§ 16-4-8 & 16-10-23

**10 FORGERY IN THE FIRST DEGREE**

O.C.G.A. § 16-9-1(b)

**11 CONSPIRACY TO COMMIT  
FORGERY IN THE FIRST DEGREE**

O.C.G.A. §§ 16-4-8 & 16-9-1(b)

EXHIBIT

1

<b>SHAWN MICAH TRESHER STILL</b> Counts 1, 8, 10, 12, 14, 16, 18	<b>12 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20
<b>STEPHEN CLIFFGARD LEE</b> Counts 1, 20-21, 30-31	<b>13 CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. §§ 16-4-8 & 16-10-20
<b>HARRISON WILLIAM PRESCOTT FLOYD</b> Counts 1, 30-31	<b>14 CRIMINAL ATTEMPT TO COMMIT FILING FALSE DOCUMENTS</b> O.C.G.A. §§ 16-4-1 & 16-10-20.1(b)(1)
<b>TREVIAN C. KUTTI</b> Counts 1, 30-31	<b>15 CONSPIRACY TO COMMIT FILING FALSE DOCUMENTS</b> O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1)
<b>SIDNEY KATHERINE POWELL</b> Counts 1, 32-37	<b>16 FORGERY IN THE FIRST DEGREE</b> O.C.G.A. § 16-9-1(b)
<b>CATHLEEN ALSTON LATHAM</b> Counts 1, 8, 10, 12, 14, 32-37	<b>17 CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE</b> O.C.G.A. §§ 16-4-8 & 16-9-1(b)
<b>SCOTT GRAHAM HALL</b> Counts 1, 32-37	<b>18 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20
<b>MISTY HAMPTON AKA EMILY MISTY HAYES</b> Counts 1, 32-37	<b>19 CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. §§ 16-4-8 & 16-10-20
	<b>20 CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b> O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)
	<b>21 CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b> O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)
	<b>22 CRIMINAL ATTEMPT TO COMMIT FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. §§ 16-4-1 & 16-10-20
	<b>23 SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b> O.C.G.A. §§ 16-4-7 & 16-10-1
	<b>24 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20
	<b>25 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20

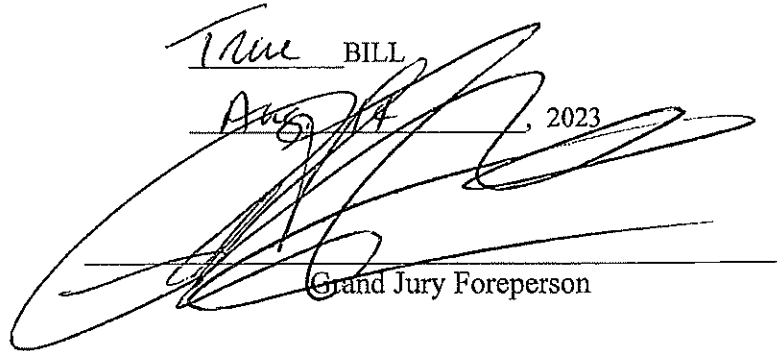
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- 26 FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
- 27 FILING FALSE DOCUMENTS**  
O.C.G.A. § 16-10-20.1(b)(1)
- 28 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**  
O.C.G.A. §§ 16-4-7 & 16-10-1
- 29 FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
- 30 CONSPIRACY TO COMMIT SOLICITATION OF  
FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. §§ 16-4-8, 16-4-7 & 16-10-20
- 31 INFLUENCING WITNESSES**  
O.C.G.A. § 16-10-93(b)(1)(A)
- 32 CONSPIRACY TO COMMIT ELECTION FRAUD**  
O.C.G.A. §§ 21-2-603 & 21-2-566
- 33 CONSPIRACY TO COMMIT ELECTION FRAUD**  
O.C.G.A. §§ 21-2-603 & 21-2-574
- 34 CONSPIRACY TO COMMIT  
COMPUTER THEFT**  
O.C.G.A. §§ 16-4-8 & 16-9-93(a)
- 35 CONSPIRACY TO COMMIT  
COMPUTER TRESPASS**  
O.C.G.A. §§ 16-4-8 & 16-9-93(b)
- 36 CONSPIRACY TO COMMIT  
COMPUTER INVASION OF PRIVACY**  
O.C.G.A. §§ 16-4-8 & 16-9-93(c)
- 37 CONSPIRACY TO DEFRAUD THE STATE**  
O.C.G.A. § 16-10-21
- 38 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**  
O.C.G.A. §§ 16-4-7 & 16-10-1
- 39 FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
- 40 FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
-

**41 PERJURY**

O.C.G.A. § 16-10-70(a)

True BILL  
Aug 14, 2023  
  
Grand Jury Foreperson

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**FANI T. WILLIS, District Attorney**

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The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads \_\_\_\_\_ Guilty.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Assistant District Attorney

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Assistant District Attorney

This \_\_\_\_ day of \_\_\_\_\_,

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads \_\_\_\_\_ Guilty.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Assistant District Attorney

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\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Assistant District Attorney

This \_\_\_\_ day of \_\_\_\_\_,

**STATE OF GEORGIA, COUNTY OF FULTON**

**IN THE SUPERIOR COURT OF SAID COUNTY**

**THE GRAND JURORS**, selected, chosen, and sworn for the County of Fulton, to wit:

1. ROBERT WELLS, Foreperson
2. ASHLEY MELVIN, Asst. FP
- ~~3. CHARISSA BRYAN, Secretary~~
4. JULIA DECREDICO, Asst. Sec.
5. ERLE ARNOLD
6. DANIELLE BROWN
7. CAROL DICK
8. KATHY GOLD
9. WILLIS HARDY
10. BRENDA HART
11. ANTIONETTE HUDSON
12. ILE LIN
13. MAX MORTENSEN

14. GREGORY PETRALIA
15. JENNIFER PRICE
16. GEORGE PRINGLE
17. PAVAN PULAVARTY
18. FRANEEN SARIF
19. EMMA ST. JOHN
20. VLADIMIR TCHAKAROV
21. CEDRIC TRICE
22. ESTHER UDOJI
23. MARCUS WELBORN
- ~~24. JASMINE CASTRO~~
25. KATHLEEN CHEN
- ~~26. CHRISTOPHER SUTTON~~

## TABLE OF CONTENTS

<b>COUNT 1:</b>	<b>VIOLATION OF THE GEORGIA RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS) ACT</b>	
	O.C.G.A. § 16-14-4(c) .....	13
	Introduction.....	14
	The Enterprise.....	15
	Manner and Methods of the Enterprise.....	16
	Acts of Racketeering Activity and Overt Acts in Furtherance of the Conspiracy .....	20
<b>COUNT 2:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1 .....	72
<b>COUNT 3:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	72
<b>COUNT 4:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	73
<b>COUNT 5:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER,</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1 .....	74
<b>COUNT 6:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1 .....	74
<b>COUNT 7:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	75
<b>COUNT 8:</b>	<b>IMPERSONATING A PUBLIC OFFICER</b>	
	O.C.G.A. § 16-10-23.....	76
<b>COUNT 9:</b>	<b>CONSPIRACY TO COMMIT IMPERSONATING A PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-8 & 16-10-23.....	76
<b>COUNT 10:</b>	<b>FORGERY IN THE FIRST DEGREE</b>	
	O.C.G.A. § 16-9-1(b) .....	77
<b>COUNT 11:</b>	<b>CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE</b>	
	O.C.G.A. §§ 16-4-8 & 16-9-1(b) .....	77
<b>COUNT 12:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	78
<b>COUNT 13:</b>	<b>CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. §§ 16-4-8 & 16-10-20.....	78



<b>COUNT 14:</b>	<b>CRIMINAL ATTEMPT TO COMMIT FILING FALSE DOCUMENTS</b>	
	O.C.G.A. §§ 16-4-1 & 16-10-20.1(b)(1) .....	79
<b>COUNT 15:</b>	<b>CONSPIRACY TO COMMIT FILING FALSE DOCUMENTS</b>	
	O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1) .....	79
<b>COUNT 16:</b>	<b>FORGERY IN THE FIRST DEGREE</b>	
	O.C.G.A. § 16-9-1(b) .....	80
<b>COUNT 17:</b>	<b>CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE</b>	
	O.C.G.A. §§ 16-4-8 & 16-9-1(b) .....	80
<b>COUNT 18:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20 .....	81
<b>COUNT 19:</b>	<b>CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. §§ 16-4-8 & 16-10-20 .....	81
<b>COUNT 20:</b>	<b>CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b>	
	O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A) .....	82
<b>COUNT 21:</b>	<b>CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b>	
	O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A) .....	82
<b>COUNT 22:</b>	<b>CRIMINAL ATTEMPT TO COMMIT FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. §§ 16-4-1 & 16-10-20 .....	83
<b>COUNT 23:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1 .....	84
<b>COUNT 24:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20 .....	84
<b>COUNT 25:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20 .....	85
<b>COUNT 26:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20 .....	85
<b>COUNT 27:</b>	<b>FILING FALSE DOCUMENTS</b>	
	O.C.G.A. § 16-10-20.1(b)(1) .....	86
<b>COUNT 28:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1 .....	87

<b>COUNT 29: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20.....	88
<b>COUNT 30: CONSPIRACY TO COMMIT SOLICITATION OF FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. §§ 16-4-8, 16-4-7, & 16-10-20 .....	89
<b>COUNT 31: INFLUENCING WITNESSES</b>	
O.C.G.A. § 16-10-93(b)(1)(A).....	89
<b>COUNT 32: CONSPIRACY TO COMMIT ELECTION FRAUD</b>	
O.C.G.A. §§ 21-2-603 & 21-2-566.....	90
<b>COUNT 33: CONSPIRACY TO COMMIT ELECTION FRAUD</b>	
O.C.G.A. §§ 21-2-603 & 21-2-574.....	91
<b>COUNT 34: CONSPIRACY TO COMMIT COMPUTER THEFT</b>	
O.C.G.A. §§ 16-4-8 & 16-9-93(a) .....	92
<b>COUNT 35: CONSPIRACY TO COMMIT COMPUTER TRESPASS</b>	
O.C.G.A. §§ 16-4-8 & 16-9-93(b) .....	93
<b>COUNT 36: CONSPIRACY TO COMMIT COMPUTER INVASION OF PRIVACY</b>	
O.C.G.A. §§ 16-4-8 & 16-9-93(c) .....	94
<b>COUNT 37: CONSPIRACY TO DEFRAUD THE STATE</b>	
O.C.G.A. § 16-10-21.....	95
<b>COUNT 38: SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
O.C.G.A. §§ 16-4-7 & 16-10-1.....	95
<b>COUNT 39: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20.....	96
<b>COUNT 40: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20.....	96
<b>COUNT 41: PERJURY</b>	
O.C.G.A. § 16-10-70(a).....	97

**COUNT 1 of 41**

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do hereby charge and accuse:

**DONALD JOHN TRUMP,  
RUDOLPH WILLIAM LOUIS GIULIANI,  
JOHN CHARLES EASTMAN,  
MARK RANDALL MEADOWS,  
KENNETH JOHN CHESEBRO,  
JEFFREY BOSSERT CLARK,  
JENNA LYNN ELLIS,  
RAY STALLINGS SMITH III,  
ROBERT DAVID CHEELEY,  
MICHAEL A. ROMAN,  
DAVID JAMES SHAFER,  
SHAWN MICAH TRESHER STILL,  
STEPHEN CLIFFGARD LEE,  
HARRISON WILLIAM PRESCOTT FLOYD,  
TREVIAN C. KUTTI,  
SIDNEY KATHERINE POWELL,  
CATHLEEN ALSTON LATHAM,  
SCOTT GRAHAM HALL, and  
MISTY HAMPTON**

with the offense of **VIOLATION OF THE GEORGIA RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS) ACT, O.C.G.A. § 16-14-4(c)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the State of Georgia and County of Fulton, on and between the **4th day of November 2020 and the 15th day of September 2022**, while associated with an enterprise, unlawfully conspired and endeavored to conduct and participate in, directly and indirectly, such enterprise through a pattern of racketeering activity in violation of **O.C.G.A. § 16-14-4(b)**, as described below and incorporated by reference as if fully set forth herein, contrary to the laws of said State, the good order, peace, and dignity thereof;

## **INTRODUCTION**

Defendant Donald John Trump lost the United States presidential election held on November 3, 2020. One of the states he lost was Georgia. Trump and the other Defendants charged in this Indictment refused to accept that Trump lost, and they knowingly and willfully joined a conspiracy to unlawfully change the outcome of the election in favor of Trump. That conspiracy contained a common plan and purpose to commit two or more acts of racketeering activity in Fulton County, Georgia, elsewhere in the State of Georgia, and in other states.

## **THE ENTERPRISE**

At all times relevant to this Count of the Indictment, the Defendants, as well as others not named as defendants, unlawfully conspired and endeavored to conduct and participate in a criminal enterprise in Fulton County, Georgia, and elsewhere. Defendants Donald John Trump, Rudolph William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith III, Robert David Cheeley, Michael A. Roman, David James Shafer, Shawn Micah Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham Hall, Misty Hampton, unindicted co-conspirators Individual 1 through Individual 30, and others known and unknown to the Grand Jury, constituted a criminal organization whose members and associates engaged in various related criminal activities including, but not limited to, false statements and writings, impersonating a public officer, forgery, filing false documents, influencing witnesses, computer theft, computer trespass, computer invasion of privacy, conspiracy to defraud the state, acts involving theft, and perjury.

This criminal organization constituted an enterprise as that term is defined in O.C.G.A. § 16-14-3(3), that is, a group of individuals associated in fact. The Defendants and other members and associates of the enterprise had connections and relationships with one another and with the enterprise. The enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise operated in Fulton County, Georgia, elsewhere in the State of Georgia, in other states, including, but not limited to, Arizona, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin, and in the District of Columbia. The enterprise operated for a period of time sufficient to permit its members and associates to pursue its objectives.

## **MANNER AND METHODS OF THE ENTERPRISE**

The manner and methods used by the Defendants and other members and associates of the enterprise to further the goals of the enterprise and to achieve its purposes included, but were not limited to, the following:

### **1. False Statements to and Solicitation of State Legislatures**

Members of the enterprise, including several of the Defendants, appeared at hearings in Fulton County, Georgia, before members of the Georgia General Assembly on December 3, 2020, December 10, 2020, and December 30, 2020. At these hearings, members of the enterprise made false statements concerning fraud in the November 3, 2020, presidential election. The purpose of these false statements was to persuade Georgia legislators to reject lawful electoral votes cast by the duly elected and qualified presidential electors from Georgia. Members of the enterprise corruptly solicited Georgia legislators instead to unlawfully appoint their own presidential electors for the purpose of casting electoral votes for Donald Trump. Members of the enterprise also made false statements to state legislators during hearings and meetings in Arizona, Michigan, and Pennsylvania in November and December 2020 to persuade legislators in those states to unlawfully appoint their own presidential electors.

### **2. False Statements to and Solicitation of High-Ranking State Officials**

Members of the enterprise, including several of the Defendants, made false statements in Fulton County and elsewhere in the State of Georgia to Georgia officials, including the Governor, the Secretary of State, and the Speaker of the House of Representatives. Members of the enterprise also corruptly solicited Georgia officials, including the Secretary of State and the Speaker of the House of Representatives, to violate their oaths to the Georgia Constitution and to the United States Constitution by unlawfully changing the outcome of the November 3, 2020,

presidential election in Georgia in favor of Donald Trump. Members of the enterprise also made false statements to and solicited state officials in Arizona, Michigan, and Pennsylvania.

### **3. Creation and Distribution of False Electoral College Documents**

Members of the enterprise, including several of the Defendants, created false Electoral College documents and recruited individuals to convene and cast false Electoral College votes at the Georgia State Capitol, in Fulton County, on December 14, 2020. After the false Electoral College votes were cast, members of the enterprise transmitted the votes to the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia. The false documents were intended to disrupt and delay the joint session of Congress on January 6, 2021, in order to unlawfully change the outcome of the November 3, 2020, presidential election in favor of Donald Trump. Similar schemes were executed by members of the enterprise in Arizona, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin.

### **4. Harassment and Intimidation of Fulton County Election Worker Ruby Freeman**

Members of the enterprise, including several of the Defendants, falsely accused Fulton County election worker Ruby Freeman of committing election crimes in Fulton County, Georgia. These false accusations were repeated to Georgia legislators and other Georgia officials in an effort to persuade them to unlawfully change the outcome of the November 3, 2020, presidential election in favor of Donald Trump. In furtherance of this scheme, members of the enterprise traveled from out of state to harass Freeman, intimidate her, and solicit her to falsely confess to election crimes that she did not commit.

**5. Solicitation of High-Ranking United States Department of Justice Officials**

Members of the enterprise, including several of the Defendants, corruptly solicited high-ranking United States Department of Justice officials to make false statements to government officials in Fulton County, Georgia, including the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. In one instance, Donald Trump stated to the Acting United States Attorney General, “Just say that the election was corrupt, and leave the rest to me and the Republican congressmen.”

**6. Solicitation of the Vice President of the United States**

Members of the enterprise, including several of the Defendants, corruptly solicited the Vice President of the United States to violate the United States Constitution and federal law by unlawfully rejecting Electoral College votes cast in Fulton County, Georgia, by the duly elected and qualified presidential electors from Georgia. Members of the enterprise also corruptly solicited the Vice President to reject votes cast by the duly elected and qualified presidential electors from several other states.

**7. Unlawful Breach of Election Equipment in Georgia and Elsewhere**

Members of the enterprise, including several of the Defendants, corruptly conspired in Fulton County, Georgia, and elsewhere to unlawfully access secure voting equipment and voter data. In Georgia, members of the enterprise stole data, including ballot images, voting equipment software, and personal voter information. The stolen data was then distributed to other members of the enterprise, including members in other states.



**8. Obstructive Acts in Furtherance of the Conspiracy and the Cover Up**

Members of the enterprise, including several of the Defendants, filed false documents, made false statements to government investigators, and committed perjury in judicial proceedings in Fulton County, Georgia, and elsewhere in furtherance of and to cover up the conspiracy.

**ACTS OF RACKETEERING ACTIVITY AND  
OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

As part of and on behalf of the criminal enterprise detailed above, the Defendants and other members and associates of the enterprise committed overt acts to effect the objectives of the enterprise, including but not limited to:

**Act 1.**

On or about the **4th day of November 2020**, **DONALD JOHN TRUMP** made a nationally televised speech falsely declaring victory in the 2020 presidential election. Approximately four days earlier, on or about October 31, 2020, **DONALD JOHN TRUMP** discussed a draft speech with unindicted co-conspirator Individual 1, whose identity is known to the Grand Jury, that falsely declared victory and falsely claimed voter fraud. The speech was an overt act in furtherance of the conspiracy.

**Act 2.**

On or about the **15th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, and left an approximately 83-second-long voicemail message for unindicted co-conspirator Individual 2 making statements concerning fraud in the November 3, 2020, election in Fulton County, Georgia. This telephone call was an overt act in furtherance of the conspiracy.

**Act 2.**

On or about the **19th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI, JENNA LYNN ELLIS, SIDNEY KATHERINE POWELL**, and unindicted co-conspirator Individual 3, whose identity is known to the Grand Jury, appeared at a press conference at the Republican National Committee Headquarters on behalf of **DONALD JOHN TRUMP** and Donald J. Trump for President, Inc. (the "Trump Campaign") and made false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere. These were overt acts in furtherance of the conspiracy.

**Act 4.**

On or about the **20th day of November 2020**, **DAVID JAMES SHAFER** sent an e-mail to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and other individuals. In the e-mail, **DAVID JAMES SHAFER** stated that **SCOTT GRAHAM HALL**, a Georgia bail bondsman, "has been looking into the election on behalf of the President at the request of David Bossie" and asked unindicted co-conspirator Individual 4 to exchange contact information with **SCOTT GRAHAM HALL** and to "help him as needed." This was an overt act in furtherance of the conspiracy.

**Act 5.**

On or about the **20th day of November 2020**, **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** met with Majority Leader of the Michigan Senate Michael Shirkey, Speaker of the Michigan House of Representatives Lee Chatfield, and other Michigan legislators in the Oval Office at the White House, and **DONALD JOHN TRUMP** made false statements concerning fraud in the November 3, 2020, presidential election in Michigan. **RUDOLPH WILLIAM LOUIS GIULIANI** joined the meeting by telephone. This meeting was an overt act in furtherance of the conspiracy.

**Act 6.**

On or about the **21st day of November 2020**, **MARK RANDALL MEADOWS** sent a text message to United States Representative Scott Perry from Pennsylvania and stated, "Can you send me the number for the speaker and the leader of PA Legislature. POTUS wants to chat with them." This was an overt act in furtherance of the conspiracy.

**Act 7.**

On or about the **22nd day of November 2020**, **DONALD JOHN TRUMP** and **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Arizona House of Representatives Russell "Rusty" Bowers. During the telephone call, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Arizona and solicited, requested, and importuned Bowers to unlawfully appoint presidential electors from Arizona. Bowers declined and later testified to the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol that he told **DONALD JOHN TRUMP**, "I would not break my oath." The false statements and solicitations were overt acts in furtherance of the conspiracy.

**Act 8.**

On or about the **25th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses at a meeting of Pennsylvania legislators in Gettysburg, Pennsylvania. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Pennsylvania and solicited, requested, and importuned the Pennsylvania legislators present at the meeting to unlawfully appoint presidential electors from Pennsylvania. During the meeting, **JENNA LYNN ELLIS** solicited, requested, and importuned the Pennsylvania legislators present at the meeting to unlawfully appoint presidential electors from Pennsylvania. **DONALD JOHN TRUMP** joined the meeting by telephone, made false statements concerning fraud in the November 3, 2020, presidential election in Pennsylvania, and solicited, requested, and importuned the Pennsylvania legislators present at the meeting to unlawfully appoint presidential electors from Pennsylvania. These were overt acts in furtherance of the conspiracy.

**Act 9.**

On or about the **25th day of November 2020**, immediately after the meeting of Pennsylvania legislators in Gettysburg, Pennsylvania, where **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses, **DONALD JOHN TRUMP** invited a group of the Pennsylvania legislators and others to meet with him at the White House. Later that day, **DONALD JOHN TRUMP, MARK RANDALL MEADOWS, RUDOLPH WILLIAM LOUIS GIULIANI, JENNA LYNN ELLIS** and unindicted co-conspirators Individual 5 and Individual 6, whose identities are known to the Grand Jury, met with the group of Pennsylvania legislators at the White House and discussed holding a special session of the Pennsylvania General Assembly. These were overt acts in furtherance of the conspiracy.

**Act 10.**

On or about the **26th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 11.**

On or about the **26th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to President Pro Tempore of the Pennsylvania Senate Jacob “Jake” Corman for the purpose of soliciting, requesting, and importuning Corman to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 12.**

On or about the **27th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 12.**

On or about the **27th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** placed a telephone call to President Pro Tempore of the Pennsylvania Senate Jake Corman for the purpose of soliciting, requesting, and importuning Corman to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 14.**

On or about the **27th day of November 2020**, **DONALD JOHN TRUMP** placed a telephone call to President Pro Tempore of the Pennsylvania Senate Jake Corman for the purpose of soliciting, requesting, and importuning Corman to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 15.**

On or about the **28th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 16.**

On or about the **29th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 17.**

On or about the **30th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses at a meeting of Arizona legislators in Phoenix, Arizona. Unindicted co-conspirators Individual 5 and Individual 6, whose identities are known to the Grand Jury, were also present. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Arizona and solicited, requested, and importuned the Arizona legislators present at the meeting to unlawfully appoint presidential electors from Arizona. During the meeting, **JENNA LYNN ELLIS** solicited, requested, and importuned the Arizona legislators present at the meeting to unlawfully appoint presidential electors from Arizona. **DONALD JOHN TRUMP** joined the meeting by telephone and made false statements concerning fraud in the November 3, 2020, presidential election in Arizona. These were overt acts in furtherance of the conspiracy.

**Act 18.**

On or about the **30th day of November 2020**, **MICHAEL A. ROMAN** instructed unindicted co-conspirator Individual 7, whose identity is known to the Grand Jury, to coordinate with individuals associated with the Trump Campaign to contact state legislators in Georgia and elsewhere on behalf of **DONALD JOHN TRUMP** and to encourage them to unlawfully appoint presidential electors from their respective states. This was an overt act in furtherance of the conspiracy.

#### Act 19.

On or between the **1st day of December 2020 and the 31st day of December 2020**, **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** met with John McEntee and requested that McEntee prepare a memorandum outlining a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. The strategy included having Vice President Michael R. "Mike" Pence count only half of the electoral votes from certain states and then return the remaining electoral votes to state legislatures. The request was an overt act in furtherance of the conspiracy.

#### Act 20.

On or about the **1st day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** met with Speaker of the Arizona House of Representatives Rusty Bowers, President of the Arizona Senate Karen Fann, and other Arizona legislators in Phoenix, Arizona. Unindicted co-conspirator Individual 5, whose identity is known to the Grand Jury, was also present. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Arizona and solicited, requested, and importuned the legislators present to call a special session of the Arizona State Legislature. These were overt acts in furtherance of the conspiracy.

#### Act 21.

On or about the **2nd day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses at a meeting of the Michigan House of Representatives Oversight Committee. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Michigan and solicited, requested, and importuned the Michigan legislators present at the meeting to unlawfully appoint presidential electors from Michigan. During the meeting, **JENNA LYNN ELLIS** solicited, requested, and importuned the Michigan legislators present at the meeting to unlawfully appoint presidential electors from Michigan. These were overt acts in furtherance of the conspiracy.

#### Act 22.

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "Georgia hearings now on @OANN. Amazing!" This was an overt act in furtherance of the conspiracy.

**Act 23.**

On or about the **3rd day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, JENNA LYNN ELLIS, and RAY STALLINGS SMITH III** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Lee Anderson, Brandon Beach, Matt Brass, Greg Dolezal, Steve Gooch, Tyler Harper, Bill Heath, Jen Jordan, John F. Kennedy, William Ligon, Elena Parent, Michael Rhett, Carden Summers, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 24.**

On or about the **3rd day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That at least 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;
2. That Dominion Voting Systems equipment used in the November 3, 2020, presidential election in Antrim County, Michigan, mistakenly recorded 6,000 votes for Joseph R. Biden when the votes were actually cast for Donald John Trump;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 25.**

On or about the **3rd day of December 2020**, **RAY STALLINGS SMITH III** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That 2,506 felons voted illegally in the November 3, 2020, presidential election in Georgia;
2. That 66,248 underage people illegally registered to vote before their seventeenth birthday prior to the November 3, 2020, presidential election in Georgia;
3. That at least 2,423 people voted in the November 3, 2020, presidential election in Georgia who were not listed as registered to vote;
4. That 1,043 people voted in the November 3, 2020, presidential election in Georgia who had illegally registered to vote using a post office box;
5. That 10,315 or more dead people voted in the November 3, 2020, presidential election in Georgia;
6. That Fulton County election workers at State Farm Arena ordered poll watchers and members of the media to leave the tabulation area on the night of November 3, 2020, and continued to operate after ordering everyone to leave;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 26.**

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account **@RealDonaldTrump**, “Wow! Blockbuster testimony taking place right now in Georgia. Ballot stuffing by Dems when Republicans were forced to leave the large counting room. Plenty more coming, but this alone leads to an easy win of the State!” This was an overt act in furtherance of the conspiracy.

**Act 27.**

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account **@RealDonaldTrump**, “People in Georgia got caught cold bringing in massive numbers of ballots and putting them in ‘voting’ machines. Great job **@BrianKempGA!**” This was an overt act in furtherance of the conspiracy.



**Act 28.**

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** met with Speaker of the Pennsylvania House of Representatives Bryan Cutler in the Oval Office at the White House and discussed holding a special session of the Pennsylvania General Assembly. This was an overt act in furtherance of the conspiracy.

**Act 29.**

On or between the **3rd day of December 2020** and the **26th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to President Pro Tempore of the Georgia Senate Cecil Terrell "Butch" Miller for the purpose of making false statements concerning fraud in the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

**Act 30.**

On or between the **3rd day of December 2020** and the **26th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to President Pro Tempore of the Georgia Senate Butch Miller. This was an overt act in furtherance of the conspiracy.

**Act 31.**

On or about the **5th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Georgia Governor Brian Kemp and solicited, requested, and importuned Kemp to call a special session of the Georgia General Assembly. This was an overt act in furtherance of the conspiracy.

**Act 32.**

On or about the **6th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "Gee, what a surprise. Has anyone informed the so-called (says he has no power to do anything!) Governor @BrianKempGA & his puppet Lt. Governor @GeoffDuncanGA, that they could easily solve this mess, & WIN. Signature verification & call a Special Session. So easy! <https://t.co/5cb4QdYzpU>." This was an overt act in furtherance of the conspiracy.

**Act 33.**

On or about the **6th day of December 2020**, **SIDNEY KATHERINE POWELL** entered into a written engagement agreement with SullivanStrickler LLC, a forensic data firm located in Fulton County, Georgia, for the performance of computer forensic collections and analytics on Dominion Voting Systems equipment in Michigan and elsewhere. The unlawful breach of election equipment in Coffee County, Georgia, was subsequently performed under this agreement. This was an overt act in furtherance of the conspiracy.

**Act 34.**

On or about the **6th day of December 2020**, **ROBERT DAVID CHEELEY** sent an e-mail to **JOHN CHARLES EASTMAN**, unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, and Georgia Senator Brandon Beach that stated, "I am working on setting up a call for you with the Speaker and the President Pro Tempore tomorrow. I am also making the leadership aware of the importance for Trump electors to meet on December 14. Please provide the citation to the requirements of the duties which they must comply with." This was an overt act in furtherance of the conspiracy.

**Act 35.**

On or about the **6th day of December 2020**, **JOHN CHARLES EASTMAN** sent an e-mail to **ROBERT DAVID CHEELEY**, unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, and Georgia Senator Brandon Beach that stated that the Trump presidential elector nominees in Georgia needed to meet on December 14, 2020, sign six sets of certificates of vote, and mail them "to the President of the Senate and to other officials." This was an overt act in furtherance of the conspiracy.

**Act 36.**

On or about the **6th day of December 2020**, **ROBERT DAVID CHEELEY** sent an e-mail to unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, that stated he had been speaking with **JOHN CHARLES EASTMAN** and was attempting to set up a call with Speaker of the Georgia House of Representatives David Ralston and President Pro Tempore of the Georgia Senate Butch Miller to encourage them to call a special session of the Georgia General Assembly. In the e-mail, **ROBERT DAVID CHEELEY** stated, "Professor Eastman told me tonight that it is *critical* that the 16 Electors for President Trump meet next Monday and vote in accordance with 3 U.S.C. § 7." In the e-mail, **ROBERT DAVID CHEELEY** further stated, "I assume you can make sure this happens." This was an overt act in furtherance of the conspiracy.

**Act 37.**

On or about the **7th day of December 2020**, unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, sent an e-mail to **ROBERT DAVID CHEELEY** and **DAVID JAMES SHAFER** that stated, "Bob, can u get on a call with David Shafer, state GOP chair and I later this morning to discuss. David has been on top of a lot of efforts in the state. I get off of a board call around 10:30." This was an overt act in furtherance of the conspiracy.

**Act 38.**

On or about the **7th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** caused to be tweeted from the Twitter account @RudyGiuliani a retweet of unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, that stated, "Georgia Patriot Call to Action: today is the day we need you to call your state Senate & House Reps & ask them to sign the petition for a special session. We must have free & fair elections in GA & a this is our only path to ensuring every legal vote is counted. @realDonaldTrump." This was an overt act in furtherance of the conspiracy.

**Act 39.**

On or about the **7th day of December 2020**, **JOHN CHARLES EASTMAN** sent an e-mail to **RUDOLPH WILLIAM LOUIS GIULIANI** with an attached memorandum titled "The Real Deadline for Settling a State's Electoral Votes." The body of the e-mail stated, "Here's the memo we discussed." The memorandum was written by **KENNETH JOHN CHESEBRO** to James R. Troupis, an attorney associated with the Trump Campaign, and advocates for the position that Trump presidential elector nominees in Wisconsin should meet and cast electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Wisconsin. This e-mail was an overt act in furtherance of the conspiracy.

**Act 40.**

On or about the **7th day of December 2020**, **DONALD JOHN TRUMP** requested that Bill White, an individual associated with the Trump Campaign then residing in Fulton County, Georgia, provide him with certain information, including contact information for Majority Leader of the Georgia Senate Mike Dugan and President Pro Tempore of the Georgia Senate Butch Miller. The following day, White sent an e-mail containing the requested information to **RUDOLPH WILLIAM LOUIS GIULIANI**, unindicted co-conspirator Individual 5, whose identity is known to the Grand Jury, and others. This request was an overt act in furtherance of the conspiracy.

**Act 41.**

On or about the **7th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Georgia House of Representatives David Ralston and discussed holding a special session of the Georgia General Assembly. This was an overt act in furtherance of the conspiracy.

**Act 42.**

On or about the **7th day of December 2020**, **DONALD JOHN TRUMP** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning Speaker of the Georgia House of Representatives David Ralston, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by calling a special session of the Georgia General Assembly for the purpose of unlawfully appointing presidential electors from Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 43.**

On or about the **8th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Georgia Attorney General Chris Carr for the purpose of making false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere. During the telephone call, **DONALD JOHN TRUMP** asked Carr not to discourage other state attorneys general from joining a federal lawsuit filed by the State of Texas contesting the administration of the November 3, 2020, presidential election in Georgia, Michigan, Pennsylvania, and Wisconsin. This was an overt act in furtherance of the conspiracy.

**Act 44.**

On or about the **8th day of December 2020**, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** placed a telephone call to Republican National Committee Chairwoman Ronna McDaniel to request her assistance gathering certain individuals to meet and cast electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, in certain states despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in those states. This was an overt act in furtherance of the conspiracy.

**Act 45.**

On or about the **8th day of December 2020**, **MICHAEL A. ROMAN** sent a text message to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, stated that he had spoken to **MISTY HAMPTON**, and asked unindicted co-conspirator Individual 4 to "get" **MISTY HAMPTON** to attend the hearing before the Georgia House of Representatives Governmental Affairs Committee on December 10, 2020. This was an overt act in furtherance of the conspiracy.

**Act 46.**

On or about the **9th day of December 2020**, **KENNETH JOHN CHESEBRO** wrote a memorandum titled "Statutory Requirements for December 14 Electoral Votes" to James R. Troupis, an attorney associated with the Trump Campaign. The memorandum provides detailed, state-specific instructions for how Trump presidential elector nominees in Georgia, Arizona, Michigan, Nevada, Pennsylvania, and Wisconsin would meet and cast electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in those states. This was an overt act in furtherance of the conspiracy.

**Act 47.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Georgia Republican Party Chairman **DAVID JAMES SHAFER** and unindicted co-conspirator Individual 9, whose identity is known to the Grand Jury. **KENNETH JOHN CHESEBRO** stated in the e-mail that certain individuals associated with the Trump Campaign asked him "to help coordinate with the other 5 contested States, to help with logistics of the electors in other States hopefully joining in casting their votes on Monday." This was an overt act in furtherance of the conspiracy.

**Act 48.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **DAVID JAMES SHAFER** and unindicted co-conspirators Individual 9, Individual 10, and Individual 11, whose identities are known to the Grand Jury. The documents were to be used by Trump presidential elector nominees in Georgia for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

**Act 49.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Arizona Republican Party Executive Director Greg Safsten and others. The documents were to be used by Trump presidential elector nominees in Arizona for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Arizona. This was an overt act in furtherance of the conspiracy.

**Act 50.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Republican Party of Wisconsin Chairman Brian Schimming with proposed language for documents to be used by Trump presidential elector nominees in Wisconsin for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Wisconsin. This was an overt act in furtherance of the conspiracy.

**Act 51.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Nevada Republican Party Vice Chairman Jim DeGraffenreid. **KENNETH JOHN CHESEBRO** stated in the e-mail that **RUDOLPH WILLIAM LOUIS GIULIANI** and other individuals associated with the Trump Campaign asked him "to reach out to you and the other Nevada electors to run point on the plan to have all Trump-Pence electors in all six contested States meet and transmit their votes to Congress on Monday, Dec. 14." This was an overt act in furtherance of the conspiracy.

**Act 52.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Jim DeGraffenreid. The documents were to be used by Trump presidential elector nominees in Nevada for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Nevada. This was an overt act in furtherance of the conspiracy.

**Act 52.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Republican Party of Pennsylvania General Counsel Thomas W. King III. The documents were to be used by Trump presidential elector nominees in Pennsylvania for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 54.**

On or between the **10th day of December 2020 and the 14th day of December 2020**, **DAVID JAMES SHAFER** contacted unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, by telephone and discussed unindicted co-conspirator Individual 2's attendance at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

Act 55.

On or about the 10th day of December 2020, **RUDOLPH WILLIAM LOUIS GIULIANI** and **RAY STALLINGS SMITH III** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning certain public officers then serving as elected members of the Georgia House of Representatives and present at a House Governmental Affairs Committee meeting, including Representatives Shaw Blackmon, Jon Burns, Barry Fleming, Todd Jones, Bee Nguyen, Mary Margaret Oliver, Alan Powell, Renitta Shannon, Robert Trammell, Scot Turner, and Bruce Williamson, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 56.**

On or about the **10th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia House of Representatives present at a House Governmental Affairs Committee meeting:

1. That it is quite clear from the State Farm Arena video from November 3, 2020, that Fulton County election workers were stealing votes and that Georgia officials were covering up a crime in plain sight;
2. That at State Farm Arena on November 3, 2020, Democratic officials “got rid of all of the reporters, all the observers, anyone that couldn’t be trusted,” used the excuse of a watermain break, cleared out the voting area and then “went about their dirty, crooked business”;
3. That between 12,000 and 24,000 ballots were illegally counted by Fulton County election workers at State Farm Arena on November 3, 2020;
4. That in Michigan, there were 700,000 more ballots counted than were sent out to voters in the November 3, 2020, presidential election, which was accounted for by quadruple counting ballots;
5. That Ruby Freeman, Shaye Moss, and an unidentified man were “quite obviously surreptitiously passing around USB ports as if they’re vials of heroin or cocaine” at State Farm Arena to be used to “infiltrate the crooked Dominion voting machines”;
6. That 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.



**Act 57.**

On or about the **11th day of December 2020**, **DAVID JAMES SHAFER** reserved Room 216 at the Georgia State Capitol in Fulton County, Georgia, for the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 58.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Jim DeGraffenreid and stated that "the purpose of having the electoral votes sent in to Congress is to provide the opportunity to debate the election irregularities in Congress, and to keep alive the possibility that the votes could be flipped to Trump." This was an overt act in furtherance of the conspiracy.

**Act 59.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Greg Safsten and others. The documents were to be used by Trump presidential elector nominees in Arizona for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Arizona. This was an overt act in furtherance of the conspiracy.

**Act 60.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN** and other individuals associated with the Trump Campaign. The documents were to be used by Trump presidential elector nominees in Nevada for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Nevada. This was an overt act in furtherance of the conspiracy.

**Act 61.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN**, unindicted co-conspirator Individual 5, whose identity is known to the Grand Jury, and others. The documents were to be used by Trump presidential elector nominees in Georgia for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

**Act 62.**

On or about the **12th day of December 2020**, **DAVID JAMES SHAFER** contacted unindicted co-conspirator Individual 12, whose identity is known to the Grand Jury, and discussed unindicted co-conspirator Individual 12's attendance at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 63.**

On or about the **12th day of December 2020**, **MICHAEL A. ROMAN** sent an e-mail to unindicted co-conspirators Individual 4 and Individual 7, whose identities are known to the Grand Jury, and other individuals associated with the Trump Campaign. In the e-mail, **MICHAEL A. ROMAN** stated, "I need a tracker for the electors," and instructed individuals associated with the Trump Campaign to populate entries on a shared spreadsheet listing Trump presidential elector nominees in Georgia, Arizona, Michigan, Nevada, Pennsylvania, and Wisconsin. The entries on the spreadsheet included contact information for the Trump presidential elector nominees, whether the Trump presidential elector nominees had been contacted, and whether the Trump presidential elector nominees had confirmed that they would attend the December 14, 2020, meetings of Trump presidential elector nominees in their respective states, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in those states. This was an overt act in furtherance of the conspiracy.

**Act 64.**

On or about the **12th day of December 2020**, **KENNETH JOHN CHESEBRO** met with Brian Schimming and discussed the December 14, 2020, meeting of Trump presidential elector nominees in Wisconsin. **RUDOLPH WILLIAM LOUIS GIULIANI** joined the meeting by telephone and stated that the media should not be notified of the December 14, 2020, meeting of Trump presidential elector nominees in Wisconsin. These were overt acts in furtherance of the conspiracy.

**Act 65.**

On or about the **12th day of December 2020**, **MICHAEL A. ROMAN** instructed an individual associated with the Trump Campaign to distribute certain information related to the December 14, 2020, meetings of Trump presidential elector nominees in Georgia, Arizona, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and to other individuals associated with the Trump Campaign. This was an overt act in furtherance of the conspiracy.

**Act 66.**

On or about the **12th day of December 2020**, unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, sent an e-mail to **MICHAEL A. ROMAN** and **DAVID JAMES SHAFER** with updates on the progress of organizing the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. The e-mail stated which elector nominees had confirmed they would attend the meeting, that other individuals had been secured in case some of the elector nominees refused to participate in the meeting, that Georgia legislators had been contacted to ensure access to the Georgia Capitol, and that **DAVID JAMES SHAFER** had reserved Room 216 for the meeting. This was an overt act in furtherance of the conspiracy.

**Act 67.**

On or about the **12th day of December 2020**, **DAVID JAMES SHAFER** sent an e-mail to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, advising them to “touch base” with each of the Trump presidential elector nominees in Georgia in advance of the December 14, 2020, meeting to confirm their attendance. This was an overt act in furtherance of the conspiracy.

**Act 68.**

On or about the **12th day of December 2020**, unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, sent a text message with contact information for unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, and Georgia Senator Brandon Beach to **MICHAEL A. ROMAN** for the purpose of providing the contact information to **RUDOLPH WILLIAM LOUIS GIULIANI**. This was an overt act in furtherance of the conspiracy.

**Act 69.**

On or about the **13th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN**. The documents were to be used by Trump presidential elector nominees in New Mexico for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in New Mexico. This was an overt act in furtherance of the conspiracy.

**Act 70.**

On or about the 13th day of December 2020, **KENNETH JOHN CHESEBRO** sent an e-mail to **RUDOLPH WILLIAM LOUIS GIULIANI** with the subject "PRIVILEGED AND CONFIDENTIAL – Brief notes on 'President of the Senate' strategy." In the e-mail, **KENNETH JOHN CHESEBRO** outlined multiple strategies for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. In the e-mail, **KENNETH JOHN CHESEBRO** stated that the strategies outlined by him were "preferable to allowing the Electoral Count Act to operate by its terms." This was an overt act in furtherance of the conspiracy.

**Act 71.**

On or about the 13th day of December 2020, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN** and unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury. The documents were to be used by Trump presidential elector nominees in Georgia for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

**Act 72.**

On or about the 13th day of December 2020, **KENNETH JOHN CHESEBRO** sent an e-mail to **MICHAEL A. ROMAN** and unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and stated that **RUDOLPH WILLIAM LOUIS GIULIANI** "wants to keep this quiet until after all the voting is done," in reference to the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 73.**

On or about the 13th day of December 2020, **DAVID JAMES SHAFER** sent a text message to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and stated that unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, would attend the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, in the place of a Trump presidential elector nominee who refused to participate in the meeting. This was an overt act in furtherance of the conspiracy.

**Act 74.**

On or about the **13th day of December 2020**, unindicted co-conspirator Individual 9, whose identity is known to the Grand Jury, sent a text message to **DAVID JAMES SHAFER** and confirmed that he and unindicted co-conspirator Individual 13, whose identity is known to the Grand Jury, would attend the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 75.**

On or about the **14th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "What a fool Governor @BrianKempGA of Georgia is. Could have been so easy, but now we have to do it the hard way. Demand this clown call a Special Session and open up signature verification, NOW. Otherwise, could be a bad day for two GREAT Senators on January 5th." This was an overt act in furtherance of the conspiracy.

**Act 76.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER** sent a text message to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury that stated, "Listen. Tell them to go straight to Room 216 to avoid drawing attention to what we are doing," in reference to the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 77.**

On or about the **14th day of December 2020**, **MICHAELA. ROMAN** sent an e-mail to unindicted co-conspirators Individual 4 and Individual 7, whose identities are known to the Grand Jury, and stated, "Please send me an update as soon as the State Electoral College has adjourned and all paperwork is secured." This was an overt act in furtherance of the conspiracy.

**Act 78.**

On or about the **14th day of December 2020**, **RAY STALLINGS SMITH III** and **DAVID JAMES SHAFER** encouraged certain individuals present at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, to sign the document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA." This was an overt act in furtherance of the conspiracy.

**Act 79.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, committed the felony offense of **IMPERSONATING A PUBLIC OFFICER**, in violation of **O.C.G.A. § 16-10-23**, in Fulton County, Georgia, by unlawfully falsely holding themselves out as the duly elected and qualified presidential electors from the State of Georgia, public officers, with intent to mislead the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia into believing that they actually were such officers by placing in the United States mail to said persons a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA." This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxiii) and an overt act in furtherance of the conspiracy.

**Act 80.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, committed the felony offense of **FORGERY IN THE FIRST DEGREE**, in violation of **O.C.G.A. § 16-9-1(b)**, in Fulton County, Georgia, by, with the intent to defraud, knowingly making a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," a writing other than a check, in such manner that the writing as made purports to have been made by authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xvi) and an overt act in furtherance of the conspiracy.

**Act 81.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making and using a false document titled “**CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA**,” with knowledge that said document contained the false statement, “**WE, THE UNDERSIGNED**, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following,” said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 82.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, attempted to commit the felony offense of **FILING FALSE DOCUMENTS**, in violation of **O.C.G.A. § 16-10-20.1(b)(1)**, in Fulton County, Georgia, by placing in the United States mail a document titled “**CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA**,” addressed to Chief Judge, U.S. District Court, Northern District of Georgia, 2188 Richard D. Russell Federal Office Building and U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, with intent to knowingly file, enter, and record said document in a court of the United States, having reason to know that said document contained the materially false statement, “**WE, THE UNDERSIGNED**, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following.” This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 83.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** committed the felony offense of **FORGERY IN THE FIRST DEGREE**, in violation of **O.C.G.A. § 16-9-1(b)**, in Fulton County, Georgia, by, with the intent to defraud, knowingly making a document titled “RE: Notice of Filling of Electoral College Vacancy,” a writing other than a check, in such manner that the writing as made purports to have been made by the authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xvi) and an overt act in furtherance of the conspiracy.

**Act 84.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making and using a false document titled “RE: Notice of Filling of Electoral College Vacancy,” with knowledge that said document contained the false statements that **DAVID JAMES SHAFER** was Chairman of the 2020 Georgia Electoral College Meeting and **SHAWN MICAH TRESHER STILL** was Secretary of the 2020 Georgia Electoral College Meeting, said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 85.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER** instructed unindicted co-conspirator Individual 15, whose identity is known to the Grand Jury, to deliver to the Office of the Governor of Georgia a document signed by **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** titled “RE: Notice of Filling of Electoral College Vacancy.” The document contained multiple false statements. This was an overt act in furtherance of the conspiracy.

**Act 86.**

On or about the **14th day of December 2020**, unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, sent an e-mail to **MICHAEL A. ROMAN**, unindicted co-conspirator Individual 7, whose identity is known to the Grand Jury, and others that stated, “All votes cast, paperwork complete, being mailed now. Ran pretty smoothly,” in reference to the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.



**Act 87.**

On or about the **14th day of December 2020**, **STEPHEN CLIFFGARD LEE** attempted to commit the felony offense of **INFLUENCING WITNESSES**, in violation of **O.C.G.A. § 16-10-93(b)(1)(A)**, in Fulton County, Georgia, by traveling to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and speaking to her neighbor, with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia. This was an act of racketeering activity pursuant to **O.C.G.A. § 16-14-3(5)(A)(xxvii)** and an overt act in furtherance of the conspiracy.

**Act 88.**

On or about the **15th day of December 2020**, **STEPHEN CLIFFGARD LEE** attempted to commit the felony offense of **INFLUENCING WITNESSES**, in violation of **O.C.G.A. § 16-10-93(b)(1)(A)**, in Fulton County, Georgia, by traveling to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and knocking on her door, with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia. This was an act of racketeering activity pursuant to **O.C.G.A. § 16-14-3(5)(A)(xxvii)** and an overt act in furtherance of the conspiracy.

**Act 89.**

On or between the **15th day of December 2020 and the 4th day of January 2021**, **STEPHEN CLIFFGARD LEE** solicited **HARRISON WILLIAM PRESCOTT FLOYD**, an individual associated with the organization Black Voices for Trump, to assist with his effort to speak to Ruby Freeman, a Fulton County, Georgia, election worker. **STEPHEN CLIFFGARD LEE** stated to **HARRISON WILLIAM PRESCOTT FLOYD** that Freeman was afraid to talk to **STEPHEN CLIFFGARD LEE** because he was a white man. These were overt acts in furtherance of the conspiracy.

**Act 90.**

On or about the **18th day of December 2020**, **DONALD JOHN TRUMP** met with **RUDOLPH WILLIAM LOUIS GIULIANI**, **SIDNEY KATHERINE POWELL**, unindicted co-conspirator Individual 20, whose identity is known to the Grand Jury, and others at the White House. The individuals present at the meeting discussed certain strategies and theories intended to influence the outcome of the November 3, 2020, presidential election, including seizing voting equipment and appointing **SIDNEY KATHERINE POWELL** as special counsel with broad authority to investigate allegations of voter fraud in Georgia and elsewhere. This was an overt act in furtherance of the conspiracy.

**Act 91.**

On or about the **21st day of December 2020**, **SIDNEY KATHERINE POWELL** sent an e-mail to the Chief Operations Officer of SullivanStrickler LLC and instructed him that she and unindicted co-conspirators Individual 6, Individual 21, and Individual 22, whose identities are known to the Grand Jury, were to immediately “receive a copy of all data” obtained by SullivanStrickler LLC from Dominion Voting Systems equipment in Michigan. This was an overt act in furtherance of the conspiracy.

**Act 92.**

On or about the **22nd day of December 2020**, **MARK RANDALL MEADOWS** traveled to the Cobb County Civic Center in Cobb County, Georgia, and attempted to observe the signature match audit being performed there by law enforcement officers from the Georgia Bureau of Investigation and the Office of the Georgia Secretary of State, despite the fact that the audit process was not open to the public. While present at the center, **MARK RANDALL MEADOWS** spoke to Georgia Deputy Secretary of State Jordan Fuchs, Office of the Georgia Secretary of State Chief Investigator Frances Watson, Georgia Bureau of Investigation Special Agent in Charge Bahan Rich, and others, who prevented **MARK RANDALL MEADOWS** from entering into the space where the audit was being conducted. This was an overt act in furtherance of the conspiracy.

**Act 93.**

On or about the **23rd day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Office of the Georgia Secretary of State Chief Investigator Frances Watson that had been previously arranged by **MARK RANDALL MEADOWS**. During the phone call, **DONALD JOHN TRUMP** falsely stated that he had won the November 3, 2020, presidential election in Georgia “by hundreds of thousands of votes” and stated to Watson that “when the right answer comes out you’ll be praised.” This was an overt act in furtherance of the conspiracy.

**Act 94.**

On or about the **23rd day of December 2020**, **JOHN CHARLES EASTMAN** sent an e-mail to **KENNETH JOHN CHESEBRO** and unindicted co-conspirator Individual 3, whose identity is known to the Grand Jury, with the subject “FW: Draft 2, with edits.” In the e-mail, **JOHN CHARLES EASTMAN** attached a memorandum titled “PRIVILEGED AND CONFIDENTIAL -- Dec 23 memo on Jan 6 scenario.docx” and stated, “As for hearings, I think both are unnecessary. The fact that we have multiple slates of electors demonstrates the uncertainty of either. That should be enough. And I agree with Ken that Judiciary Committee hearings on the constitutionality of the Electoral Count Act could invite counter views that we do not believe should constrain Pence (or Grassley) in the exercise of power they have under the 12<sup>th</sup> Amendment. Better for them just to act boldly and be challenged, since the challenge would likely lead to the Court denying review on nonjusticiable political question grounds.” This was an overt act in furtherance of the conspiracy.

**Act 95.**

On or about the **25th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Speaker of the Arizona House of Representatives Rusty Bowers for the purpose of soliciting, requesting, and importuning Bowers to unlawfully appoint presidential electors from Arizona. During the call, Bowers stated to Trump, "I voted for you. I worked for you. I campaigned for you. I just won't do anything illegal for you." This telephone call was an overt act in furtherance of the conspiracy.

**Act 96.**

On or about the **27th day of December 2020**, **MARK RANDALL MEADOWS** sent a text message to Office of the Georgia Secretary of State Chief Investigator Frances Watson that stated in part, "Is there a way to speed up Fulton county signature verification in order to have results before Jan 6 if the trump campaign assist financially." This was an overt act in furtherance of the conspiracy.

**Act 97.**

On or about the **27th day of December 2020**, **DONALD JOHN TRUMP** solicited Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue to make a false statement by stating, "Just say that the election was corrupt, and leave the rest to me and the Republican congressmen." This was an overt act in furtherance of the conspiracy.

**Act 98.**

On or about the **28th day of December 2020**, **JEFFREY BOSSERT CLARK** attempted to commit the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly and willfully making a false writing and document knowing the same to contain the false statement that the United States Department of Justice had "identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia," said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies;

And on or about the **28th day of December 2020**, **JEFFREY BOSSERT CLARK** sent an e-mail to Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue and requested authorization to send said false writing and document to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller, which constitutes a substantial step toward the commission of False Statements and Writings, **O.C.G.A. § 16-10-20**. This was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xxii)** and an overt act in furtherance of the conspiracy.

**Act 99.**

On or about the **28th day of December 2020**, **JEFFREY BOSSERT CLARK** solicited Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue to sign and send a document that falsely stated that the United States Department of Justice had “identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia,” to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller. This was an overt act in furtherance of the conspiracy.

**Act 100.**

On or about the **30th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, “Hearings from Atlanta on the Georgia Election overturn now being broadcast. Check it out. @OANN @newsmax and many more. @BrianKempGA should resign from office. He is an obstructionist who refuses to admit that we won Georgia, BIG! Also won the other Swing States.” This was an overt act in furtherance of the conspiracy.

**Act 101.**

On or about the **30th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, “Hearings from Atlanta on the Georgia Election overturn now being broadcast LIVE via @RSBNetwork! <https://t.co/ogBvLbKfqG>.” This was an overt act in furtherance of the conspiracy.

**Act 102.**

On or about the **30th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI**, **RAY STALLINGS SMITH III**, and **ROBERT DAVID CHEELEY** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by soliciting, requesting, and importuning certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Brandon Beach, Bill Heath, William Ligon, Michael Rhett, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 103.**

On or about the **30th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Fulton County election workers fraudulently counted certain ballots as many as five times at State Farm Arena on November 3, 2020;
2. That 2,560 felons voted illegally in the November 3, 2020, presidential election in Georgia;
3. That 10,315 dead people voted in the November 3, 2020, presidential election in Georgia;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 104.**

On or about the **30th day of December 2020**, **RAY STALLINGS SMITH III** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Georgia Secretary of State General Counsel Ryan Germany stated that his office had sent letters to 8,000 people who voted illegally in the November 3, 2020, presidential election and told them not to vote in the January 5, 2021, runoff election;
2. That the Georgia Secretary of State admitted “that they had a 90% accuracy rate” in the November 3, 2020, presidential election and that “there’s still a 10% margin that’s not accurate”;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 105.**

On or about the **30th day of December 2020**, **ROBERT DAVID CHEELEY** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That poll watchers and media at State Farm Arena were told late in the evening of November 3, 2020, that the vote count was being suspended until the next morning and to go home because of “a major watermain break”;
2. That Fulton County election workers at State Farm Arena “voted” the same ballots “over and over again” on November 3, 2020;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 106.**

On or about the **30th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account **@RealDonaldTrump**, “We now have far more votes than needed to flip Georgia in the Presidential race. Massive VOTER FRAUD took place. Thank you to the Georgia Legislature for today’s revealing meeting!” This was an overt act in furtherance of the conspiracy.

**Act 107.**

On or about the **31st day of December 2020**, **JENNA LYNN ELLIS** wrote a memorandum titled “Memorandum Re: Constitutional Analysis of Vice President Authority for January 6, 2021 Electoral College Vote Count” to **DONALD JOHN TRUMP**. The memorandum outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated, “the Vice President should therefore not open any of the votes” from six states, including Georgia, that were falsely characterized as having “electoral delegates in dispute.” This was an overt act in furtherance of the conspiracy.

**Act 108.**

On or about the **31st day of December 2020**, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** committed the felony offense of **FILING FALSE DOCUMENTS**, in violation of **O.C.G.A. § 16-10-20.1(b)(1)**, in Fulton County, Georgia, by knowingly filing a document titled “**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF**” in the matter of **Trump v. Kemp**, Case 1:20-cv-05310-MHC, in the United States District Court for the Northern District of Georgia, a court of the United States having reason to know that said document contained at least one of the following materially false statements:

1. That “as many as 2,506 felons with an uncompleted sentence” voted illegally in the November 3, 2020, presidential election in Georgia;
2. That “at least 66,247 underage” people voted illegally in the November 3, 2020, presidential election in Georgia;
3. That “at least 2,423 individuals” voted illegally in the November 3, 2020, presidential election in Georgia “who were not listed in the State’s records as having been registered to vote”;
4. That “at least 1,043 individuals” voted illegally in the November 3, 2020, presidential election “who had illegally registered to vote using a postal office box as their habitation”;
5. That “as many as 10,315 or more” dead people voted in the November 3, 2020, presidential election in Georgia;
6. That “[d]eliberate misinformation was used to instruct Republican poll watchers and members of the press to leave the premises for the night at approximately 10:00 p.m. on November 3, 2020” at State Farm Arena in Fulton County, Georgia;

Earlier on the same day, **JOHN CHARLES EASTMAN** sent an e-mail to attorneys associated with the Trump Campaign admitting his knowledge that at least some of the allegations in the verified complaint were not accurate. This filing was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 109.**

On or about the **1st day of January 2021**, **KENNETH JOHN CHESEBRO** sent an e-mail to **JOHN CHARLES EASTMAN** and unindicted co-conspirator Individual 3, whose identity is known to the Grand Jury. In the e-mail, **KENNETH JOHN CHESEBRO** outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 110.**

On or about the **2nd day of January 2021**, **SCOTT GRAHAM HALL**, a Georgia bail bondsman, placed a telephone call to **JEFFREY BOSSERT CLARK** and discussed the November 3, 2020, presidential election in Georgia. The telephone call was 63 minutes in duration. This was an overt act in furtherance of the conspiracy.

**Act 111.**

On or about the **2nd day of January 2021**, **JEFFREY BOSSERT CLARK** solicited Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue to sign and send a document that falsely stated that the United States Department of Justice had “identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia,” to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller. This was an overt act in furtherance of the conspiracy.

**Act 112.**

On or about the **2nd day of January 2021**, **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully altering, unlawfully adjusting, and otherwise unlawfully influencing the certified returns for presidential electors for the November 3, 2020, presidential election in Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct. This was an overt act in furtherance of the conspiracy.



**Act 113.**

On or about the **2nd day of January 2021**, **DONALD JOHN TRUMP** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to Georgia Secretary of State Brad Raffensperger, Georgia Deputy Secretary of State Jordan Fuchs, and Georgia Secretary of State General Counsel Ryan Germany:

1. That anywhere from 250,000 to 300,000 ballots were dropped mysteriously into the rolls in the November 3, 2020, presidential election in Georgia;
2. That thousands of people attempted to vote in the November 3, 2020, presidential election in Georgia and were told they could not because a ballot had already been cast in their name;
3. That 4,502 people voted in the November 3, 2020, presidential election in Georgia who were not on the voter registration list;
4. That 904 people voted in the November 3, 2020, presidential election in Georgia who were registered at an address that was a post office box;
5. That Ruby Freeman was a professional vote scammer and a known political operative;
6. That Ruby Freeman, her daughter, and others were responsible for fraudulently awarding at least 18,000 ballots to Joseph R. Biden at State Farm Arena in the November 3, 2020, presidential election in Georgia;
7. That close to 5,000 dead people voted in the November 3, 2020, presidential election in Georgia;
8. That 139% of people voted in the November 3, 2020, presidential election in Detroit;
9. That 200,000 more votes were recorded than the number of people who voted in the November 3, 2020, presidential election in Pennsylvania;
10. That thousands of dead people voted in the November 3, 2020, presidential election in Michigan;
11. That Ruby Freeman stuffed the ballot boxes;
12. That hundreds of thousands of ballots had been “dumped” into Fulton County and another county adjacent to Fulton County in the November 3, 2020, presidential election in Georgia;

13. That he won the November 3, 2020, presidential election in Georgia by 400,000 votes;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

#### **Act 114.**

On or about the **3rd day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "I spoke to Secretary of State Brad Raffensperger yesterday about Fulton County and voter fraud in Georgia. He was unwilling, or unable, to answer questions such as the 'ballots under table' scam, ballot destruction, out of state 'voters', dead voters, and more. He has no clue!" This was an overt act in furtherance of the conspiracy.

**Act 115.**

On or about the **3rd day of January 2021**, **STEPHEN CLIFFGARD LEE**, **HARRISON WILLIAM PRESCOTT FLOYD**, and **TREVIAN C. KUTTI** placed multiple telephone calls and sent text messages to each other and to other individuals involved in the conspiracy. They include the following:

1. At 7:48 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to Ruby Freeman, a Fulton County, Georgia, election worker, that was unsuccessful.
2. At 7:49 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to Ruby Freeman that was unsuccessful.
3. At 7:49 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
4. At 7:53 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** sent a text message to Ruby Freeman.
5. At 8:03 p.m., **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
6. At 8:11 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to unindicted co-conspirator Individual 23, whose identity is known to the Grand Jury.
7. At 8:18 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
8. At 8:48 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
9. At 9:16 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
10. At 9:33 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
11. At 9:50 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **STEPHEN CLIFFGARD LEE**.

These were overt acts in furtherance of the conspiracy.

**Act 116.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI**, having been recruited by **HARRISON WILLIAM PRESCOTT FLOYD**, traveled from Chicago, Illinois, to Atlanta, Georgia, and caused a certain individual, whose identity is known to the Grand Jury, to pick her up from a train station in Fulton County, Georgia, for the purpose of attempting to contact Ruby Freeman, a Fulton County, Georgia, election worker. This was an overt act in furtherance of the conspiracy.

**Act 117.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI** traveled to Ruby Freeman's home in Cobb County, Georgia, and attempted to contact her but was unsuccessful. **TREVIAN C. KUTTI** spoke with Freeman's neighbor and falsely stated that she was a crisis manager attempting to "help" Freeman before leaving Freeman's home. This was an overt act in furtherance of the conspiracy.

**Act 118.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI**, while in Fulton County, Georgia, placed a telephone call to Ruby Freeman and stated that Freeman was in danger. **TREVIAN C. KUTTI** stated that she could "help" Freeman and requested that Freeman meet with and speak to her that night at a Cobb County Police Department precinct in Cobb County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 119.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI** traveled to a Cobb County Police Department precinct in Cobb County, Georgia, and met with and spoke to Ruby Freeman for approximately one hour. **HARRISON WILLIAM PRESCOTT FLOYD** joined the meeting by telephone. **TREVIAN C. KUTTI** and **HARRISON WILLIAM PRESCOTT FLOYD** stated to Freeman that she needed protection and purported to offer her help. This was an overt act in furtherance of the conspiracy.

**Act 120.**

On or about the **4th day of January 2021** **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** committed the felony offense of **SOLICITATION OF FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-20**, in Cobb County, Georgia, by soliciting, requesting, and importuning Ruby Freeman, a Fulton County, Georgia, election worker, to engage in conduct constituting the felony offense of False Statements and Writings, O.C.G.A. § 16-10-20, by knowingly and willfully making a false statement and representation concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said statement and representation being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, with intent that said person engage in said conduct. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 121.**

On or about the **4th day of January 2021** **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** committed the felony offense of **INFLUENCING WITNESSES**, in violation of **O.C.G.A. § 16-10-93(b)(1)(A)**, in Fulton County, Georgia, by knowingly and unlawfully engaging in misleading conduct toward Ruby Freeman, a Fulton County, Georgia, election worker, by stating that she needed protection and by purporting to offer her help, with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxvii) and an overt act in furtherance of the conspiracy.

**Act 122.**

On or about the 4th day of January 2021, **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** placed multiple telephone calls and sent text messages to each other and to other individuals involved in the conspiracy. They include the following:

1. At 9:41 a.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
2. At 11:24 a.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **DAVID JAMES SHAFER**.
3. At 12:25 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
4. At 12:32 p.m., **STEPHEN CLIFFGARD LEE** sent a text message to **HARRISON WILLIAM PRESCOTT FLOYD**.
5. At 8:10 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **DAVID JAMES SHAFER**.
6. At 10:00 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
7. At 10:19 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
8. At 10:43 p.m., **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
9. At 11:10 p.m., **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
10. At 12:12 a.m. on January 5, 2021, **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.

These were overt acts in furtherance of the conspiracy.

**Act 123.**

On or about the **4th day of January 2020**, **JOHN CHARLES EASTMAN** placed a telephone call to Speaker of the Arizona House of Representatives Rusty Bowers and solicited, requested, and importuned Bowers to unlawfully appoint presidential electors from Arizona. During the telephone call, Bowers declined to comply with Eastman's request and stated that he would not risk violating his oath of office. The request was an overt act in furtherance of the conspiracy.

**Act 124.**

On or about the **4th day of January 2021**, **KENNETH JOHN CHESEBRO** sent an e-mail to **JOHN CHARLES EASTMAN** with the subject "Fwd: Draft 2, with edits" and included within the body of the e-mail another e-mail that **KENNETH JOHN CHESEBRO** previously sent to **RUDOLPH WILLIAM LOUIS GIULIANI** with the subject "PRIVILEGED AND CONFIDENTIAL – Brief notes on 'President of the Senate' strategy." In the e-mail, **KENNETH JOHN CHESEBRO** outlined multiple strategies for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated that the outcomes of any of these strategies were "preferable to allowing the Electoral Count Act to operate by its terms." This was an overt act in furtherance of the conspiracy.

**Act 123.**

On or about the **4th day of January 2021**, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** met with Vice President Mike Pence, Chief of Staff to the Vice President Marc Short, and Counsel to the Vice President Greg Jacob in the Oval Office at the White House. During the meeting, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** argued to Pence that he could either reject electoral votes from certain states or delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, for the purpose of allowing certain state legislatures to unlawfully appoint presidential electors in favor of **DONALD JOHN TRUMP**. During the meeting, **JOHN CHARLES EASTMAN** admitted both options violated the Electoral Count Act. This was an overt act in furtherance of the conspiracy.

Act 126.

On or about the **5th day of January 2021**, **JENNA LYNN ELLIS** wrote a memorandum titled "Re: Vice President Authority in Counting Electors pursuant to U.S. Constitution and 3 U.S. Code §§ 5 and 15" to an attorney associated with **DONALD JOHN TRUMP**. The memorandum outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated, "the Vice President should begin alphabetically in order of the states, and coming first to Arizona, not open the purported certification, but simply stop the count at that juncture." This was an overt act in furtherance of the conspiracy.



**Act 127.**

On or about the **5th day of January 2021**, **ROBERT DAVID CHEELEY, STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, TREVIAN C. KUTTI, and SCOTT GRAHAM HALL** placed multiple telephone calls to each other and to other individuals involved in the conspiracy. They include the following:

1. At 11:32 a.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **TREVIAN C. KUTTI**.
2. At 12:14 p.m., **HARRISON WILLIAM PRESCOTT FLOYD, TREVIAN C. KUTTI, STEPHEN CLIFFGARD LEE**, and unindicted co-conspirator Individual 23, whose identity is known to the Grand Jury, participated in a four-way telephone call.
3. At 12:19 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
4. At 12:34 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
5. At 1:07 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **SCOTT GRAHAM HALL**.
6. At 1:09 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **SCOTT GRAHAM HALL**.
7. At 2:30 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
8. At 2:45 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **ROBERT DAVID CHEELEY**.
9. At 3:59 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **SCOTT GRAHAM HALL**.
10. At 4:42 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **ROBERT DAVID CHEELEY**.
11. At 4:50 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
12. At 5:05 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.

13. At 7:19 p.m., **TREVIAN C. KUTTI** placed a telephone call to **ROBERT DAVID CHEELEY**.
14. At 7:48 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **TREVIAN C. KUTTI**.
15. At 8:27 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **TREVIAN C. KUTTI**.
16. At 8:49 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
17. At 9:18 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
18. At 9:31 p.m., **TREVIAN C. KUTTI** placed a telephone call to **ROBERT DAVID CHEELEY**.
19. At 10:14 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
20. At 11:16 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **TREVIAN C. KUTTI**.
21. At 11:25 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
22. At 11:35 p.m., **ROBERT DAVID CHEELEY**, **TREVIAN C. KUTTI**, and **SCOTT GRAHAM HALL** participated in a three-way telephone call.
23. At 12:09 a.m. on January 6, 2021, **TREVIAN C. KUTTI** placed a telephone call to **ROBERT DAVID CHEELEY**.

These were overt acts in furtherance of the conspiracy.

**Act 128.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account **@RealDonaldTrump**, "The Vice President has the power to reject fraudulently chosen electors." This was an overt act in furtherance of the conspiracy.

**Act 129.**

On or about the **5th day of January 2021**, **JOHN CHARLES EASTMAN** met with Chief of Staff to the Vice President Marc Short and Counsel to the Vice President Greg Jacob for the purpose of requesting that Vice President Mike Pence reject slates of presidential electors from Georgia and certain other states during the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 130.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** met with Vice President Mike Pence in the Oval Office at the White House. During the meeting, **DONALD JOHN TRUMP** stated that Pence had the power to decertify the November 3, 2020, presidential election results, that people cheated, and that Pence wanted to “play by Marquess of Queensberry rules.” When Pence stated that it was his duty to support and defend the Constitution and that only Congress had the power to decide to reject slates of presidential electors, **DONALD JOHN TRUMP** stated that Pence was naive, implied that he lacked courage, and stated that Pence was doing “a great disservice.” This was an overt act in furtherance of the conspiracy.

**Act 131.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** placed a telephone call to Vice President Mike Pence. During the telephone call, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** attempted to persuade Pence to reject slates of presidential electors or return the slates of presidential electors to state legislatures. This was an overt act in furtherance of the conspiracy.

**Act 132.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** placed a second telephone call to Vice President Mike Pence. During the telephone call, **DONALD JOHN TRUMP** asked Pence if he had received a copy of a letter from a group of Pennsylvania legislators urging Congress to return the state’s electoral college votes and stated to Pence, “You gotta be tough tomorrow.” This was an overt act in furtherance of the conspiracy.

**Act 133.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** issued a statement through the Trump Campaign that falsely stated, “The Vice President and I are in total agreement that the Vice President has the power to act. ... Our Vice President has several options under the U.S. Constitution. He can decertify the results or send them back to the states for change and certification. He can also decertify the illegal and corrupt results and send them to the House of Representatives for the one vote for one state tabulation.” This was an overt act in furtherance of the conspiracy.

**Act 134.**

On or about the **6th day of January 2021**, **CATHLEEN ALSTON LATHAM** placed a telephone call to **SCOTT GRAHAM HALL**. Several hours later, **SCOTT GRAHAM HALL** placed a telephone call to **CATHLEEN ALSTON LATHAM**. During at least one of the phone calls, they discussed **SCOTT GRAHAM HALL**'s request to assist with the unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia. These were overt acts in furtherance of the conspiracy.

**Act 135.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** appeared and spoke at a rally at the Ellipse in Washington, D.C. During the rally, **DONALD JOHN TRUMP** made false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere, solicited Vice President Mike Pence to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and encouraged those in attendance at the rally to march to the United States Capitol. This was an overt act in furtherance of the conspiracy.

**Act 136.**

On or about the **6th day of January 2021**, **RUDOLPH WILLIAM LOUIS GIULIANI** appeared and spoke at a rally at the Ellipse in Washington, D.C. During the rally, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere and solicited Vice President Mike Pence to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 137.**

On or about the **6th day of January 2021**, **JOHN CHARLES EASTMAN** appeared and spoke at a rally at the Ellipse in Washington, D.C. During the rally, **JOHN CHARLES EASTMAN** made false statements concerning fraud in the November 3, 2020, presidential election and solicited Vice President Mike Pence to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 138.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "If Vice President @Mike\_Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!" This was an overt act in furtherance of the conspiracy.

**Act 139.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "States want to correct their votes, which they now know were based on irregularities and fraud, plus corrupt process never received legislative approval. All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!" This was an overt act in furtherance of the conspiracy.

**Act 140.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** placed a telephone call to Vice President Mike Pence and solicited him to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. When Pence refused, **DONALD JOHN TRUMP** stated that Pence would "go down as a wimp" and that Pence was not protecting the United States. This was an overt act in furtherance of the conspiracy.

**Act 141.**

On or about the **6th day of January 2021**, **JOHN CHARLES EASTMAN** sent an e-mail to Counsel to the Vice President Greg Jacob that stated:

“The Senate and House have both violated the Electoral Count Act this evening – they debated the Arizona objections for more than 2 hours. Violation of 3 USC 17. And the VP allowed further debate or statements by leadership after the question had been voted upon. Violation of 3 USC 17. And they had that debate upon motion approved by the VP, in violation of the requirement in 3 USC 15 that after the vote in the separate houses, ‘they shall immediately again meet.’

So now that the precedent has been set that the Electoral Count Act is not quite so sacrosanct as was previously claimed, I implore you to consider one more relatively minor violation and adjourn for 10 days to allow the legislatures to finish their investigations, as well as to allow a full forensic audit of the massive amount of illegal activity that has occurred here. If none of that moves the needle, at least a good portion of the 75 million people who supported President Trump will have seen a process that allowed the illegality to be aired.

John”

This was an overt act in furtherance of the conspiracy.

**Act 142.**

On or about the **7th day of January 2021**, **CATHLEEN ALSTON LATHAM** sent a text message to the Chief Operations Officer of SullivanStrickler LLC with the address for the Douglas Municipal Airport in Coffee County, Georgia, to coordinate picking up **SCOTT GRAHAM HALL** from the airport and driving him to the Coffee County Board of Elections & Registration Office for the purpose of assisting with the unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 143.**

On or about the **7th day of January 2021**, **SCOTT GRAHAM HALL** and unindicted co-conspirator Individual 24, whose identity is known to the Grand Jury, flew from DeKalb-Peachtree Airport in DeKalb County, Georgia, to Douglas Municipal Airport in Coffee County, Georgia, for the purpose of assisting with the unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 144.**

On or about the **7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **INTERFERENCE WITH PRIMARIES AND ELECTIONS**, in violation of **O.C.G.A. § 21-2-566**, in Coffee County, Georgia, by willfully and unlawfully tampering with electronic ballot markers and tabulating machines in Coffee County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 145.**

On or about the **7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **UNLAWFUL POSSESSION OF BALLOTS**, in violation of **O.C.G.A. § 21-2-574**, in Coffee County, Georgia, by causing certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place in Coffee County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 146.**

On or about the **7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **COMPUTER THEFT**, in violation of **O.C.G.A. § 16-9-93(a)**, in Coffee County, Georgia, by using a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation in Coffee County, Georgia. This was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xix)** and an overt act in furtherance of the conspiracy.

**Act 147.**

On or about the **7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **COMPUTER TRESPASS**, in violation of **O.C.G.A. § 16-9-93(b)**, in Coffee County, Georgia, by using a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer in Coffee County, Georgia. This was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xix)** and an overt act in furtherance of the conspiracy.

**Act 148.**

On or about the **7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **COMPUTER INVASION OF PRIVACY**, in violation of **O.C.G.A. § 16-9-93(c)**, in Coffee County, Georgia, by using a computer with the intention of examining personal voter data with knowledge that such examination was without authority. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xix) and an overt act in furtherance of the conspiracy.

**Act 149.**

On and between the **6th day of December 2020 and the 7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **CONSPIRACY TO DEFRAUD THE STATE**, in violation of **O.C.G.A. § 16-10-21**, in Coffee County, Georgia, by unlawfully conspiring and agreeing to commit theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 150.**

On or about the **9th day of January 2021, the 10th day of January 2021, the 11th day of January 2021, and the 13th day of January 2021**, unindicted co-conspirator Individual 25, whose identity is known to the Grand Jury, unlawfully accessed certain data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, by downloading said data from a server maintained by SullivanStrickler LLC. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 151.**

On or about the **9th day of January 2021, the 10th day of January 2021, the 11th day of January 2021, the 18th day of January 2021, and the 19th day of January 2021**, unindicted co-conspirator Individual 26, whose identity is unknown to the Grand Jury, unlawfully accessed certain data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, by downloading said data from a server maintained by SullivanStrickler LLC. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.



**Act 156.**

On or about the **17th day of September 2021**, **DONALD JOHN TRUMP** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 and 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully “decertifying the Election, or whatever the correct legal remedy is, and announce the true winner,” in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 157.**

On or about the **17th day of September 2021**, **DONALD JOHN TRUMP** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making the following false statement and representation to Georgia Secretary of State Brad Raffensperger:

1. “As stated to you previously, the number of false and/or irregular votes is far greater than needed to change the Georgia election result”;

said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 158.**

On or about the **25th day of April 2022**, **DAVID JAMES SHAFER** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations in the presence of Fulton County District Attorney's Office investigators:

1. That he "attended and convened" the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, but that he did not "call each of the individual members and notify them of the meeting or make any of the other preparations necessary for the meeting";
2. That a court reporter was not present at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia;

said statements being within the jurisdiction of the Fulton County District Attorney's Office, a department and agency of the government of a county of this state. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 159.**

On or about the **7th day of May 2022**, **SIDNEY KATHERINE POWELL** made at least one of the following false statements and representations in a sworn deposition with the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol:

1. That she "didn't have any role in really setting up" efforts to access voting machines in Coffee County, Georgia, or Antrim County, Michigan;
2. That she was aware there was an "effort by some people" to get access to voting machines in Georgia but that she did not "know what happened with that" and did not "remember whether that was Rudy or other folks."

This was an overt act in furtherance of the conspiracy.

**Act 160.**

On or about the **1st day of September 2022**, **CATHLEEN ALSTON LATHAM** committed the felony offense of **PERJURY**, in violation of **O.C.G.A. § 16-10-70(a)**, in Houston County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements in a deposition in the matter of *Curling v. Raffensperger*, Case 1:17-cv-02989-AT in the United States District Court for the Northern District of Georgia, a judicial proceeding, after having been administered a lawful oath:

1. That she was only present at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, for “just a few minutes” on January 7, 2021;
2. That she only “walked into the front part” of the Coffee County Board of Elections & Registration Office on January 7, 2021, and “didn’t go into the office”;
3. That she had “no idea” if employees of SullivanStrickler met Eric Chaney at the Coffee County Board of Elections & Registration Office on January 7, 2021;
4. That she did not see Misty Hampton at the Coffee County Board of Elections & Registration Office on January 7, 2021;
5. That her only interaction with Scott Hall at the Coffee County Board of Elections & Registration Office on January 7, 2021, was meeting him, speaking to him outside of the office, and then leaving the office;
6. That she did not see Scott Hall speak to anyone other than herself at the Coffee County Board of Elections & Registration Office on January 7, 2021;

said statements being material to the accused’s own involvement in the January 7, 2021, unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office and to the accused’s communications with others involved, the issues in question. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxv) and an overt act in furtherance of the conspiracy.

**Act 161.**

On or about the **15th day of September 2022**, **ROBERT DAVID CHEELEY** committed the felony offense of **PERJURY**, in violation of **O.C.G.A. § 16-10-70(a)**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements before the Fulton County Special Purpose Grand Jury, a judicial proceeding, after having been administered a lawful oath:

1. That he was unaware of the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
2. That he had no substantive conversations with anyone concerning the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
3. That he never suggested to anyone that the Trump presidential elector nominees in Georgia should meet on December 14, 2020;
4. That the only communication he had with John Eastman concerning the November 3, 2020, presidential election was for the purpose of connecting Eastman to Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, for possible legal representation;
5. That he never worked to connect John Eastman with any Georgia legislators other than Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury;

said statements being material to the accused's own involvement in the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, and to the accused's communications with others involved in the meeting, the issues in question. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxv) and an overt act in furtherance of the conspiracy.

\* \* \*

The acts set forth above were committed in furtherance of the conspiracy alleged above and had the same and similar intents, results, accomplices, victims, and methods of commission and otherwise were interrelated by distinguishing characteristics and were not isolated acts.

### COUNT 2 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, JENNA LYNN ELLIS, and RAY STALLINGS SMITH III** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on the **3rd day of December 2020**, unlawfully solicited, requested, and importuned certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Lee Anderson, Brandon Beach, Matt Brass, Greg Dolezal, Steve Gooch, Tyler Harper, Bill Heath, Jen Jordan, John F. Kennedy, William Ligon, Elena Parent, Michael Rhett, Carden Summers, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

### COUNT 3 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **3rd day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That at least 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;
2. That a Dominion Voting Systems machine used in the November 3, 2020, presidential election in Antrim County, Michigan, mistakenly recorded 6,000 votes for Joseph R. Biden when the votes were actually cast for Donald Trump;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 4 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RAY STALLINGS SMITH III** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **3rd day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That 2,506 felons voted illegally in the November 3, 2020, presidential election in Georgia;
2. That 66,248 underage people illegally registered to vote before their seventeenth birthday prior to the November 3, 2020, presidential election in Georgia;
3. That at least 2,423 people voted in the November 3, 2020, presidential election in Georgia who were not listed as registered to vote;
4. That 1,043 people voted in the November 3, 2020, presidential election in Georgia who had illegally registered to vote using a post office box;
5. That 10,315 or more dead people voted in the November 3, 2020, presidential election in Georgia;
6. That Fulton County election workers at State Farm Arena ordered poll watchers and members of the media to leave the tabulation area on the night of November 3, 2020, and continued to operate after ordering everyone to leave;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 5 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on or about the **7th day of December 2020**, unlawfully solicited, requested, and importuned Speaker of the Georgia House of Representatives David Ralston, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by calling for a special session of the Georgia General Assembly for the purpose of unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 6 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** and **RAY STALLINGS SMITH III** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on the **10th day of December 2020**, unlawfully solicited, requested, and importuned certain public officers then serving as elected members of the Georgia House of Representatives and present at a House Governmental Affairs Committee meeting, including Representatives Shaw Blackmon, Jon Burns, Barry Fleming, Todd Jones, Bee Nguyen, Mary Margaret Oliver, Alan Powell, Renitta Shannon, Robert Trammell, Scot Turner, and Bruce Williamson, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 7 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **10th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia House of Representatives present at a House Governmental Affairs Committee meeting:

1. That it is quite clear from the State Farm Arena video from November 3, 2020, that Fulton County election workers were stealing votes and that Georgia officials were covering up a crime in plain sight;
2. That at State Farm Arena on November 3, 2020, Democratic officials “got rid of all of the reporters, all the observers, anyone that couldn’t be trusted,” used the excuse of a watermain break, cleared out the voting area and then “went about their dirty, crooked business”;
3. That between 12,000 and 24,000 ballots were illegally counted by Fulton County election workers at State Farm Arena on November 3, 2020;
4. That in Michigan, there were 700,000 more ballots counted than were sent out to voters in the November 3, 2020, presidential election, which was accounted for by quadruple counting ballots;
5. That Ruby Freeman, Shaye Moss, and an unidentified man were “quite obviously surreptitiously passing around USB ports as if they’re vials of heroin or cocaine” at State Farm Arena to be used to “infiltrate the crooked Dominion voting machines”;
6. That 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;



**COUNT 8 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **IMPERSONATING A PUBLIC OFFICER, O.C.G.A. § 16-10-23**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully falsely held themselves out as the duly elected and qualified presidential electors from the State of Georgia, public officers, with intent to mislead the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia into believing that they actually were such officers by placing in the United States mail to said persons a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 9 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT IMPERSONATING A PUBLIC OFFICER, O.C.G.A. §§ 16-4-8 & 16-10-23**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to cause certain individuals to falsely hold themselves out as the duly elected and qualified presidential electors from the State of Georgia, public officers, with intent to mislead the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia into believing that they actually were such officers;

And the Defendants named in Count 8, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, falsely held themselves out as said public officers by placing in the United States mail to said persons a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA" in Fulton County, Georgia, which was an overt act to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 10 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **FORGERY IN THE FIRST DEGREE, O.C.G.A. § 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully and with the intent to defraud, knowingly made a document titled “**CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA**,” a writing other than a check, in such manner that the writing as made purports to have been made by authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 11 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE, O.C.G.A. §§ 16-4-8 & 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired, with the intent to defraud, to knowingly make a document titled “**CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA**,” a writing other than a check, in such manner that the writing as made purports to have been made by authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and to utter and deliver said document to the Archivist of the United States;

And the Defendants named in Count 10, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made said document in Fulton County, Georgia, and uttered and delivered said document to the Archivist of the United States in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 12 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, knowingly, willfully, and unlawfully made and used a false document titled “**CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA**,” with knowledge that said document contained the false statement, “**WE, THE UNDERSIGNED**, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following,” said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 13 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-8 & 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to knowingly and willfully make and use a false document titled “**CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA**,” with knowledge that said document contained the false statement, “**WE, THE UNDERSIGNED**, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following,” said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government;

And the Defendants named in Count 12, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made and used said document in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 14 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **CRIMINAL ATTEMPT TO COMMIT FILING FALSE DOCUMENTS, O.C.G.A. §§ 16-4-1 & 16-10-20.1(b)(1)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully, with intent to commit the crime of Filing False Documents, O.C.G.A. § 16-10-20.1(b)(1), placed in the United States mail a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," addressed to Chief Judge, U.S. District Court, Northern District of Georgia, 2188 Richard D. Russell Federal Office Building and U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, a substantial step toward the commission of Filing False Documents, O.C.G.A. § 16-10-20.1(b)(1), with intent to knowingly file, enter, and record said document in a court of the United States, having reason to know that said document contained the materially false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following," contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 15 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FILING FALSE DOCUMENTS, O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to knowingly file, enter, and record a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," in a court of the United States, having reason to know that said document contained the materially false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following";

And the Defendants named in Count 14, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, placed in the United States mail said document, addressed to Chief Judge, U.S. District Court, Northern District of Georgia, 2188 Richard D. Russell Federal Office Building and U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, in Fulton County, Georgia, which was an overt act to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 16 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** with the offense of **FORGERY IN THE FIRST DEGREE, O.C.G.A. § 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully and with the intent to defraud, knowingly made a document titled "RE: Notice of Filling of Electoral College Vacancy," a writing other than a check, in such manner that the writing as made purports to have been made by the authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States and the Office of the Governor of Georgia, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 17 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE, O.C.G.A. §§ 16-4-8 & 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired, with the intent to defraud, to knowingly make a document titled "RE: Notice of Filling of Electoral College Vacancy," a writing other than a check, in such manner that the writing as made purports to have been made by the authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and to utter and deliver said document to the Archivist of the United States and the Office of the Governor of Georgia;

And the Defendants named in Count 16, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made said document in Fulton County, Georgia, and uttered and delivered said document to the Archivist of the United States and the Office of the Governor of Georgia in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 18 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, knowingly, willfully, and unlawfully made and used a false document titled "RE: Notice of Filling of Electoral College Vacancy," with knowledge that said document contained the false statements that **DAVID JAMES SHAFER** was Chairman of the 2020 Georgia Electoral College Meeting and **SHAWN MICAH TRESHER STILL** was Secretary of the 2020 Georgia Electoral College Meeting, said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 19 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY** and **MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-8 & 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to knowingly and willfully make and use a false document titled "RE: Notice of Filling of Electoral College Vacancy," with knowledge that said document contained the false statements that **DAVID JAMES SHAFER** was Chairman of the 2020 Georgia Electoral College Meeting and **SHAWN MICAH TRESHER STILL** was Secretary of the 2020 Georgia Electoral College Meeting, said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government;

And the Defendants named in Count 18, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made and used said document in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 20 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE** with the offense of **CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES, O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)**, for the said accused, in the County of Fulton and State of Georgia, on the **14th day of December 2020**, unlawfully, with intent to commit the crime of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), traveled to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and spoke to her neighbor, a substantial step toward the commission of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 21 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE** with the offense of **CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES, O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)**, for the said accused, in the County of Fulton and State of Georgia, on the **15th day of December 2020**, unlawfully, with intent to commit the crime of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), traveled to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and knocked on her door, a substantial step toward the commission of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 22 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **JEFFREY BOSSERT CLARK** with the offense of **CRIMINAL ATTEMPT TO COMMIT FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-1 & 16-10-20**, for the said accused, individually and as a person concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **28th day of December 2020 and the 2nd day of January 2021**, unlawfully, with intent to commit the crime of False Statements and Writings, O.C.G.A. § 16-10-20, knowingly and willfully made a false writing and document knowing the same to contain the false statement that the United States Department of Justice had “identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia,” said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies;

And, on or about the **28th day of December 2020**, the said accused sent an e-mail to Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue and requested authorization to send said false writing and document to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller;

And, on or about the **2nd day of January 2021**, the said accused met with Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue and requested authorization to send said false writing and document to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller;

And said acts constituted substantial steps toward the commission of False Statements and Writings, O.C.G.A. § 16-10-20, and said conduct committed outside the state of Georgia constituted an attempt to commit a crime within the state of Georgia, pursuant to O.C.G.A. § 17-2-1(b)(2), contrary to the laws of said State, the good order, peace and dignity thereof;



**COUNT 23 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI, RAY STALLINGS SMITH III, and ROBERT DAVID CHEELEY** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on the **30th day of December 2020**, unlawfully solicited, requested, and importuned certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Brandon Beach, Bill Heath, William Ligon, Michael Rhett, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 24 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **30th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Fulton County election workers fraudulently counted certain ballots as many as five times at State Farm Arena on November 3, 2020;
2. That 2,560 felons voted illegally in the November 3, 2020, presidential election in Georgia;
3. That 10,315 dead people voted in the November 3, 2020, presidential election in Georgia;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 25 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RAY STALLINGS SMITH III** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **30th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Georgia Secretary of State General Counsel Ryan Germany stated that his office had sent letters to 8,000 people who voted illegally in the November 3, 2020, presidential election and told them not to vote in the January 5, 2021, runoff election;
2. That the Georgia Secretary of State admitted “that they had a 90% accuracy rate” in the November 3, 2020, presidential election and that “there’s still a 10% margin that’s not accurate”;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 26 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **ROBERT DAVID CHEELEY** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **30th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That poll watchers and media at State Farm Arena were told late in the evening of November 3, 2020, that the vote count was being suspended until the next morning and to go home because of “a major watermain break”;
2. That Fulton County election workers at State Farm Arena “voted” the same ballots “over and over again” on November 3, 2020;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 27 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** with the offense of **FILING FALSE DOCUMENTS, O.C.G.A. § 16-10-20.1(b)(1)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **31st day of December 2020**, knowingly and unlawfully filed a document titled “**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF**” in the matter of Trump v. Kemp, Case 1:20-cv-05310-MHC, in the United States District Court for the Northern District of Georgia, a court of the United States, having reason to know that said document contained at least one of the following materially false statements:

1. That “as many as 2,506 felons with an uncompleted sentence” voted illegally in the November 3, 2020, presidential election in Georgia;
2. That “at least 66,247 underage” people voted illegally in the November 3, 2020, presidential election in Georgia;
3. That “at least 2,423 individuals” voted illegally in the November 3, 2020, presidential election in Georgia “who were not listed in the State’s records as having been registered to vote”;
4. That “at least 1,043 individuals” voted illegally in the November 3, 2020, presidential election “who had illegally registered to vote using a postal office box as their habitation”;
5. That “as many as 10,315 or more” dead people voted in the November 3, 2020, presidential election in Georgia;
6. That “[d]eliberate misinformation was used to instruct Republican poll watchers and members of the press to leave the premises for the night at approximately 10:00 p.m. on November 3, 2020” at State Farm Arena in Fulton County, Georgia;

contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 28 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **2nd day of January 2021**, unlawfully solicited, requested, and importuned Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully altering, unlawfully adjusting, and otherwise unlawfully influencing the certified returns for presidential electors for the November 3, 2020, presidential election in Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 29 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **2nd day of January 2021**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to Georgia Secretary of State Brad Raffensperger, Georgia Deputy Secretary of State Jordan Fuchs, and Georgia Secretary of State General Counsel Ryan Germany:

1. That anywhere from 250,000 to 300,000 ballots were dropped mysteriously into the rolls in the November 3, 2020, presidential election in Georgia;
2. That thousands of people attempted to vote in the November 3, 2020, presidential election in Georgia and were told they could not because a ballot had already been cast in their name;
3. That 4,502 people voted in the November 3, 2020, presidential election in Georgia who were not on the voter registration list;
4. That 904 people voted in the November 3, 2020, presidential election in Georgia who were registered at an address that was a post office box;
5. That Ruby Freeman was a professional vote scammer and a known political operative;
6. That Ruby Freeman, her daughter, and others were responsible for fraudulently awarding at least 18,000 ballots to Joseph R. Biden at State Farm Arena in the November 3, 2020, presidential election in Georgia;
7. That close to 5,000 dead people voted in the November 3, 2020, presidential election in Georgia;
8. That 139% of people voted in the November 3, 2020, presidential election in Detroit;
9. That 200,000 more votes were recorded than the number of people who voted in the November 3, 2020, presidential election in Pennsylvania;
10. That thousands of dead people voted in the November 3, 2020, presidential election in Michigan;
11. That Ruby Freeman stuffed the ballot boxes;
12. That hundreds of thousands of ballots had been “dumped” into Fulton County and another county adjacent to Fulton County in the November 3, 2020, presidential election in Georgia;

13. That he won the November 3, 2020, presidential election in Georgia by 400,000 votes;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, contrary to the laws of said State, the good order, peace and dignity thereof;

#### COUNT 30 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** with the offense of **CONSPIRACY TO COMMIT SOLICITATION OF FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-8, 16-4-7, & 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **4th day of January 2021**, unlawfully conspired to solicit, request, and importune Ruby Freeman, a Fulton County, Georgia, election worker, to engage in conduct constituting the felony offense of False Statements and Writings, O.C.G.A. § 16-10-20, by knowingly and willfully making a false statement and representation concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said statement and representation being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, with intent that said person engage in said conduct; and **TREVIAN C. KUTTI** traveled to Fulton County, Georgia, and placed a telephone call to Ruby Freeman while in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

#### COUNT 31 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD and TREVIAN C. KUTTI** with the offense of **INFLUENCING WITNESSES, O.C.G.A. § 16-10-93(b)(1)(A)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **4th day of January 2021**, knowingly and unlawfully engaged in misleading conduct toward Ruby Freeman, a Fulton County, Georgia, election worker, by stating that she needed protection and by purporting to offer her help, with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 32 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT ELECTION FRAUD, O.C.G.A. §§ 21-2-603 & 21-2-566**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired and agreed to willfully tamper with electronic ballot markers and tabulating machines in the State of Georgia;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of willfully tampering with said electronic ballot markers and tabulating machines, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in willfully tampering with electronic ballot markers and tabulating machines while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 33 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT ELECTION FRAUD, O.C.G.A. §§ 21-2-603 & 21-2-574**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired and agreed to cause certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place in the State of Georgia;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of causing certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in accessing election equipment while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, for the purpose of causing certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;



**COUNT 34 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT COMPUTER THEFT, O.C.G.A. §§ 16-4-8 & 16-9-93(a)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired to use a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation,

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of using a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in using a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation, while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 35 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT COMPUTER TRESPASS, O.C.G.A. §§ 16-4-8 & 16-9-93(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired to use a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of using a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in using a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer, while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 36 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT COMPUTER INVASION OF PRIVACY, O.C.G.A. §§ 16-4-8 & 16-9-93(c)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired to use a computer with the intention of examining personal voter data with knowledge that such examination was without authority;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of using a computer with the intention of examining personal voter data with knowledge that such examination was without authority, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in using a computer with the intention of examining personal voter data with knowledge that such examination was without authority, while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 37 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO DEFRAUD THE STATE, O.C.G.A. § 16-10-21**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired and agreed to commit theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of committing theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in accessing election equipment while inside the Coffee County Elections & Registration Office in Douglas, Georgia, for the purpose of committing theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 38 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 and 16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on or about the **17th day of September 2021**, unlawfully solicited, requested, and importuned Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully “decertifying the Election, or whatever the correct legal remedy is, and announce the true winner,” in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 39 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **17th day of September 2021**, knowingly, willfully, and unlawfully made the following false statement and representation to Georgia Secretary of State Brad Raffensperger:

1. “As stated to you previously, the number of false and/or irregular votes is far greater than needed to change the Georgia election result”;

said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 40 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **25th day of April 2022**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations in the presence of Fulton County District Attorney’s Office investigators:

1. That he “attended and convened” the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, but that he did not “call each of the individual members and notify them of the meeting or make any of the other preparations necessary for the meeting”;
2. That a court reporter was not present at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia;

said statements being within the jurisdiction of the Fulton County District Attorney’s Office, a department and agency of the government of a county of this state, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 41 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **ROBERT DAVID CHEELEY** with the offense of **PERJURY, O.C.G.A. § 16-10-70(a)**, for the said accused, in the County of Fulton and State of Georgia, on or about the **15th day of September 2022**, knowingly, willfully, and unlawfully made at least one of the following false statements before the Fulton County Special Purpose Grand Jury, a judicial proceeding, after having been administered a lawful oath:

1. That he was unaware of the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
2. That he had no substantive conversations with anyone concerning the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
3. That he never suggested to anyone that the Trump presidential elector nominees in Georgia should meet on December 14, 2020;
4. That the only communication he had with John Eastman concerning the November 3, 2020, presidential election was for the purpose of connecting Eastman to Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, for possible legal representation;
5. That he never worked to connect John Eastman with any Georgia legislators other than Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury;

said statements being material to the accused's own involvement in the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, and to the accused's communications with others involved in said meeting, the issues in question, contrary to the laws of said State, the good order, peace and dignity thereof.

**FANI T. WILLIS, District Attorney**

## **WITNESS LIST**

Asst. Chief Inv. M. Hill – FCDA DA14

Sr. Inv. T. Swanson-Lucas – FCDA DA72

CHÉ ALEXANDER, CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA,  
I, DO CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE, COMPLETE  
AND CORRECT COPY OF THE ORIGINAL IN SAID CASE, APPEARS ON FILE  
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT  
FULTON COUNTY CRIMINAL DIVISION., ATLANTA, GA.

WITNESS MY HAND AND SEAL OF SAID COURT THIS

8 DAY OF MARCH 2024

DEPUTY CLERK, FULTON SUPERIOR COURT



Fulton County Superior Court

## INDICTMENT

\*\*FILED\*\* CA

GC  
EJIS McFee

Date: August 14, 2023

Che Alexander, Clerk of Court

Clerk No. 23SC188947

## FULTON SUPERIOR COURT

THE STATE OF GEORGIA

V.

DONALD JOHN TRUMP

Counts 1, 5, 9, 11, 13, 15, 17, 19,  
27-29, 38-39

RUDOLPH WILLIAM LOUIS

GIULIANI

Counts 1-3, 6-7, 9, 11, 13, 15, 17, 19,  
23-24

JOHN CHARLES EASTMAN

Counts 1-2, 9, 11, 13, 15, 17, 19, 27

MARK RANDALL MEADOWS

Counts 1, 28

KENNETH JOHN CHESEBRO

Counts 1, 9, 11, 13, 15, 17, 19

JEFFREY BOSSERT CLARK

Counts 1, 22

JENNA LYNN ELLIS

Counts 1-2

RAY STALLINGS SMITH III

Counts 1-2, 4, 6, 9, 11, 13, 15, 17, 19,  
23, 25

ROBERT DAVID CHEELEY

Counts 1, 9, 11, 13, 15, 17, 19, 23, 26,  
41

MICHAEL A. ROMAN

Counts 1, 9, 11, 13, 15, 17, 19

DAVID JAMES SHAFER

Counts 1, 8, 10, 12, 14, 16, 18, 40

1 VIOLATION OF THE GEORGIA RICO  
(RACKETEER INFLUENCED AND CORRUPT  
ORGANIZATIONS) ACT  
O.C.G.A. § 16-14-4(c)2 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER  
O.C.G.A. §§ 16-4-7 & 16-10-13 FALSE STATEMENTS AND WRITINGS  
O.C.G.A. § 16-10-204 FALSE STATEMENTS AND WRITINGS  
O.C.G.A. § 16-10-205 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER  
O.C.G.A. §§ 16-4-7 & 16-10-16 SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER  
O.C.G.A. §§ 16-4-7 & 16-10-17 FALSE STATEMENTS AND WRITINGS  
O.C.G.A. § 16-10-208 IMPERSONATING A PUBLIC OFFICER  
O.C.G.A. § 16-10-239 CONSPIRACY TO COMMIT  
IMPERSONATING A PUBLIC OFFICER  
O.C.G.A. §§ 16-4-8 & 16-10-2310 FORGERY IN THE FIRST DEGREE  
O.C.G.A. § 16-9-1(b)11 CONSPIRACY TO COMMIT  
FORGERY IN THE FIRST DEGREE  
O.C.G.A. §§ 16-4-8 & 16-9-1(b)

EXHIBIT

2

<b>SHAWN MICAH TRESHER STILL</b> Counts 1, 8, 10, 12, 14, 16, 18	<b>12 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20
<b>STEPHEN CLIFFGARD LEE</b> Counts 1, 20-21, 30-31	<b>13 CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. §§ 16-4-8 & 16-10-20
<b>HARRISON WILLIAM PRESCOTT FLOYD</b> Counts 1, 30-31	<b>14 CRIMINAL ATTEMPT TO COMMIT FILING FALSE DOCUMENTS</b> O.C.G.A. §§ 16-4-1 & 16-10-20.1(b)(1)
<b>TREVIAN C. KUTTI</b> Counts 1, 30-31	<b>15 CONSPIRACY TO COMMIT FILING FALSE DOCUMENTS</b> O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1)
<b>SIDNEY KATHERINE POWELL</b> Counts 1, 32-37	<b>16 FORGERY IN THE FIRST DEGREE</b> O.C.G.A. § 16-9-1(b)
<b>CATHLEEN ALSTON LATHAM</b> Counts 1, 8, 10, 12, 14, 32-37	<b>17 CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE</b> O.C.G.A. §§ 16-4-8 & 16-9-1(b)
<b>SCOTT GRAHAM HALL</b> Counts 1, 32-37	<b>18 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20
<b>MISTY HAMPTON AKA EMILY MISTY HAYES</b> Counts 1, 32-37	<b>19 CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. §§ 16-4-8 & 16-10-20
	<b>20 CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b> O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)
	<b>21 CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b> O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)
	<b>22 CRIMINAL ATTEMPT TO COMMIT FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. §§ 16-4-1 & 16-10-20
	<b>23 SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b> O.C.G.A. §§ 16-4-7 & 16-10-1
	<b>24 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20
	<b>25 FALSE STATEMENTS AND WRITINGS</b> O.C.G.A. § 16-10-20

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- 26 **FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
  - 27 **FILING FALSE DOCUMENTS**  
O.C.G.A. § 16-10-20.1(b)(1)
  - 28 **SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**  
O.C.G.A. §§ 16-4-7 & 16-10-1
  - 29 **FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
  - 30 **CONSPIRACY TO COMMIT SOLICITATION OF  
FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. §§ 16-4-8, 16-4-7 & 16-10-20
  - 31 **INFLUENCING WITNESSES**  
O.C.G.A. § 16-10-93(b)(1)(A)
  - 32 **CONSPIRACY TO COMMIT ELECTION FRAUD**  
O.C.G.A. §§ 21-2-603 & 21-2-566
  - 33 **CONSPIRACY TO COMMIT ELECTION FRAUD**  
O.C.G.A. §§ 21-2-603 & 21-2-574
  - 34 **CONSPIRACY TO COMMIT  
COMPUTER THEFT**  
O.C.G.A. §§ 16-4-8 & 16-9-93(a)
  - 35 **CONSPIRACY TO COMMIT  
COMPUTER TRESPASS**  
O.C.G.A. §§ 16-4-8 & 16-9-93(b)
  - 36 **CONSPIRACY TO COMMIT  
COMPUTER INVASION OF PRIVACY**  
O.C.G.A. §§ 16-4-8 & 16-9-93(c)
  - 37 **CONSPIRACY TO DEFRAUD THE STATE**  
O.C.G.A. § 16-10-21
  - 38 **SOLICITATION OF VIOLATION OF OATH  
BY PUBLIC OFFICER**  
O.C.G.A. §§ 16-4-7 & 16-10-1
  - 39 **FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
  - 40 **FALSE STATEMENTS AND WRITINGS**  
O.C.G.A. § 16-10-20
-

41 PERJURY

O.C.G.A. § 16-10-70(a)

True BILL  
Aug 14, 2023  
Grand Jury Foreperson

FANI T. WILLIS, District Attorney

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads

Guilty. 40, 64, 15

Kenneth C. Ch...

Defendant

[Signature]

Attorney for Defendant

[Signature]

Assistant District Attorney

This 20 day of October, 2023

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads

Guilty.

\_\_\_\_\_

Defendant

\_\_\_\_\_

Attorney for Defendant

\_\_\_\_\_

Assistant District Attorney

This \_\_\_ day of \_\_\_\_\_,

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Guilty.

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\_\_\_\_\_

Assistant District Attorney

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Defendant

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Attorney for Defendant

\_\_\_\_\_  
Assistant District Attorney

This \_\_\_\_ day of \_\_\_\_\_,



**STATE OF GEORGIA, COUNTY OF FULTON**

**IN THE SUPERIOR COURT OF SAID COUNTY**

**THE GRAND JURORS**, selected, chosen, and sworn for the County of Fulton, to wit:

- |   |                                   |
|---|-----------------------------------|
| 1. ROBERT WELLS, Foreperson             | 14. GREGORY PETRALIA              |
| 2. ASHLEY MELVIN, Asst. FP              | 15. JENNIFER PRICE                |
| <del>3. CLARISSA BRYAN, Secretary</del> | 16. GEORGE PRINGLE                |
| 4. JULIA DECREDDICO, Asst. Sec.         | 17. PAVAN PULAVARTY               |
| 5. ERLE ARNOLD                          | 18. FRANEEN SARIF                 |
| 6. DANIELLE BROWN                       | 19. EMMA ST. JOHN                 |
| 7. CAROL DICK                           | 20. VLADIMIR TCHAKAROV            |
| 8. KATHY GOLD                           | 21. CEDRIC TRICE                  |
| 9. WILLIS HARDY                         | 22. ESTHER UDOH                   |
| 10. BRENDA HART                         | 23. MARCUS WELBORN                |
| 11. ANTIONETTE HUDSON                   | <del>24. JASMINE CASTRO</del>     |
| 12. ILE LIN                             | 25. KATHLEEN CHEN                 |
| 13. MAX MORTENSEN                       | <del>26. CHRISTOPHER SUTTON</del> |

## TABLE OF CONTENTS

<b>COUNT 1:</b>	<b>VIOLATION OF THE GEORGIA RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS) ACT</b>	
	O.C.G.A. § 16-14-4(c).....	13
	Introduction.....	14
	The Enterprise.....	15
	Manner and Methods of the Enterprise.....	16
	Acts of Racketeering Activity and Overt Acts in Furtherance of the Conspiracy .....	20
<b>COUNT 2:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1.....	72
<b>COUNT 3:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	72
<b>COUNT 4:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	73
<b>COUNT 5:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER,</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1.....	74
<b>COUNT 6:</b>	<b>SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-7 & 16-10-1.....	74
<b>COUNT 7:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	75
<b>COUNT 8:</b>	<b>IMPERSONATING A PUBLIC OFFICER</b>	
	O.C.G.A. § 16-10-23.....	76
<b>COUNT 9:</b>	<b>CONSPIRACY TO COMMIT IMPERSONATING A PUBLIC OFFICER</b>	
	O.C.G.A. §§ 16-4-8 & 16-10-23.....	76
<b>COUNT 10:</b>	<b>FORGERY IN THE FIRST DEGREE</b>	
	O.C.G.A. § 16-9-1(b).....	77
<b>COUNT 11:</b>	<b>CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE</b>	
	O.C.G.A. §§ 16-4-8 & 16-9-1(b).....	77
<b>COUNT 12:</b>	<b>FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. § 16-10-20.....	78
<b>COUNT 13:</b>	<b>CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b>	
	O.C.G.A. §§ 16-4-8 & 16-10-20.....	78

<b>COUNT 14: CRIMINAL ATTEMPT TO COMMIT FILING FALSE DOCUMENTS</b>	
O.C.G.A. §§ 16-4-1 & 16-10-20.1(b)(1) .....	79
<b>COUNT 15: CONSPIRACY TO COMMIT FILING FALSE DOCUMENTS</b>	
O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1) .....	79
<b>COUNT 16: FORGERY IN THE FIRST DEGREE</b>	
O.C.G.A. § 16-9-1(b) .....	80
<b>COUNT 17: CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE</b>	
O.C.G.A. §§ 16-4-8 & 16-9-1(b) .....	80
<b>COUNT 18: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20 .....	81
<b>COUNT 19: CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. §§ 16-4-8 & 16-10-20 .....	81
<b>COUNT 20: CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b>	
O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A) .....	82
<b>COUNT 21: CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES</b>	
O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A) .....	82
<b>COUNT 22: CRIMINAL ATTEMPT TO COMMIT FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. §§ 16-4-1 & 16-10-20 .....	83
<b>COUNT 23: SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
O.C.G.A. §§ 16-4-7 & 16-10-1 .....	84
<b>COUNT 24: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20 .....	84
<b>COUNT 25: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20 .....	85
<b>COUNT 26: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20 .....	85
<b>COUNT 27: FILING FALSE DOCUMENTS</b>	
O.C.G.A. § 16-10-20.1(b)(1) .....	86
<b>COUNT 28: SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
O.C.G.A. §§ 16-4-7 & 16-10-1 .....	87

<b>COUNT 29: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20.....	88
<b>COUNT 30: CONSPIRACY TO COMMIT SOLICITATION OF FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. §§ 16-4-8, 16-4-7, & 16-10-20 .....	89
<b>COUNT 31: INFLUENCING WITNESSES</b>	
O.C.G.A. § 16-10-93(b)(1)(A).....	89
<b>COUNT 32: CONSPIRACY TO COMMIT ELECTION FRAUD</b>	
O.C.G.A. §§ 21-2-603 & 21-2-566.....	90
<b>COUNT 33: CONSPIRACY TO COMMIT ELECTION FRAUD</b>	
O.C.G.A. §§ 21-2-603 & 21-2-574.....	91
<b>COUNT 34: CONSPIRACY TO COMMIT COMPUTER THEFT</b>	
O.C.G.A. §§ 16-4-8 & 16-9-93(a) .....	92
<b>COUNT 35: CONSPIRACY TO COMMIT COMPUTER TRESPASS</b>	
O.C.G.A. §§ 16-4-8 & 16-9-93(b) .....	93
<b>COUNT 36: CONSPIRACY TO COMMIT COMPUTER INVASION OF PRIVACY</b>	
O.C.G.A. §§ 16-4-8 & 16-9-93(c) .....	94
<b>COUNT 37: CONSPIRACY TO DEFRAUD THE STATE</b>	
O.C.G.A. § 16-10-21.....	95
<b>COUNT 38: SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER</b>	
O.C.G.A. §§ 16-4-7 & 16-10-1.....	95
<b>COUNT 39: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20.....	96
<b>COUNT 40: FALSE STATEMENTS AND WRITINGS</b>	
O.C.G.A. § 16-10-20.....	96
<b>COUNT 41: PERJURY</b>	
O.C.G.A. § 16-10-70(a) .....	97

**COUNT 1 of 41**

The Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do hereby charge and accuse:

**DONALD JOHN TRUMP,  
RUDOLPH WILLIAM LOUIS GIULIANI,  
JOHN CHARLES EASTMAN,  
MARK RANDALL MEADOWS,  
KENNETH JOHN CHESEBRO,  
JEFFREY BOSSERT CLARK,  
JENNA LYNN ELLIS,  
RAY STALLINGS SMITH III,  
ROBERT DAVID CHEELEY,  
MICHAEL A. ROMAN,  
DAVID JAMES SHAFER,  
SHAWN MICAH TRESHER STILL,  
STEPHEN CLIFFGARD LEE,  
HARRISON WILLIAM PRESCOTT FLOYD,  
TREVIAN C. KUTTI,  
SIDNEY KATHERINE POWELL,  
CATHLEEN ALSTON LATHAM,  
SCOTT GRAHAM HALL, and  
MISTY HAMPTON**

with the offense of **VIOLATION OF THE GEORGIA RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS) ACT, O.C.G.A. § 16-14-4(c)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the State of Georgia and County of Fulton, on and between the **4th day of November 2020 and the 15th day of September 2022**, while associated with an enterprise, unlawfully conspired and endeavored to conduct and participate in, directly and indirectly, such enterprise through a pattern of racketeering activity in violation of **O.C.G.A. § 16-14-4(b)**, as described below and incorporated by reference as if fully set forth herein, contrary to the laws of said State, the good order, peace, and dignity thereof;

## **INTRODUCTION**

Defendant Donald John Trump lost the United States presidential election held on November 3, 2020. One of the states he lost was Georgia. Trump and the other Defendants charged in this Indictment refused to accept that Trump lost, and they knowingly and willfully joined a conspiracy to unlawfully change the outcome of the election in favor of Trump. That conspiracy contained a common plan and purpose to commit two or more acts of racketeering activity in Fulton County, Georgia, elsewhere in the State of Georgia, and in other states.

### THE ENTERPRISE

At all times relevant to this Count of the Indictment, the Defendants, as well as others not named as defendants, unlawfully conspired and endeavored to conduct and participate in a criminal enterprise in Fulton County, Georgia, and elsewhere. Defendants Donald John Trump, Rudolph William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith III, Robert David Cheeley, Michael A. Roman, David James Shafer, Shawn Micah Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham Hall, Misty Hampton, unindicted co-conspirators Individual 1 through Individual 30, and others known and unknown to the Grand Jury, constituted a criminal organization whose members and associates engaged in various related criminal activities including, but not limited to, false statements and writings, impersonating a public officer, forgery, filing false documents, influencing witnesses, computer theft, computer trespass, computer invasion of privacy, conspiracy to defraud the state, acts involving theft, and perjury.

This criminal organization constituted an enterprise as that term is defined in O.C.G.A. § 16-14-3(3), that is, a group of individuals associated in fact. The Defendants and other members and associates of the enterprise had connections and relationships with one another and with the enterprise. The enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise operated in Fulton County, Georgia, elsewhere in the State of Georgia, in other states, including, but not limited to, Arizona, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin, and in the District of Columbia. The enterprise operated for a period of time sufficient to permit its members and associates to pursue its objectives.

## **MANNER AND METHODS OF THE ENTERPRISE**

The manner and methods used by the Defendants and other members and associates of the enterprise to further the goals of the enterprise and to achieve its purposes included, but were not limited to, the following:

### **1. False Statements to and Solicitation of State Legislatures**

Members of the enterprise, including several of the Defendants, appeared at hearings in Fulton County, Georgia, before members of the Georgia General Assembly on December 3, 2020, December 10, 2020, and December 30, 2020. At these hearings, members of the enterprise made false statements concerning fraud in the November 3, 2020, presidential election. The purpose of these false statements was to persuade Georgia legislators to reject lawful electoral votes cast by the duly elected and qualified presidential electors from Georgia. Members of the enterprise corruptly solicited Georgia legislators instead to unlawfully appoint their own presidential electors for the purpose of casting electoral votes for Donald Trump. Members of the enterprise also made false statements to state legislators during hearings and meetings in Arizona, Michigan, and Pennsylvania in November and December 2020 to persuade legislators in those states to unlawfully appoint their own presidential electors.

### **2. False Statements to and Solicitation of High-Ranking State Officials**

Members of the enterprise, including several of the Defendants, made false statements in Fulton County and elsewhere in the State of Georgia to Georgia officials, including the Governor, the Secretary of State, and the Speaker of the House of Representatives. Members of the enterprise also corruptly solicited Georgia officials, including the Secretary of State and the Speaker of the House of Representatives, to violate their oaths to the Georgia Constitution and to the United States Constitution by unlawfully changing the outcome of the November 3, 2020,



presidential election in Georgia in favor of Donald Trump. Members of the enterprise also made false statements to and solicited state officials in Arizona, Michigan, and Pennsylvania.

### **3. Creation and Distribution of False Electoral College Documents**

Members of the enterprise, including several of the Defendants, created false Electoral College documents and recruited individuals to convene and cast false Electoral College votes at the Georgia State Capitol, in Fulton County, on December 14, 2020. After the false Electoral College votes were cast, members of the enterprise transmitted the votes to the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia. The false documents were intended to disrupt and delay the joint session of Congress on January 6, 2021, in order to unlawfully change the outcome of the November 3, 2020, presidential election in favor of Donald Trump. Similar schemes were executed by members of the enterprise in Arizona, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin.

### **4. Harassment and Intimidation of Fulton County Election Worker Ruby Freeman**

Members of the enterprise, including several of the Defendants, falsely accused Fulton County election worker Ruby Freeman of committing election crimes in Fulton County, Georgia. These false accusations were repeated to Georgia legislators and other Georgia officials in an effort to persuade them to unlawfully change the outcome of the November 3, 2020, presidential election in favor of Donald Trump. In furtherance of this scheme, members of the enterprise traveled from out of state to harass Freeman, intimidate her, and solicit her to falsely confess to election crimes that she did not commit.

**5. Solicitation of High-Ranking United States Department of Justice Officials**

Members of the enterprise, including several of the Defendants, corruptly solicited high-ranking United States Department of Justice officials to make false statements to government officials in Fulton County, Georgia, including the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. In one instance, Donald Trump stated to the Acting United States Attorney General, “Just say that the election was corrupt, and leave the rest to me and the Republican congressmen.”

**6. Solicitation of the Vice President of the United States**

Members of the enterprise, including several of the Defendants, corruptly solicited the Vice President of the United States to violate the United States Constitution and federal law by unlawfully rejecting Electoral College votes cast in Fulton County, Georgia, by the duly elected and qualified presidential electors from Georgia. Members of the enterprise also corruptly solicited the Vice President to reject votes cast by the duly elected and qualified presidential electors from several other states.

**7. Unlawful Breach of Election Equipment in Georgia and Elsewhere**

Members of the enterprise, including several of the Defendants, corruptly conspired in Fulton County, Georgia, and elsewhere to unlawfully access secure voting equipment and voter data. In Georgia, members of the enterprise stole data, including ballot images, voting equipment software, and personal voter information. The stolen data was then distributed to other members of the enterprise, including members in other states.

**8. Obstructive Acts in Furtherance of the Conspiracy and the Cover Up**

Members of the enterprise, including several of the Defendants, filed false documents, made false statements to government investigators, and committed perjury in judicial proceedings in Fulton County, Georgia, and elsewhere in furtherance of and to cover up the conspiracy.

**ACTS OF RACKETEERING ACTIVITY AND  
OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

As part of and on behalf of the criminal enterprise detailed above, the Defendants and other members and associates of the enterprise committed overt acts to effect the objectives of the enterprise, including but not limited to:

**Act 1.**

On or about the **4th day of November 2020**, **DONALD JOHN TRUMP** made a nationally televised speech falsely declaring victory in the 2020 presidential election. Approximately four days earlier, on or about October 31, 2020, **DONALD JOHN TRUMP** discussed a draft speech with unindicted co-conspirator Individual 1, whose identity is known to the Grand Jury, that falsely declared victory and falsely claimed voter fraud. The speech was an overt act in furtherance of the conspiracy.

**Act 2.**

On or about the **15th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, and left an approximately 83-second-long voicemail message for unindicted co-conspirator Individual 2 making statements concerning fraud in the November 3, 2020, election in Fulton County, Georgia. This telephone call was an overt act in furtherance of the conspiracy.

**Act 2.**

On or about the **19th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI**, **JENNA LYNN ELLIS**, **SIDNEY KATHERINE POWELL**, and unindicted co-conspirator Individual 3, whose identity is known to the Grand Jury, appeared at a press conference at the Republican National Committee Headquarters on behalf of **DONALD JOHN TRUMP** and Donald J. Trump for President, Inc. (the "Trump Campaign") and made false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere. These were overt acts in furtherance of the conspiracy.

**Act 4.**

On or about the **20th day of November 2020**, **DAVID JAMES SHAFER** sent an e-mail to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and other individuals. In the e-mail, **DAVID JAMES SHAFER** stated that **SCOTT GRAHAM HALL**, a Georgia bail bondsman, "has been looking into the election on behalf of the President at the request of David Bossie" and asked unindicted co-conspirator Individual 4 to exchange contact information with **SCOTT GRAHAM HALL** and to "help him as needed." This was an overt act in furtherance of the conspiracy.

**Act 5.**

On or about the **20th day of November 2020**, **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** met with Majority Leader of the Michigan Senate Michael Shirkey, Speaker of the Michigan House of Representatives Lee Chatfield, and other Michigan legislators in the Oval Office at the White House, and **DONALD JOHN TRUMP** made false statements concerning fraud in the November 3, 2020, presidential election in Michigan. **RUDOLPH WILLIAM LOUIS GIULIANI** joined the meeting by telephone. This meeting was an overt act in furtherance of the conspiracy.

**Act 6.**

On or about the **21st day of November 2020**, **MARK RANDALL MEADOWS** sent a text message to United States Representative Scott Perry from Pennsylvania and stated, "Can you send me the number for the speaker and the leader of PA Legislature. POTUS wants to chat with them." This was an overt act in furtherance of the conspiracy.

**Act 7.**

On or about the **22nd day of November 2020**, **DONALD JOHN TRUMP** and **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Arizona House of Representatives Russell "Rusty" Bowers. During the telephone call, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Arizona and solicited, requested, and importuned Bowers to unlawfully appoint presidential electors from Arizona. Bowers declined and later testified to the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol that he told **DONALD JOHN TRUMP**, "I would not break my oath." The false statements and solicitations were overt acts in furtherance of the conspiracy.

**Act 8.**

On or about the **25th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses at a meeting of Pennsylvania legislators in Gettysburg, Pennsylvania. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Pennsylvania and solicited, requested, and importuned the Pennsylvania legislators present at the meeting to unlawfully appoint presidential electors from Pennsylvania. During the meeting, **JENNA LYNN ELLIS** solicited, requested, and importuned the Pennsylvania legislators present at the meeting to unlawfully appoint presidential electors from Pennsylvania. **DONALD JOHN TRUMP** joined the meeting by telephone, made false statements concerning fraud in the November 3, 2020, presidential election in Pennsylvania, and solicited, requested, and importuned the Pennsylvania legislators present at the meeting to unlawfully appoint presidential electors from Pennsylvania. These were overt acts in furtherance of the conspiracy.

**Act 9.**

On or about the **25th day of November 2020**, immediately after the meeting of Pennsylvania legislators in Gettysburg, Pennsylvania, where **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses, **DONALD JOHN TRUMP** invited a group of the Pennsylvania legislators and others to meet with him at the White House. Later that day, **DONALD JOHN TRUMP, MARK RANDALL MEADOWS, RUDOLPH WILLIAM LOUIS GIULIANI, JENNA LYNN ELLIS** and unindicted co-conspirators Individual 5 and Individual 6, whose identities are known to the Grand Jury, met with the group of Pennsylvania legislators at the White House and discussed holding a special session of the Pennsylvania General Assembly. These were overt acts in furtherance of the conspiracy.

**Act 10.**

On or about the **26th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 11.**

On or about the **26th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to President Pro Tempore of the Pennsylvania Senate Jacob "Jake" Corman for the purpose of soliciting, requesting, and importuning Corman to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 12.**

On or about the **27th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 12.**

On or about the **27th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** placed a telephone call to President Pro Tempore of the Pennsylvania Senate Jake Corman for the purpose of soliciting, requesting, and importuning Corman to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 14.**

On or about the **27th day of November 2020**, **DONALD JOHN TRUMP** placed a telephone call to President Pro Tempore of the Pennsylvania Senate Jake Corman for the purpose of soliciting, requesting, and importuning Corman to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 15.**

On or about the **28th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 16.**

On or about the **29th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Pennsylvania House of Representatives Bryan Cutler and left Cutler a voicemail message for the purpose of soliciting, requesting, and importuning him to unlawfully appoint presidential electors from Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 17.**

On or about the **30th day of November 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses at a meeting of Arizona legislators in Phoenix, Arizona. Unindicted co-conspirators Individual 5 and Individual 6, whose identities are known to the Grand Jury, were also present. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Arizona and solicited, requested, and importuned the Arizona legislators present at the meeting to unlawfully appoint presidential electors from Arizona. During the meeting, **JENNA LYNN ELLIS** solicited, requested, and importuned the Arizona legislators present at the meeting to unlawfully appoint presidential electors from Arizona. **DONALD JOHN TRUMP** joined the meeting by telephone and made false statements concerning fraud in the November 3, 2020, presidential election in Arizona. These were overt acts in furtherance of the conspiracy.

**Act 18.**

On or about the **30th day of November 2020**, **MICHAEL A. ROMAN** instructed unindicted co-conspirator Individual 7, whose identity is known to the Grand Jury, to coordinate with individuals associated with the Trump Campaign to contact state legislators in Georgia and elsewhere on behalf of **DONALD JOHN TRUMP** and to encourage them to unlawfully appoint presidential electors from their respective states. This was an overt act in furtherance of the conspiracy.

**Act 19.**

On or between the 1st day of December 2020 and the 31st day of December 2020, **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** met with John McEntee and requested that McEntee prepare a memorandum outlining a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. The strategy included having Vice President Michael R. "Mike" Pence count only half of the electoral votes from certain states and then return the remaining electoral votes to state legislatures. The request was an overt act in furtherance of the conspiracy.

**Act 20.**

On or about the 1st day of December 2020, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** met with Speaker of the Arizona House of Representatives Rusty Bowers, President of the Arizona Senate Karen Fann, and other Arizona legislators in Phoenix, Arizona. Unindicted co-conspirator Individual 5, whose identity is known to the Grand Jury, was also present. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Arizona and solicited, requested, and importuned the legislators present to call a special session of the Arizona State Legislature. These were overt acts in furtherance of the conspiracy.

**Act 21.**

On or about the 2nd day of December 2020, **RUDOLPH WILLIAM LOUIS GIULIANI** and **JENNA LYNN ELLIS** appeared, spoke, and presented witnesses at a meeting of the Michigan House of Representatives Oversight Committee. During the meeting, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Michigan and solicited, requested, and importuned the Michigan legislators present at the meeting to unlawfully appoint presidential electors from Michigan. During the meeting, **JENNA LYNN ELLIS** solicited, requested, and importuned the Michigan legislators present at the meeting to unlawfully appoint presidential electors from Michigan. These were overt acts in furtherance of the conspiracy.

**Act 22.**

On or about the 3rd day of December 2020, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "Georgia hearings now on @OANN. Amazing!" This was an overt act in furtherance of the conspiracy.



**Act 23.**

On or about the **3rd day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, JENNA LYNN ELLIS, and RAY STALLINGS SMITH III** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Lee Anderson, Brandon Beach, Matt Brass, Greg Dolezal, Steve Gooch, Tyler Harper, Bill Heath, Jen Jordan, John F. Kennedy, William Ligon, Elena Parent, Michael Rhett, Carden Summers, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 24.**

On or about the **3rd day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That at least 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;
2. That Dominion Voting Systems equipment used in the November 3, 2020, presidential election in Antrim County, Michigan, mistakenly recorded 6,000 votes for Joseph R. Biden when the votes were actually cast for Donald John Trump;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 25.**

On or about the **3rd day of December 2020**, **RAY STALLINGS SMITH III** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That 2,506 felons voted illegally in the November 3, 2020, presidential election in Georgia;
2. That 66,248 underage people illegally registered to vote before their seventeenth birthday prior to the November 3, 2020, presidential election in Georgia;
3. That at least 2,423 people voted in the November 3, 2020, presidential election in Georgia who were not listed as registered to vote;
4. That 1,043 people voted in the November 3, 2020, presidential election in Georgia who had illegally registered to vote using a post office box;
5. That 10,315 or more dead people voted in the November 3, 2020, presidential election in Georgia;
6. That Fulton County election workers at State Farm Arena ordered poll watchers and members of the media to leave the tabulation area on the night of November 3, 2020, and continued to operate after ordering everyone to leave;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 26.**

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "Wow! Blockbuster testimony taking place right now in Georgia. Ballot stuffing by Dems when Republicans were forced to leave the large counting room. Plenty more coming, but this alone leads to an easy win of the State!" This was an overt act in furtherance of the conspiracy.

**Act 27.**

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "People in Georgia got caught cold bringing in massive numbers of ballots and putting them in 'voting' machines. Great job @BrianKempGA!" This was an overt act in furtherance of the conspiracy.

**Act 28.**

On or about the **3rd day of December 2020**, **DONALD JOHN TRUMP** met with Speaker of the Pennsylvania House of Representatives Bryan Cutler in the Oval Office at the White House and discussed holding a special session of the Pennsylvania General Assembly. This was an overt act in furtherance of the conspiracy.

**Act 29.**

On or between the **3rd day of December 2020** and the **26th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to President Pro Tempore of the Georgia Senate Cecil Terrell “Butch” Miller for the purpose of making false statements concerning fraud in the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

**Act 30.**

On or between the **3rd day of December 2020** and the **26th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to President Pro Tempore of the Georgia Senate Butch Miller. This was an overt act in furtherance of the conspiracy.

**Act 31.**

On or about the **5th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Georgia Governor Brian Kemp and solicited, requested, and importuned Kemp to call a special session of the Georgia General Assembly. This was an overt act in furtherance of the conspiracy.

**Act 32.**

On or about the **6th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, “Gee, what a surprise. Has anyone informed the so-called (says he has no power to do anything!) Governor @BrianKempGA & his puppet Lt. Governor @GeoffDuncanGA, that they could easily solve this mess, & WIN. Signature verification & call a Special Session. So easy! <https://t.co/5cb4QdYzpU>.” This was an overt act in furtherance of the conspiracy.

**Act 33.**

On or about the **6th day of December 2020**, **SIDNEY KATHERINE POWELL** entered into a written engagement agreement with SullivanStrickler LLC, a forensic data firm located in Fulton County, Georgia, for the performance of computer forensic collections and analytics on Dominion Voting Systems equipment in Michigan and elsewhere. The unlawful breach of election equipment in Coffee County, Georgia, was subsequently performed under this agreement. This was an overt act in furtherance of the conspiracy.

**Act 34.**

On or about the **6th day of December 2020**, **ROBERT DAVID CHEELEY** sent an e-mail to **JOHN CHARLES EASTMAN**, unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, and Georgia Senator Brandon Beach that stated, "I am working on setting up a call for you with the Speaker and the President Pro Tempore tomorrow. I am also making the leadership aware of the importance for Trump electors to meet on December 14. Please provide the citation to the requirements of the duties which they must comply with." This was an overt act in furtherance of the conspiracy.

**Act 35.**

On or about the **6th day of December 2020**, **JOHN CHARLES EASTMAN** sent an e-mail to **ROBERT DAVID CHEELEY**, unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, and Georgia Senator Brandon Beach that stated that the Trump presidential elector nominees in Georgia needed to meet on December 14, 2020, sign six sets of certificates of vote, and mail them "to the President of the Senate and to other officials." This was an overt act in furtherance of the conspiracy.

**Act 36.**

On or about the **6th day of December 2020**, **ROBERT DAVID CHEELEY** sent an e-mail to unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, that stated he had been speaking with **JOHN CHARLES EASTMAN** and was attempting to set up a call with Speaker of the Georgia House of Representatives David Ralston and President Pro Tempore of the Georgia Senate Butch Miller to encourage them to call a special session of the Georgia General Assembly. In the e-mail, **ROBERT DAVID CHEELEY** stated, "Professor Eastman told me tonight that it is *critical* that the 16 Electors for President Trump meet next Monday and vote in accordance with 3 U.S.C. § 7." In the e-mail, **ROBERT DAVID CHEELEY** further stated, "I assume you can make sure this happens." This was an overt act in furtherance of the conspiracy.

**Act 37.**

On or about the **7th day of December 2020**, unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, sent an e-mail to **ROBERT DAVID CHEELEY** and **DAVID JAMES SHAFER** that stated, "Bob, can u get on a call with David Shafer, state GOP chair and I later this morning to discuss. David has been on top of a lot of efforts in the state. I get off of a board call around 10:30." This was an overt act in furtherance of the conspiracy.

**Act 38.**

On or about the **7th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** caused to be tweeted from the Twitter account @RudyGiuliani a retweet of unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, that stated, "Georgia Patriot Call to Action: today is the day we need you to call your state Senate & House Reps & ask them to sign the petition for a special session. We must have free & fair elections in GA & a this is our only path to ensuring every legal vote is counted. @realDonaldTrump." This was an overt act in furtherance of the conspiracy.

**Act 39.**

On or about the **7th day of December 2020**, **JOHN CHARLES EASTMAN** sent an e-mail to **RUDOLPH WILLIAM LOUIS GIULIANI** with an attached memorandum titled "The Real Deadline for Settling a State's Electoral Votes." The body of the e-mail stated, "Here's the memo we discussed." The memorandum was written by **KENNETH JOHN CHESEBRO** to James R. Troupis, an attorney associated with the Trump Campaign, and advocates for the position that Trump presidential elector nominees in Wisconsin should meet and cast electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Wisconsin. This e-mail was an overt act in furtherance of the conspiracy.

**Act 40.**

On or about the **7th day of December 2020**, **DONALD JOHN TRUMP** requested that Bill White, an individual associated with the Trump Campaign then residing in Fulton County, Georgia, provide him with certain information, including contact information for Majority Leader of the Georgia Senate Mike Dugan and President Pro Tempore of the Georgia Senate Butch Miller. The following day, White sent an e-mail containing the requested information to **RUDOLPH WILLIAM LOUIS GIULIANI**, unindicted co-conspirator Individual 5, whose identity is known to the Grand Jury, and others. This request was an overt act in furtherance of the conspiracy.

**Act 41.**

On or about the **7th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** placed a telephone call to Speaker of the Georgia House of Representatives David Ralston and discussed holding a special session of the Georgia General Assembly. This was an overt act in furtherance of the conspiracy.

**Act 42.**

On or about the **7th day of December 2020**, **DONALD JOHN TRUMP** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning Speaker of the Georgia House of Representatives David Ralston, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, **O.C.G.A. § 16-10-1**, by calling a special session of the Georgia General Assembly for the purpose of unlawfully appointing presidential electors from Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 43.**

On or about the **8th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Georgia Attorney General Chris Carr for the purpose of making false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere. During the telephone call, **DONALD JOHN TRUMP** asked Carr not to discourage other state attorneys general from joining a federal lawsuit filed by the State of Texas contesting the administration of the November 3, 2020, presidential election in Georgia, Michigan, Pennsylvania, and Wisconsin. This was an overt act in furtherance of the conspiracy.

**Act 44.**

On or about the **8th day of December 2020**, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** placed a telephone call to Republican National Committee Chairwoman Ronna McDaniel to request her assistance gathering certain individuals to meet and cast electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, in certain states despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in those states. This was an overt act in furtherance of the conspiracy.

**Act 45.**

On or about the **8th day of December 2020**, **MICHAEL A. ROMAN** sent a text message to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, stated that he had spoken to **MISTY HAMPTON**, and asked unindicted co-conspirator Individual 4 to "get" **MISTY HAMPTON** to attend the hearing before the Georgia House of Representatives Governmental Affairs Committee on December 10, 2020. This was an overt act in furtherance of the conspiracy.

Act 46.

On or about the **9th day of December 2020**, **KENNETH JOHN CHESEBRO** wrote a memorandum titled "Statutory Requirements for December 14 Electoral Votes" to James R. Troupis, an attorney associated with the Trump Campaign. The memorandum provides detailed, state-specific instructions for how Trump presidential elector nominees in Georgia, Arizona, Michigan, Nevada, Pennsylvania, and Wisconsin would meet and cast electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in those states. This was an overt act in furtherance of the conspiracy.

Act 47.

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Georgia Republican Party Chairman **DAVID JAMES SHAFER** and unindicted co-conspirator Individual 9, whose identity is known to the Grand Jury. **KENNETH JOHN CHESEBRO** stated in the e-mail that certain individuals associated with the Trump Campaign asked him "to help coordinate with the other 5 contested States, to help with logistics of the electors in other States hopefully joining in casting their votes on Monday." This was an overt act in furtherance of the conspiracy.

Act 48.

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **DAVID JAMES SHAFER** and unindicted co-conspirators Individual 9, Individual 10, and Individual 11, whose identities are known to the Grand Jury. The documents were to be used by Trump presidential elector nominees in Georgia for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

Act 49.

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Arizona Republican Party Executive Director Greg Safsten and others. The documents were to be used by Trump presidential elector nominees in Arizona for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Arizona. This was an overt act in furtherance of the conspiracy.

**Act 50.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Republican Party of Wisconsin Chairman Brian Schimming with proposed language for documents to be used by Trump presidential elector nominees in Wisconsin for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Wisconsin. This was an overt act in furtherance of the conspiracy.

**Act 51.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Nevada Republican Party Vice Chairman Jim DeGraffenreid. **KENNETH JOHN CHESEBRO** stated in the e-mail that **RUDOLPH WILLIAM LOUIS GIULIANI** and other individuals associated with the Trump Campaign asked him "to reach out to you and the other Nevada electors to run point on the plan to have all Trump-Pence electors in all six contested States meet and transmit their votes to Congress on Monday, Dec. 14." This was an overt act in furtherance of the conspiracy.

**Act 52.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Jim DeGraffenreid. The documents were to be used by Trump presidential elector nominees in Nevada for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Nevada. This was an overt act in furtherance of the conspiracy.

**Act 52.**

On or about the **10th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Republican Party of Pennsylvania General Counsel Thomas W. King III. The documents were to be used by Trump presidential elector nominees in Pennsylvania for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Pennsylvania. This was an overt act in furtherance of the conspiracy.

**Act 54.**

On or between the **10th day of December 2020 and the 14th day of December 2020**, **DAVID JAMES SHAFER** contacted unindicted co-conspirator Individual 2, whose identity is known to the Grand Jury, by telephone and discussed unindicted co-conspirator Individual 2's attendance at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.



Act 55.

On or about the 10th day of December 2020, **RUDOLPH WILLIAM LOUIS GIULIANI** and **RAY STALLINGS SMITH III** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning certain public officers then serving as elected members of the Georgia House of Representatives and present at a House Governmental Affairs Committee meeting, including Representatives Shaw Blackmon, Jon Burns, Barry Fleming, Todd Jones, Bee Nguyen, Mary Margaret Oliver, Alan Powell, Renitta Shannon, Robert Trammell, Scot Turner, and Bruce Williamson, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 56.**

On or about the 10th day of December 2020, **RUDOLPH WILLIAM LOUIS GIULIANI** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia House of Representatives present at a House Governmental Affairs Committee meeting:

1. That it is quite clear from the State Farm Arena video from November 3, 2020, that Fulton County election workers were stealing votes and that Georgia officials were covering up a crime in plain sight;
2. That at State Farm Arena on November 3, 2020, Democratic officials “got rid of all of the reporters, all the observers, anyone that couldn’t be trusted,” used the excuse of a watermain break, cleared out the voting area and then “went about their dirty, crooked business”;
3. That between 12,000 and 24,000 ballots were illegally counted by Fulton County election workers at State Farm Arena on November 3, 2020;
4. That in Michigan, there were 700,000 more ballots counted than were sent out to voters in the November 3, 2020, presidential election, which was accounted for by quadruple counting ballots;
5. That Ruby Freeman, Shaye Moss, and an unidentified man were “quite obviously surreptitiously passing around USB ports as if they’re vials of heroin or cocaine” at State Farm Arena to be used to “infiltrate the crooked Dominion voting machines”;
6. That 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 57.**

On or about the **11th day of December 2020**, **DAVID JAMES SHAFER** reserved Room 216 at the Georgia State Capitol in Fulton County, Georgia, for the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 58.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail to Jim DeGraffenreid and stated that "the purpose of having the electoral votes sent in to Congress is to provide the opportunity to debate the election irregularities in Congress, and to keep alive the possibility that the votes could be flipped to Trump." This was an overt act in furtherance of the conspiracy.

**Act 59.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to Greg Safsten and others. The documents were to be used by Trump presidential elector nominees in Arizona for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Arizona. This was an overt act in furtherance of the conspiracy.

**Act 60.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN** and other individuals associated with the Trump Campaign. The documents were to be used by Trump presidential elector nominees in Nevada for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Nevada. This was an overt act in furtherance of the conspiracy.

**Act 61.**

On or about the **11th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN**, unindicted co-conspirator Individual 5, whose identity is known to the Grand Jury, and others. The documents were to be used by Trump presidential elector nominees in Georgia for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

**Act 62.**

On or about the **12th day of December 2020**, **DAVID JAMES SHAFER** contacted unindicted co-conspirator Individual 12, whose identity is known to the Grand Jury, and discussed unindicted co-conspirator Individual 12's attendance at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 63.**

On or about the **12th day of December 2020**, **MICHAEL A. ROMAN** sent an e-mail to unindicted co-conspirators Individual 4 and Individual 7, whose identities are known to the Grand Jury, and other individuals associated with the Trump Campaign. In the e-mail, **MICHAEL A. ROMAN** stated, "I need a tracker for the electors," and instructed individuals associated with the Trump Campaign to populate entries on a shared spreadsheet listing Trump presidential elector nominees in Georgia, Arizona, Michigan, Nevada, Pennsylvania, and Wisconsin. The entries on the spreadsheet included contact information for the Trump presidential elector nominees, whether the Trump presidential elector nominees had been contacted, and whether the Trump presidential elector nominees had confirmed that they would attend the December 14, 2020, meetings of Trump presidential elector nominees in their respective states, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in those states. This was an overt act in furtherance of the conspiracy.

**Act 64.**

On or about the **12th day of December 2020**, **KENNETH JOHN CHESEBRO** met with Brian Schimming and discussed the December 14, 2020, meeting of Trump presidential elector nominees in Wisconsin. **RUDOLPH WILLIAM LOUIS GIULIANI** joined the meeting by telephone and stated that the media should not be notified of the December 14, 2020, meeting of Trump presidential elector nominees in Wisconsin. These were overt acts in furtherance of the conspiracy.

**Act 65.**

On or about the **12th day of December 2020**, **MICHAEL A. ROMAN** instructed an individual associated with the Trump Campaign to distribute certain information related to the December 14, 2020, meetings of Trump presidential elector nominees in Georgia, Arizona, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and to other individuals associated with the Trump Campaign. This was an overt act in furtherance of the conspiracy.

**Act 66.**

On or about the **12th day of December 2020**, unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, sent an e-mail to **MICHAEL A. ROMAN** and **DAVID JAMES SHAFER** with updates on the progress of organizing the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. The e-mail stated which elector nominees had confirmed they would attend the meeting, that other individuals had been secured in case some of the elector nominees refused to participate in the meeting, that Georgia legislators had been contacted to ensure access to the Georgia Capitol, and that **DAVID JAMES SHAFER** had reserved Room 216 for the meeting. This was an overt act in furtherance of the conspiracy.

**Act 67.**

On or about the **12th day of December 2020**, **DAVID JAMES SHAFER** sent an e-mail to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, advising them to “touch base” with each of the Trump presidential elector nominees in Georgia in advance of the December 14, 2020, meeting to confirm their attendance. This was an overt act in furtherance of the conspiracy.

**Act 68.**

On or about the **12th day of December 2020**, unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, sent a text message with contact information for unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, and Georgia Senator Brandon Beach to **MICHAEL A. ROMAN** for the purpose of providing the contact information to **RUDOLPH WILLIAM LOUIS GIULIANI**. This was an overt act in furtherance of the conspiracy.

**Act 69.**

On or about the **13th day of December 2020**, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN**. The documents were to be used by Trump presidential elector nominees in New Mexico for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in New Mexico. This was an overt act in furtherance of the conspiracy.

Act 70.

On or about the 13th day of December 2020, **KENNETH JOHN CHESEBRO** sent an e-mail to **RUDOLPH WILLIAM LOUIS GIULIANI** with the subject "PRIVILEGED AND CONFIDENTIAL – Brief notes on 'President of the Senate' strategy." In the e-mail, **KENNETH JOHN CHESEBRO** outlined multiple strategies for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. In the e-mail, **KENNETH JOHN CHESEBRO** stated that the strategies outlined by him were "preferable to allowing the Electoral Count Act to operate by its terms." This was an overt act in furtherance of the conspiracy.

Act 71.

On or about the 13th day of December 2020, **KENNETH JOHN CHESEBRO** sent an e-mail with attached documents to **MICHAEL A. ROMAN** and unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury. The documents were to be used by Trump presidential elector nominees in Georgia for the purpose of casting electoral votes for **DONALD JOHN TRUMP** on December 14, 2020, despite the fact that **DONALD JOHN TRUMP** lost the November 3, 2020, presidential election in Georgia. This was an overt act in furtherance of the conspiracy.

Act 72.

On or about the 13th day of December 2020, **KENNETH JOHN CHESEBRO** sent an e-mail to **MICHAEL A. ROMAN** and unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and stated that **RUDOLPH WILLIAM LOUIS GIULIANI** "wants to keep this quiet until after all the voting is done," in reference to the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

Act 73.

On or about the 13th day of December 2020, **DAVID JAMES SHAFER** sent a text message to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, and stated that unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, would attend the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, in the place of a Trump presidential elector nominee who refused to participate in the meeting. This was an overt act in furtherance of the conspiracy.

**Act 74.**

On or about the **13th day of December 2020**, unindicted co-conspirator Individual 9, whose identity is known to the Grand Jury, sent a text message to **DAVID JAMES SHAFER** and confirmed that he and unindicted co-conspirator Individual 13, whose identity is known to the Grand Jury, would attend the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 75.**

On or about the **14th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "What a fool Governor @BrianKempGA of Georgia is. Could have been so easy, but now we have to do it the hard way. Demand this clown call a Special Session and open up signature verification, NOW. Otherwise, could be a bad day for two GREAT Senators on January 5th." This was an overt act in furtherance of the conspiracy.

**Act 76.**

On or about the **14th day of December 2020**, **DAVID JAMES SHAFER** sent a text message to unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury that stated, "Listen. Tell them to go straight to Room 216 to avoid drawing attention to what we are doing," in reference to the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 77.**

On or about the **14th day of December 2020**, **MICHAEL A. ROMAN** sent an e-mail to unindicted co-conspirators Individual 4 and Individual 7, whose identities are known to the Grand Jury, and stated, "Please send me an update as soon as the State Electoral College has adjourned and all paperwork is secured." This was an overt act in furtherance of the conspiracy.

**Act 78.**

On or about the **14th day of December 2020**, **RAY STALLINGS SMITH III** and **DAVID JAMES SHAFER** encouraged certain individuals present at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, to sign the document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA." This was an overt act in furtherance of the conspiracy.

**Act 79.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, committed the felony offense of **IMPERSONATING A PUBLIC OFFICER**, in violation of O.C.G.A. § 16-10-23, in Fulton County, Georgia, by unlawfully falsely holding themselves out as the duly elected and qualified presidential electors from the State of Georgia, public officers, with intent to mislead the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia into believing that they actually were such officers by placing in the United States mail to said persons a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA." This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxiii) and an overt act in furtherance of the conspiracy.

**Act 80.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, committed the felony offense of **FORGERY IN THE FIRST DEGREE**, in violation of O.C.G.A. § 16-9-1(b), in Fulton County, Georgia, by, with the intent to defraud, knowingly making a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," a writing other than a check, in such manner that the writing as made purports to have been made by authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xvi) and an overt act in furtherance of the conspiracy.



**Act 81.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making and using a false document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," with knowledge that said document contained the false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following," said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 82.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, CATHLEEN ALSTON LATHAM**, and unindicted co-conspirators Individual 2, Individual 8, Individual 9, Individual 10, Individual 11, Individual 12, Individual 13, Individual 14, Individual 15, Individual 16, Individual 17, Individual 18, and Individual 19, whose identities are known to the Grand Jury, attempted to commit the felony offense of **FILING FALSE DOCUMENTS**, in violation of **O.C.G.A. § 16-10-20.1(b)(1)**, in Fulton County, Georgia, by placing in the United States mail a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," addressed to Chief Judge, U.S. District Court, Northern District of Georgia, 2188 Richard D. Russell Federal Office Building and U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, with intent to knowingly file, enter, and record said document in a court of the United States, having reason to know that said document contained the materially false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following." This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 83.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** committed the felony offense of **FORGERY IN THE FIRST DEGREE**, in violation of O.C.G.A. § 16-9-1(b), in Fulton County, Georgia, by, with the intent to defraud, knowingly making a document titled "RE: Notice of Filling of Electoral College Vacancy," a writing other than a check, in such manner that the writing as made purports to have been made by the authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xvi) and an overt act in furtherance of the conspiracy.

**Act 84.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of O.C.G.A. § 16-10-20, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making and using a false document titled "RE: Notice of Filling of Electoral College Vacancy," with knowledge that said document contained the false statements that **DAVID JAMES SHAFER** was Chairman of the 2020 Georgia Electoral College Meeting and **SHAWN MICAH TRESHER STILL** was Secretary of the 2020 Georgia Electoral College Meeting, said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 85.**

On or about the 14th day of December 2020, **DAVID JAMES SHAFER** instructed unindicted co-conspirator Individual 15, whose identity is known to the Grand Jury, to deliver to the Office of the Governor of Georgia a document signed by **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** titled "RE: Notice of Filling of Electoral College Vacancy." The document contained multiple false statements. This was an overt act in furtherance of the conspiracy.

**Act 86.**

On or about the 14th day of December 2020, unindicted co-conspirator Individual 4, whose identity is known to the Grand Jury, sent an e-mail to **MICHAELA A. ROMAN**, unindicted co-conspirator Individual 7, whose identity is known to the Grand Jury, and others that stated, "All votes cast, paperwork complete, being mailed now. Ran pretty smoothly," in reference to the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 87.**

On or about the **14th day of December 2020**, **STEPHEN CLIFFGARD LEE** attempted to commit the felony offense of **INFLUENCING WITNESSES**, in violation of **O.C.G.A. § 16-10-93(b)(1)(A)**, in Fulton County, Georgia, by traveling to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and speaking to her neighbor, with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia. This was an act of racketeering activity pursuant to **O.C.G.A. § 16-14-3(5)(A)(xxvii)** and an overt act in furtherance of the conspiracy.

**Act 88.**

On or about the **15th day of December 2020**, **STEPHEN CLIFFGARD LEE** attempted to commit the felony offense of **INFLUENCING WITNESSES**, in violation of **O.C.G.A. § 16-10-93(b)(1)(A)**, in Fulton County, Georgia, by traveling to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and knocking on her door, with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia. This was an act of racketeering activity pursuant to **O.C.G.A. § 16-14-3(5)(A)(xxvii)** and an overt act in furtherance of the conspiracy.

**Act 89.**

On or between the **15th day of December 2020 and the 4th day of January 2021**, **STEPHEN CLIFFGARD LEE** solicited **HARRISON WILLIAM PRESCOTT FLOYD**, an individual associated with the organization Black Voices for Trump, to assist with his effort to speak to Ruby Freeman, a Fulton County, Georgia, election worker. **STEPHEN CLIFFGARD LEE** stated to **HARRISON WILLIAM PRESCOTT FLOYD** that Freeman was afraid to talk to **STEPHEN CLIFFGARD LEE** because he was a white man. These were overt acts in furtherance of the conspiracy.

**Act 90.**

On or about the **18th day of December 2020**, **DONALD JOHN TRUMP** met with **RUDOLPH WILLIAM LOUIS GIULIANI**, **SIDNEY KATHERINE POWELL**, unindicted co-conspirator Individual 20, whose identity is known to the Grand Jury, and others at the White House. The individuals present at the meeting discussed certain strategies and theories intended to influence the outcome of the November 3, 2020, presidential election, including seizing voting equipment and appointing **SIDNEY KATHERINE POWELL** as special counsel with broad authority to investigate allegations of voter fraud in Georgia and elsewhere. This was an overt act in furtherance of the conspiracy.

**Act 91.**

On or about the **21st day of December 2020**, **SIDNEY KATHERINE POWELL** sent an e-mail to the Chief Operations Officer of SullivanStrickler LLC and instructed him that she and unindicted co-conspirators Individual 6, Individual 21, and Individual 22, whose identities are known to the Grand Jury, were to immediately “receive a copy of all data” obtained by SullivanStrickler LLC from Dominion Voting Systems equipment in Michigan. This was an overt act in furtherance of the conspiracy.

**Act 92.**

On or about the **22nd day of December 2020**, **MARK RANDALL MEADOWS** traveled to the Cobb County Civic Center in Cobb County, Georgia, and attempted to observe the signature match audit being performed there by law enforcement officers from the Georgia Bureau of Investigation and the Office of the Georgia Secretary of State, despite the fact that the audit process was not open to the public. While present at the center, **MARK RANDALL MEADOWS** spoke to Georgia Deputy Secretary of State Jordan Fuchs, Office of the Georgia Secretary of State Chief Investigator Frances Watson, Georgia Bureau of Investigation Special Agent in Charge Bahan Rich, and others, who prevented **MARK RANDALL MEADOWS** from entering into the space where the audit was being conducted. This was an overt act in furtherance of the conspiracy.

**Act 93.**

On or about the **23rd day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Office of the Georgia Secretary of State Chief Investigator Frances Watson that had been previously arranged by **MARK RANDALL MEADOWS**. During the phone call, **DONALD JOHN TRUMP** falsely stated that he had won the November 3, 2020, presidential election in Georgia “by hundreds of thousands of votes” and stated to Watson that “when the right answer comes out you’ll be praised.” This was an overt act in furtherance of the conspiracy.

**Act 94.**

On or about the **23rd day of December 2020**, **JOHN CHARLES EASTMAN** sent an e-mail to **KENNETH JOHN CHESEBRO** and unindicted co-conspirator Individual 3, whose identity is known to the Grand Jury, with the subject “FW: Draft 2, with edits.” In the e-mail, **JOHN CHARLES EASTMAN** attached a memorandum titled “PRIVILEGED AND CONFIDENTIAL -- Dec 23 memo on Jan 6 scenario.docx” and stated, “As for hearings, I think both are unnecessary. The fact that we have multiple slates of electors demonstrates the uncertainty of either. That should be enough. And I agree with Ken that Judiciary Committee hearings on the constitutionality of the Electoral Count Act could invite counter views that we do not believe should constrain Pence (or Grassley) in the exercise of power they have under the 12<sup>th</sup> Amendment. Better for them just to act boldly and be challenged, since the challenge would likely lead to the Court denying review on nonjusticiable political question grounds.” This was an overt act in furtherance of the conspiracy.

**Act 95.**

On or about the **25th day of December 2020**, **DONALD JOHN TRUMP** placed a telephone call to Speaker of the Arizona House of Representatives Rusty Bowers for the purpose of soliciting, requesting, and importuning Bowers to unlawfully appoint presidential electors from Arizona. During the call, Bowers stated to Trump, "I voted for you. I worked for you. I campaigned for you. I just won't do anything illegal for you." This telephone call was an overt act in furtherance of the conspiracy.

**Act 96.**

On or about the **27th day of December 2020**, **MARK RANDALL MEADOWS** sent a text message to Office of the Georgia Secretary of State Chief Investigator Frances Watson that stated in part, "Is there a way to speed up Fulton county signature verification in order to have results before Jan 6 if the trump campaign assist financially." This was an overt act in furtherance of the conspiracy.

**Act 97.**

On or about the **27th day of December 2020**, **DONALD JOHN TRUMP** solicited Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue to make a false statement by stating, "Just say that the election was corrupt, and leave the rest to me and the Republican congressmen." This was an overt act in furtherance of the conspiracy.

**Act 98.**

On or about the **28th day of December 2020**, **JEFFREY BOSSERT CLARK** attempted to commit the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly and willfully making a false writing and document knowing the same to contain the false statement that the United States Department of Justice had "identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia," said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies;

And on or about the **28th day of December 2020**, **JEFFREY BOSSERT CLARK** sent an e-mail to Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue and requested authorization to send said false writing and document to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller, which constitutes a substantial step toward the commission of False Statements and Writings, **O.C.G.A. § 16-10-20**. This was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xxii)** and an overt act in furtherance of the conspiracy.

**Act 99.**

On or about the 28th day of December 2020, **JEFFREY BOSSERT CLARK** solicited Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue to sign and send a document that falsely stated that the United States Department of Justice had “identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia,” to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller. This was an overt act in furtherance of the conspiracy.

**Act 100.**

On or about the 30th day of December 2020, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, “Hearings from Atlanta on the Georgia Election overturn now being broadcast. Check it out. @OANN @newsmax and many more. @BrianKempGA should resign from office. He is an obstructionist who refuses to admit that we won Georgia, BIG! Also won the other Swing States.” This was an overt act in furtherance of the conspiracy.

**Act 101.**

On or about the 30th day of December 2020, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, “Hearings from Atlanta on the Georgia Election overturn now being broadcast LIVE via @RSBNetwork! <https://t.co/ogBvLbKfqG>.” This was an overt act in furtherance of the conspiracy.

**Act 102.**

On or about the 30th day of December 2020, **RUDOLPH WILLIAM LOUIS GIULIANI, RAY STALLINGS SMITH III, and ROBERT DAVID CHEELEY** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by soliciting, requesting, and importuning certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Brandon Beach, Bill Heath, William Ligon, Michael Rhett, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 103.**

On or about the **30th day of December 2020**, **RUDOLPH WILLIAM LOUIS GIULIANI** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Fulton County election workers fraudulently counted certain ballots as many as five times at State Farm Arena on November 3, 2020;
2. That 2,560 felons voted illegally in the November 3, 2020, presidential election in Georgia;
3. That 10,315 dead people voted in the November 3, 2020, presidential election in Georgia;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 104.**

On or about the **30th day of December 2020**, **RAY STALLINGS SMITH III** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Georgia Secretary of State General Counsel Ryan Germany stated that his office had sent letters to 8,000 people who voted illegally in the November 3, 2020, presidential election and told them not to vote in the January 5, 2021, runoff election;
2. That the Georgia Secretary of State admitted “that they had a 90% accuracy rate” in the November 3, 2020, presidential election and that “there’s still a 10% margin that’s not accurate”;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 105.**

On or about the **30th day of December 2020**, **ROBERT DAVID CHEELEY** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That poll watchers and media at State Farm Arena were told late in the evening of November 3, 2020, that the vote count was being suspended until the next morning and to go home because of “a major watermain break”;
2. That Fulton County election workers at State Farm Arena “voted” the same ballots “over and over again” on November 3, 2020;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 106.**

On or about the **30th day of December 2020**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, “We now have far more votes than needed to flip Georgia in the Presidential race. Massive VOTER FRAUD took place. Thank you to the Georgia Legislature for today’s revealing meeting!” This was an overt act in furtherance of the conspiracy.

**Act 107.**

On or about the **31st day of December 2020**, **JENNA LYNN ELLIS** wrote a memorandum titled “Memorandum Re: Constitutional Analysis of Vice President Authority for January 6, 2021 Electoral College Vote Count” to **DONALD JOHN TRUMP**. The memorandum outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated, “the Vice President should therefore not open any of the votes” from six states, including Georgia, that were falsely characterized as having “electoral delegates in dispute.” This was an overt act in furtherance of the conspiracy.



**Act 108.**

On or about the **31st day of December 2020**, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** committed the felony offense of **FILING FALSE DOCUMENTS**, in violation of **O.C.G.A. § 16-10-20.1(b)(1)**, in Fulton County, Georgia, by knowingly filing a document titled “**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF**” in the matter of **Trump v. Kemp**, Case 1:20-cv-05310-MHC, in the United States District Court for the Northern District of Georgia, a court of the United States having reason to know that said document contained at least one of the following materially false statements:

1. That “as many as 2,506 felons with an uncompleted sentence” voted illegally in the November 3, 2020, presidential election in Georgia;
2. That “at least 66,247 underage” people voted illegally in the November 3, 2020, presidential election in Georgia;
3. That “at least 2,423 individuals” voted illegally in the November 3, 2020, presidential election in Georgia “who were not listed in the State’s records as having been registered to vote”;
4. That “at least 1,043 individuals” voted illegally in the November 3, 2020, presidential election “who had illegally registered to vote using a postal office box as their habitation”;
5. That “as many as 10,315 or more” dead people voted in the November 3, 2020, presidential election in Georgia;
6. That “[d]eliberate misinformation was used to instruct Republican poll watchers and members of the press to leave the premises for the night at approximately 10:00 p.m. on November 3, 2020” at State Farm Arena in Fulton County, Georgia;

Earlier on the same day, **JOHN CHARLES EASTMAN** sent an e-mail to attorneys associated with the Trump Campaign admitting his knowledge that at least some of the allegations in the verified complaint were not accurate. This filing was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xxii)** and an overt act in furtherance of the conspiracy.

**Act 109.**

On or about the **1st day of January 2021**, **KENNETH JOHN CHESEBRO** sent an e-mail to **JOHN CHARLES EASTMAN** and unindicted co-conspirator Individual 3, whose identity is known to the Grand Jury. In the e-mail, **KENNETH JOHN CHESEBRO** outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 110.**

On or about the **2nd day of January 2021**, **SCOTT GRAHAM HALL**, a Georgia bail bondsman, placed a telephone call to **JEFFREY BOSSERT CLARK** and discussed the November 3, 2020, presidential election in Georgia. The telephone call was 63 minutes in duration. This was an overt act in furtherance of the conspiracy.

**Act 111.**

On or about the **2nd day of January 2021**, **JEFFREY BOSSERT CLARK** solicited Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue to sign and send a document that falsely stated that the United States Department of Justice had "identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia," to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller. This was an overt act in furtherance of the conspiracy.

**Act 112.**

On or about the **2nd day of January 2021**, **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully altering, unlawfully adjusting, and otherwise unlawfully influencing the certified returns for presidential electors for the November 3, 2020, presidential election in Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 113.**

On or about the **2nd day of January 2021**, **DONALD JOHN TRUMP** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to Georgia Secretary of State Brad Raffensperger, Georgia Deputy Secretary of State Jordan Fuchs, and Georgia Secretary of State General Counsel Ryan Germany:

1. That anywhere from 250,000 to 300,000 ballots were dropped mysteriously into the rolls in the November 3, 2020, presidential election in Georgia;
2. That thousands of people attempted to vote in the November 3, 2020, presidential election in Georgia and were told they could not because a ballot had already been cast in their name;
3. That 4,502 people voted in the November 3, 2020, presidential election in Georgia who were not on the voter registration list;
4. That 904 people voted in the November 3, 2020, presidential election in Georgia who were registered at an address that was a post office box;
5. That Ruby Freeman was a professional vote scammer and a known political operative;
6. That Ruby Freeman, her daughter, and others were responsible for fraudulently awarding at least 18,000 ballots to Joseph R. Biden at State Farm Arena in the November 3, 2020, presidential election in Georgia;
7. That close to 5,000 dead people voted in the November 3, 2020, presidential election in Georgia;
8. That 139% of people voted in the November 3, 2020, presidential election in Detroit;
9. That 200,000 more votes were recorded than the number of people who voted in the November 3, 2020, presidential election in Pennsylvania;
10. That thousands of dead people voted in the November 3, 2020, presidential election in Michigan;
11. That Ruby Freeman stuffed the ballot boxes;
12. That hundreds of thousands of ballots had been “dumped” into Fulton County and another county adjacent to Fulton County in the November 3, 2020, presidential election in Georgia;

13. That he won the November 3, 2020, presidential election in Georgia by 400,000 votes;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 114.**

On or about the **3rd day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "I spoke to Secretary of State Brad Raffensperger yesterday about Fulton County and voter fraud in Georgia. He was unwilling, or unable, to answer questions such as the 'ballots under table' scam, ballot destruction, out of state 'voters', dead voters, and more. He has no clue!" This was an overt act in furtherance of the conspiracy.

Act 115.

On or about the 3rd day of January 2021, **STEPHEN CLIFFGARD LEE**, **HARRISON WILLIAM PRESCOTT FLOYD**, and **TREVIAN C. KUTTI** placed multiple telephone calls and sent text messages to each other and to other individuals involved in the conspiracy. They include the following:

1. At 7:48 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to Ruby Freeman, a Fulton County, Georgia, election worker, that was unsuccessful.
2. At 7:49 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to Ruby Freeman that was unsuccessful.
3. At 7:49 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
4. At 7:53 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** sent a text message to Ruby Freeman.
5. At 8:03 p.m., **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
6. At 8:11 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to unindicted co-conspirator Individual 23, whose identity is known to the Grand Jury.
7. At 8:18 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
8. At 8:48 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
9. At 9:16 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
10. At 9:33 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
11. At 9:50 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **STEPHEN CLIFFGARD LEE**.

These were overt acts in furtherance of the conspiracy.

**Act 116.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI**, having been recruited by **HARRISON WILLIAM PRESCOTT FLOYD**, traveled from Chicago, Illinois, to Atlanta, Georgia, and caused a certain individual, whose identity is known to the Grand Jury, to pick her up from a train station in Fulton County, Georgia, for the purpose of attempting to contact Ruby Freeman, a Fulton County, Georgia, election worker. This was an overt act in furtherance of the conspiracy.

**Act 117.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI** traveled to Ruby Freeman's home in Cobb County, Georgia, and attempted to contact her but was unsuccessful. **TREVIAN C. KUTTI** spoke with Freeman's neighbor and falsely stated that she was a crisis manager attempting to "help" Freeman before leaving Freeman's home. This was an overt act in furtherance of the conspiracy.

**Act 118.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI**, while in Fulton County, Georgia, placed a telephone call to Ruby Freeman and stated that Freeman was in danger. **TREVIAN C. KUTTI** stated that she could "help" Freeman and requested that Freeman meet with and speak to her that night at a Cobb County Police Department precinct in Cobb County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 119.**

On or about the **4th day of January 2021**, **TREVIAN C. KUTTI** traveled to a Cobb County Police Department precinct in Cobb County, Georgia, and met with and spoke to Ruby Freeman for approximately one hour. **HARRISON WILLIAM PRESCOTT FLOYD** joined the meeting by telephone. **TREVIAN C. KUTTI** and **HARRISON WILLIAM PRESCOTT FLOYD** stated to Freeman that she needed protection and purported to offer her help. This was an overt act in furtherance of the conspiracy.

**Act 120.**

On or about the 4th day of January 2021 **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** committed the felony offense of **SOLICITATION OF FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. §§ 16-4-7 & 16-10-20**, in Cobb County, Georgia, by soliciting, requesting, and importuning Ruby Freeman, a Fulton County, Georgia, election worker, to engage in conduct constituting the felony offense of False Statements and Writings, O.C.G.A. § 16-10-20, by knowingly and willfully making a false statement and representation concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said statement and representation being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, with intent that said person engage in said conduct. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 121.**

On or about the 4th day of January 2021 **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** committed the felony offense of **INFLUENCING WITNESSES**, in violation of **O.C.G.A. § 16-10-93(b)(1)(A)**, in Fulton County, Georgia, by knowingly and unlawfully engaging in misleading conduct toward Ruby Freeman, a Fulton County, Georgia, election worker, by stating that she needed protection and by purporting to offer her help, with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxvii) and an overt act in furtherance of the conspiracy.

Act 122.

On or about the 4th day of January 2021, **STEPHEN CLIFFGARD LEE**, **HARRISON WILLIAM PRESCOTT FLOYD**, and **TREVIAN C. KUTTI** placed multiple telephone calls and sent text messages to each other and to other individuals involved in the conspiracy. They include the following:

1. At 9:41 a.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
2. At 11:24 a.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **DAVID JAMES SHAFER**.
3. At 12:25 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
4. At 12:32 p.m., **STEPHEN CLIFFGARD LEE** sent a text message to **HARRISON WILLIAM PRESCOTT FLOYD**.
5. At 8:10 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **DAVID JAMES SHAFER**.
6. At 10:00 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
7. At 10:19 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **TREVIAN C. KUTTI**.
8. At 10:43 p.m., **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
9. At 11:10 p.m., **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
10. At 12:12 a.m. on January 5, 2021, **TREVIAN C. KUTTI** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.

These were overt acts in furtherance of the conspiracy.



**Act 123.**

On or about the 4th day of January 2020, **JOHN CHARLES EASTMAN** placed a telephone call to Speaker of the Arizona House of Representatives Rusty Bowers and solicited, requested, and importuned Bowers to unlawfully appoint presidential electors from Arizona. During the telephone call, Bowers declined to comply with Eastman's request and stated that he would not risk violating his oath of office. The request was an overt act in furtherance of the conspiracy.

**Act 124.**

On or about the 4th day of January 2021, **KENNETH JOHN CHESEBRO** sent an e-mail to **JOHN CHARLES EASTMAN** with the subject "Fwd: Draft 2, with edits" and included within the body of the e-mail another e-mail that **KENNETH JOHN CHESEBRO** previously sent to **RUDOLPH WILLIAM LOUIS GIULIANI** with the subject "PRIVILEGED AND CONFIDENTIAL – Brief notes on 'President of the Senate' strategy." In the e-mail, **KENNETH JOHN CHESEBRO** outlined multiple strategies for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated that the outcomes of any of these strategies were "preferable to allowing the Electoral Count Act to operate by its terms." This was an overt act in furtherance of the conspiracy.

**Act 123.**

On or about the 4th day of January 2021, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** met with Vice President Mike Pence, Chief of Staff to the Vice President Marc Short, and Counsel to the Vice President Greg Jacob in the Oval Office at the White House. During the meeting, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** argued to Pence that he could either reject electoral votes from certain states or delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, for the purpose of allowing certain state legislatures to unlawfully appoint presidential electors in favor of **DONALD JOHN TRUMP**. During the meeting, **JOHN CHARLES EASTMAN** admitted both options violated the Electoral Count Act. This was an overt act in furtherance of the conspiracy.

Act 126.

On or about the **5th day of January 2021**, **JENNA LYNN ELLIS** wrote a memorandum titled "Re: Vice President Authority in Counting Electors pursuant to U.S. Constitution and 3 U.S. Code §§ 5 and 15" to an attorney associated with **DONALD JOHN TRUMP**. The memorandum outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated, "the Vice President should begin alphabetically in order of the states, and coming first to Arizona, not open the purported certification, but simply stop the count at that juncture." This was an overt act in furtherance of the conspiracy.

Act 127.

On or about the 5th day of January 2021, **ROBERT DAVID CHEELEY, STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, TREVIAN C. KUTTI, and SCOTT GRAHAM HALL** placed multiple telephone calls to each other and to other individuals involved in the conspiracy. They include the following:

1. At 11:32 a.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **TREVIAN C. KUTTI**.
2. At 12:14 p.m., **HARRISON WILLIAM PRESCOTT FLOYD, TREVIAN C. KUTTI, STEPHEN CLIFFGARD LEE**, and unindicted co-conspirator Individual 23, whose identity is known to the Grand Jury, participated in a four-way telephone call.
3. At 12:19 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
4. At 12:34 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
5. At 1:07 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **SCOTT GRAHAM HALL**.
6. At 1:09 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **SCOTT GRAHAM HALL**.
7. At 2:30 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
8. At 2:45 p.m., **HARRISON WILLIAM PRESCOTT FLOYD** placed a telephone call to **ROBERT DAVID CHEELEY**.
9. At 3:59 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **SCOTT GRAHAM HALL**.
10. At 4:42 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **ROBERT DAVID CHEELEY**.
11. At 4:50 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.
12. At 5:05 p.m., **STEPHEN CLIFFGARD LEE** placed a telephone call to **HARRISON WILLIAM PRESCOTT FLOYD**.

13. At 7:19 p.m., **TREVIAN C. KUTTI** placed a telephone call to **ROBERT DAVID CHEELEY**.
14. At 7:48 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **TREVIAN C. KUTTI**.
15. At 8:27 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **TREVIAN C. KUTTI**.
16. At 8:49 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
17. At 9:18 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
18. At 9:31 p.m., **TREVIAN C. KUTTI** placed a telephone call to **ROBERT DAVID CHEELEY**.
19. At 10:14 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **STEPHEN CLIFFGARD LEE**.
20. At 11:16 p.m., **ROBERT DAVID CHEELEY** placed a telephone call to **TREVIAN C. KUTTI**.
21. At 11:25 p.m., **SCOTT GRAHAM HALL** placed a telephone call to **ROBERT DAVID CHEELEY**.
22. At 11:35 p.m., **ROBERT DAVID CHEELEY**, **TREVIAN C. KUTTI**, and **SCOTT GRAHAM HALL** participated in a three-way telephone call.
23. At 12:09 a.m. on January 6, 2021, **TREVIAN C. KUTTI** placed a telephone call to **ROBERT DAVID CHEELEY**.

These were overt acts in furtherance of the conspiracy.

**Act 128.**

On or about the 5th day of January 2021, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account **@RealDonaldTrump**, "The Vice President has the power to reject fraudulently chosen electors." This was an overt act in furtherance of the conspiracy.

**Act 129.**

On or about the **5th day of January 2021**, **JOHN CHARLES EASTMAN** met with Chief of Staff to the Vice President Marc Short and Counsel to the Vice President Greg Jacob for the purpose of requesting that Vice President Mike Pence reject slates of presidential electors from Georgia and certain other states during the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 130.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** met with Vice President Mike Pence in the Oval Office at the White House. During the meeting, **DONALD JOHN TRUMP** stated that Pence had the power to decertify the November 3, 2020, presidential election results, that people cheated, and that Pence wanted to “play by Marquess of Queensberry rules.” When Pence stated that it was his duty to support and defend the Constitution and that only Congress had the power to decide to reject slates of presidential electors, **DONALD JOHN TRUMP** stated that Pence was naive, implied that he lacked courage, and stated that Pence was doing “a great disservice.” This was an overt act in furtherance of the conspiracy.

**Act 131.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** placed a telephone call to Vice President Mike Pence. During the telephone call, **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** attempted to persuade Pence to reject slates of presidential electors or return the slates of presidential electors to state legislatures. This was an overt act in furtherance of the conspiracy.

**Act 132.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** placed a second telephone call to Vice President Mike Pence. During the telephone call, **DONALD JOHN TRUMP** asked Pence if he had received a copy of a letter from a group of Pennsylvania legislators urging Congress to return the state’s electoral college votes and stated to Pence, “You gotta be tough tomorrow.” This was an overt act in furtherance of the conspiracy.

**Act 133.**

On or about the **5th day of January 2021**, **DONALD JOHN TRUMP** issued a statement through the Trump Campaign that falsely stated, “The Vice President and I are in total agreement that the Vice President has the power to act. ... Our Vice President has several options under the U.S. Constitution. He can decertify the results or send them back to the states for change and certification. He can also decertify the illegal and corrupt results and send them to the House of Representatives for the one vote for one state tabulation.” This was an overt act in furtherance of the conspiracy.

**Act 134.**

On or about the 6th day of January 2021, **CATHLEEN ALSTON LATHAM** placed a telephone call to **SCOTT GRAHAM HALL**. Several hours later, **SCOTT GRAHAM HALL** placed a telephone call to **CATHLEEN ALSTON LATHAM**. During at least one of the phone calls, they discussed **SCOTT GRAHAM HALL**'s request to assist with the unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia. These were overt acts in furtherance of the conspiracy.

**Act 135.**

On or about the 6th day of January 2021, **DONALD JOHN TRUMP** appeared and spoke at a rally at the Ellipse in Washington, D.C. During the rally, **DONALD JOHN TRUMP** made false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere, solicited Vice President Mike Pence to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and encouraged those in attendance at the rally to march to the United States Capitol. This was an overt act in furtherance of the conspiracy.

**Act 136.**

On or about the 6th day of January 2021, **RUDOLPH WILLIAM LOUIS GIULIANI** appeared and spoke at a rally at the Ellipse in Washington, D.C. During the rally, **RUDOLPH WILLIAM LOUIS GIULIANI** made false statements concerning fraud in the November 3, 2020, presidential election in Georgia and elsewhere and solicited Vice President Mike Pence to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 137.**

On or about the 6th day of January 2021, **JOHN CHARLES EASTMAN** appeared and spoke at a rally at the Ellipse in Washington, D.C. During the rally, **JOHN CHARLES EASTMAN** made false statements concerning fraud in the November 3, 2020, presidential election and solicited Vice President Mike Pence to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. This was an overt act in furtherance of the conspiracy.

**Act 138.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "If Vice President @Mike\_Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!" This was an overt act in furtherance of the conspiracy.

**Act 139.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** caused to be tweeted from the Twitter account @RealDonaldTrump, "States want to correct their votes, which they now know were based on irregularities and fraud, plus corrupt process never received legislative approval. All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!" This was an overt act in furtherance of the conspiracy.

**Act 140.**

On or about the **6th day of January 2021**, **DONALD JOHN TRUMP** placed a telephone call to Vice President Mike Pence and solicited him to disrupt and delay the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states. When Pence refused, **DONALD JOHN TRUMP** stated that Pence would "go down as a wimp" and that Pence was not protecting the United States. This was an overt act in furtherance of the conspiracy.

**Act 141.**

On or about the **6th day of January 2021**, **JOHN CHARLES EASTMAN** sent an e-mail to Counsel to the Vice President Greg Jacob that stated:

“The Senate and House have both violated the Electoral Count Act this evening – they debated the Arizona objections for more than 2 hours. Violation of 3 USC 17. And the VP allowed further debate or statements by leadership after the question had been voted upon. Violation of 3 USC 17. And they had that debate upon motion approved by the VP, in violation of the requirement in 3 USC 15 that after the vote in the separate houses, ‘they shall immediately again meet.’

So now that the precedent has been set that the Electoral Count Act is not quite so sacrosanct as was previously claimed, I implore you to consider one more relatively minor violation and adjourn for 10 days to allow the legislatures to finish their investigations, as well as to allow a full forensic audit of the massive amount of illegal activity that has occurred here. If none of that moves the needle, at least a good portion of the 75 million people who supported President Trump will have seen a process that allowed the illegality to be aired.

John”

This was an overt act in furtherance of the conspiracy.

**Act 142.**

On or about the **7th day of January 2021**, **CATHLEEN ALSTON LATHAM** sent a text message to the Chief Operations Officer of SullivanStrickler LLC with the address for the Douglas Municipal Airport in Coffee County, Georgia, to coordinate picking up **SCOTT GRAHAM HALL** from the airport and driving him to the Coffee County Board of Elections & Registration Office for the purpose of assisting with the unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 143.**

On or about the **7th day of January 2021**, **SCOTT GRAHAM HALL** and unindicted co-conspirator Individual 24, whose identity is known to the Grand Jury, flew from DeKalb-Peachtree Airport in DeKalb County, Georgia, to Douglas Municipal Airport in Coffee County, Georgia, for the purpose of assisting with the unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.



**Act 144.**

On or about the 7th day of January 2021, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **INTERFERENCE WITH PRIMARIES AND ELECTIONS**, in violation of **O.C.G.A. § 21-2-566**, in Coffee County, Georgia, by willfully and unlawfully tampering with electronic ballot markers and tabulating machines in Coffee County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 145.**

On or about the 7th day of January 2021, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **UNLAWFUL POSSESSION OF BALLOTS**, in violation of **O.C.G.A. § 21-2-574**, in Coffee County, Georgia, by causing certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place in Coffee County, Georgia. This was an overt act in furtherance of the conspiracy.

**Act 146.**

On or about the 7th day of January 2021, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **COMPUTER THEFT**, in violation of **O.C.G.A. § 16-9-93(a)**, in Coffee County, Georgia, by using a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation in Coffee County, Georgia. This was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xix)** and an overt act in furtherance of the conspiracy.

**Act 147.**

On or about the 7th day of January 2021, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **COMPUTER TRESPASS**, in violation of **O.C.G.A. § 16-9-93(b)**, in Coffee County, Georgia, by using a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer in Coffee County, Georgia. This was an act of racketeering activity under **O.C.G.A. § 16-14-3(5)(A)(xix)** and an overt act in furtherance of the conspiracy.

**Act 148.**

On or about the **7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **COMPUTER INVASION OF PRIVACY**, in violation of **O.C.G.A. § 16-9-93(c)**, in Coffee County, Georgia, by using a computer with the intention of examining personal voter data with knowledge that such examination was without authority. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xix) and an overt act in furtherance of the conspiracy.

**Act 149.**

On and between the **6th day of December 2020 and the 7th day of January 2021**, **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** committed the felony offense of **CONSPIRACY TO DEFRAUD THE STATE**, in violation of **O.C.G.A. § 16-10-21**, in Coffee County, Georgia, by unlawfully conspiring and agreeing to commit theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 150.**

On or about the **9th day of January 2021, the 10th day of January 2021, the 11th day of January 2021, and the 13th day of January 2021**, unindicted co-conspirator Individual 25, whose identity is known to the Grand Jury, unlawfully accessed certain data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, by downloading said data from a server maintained by SullivanStrickler LLC. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 151.**

On or about the **9th day of January 2021, the 10th day of January 2021, the 11th day of January 2021, the 18th day of January 2021, and the 19th day of January 2021**, unindicted co-conspirator Individual 26, whose identity is unknown to the Grand Jury, unlawfully accessed certain data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, by downloading said data from a server maintained by SullivanStrickler LLC. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 152.**

On or about the 10th day of January 2021, the 12th day of January 2021, the 13th day of January 2021, the 25th day of February 2021, and the 26th day of February 2021, unindicted co-conspirator Individual 27, whose identity is unknown to the Grand Jury, unlawfully accessed certain data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, by downloading said data from a server maintained by SullivanStrickler LLC. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 153.**

On or about the 13th day of January 2021, unindicted co-conspirator Individual 28, whose identity is known to the Grand Jury, unlawfully accessed certain data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, by downloading said data from a server maintained by SullivanStrickler LLC. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 154.**

On or about the 18th day of January 2021, MISTY HAMPTON allowed unindicted co-conspirators Individual 25 and Individual 29, whose identities are known to the Grand Jury, to access non-public areas of the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, and facilitated their access to Dominion Voting Systems equipment. This was an overt act in furtherance of the conspiracy.

**Act 155.**

On or about the 22nd day of April 2021, unindicted co-conspirator Individual 28, whose identity is known to the Grand Jury, sent an e-mail to the Chief Operations Officer of SullivanStrickler LLC directing him to transmit all data copied from Dominion Voting Systems equipment at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, to unindicted co-conspirator Individual 30, whose identity is known to the Grand Jury, an attorney associated with SIDNEY KATHERINE POWELL and the Trump Campaign. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(B) and an overt act in furtherance of the conspiracy.

**Act 156.**

On or about the 17th day of September 2021, **DONALD JOHN TRUMP** committed the felony offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER**, in violation of **O.C.G.A. §§ 16-4-7 and 16-10-1**, in Fulton County, Georgia, by unlawfully soliciting, requesting, and importuning Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully “decertifying the Election, or whatever the correct legal remedy is, and announce the true winner,” in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct. This was an overt act in furtherance of the conspiracy.

**Act 157.**

On or about the 17th day of September 2021, **DONALD JOHN TRUMP** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making the following false statement and representation to Georgia Secretary of State Brad Raffensperger:

1. “As stated to you previously, the number of false and/or irregular votes is far greater than needed to change the Georgia election result”;

said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 158.**

On or about the **25th day of April 2022**, **DAVID JAMES SHAFER** committed the felony offense of **FALSE STATEMENTS AND WRITINGS**, in violation of **O.C.G.A. § 16-10-20**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations in the presence of Fulton County District Attorney's Office investigators:

1. That he "attended and convened" the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, but that he did not "call each of the individual members and notify them of the meeting or make any of the other preparations necessary for the meeting";
2. That a court reporter was not present at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia;

said statements being within the jurisdiction of the Fulton County District Attorney's Office, a department and agency of the government of a county of this state. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

**Act 159.**

On or about the **7th day of May 2022**, **SIDNEY KATHERINE POWELL** made at least one of the following false statements and representations in a sworn deposition with the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol:

1. That she "didn't have any role in really setting up" efforts to access voting machines in Coffee County, Georgia, or Antrim County, Michigan;
2. That she was aware there was an "effort by some people" to get access to voting machines in Georgia but that she did not "know what happened with that" and did not "remember whether that was Rudy or other folks."

This was an overt act in furtherance of the conspiracy.

**Act 160.**

On or about the **1st day of September 2022**, **CATHLEEN ALSTON LATHAM** committed the felony offense of **PERJURY**, in violation of **O.C.G.A. § 16-10-70(a)**, in Houston County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements in a deposition in the matter of **Curling v. Raffensperger**, Case 1:17-cv-02989-AT in the United States District Court for the Northern District of Georgia, a judicial proceeding, after having been administered a lawful oath:

1. That she was only present at the Coffee County Board of Elections & Registration Office in Coffee County, Georgia, for “just a few minutes” on January 7, 2021;
2. That she only “walked into the front part” of the Coffee County Board of Elections & Registration Office on January 7, 2021, and “didn’t go into the office”;
3. That she had “no idea” if employees of SullivanStrickler met Eric Chaney at the Coffee County Board of Elections & Registration Office on January 7, 2021;
4. That she did not see Misty Hampton at the Coffee County Board of Elections & Registration Office on January 7, 2021;
5. That her only interaction with Scott Hall at the Coffee County Board of Elections & Registration Office on January 7, 2021, was meeting him, speaking to him outside of the office, and then leaving the office;
6. That she did not see Scott Hall speak to anyone other than herself at the Coffee County Board of Elections & Registration Office on January 7, 2021;

said statements being material to the accused’s own involvement in the January 7, 2021, unlawful breach of election equipment at the Coffee County Board of Elections & Registration Office and to the accused’s communications with others involved, the issues in question. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxv) and an overt act in furtherance of the conspiracy.

Act 161.

On or about the 15th day of September 2022, **ROBERT DAVID CHEELEY** committed the felony offense of **PERJURY**, in violation of **O.C.G.A. § 16-10-70(a)**, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements before the Fulton County Special Purpose Grand Jury, a judicial proceeding, after having been administered a lawful oath:

1. That he was unaware of the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
2. That he had no substantive conversations with anyone concerning the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
3. That he never suggested to anyone that the Trump presidential elector nominees in Georgia should meet on December 14, 2020;
4. That the only communication he had with John Eastman concerning the November 3, 2020, presidential election was for the purpose of connecting Eastman to Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, for possible legal representation;
5. That he never worked to connect John Eastman with any Georgia legislators other than Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury;

said statements being material to the accused's own involvement in the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, and to the accused's communications with others involved in the meeting, the issues in question. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxv) and an overt act in furtherance of the conspiracy.

\* \* \*

The acts set forth above were committed in furtherance of the conspiracy alleged above and had the same and similar intents, results, accomplices, victims, and methods of commission and otherwise were interrelated by distinguishing characteristics and were not isolated acts.

### COUNT 2 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, JENNA LYNN ELLIS, and RAY STALLINGS SMITH III** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on the **3rd day of December 2020**, unlawfully solicited, requested, and importuned certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Lee Anderson, Brandon Beach, Matt Brass, Greg Dolezal, Steve Gooch, Tyler Harper, Bill Heath, Jen Jordan, John F. Kennedy, William Ligon, Elena Parent, Michael Rhett, Carden Summers, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

### COUNT 3 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **3rd day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That at least 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;
2. That a Dominion Voting Systems machine used in the November 3, 2020, presidential election in Antrim County, Michigan, mistakenly recorded 6,000 votes for Joseph R. Biden when the votes were actually cast for Donald Trump;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;



**COUNT 4 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RAY STALLINGS SMITH III** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **3rd day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That 2,506 felons voted illegally in the November 3, 2020, presidential election in Georgia;
2. That 66,248 underage people illegally registered to vote before their seventeenth birthday prior to the November 3, 2020, presidential election in Georgia;
3. That at least 2,423 people voted in the November 3, 2020, presidential election in Georgia who were not listed as registered to vote;
4. That 1,043 people voted in the November 3, 2020, presidential election in Georgia who had illegally registered to vote using a post office box;
5. That 10,315 or more dead people voted in the November 3, 2020, presidential election in Georgia;
6. That Fulton County election workers at State Farm Arena ordered poll watchers and members of the media to leave the tabulation area on the night of November 3, 2020, and continued to operate after ordering everyone to leave;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 5 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on or about the **7th day of December 2020**, unlawfully solicited, requested, and importuned Speaker of the Georgia House of Representatives David Ralston, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by calling for a special session of the Georgia General Assembly for the purpose of unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 6 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** and **RAY STALLINGS SMITH III** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on the **10th day of December 2020**, unlawfully solicited, requested, and importuned certain public officers then serving as elected members of the Georgia House of Representatives and present at a House Governmental Affairs Committee meeting, including Representatives Shaw Blackmon, Jon Burns, Barry Fleming, Todd Jones, Bee Nguyen, Mary Margaret Oliver, Alan Powell, Renitta Shannon, Robert Trammell, Scot Turner, and Bruce Williamson, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 7 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **10th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia House of Representatives present at a House Governmental Affairs Committee meeting:

1. That it is quite clear from the State Farm Arena video from November 3, 2020, that Fulton County election workers were stealing votes and that Georgia officials were covering up a crime in plain sight;
2. That at State Farm Arena on November 3, 2020, Democratic officials “got rid of all of the reporters, all the observers, anyone that couldn’t be trusted,” used the excuse of a watermain break, cleared out the voting area and then “went about their dirty, crooked business”;
3. That between 12,000 and 24,000 ballots were illegally counted by Fulton County election workers at State Farm Arena on November 3, 2020;
4. That in Michigan, there were 700,000 more ballots counted than were sent out to voters in the November 3, 2020, presidential election, which was accounted for by quadruple counting ballots;
5. That Ruby Freeman, Shaye Moss, and an unidentified man were “quite obviously surreptitiously passing around USB ports as if they’re vials of heroin or cocaine” at State Farm Arena to be used to “infiltrate the crooked Dominion voting machines”;
6. That 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 8 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **IMPERSONATING A PUBLIC OFFICER, O.C.G.A. § 16-10-23**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully falsely held themselves out as the duly elected and qualified presidential electors from the State of Georgia, public officers, with intent to mislead the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia into believing that they actually were such officers by placing in the United States mail to said persons a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 9 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT IMPERSONATING A PUBLIC OFFICER, O.C.G.A. §§ 16-4-8 & 16-10-23**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to cause certain individuals to falsely hold themselves out as the duly elected and qualified presidential electors from the State of Georgia, public officers, with intent to mislead the President of the United States Senate, the Archivist of the United States, the Georgia Secretary of State, and the Chief Judge of the United States District Court for the Northern District of Georgia into believing that they actually were such officers;

And the Defendants named in Count 8, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, falsely held themselves out as said public officers by placing in the United States mail to said persons a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA" in Fulton County, Georgia, which was an overt act to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 10 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **FORGERY IN THE FIRST DEGREE, O.C.G.A. § 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully and with the intent to defraud, knowingly made a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," a writing other than a check, in such manner that the writing as made purports to have been made by authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 11 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE, O.C.G.A. §§ 16-4-8 & 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired, with the intent to defraud, to knowingly make a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," a writing other than a check, in such manner that the writing as made purports to have been made by authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and to utter and deliver said document to the Archivist of the United States;

And the Defendants named in Count 10, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made said document in Fulton County, Georgia, and uttered and delivered said document to the Archivist of the United States in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 12 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, knowingly, willfully, and unlawfully made and used a false document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," with knowledge that said document contained the false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following," said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 13 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-8 & 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to knowingly and willfully make and use a false document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," with knowledge that said document contained the false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following," said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government;

And the Defendants named in Count 12, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made and used said document in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 14 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER, SHAWN MICAH TRESHER STILL, and CATHLEEN ALSTON LATHAM** with the offense of **CRIMINAL ATTEMPT TO COMMIT FILING FALSE DOCUMENTS, O.C.G.A. §§ 16-4-1 & 16-10-20.1(b)(1)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully, with intent to commit the crime of Filing False Documents, O.C.G.A. § 16-10-20.1(b)(1), placed in the United States mail a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," addressed to Chief Judge, U.S. District Court, Northern District of Georgia, 2188 Richard D. Russell Federal Office Building and U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, a substantial step toward the commission of Filing False Documents, O.C.G.A. § 16-10-20.1(b)(1), with intent to knowingly file, enter, and record said document in a court of the United States, having reason to know that said document contained the materially false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following," contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 15 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FILING FALSE DOCUMENTS, O.C.G.A. §§ 16-4-8 & 16-10-20.1(b)(1)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to knowingly file, enter, and record a document titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM GEORGIA," in a court of the United States, having reason to know that said document contained the materially false statement, "WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia, do hereby certify the following";

And the Defendants named in Count 14, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, placed in the United States mail said document, addressed to Chief Judge, U.S. District Court, Northern District of Georgia, 2188 Richard D. Russell Federal Office Building and U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, in Fulton County, Georgia, which was an overt act to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 16 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** with the offense of **FORGERY IN THE FIRST DEGREE, O.C.G.A. § 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, unlawfully and with the intent to defraud, knowingly made a document titled "RE: Notice of Filling of Electoral College Vacancy," a writing other than a check, in such manner that the writing as made purports to have been made by the authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and uttered and delivered said document to the Archivist of the United States and the Office of the Governor of Georgia, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 17 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, and MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE, O.C.G.A. §§ 16-4-8 & 16-9-1(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired, with the intent to defraud, to knowingly make a document titled "RE: Notice of Filling of Electoral College Vacancy," a writing other than a check, in such manner that the writing as made purports to have been made by the authority of the duly elected and qualified presidential electors from the State of Georgia, who did not give such authority, and to utter and deliver said document to the Archivist of the United States and the Office of the Governor of Georgia;

And the Defendants named in Count 16, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made said document in Fulton County, Georgia, and uttered and delivered said document to the Archivist of the United States and the Office of the Governor of Georgia in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;



**COUNT 18 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER** and **SHAWN MICAH TRESHER STILL** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **14th day of December 2020**, knowingly, willfully, and unlawfully made and used a false document titled "RE: Notice of Filling of Electoral College Vacancy," with knowledge that said document contained the false statements that **DAVID JAMES SHAFER** was Chairman of the 2020 Georgia Electoral College Meeting and **SHAWN MICAH TRESHER STILL** was Secretary of the 2020 Georgia Electoral College Meeting, said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 19 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, KENNETH JOHN CHESEBRO, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY** and **MICHAEL A. ROMAN** with the offense of **CONSPIRACY TO COMMIT FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-8 & 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with indicted and unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **6th day of December 2020 and the 14th day of December 2020**, unlawfully conspired to knowingly and willfully make and use a false document titled "RE: Notice of Filling of Electoral College Vacancy," with knowledge that said document contained the false statements that **DAVID JAMES SHAFER** was Chairman of the 2020 Georgia Electoral College Meeting and **SHAWN MICAH TRESHER STILL** was Secretary of the 2020 Georgia Electoral College Meeting, said document being within the jurisdiction of the Office of the Georgia Secretary of State and the Office of the Governor of Georgia, departments and agencies of state government;

And the Defendants named in Count 18, acting as co-conspirators, as described above and incorporated by reference as if fully set forth herein, made and used said document in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 20 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE** with the offense of **CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES, O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)**, for the said accused, in the County of Fulton and State of Georgia, on the **14th day of December 2020**, unlawfully, with intent to commit the crime of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), traveled to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and spoke to her neighbor, a substantial step toward the commission of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 21 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE** with the offense of **CRIMINAL ATTEMPT TO COMMIT INFLUENCING WITNESSES, O.C.G.A. §§ 16-4-1 & 16-10-93(b)(1)(A)**, for the said accused, in the County of Fulton and State of Georgia, on the **15th day of December 2020**, unlawfully, with intent to commit the crime of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), traveled to the home of Ruby Freeman, a Fulton County, Georgia, election worker, and knocked on her door, a substantial step toward the commission of Influencing Witnesses, O.C.G.A. § 16-10-93(b)(1)(A), with intent to knowingly engage in misleading conduct toward Ruby Freeman, by purporting to offer her help, and with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 22 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **JEFFREY BOSSERT CLARK** with the offense of **CRIMINAL ATTEMPT TO COMMIT FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-1 & 16-10-20**, for the said accused, individually and as a person concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **28th day of December 2020 and the 2nd day of January 2021**, unlawfully, with intent to commit the crime of False Statements and Writings, O.C.G.A. § 16-10-20, knowingly and willfully made a false writing and document knowing the same to contain the false statement that the United States Department of Justice had “identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia,” said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies;

And, on or about the **28th day of December 2020**, the said accused sent an e-mail to Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue and requested authorization to send said false writing and document to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller;

And, on or about the **2nd day of January 2021**, the said accused met with Acting United States Attorney General Jeffrey Rosen and Acting United States Deputy Attorney General Richard Donoghue and requested authorization to send said false writing and document to Georgia Governor Brian Kemp, Speaker of the Georgia House of Representatives David Ralston, and President Pro Tempore of the Georgia Senate Butch Miller;

And said acts constituted substantial steps toward the commission of False Statements and Writings, O.C.G.A. § 16-10-20, and said conduct committed outside the state of Georgia constituted an attempt to commit a crime within the state of Georgia, pursuant to O.C.G.A. § 17-2-1(b)(2), contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 23 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI, RAY STALLINGS SMITH III, and ROBERT DAVID CHEELEY** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on the **30th day of December 2020**, unlawfully solicited, requested, and importuned certain public officers then serving as elected members of the Georgia Senate and present at a Senate Judiciary Subcommittee meeting, including unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, Senators Brandon Beach, Bill Heath, William Ligon, Michael Rhett, and Blake Tillery, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully appointing presidential electors from the State of Georgia, in willful and intentional violation of the terms of the oath of said persons as prescribed by law, with intent that said persons engage in said conduct, said date being a material element of the offense, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 24 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RUDOLPH WILLIAM LOUIS GIULIANI** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **30th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Fulton County election workers fraudulently counted certain ballots as many as five times at State Farm Arena on November 3, 2020;
2. That 2,560 felons voted illegally in the November 3, 2020, presidential election in Georgia;
3. That 10,315 dead people voted in the November 3, 2020, presidential election in Georgia;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 25 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **RAY STALLINGS SMITH III** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **30th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That Georgia Secretary of State General Counsel Ryan Germany stated that his office had sent letters to 8,000 people who voted illegally in the November 3, 2020, presidential election and told them not to vote in the January 5, 2021, runoff election;
2. That the Georgia Secretary of State admitted “that they had a 90% accuracy rate” in the November 3, 2020, presidential election and that “there’s still a 10% margin that’s not accurate”;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 26 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **ROBERT DAVID CHEELEY** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **30th day of December 2020**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That poll watchers and media at State Farm Arena were told late in the evening of November 3, 2020, that the vote count was being suspended until the next morning and to go home because of “a major watermain break”;
2. That Fulton County election workers at State Farm Arena “voted” the same ballots “over and over again” on November 3, 2020;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 27 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** and **JOHN CHARLES EASTMAN** with the offense of **FILING FALSE DOCUMENTS**, O.C.G.A. § 16-10-20.1(b)(1), for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **31st day of December 2020**, knowingly and unlawfully filed a document titled “**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF**” in the matter of Trump v. Kemp, Case 1:20-cv-05310-MHC, in the United States District Court for the Northern District of Georgia, a court of the United States, having reason to know that said document contained at least one of the following materially false statements:

1. That “as many as 2,506 felons with an uncompleted sentence” voted illegally in the November 3, 2020, presidential election in Georgia;
2. That “at least 66,247 underage” people voted illegally in the November 3, 2020, presidential election in Georgia;
3. That “at least 2,423 individuals” voted illegally in the November 3, 2020, presidential election in Georgia “who were not listed in the State’s records as having been registered to vote”;
4. That “at least 1,043 individuals” voted illegally in the November 3, 2020, presidential election “who had illegally registered to vote using a postal office box as their habitation”;
5. That “as many as 10,315 or more” dead people voted in the November 3, 2020, presidential election in Georgia;
6. That “[d]eliberate misinformation was used to instruct Republican poll watchers and members of the press to leave the premises for the night at approximately 10:00 p.m. on November 3, 2020” at State Farm Arena in Fulton County, Georgia;

contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 28 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** and **MARK RANDALL MEADOWS** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 & 16-10-1**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **2nd day of January 2021**, unlawfully solicited, requested, and importuned Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully altering, unlawfully adjusting, and otherwise unlawfully influencing the certified returns for presidential electors for the November 3, 2020, presidential election in Georgia, in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 29 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **2nd day of January 2021**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations to Georgia Secretary of State Brad Raffensperger, Georgia Deputy Secretary of State Jordan Fuchs, and Georgia Secretary of State General Counsel Ryan Germany:

1. That anywhere from 250,000 to 300,000 ballots were dropped mysteriously into the rolls in the November 3, 2020, presidential election in Georgia;
2. That thousands of people attempted to vote in the November 3, 2020, presidential election in Georgia and were told they could not because a ballot had already been cast in their name;
3. That 4,502 people voted in the November 3, 2020, presidential election in Georgia who were not on the voter registration list;
4. That 904 people voted in the November 3, 2020, presidential election in Georgia who were registered at an address that was a post office box;
5. That Ruby Freeman was a professional vote scammer and a known political operative;
6. That Ruby Freeman, her daughter, and others were responsible for fraudulently awarding at least 18,000 ballots to Joseph R. Biden at State Farm Arena in the November 3, 2020, presidential election in Georgia;
7. That close to 5,000 dead people voted in the November 3, 2020, presidential election in Georgia;
8. That 139% of people voted in the November 3, 2020, presidential election in Detroit;
9. That 200,000 more votes were recorded than the number of people who voted in the November 3, 2020, presidential election in Pennsylvania;
10. That thousands of dead people voted in the November 3, 2020, presidential election in Michigan;
11. That Ruby Freeman stuffed the ballot boxes;
12. That hundreds of thousands of ballots had been "dumped" into Fulton County and another county adjacent to Fulton County in the November 3, 2020, presidential election in Georgia;



13. That he won the November 3, 2020, presidential election in Georgia by 400,000 votes;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, contrary to the laws of said State, the good order, peace and dignity thereof;

#### COUNT 30 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD, and TREVIAN C. KUTTI** with the offense of **CONSPIRACY TO COMMIT SOLICITATION OF FALSE STATEMENTS AND WRITINGS, O.C.G.A. §§ 16-4-8, 16-4-7, & 16-10-20**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **4th day of January 2021**, unlawfully conspired to solicit, request, and importune Ruby Freeman, a Fulton County, Georgia, election worker, to engage in conduct constituting the felony offense of False Statements and Writings, O.C.G.A. § 16-10-20, by knowingly and willfully making a false statement and representation concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, said statement and representation being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, with intent that said person engage in said conduct; and **TREVIAN C. KUTTI** traveled to Fulton County, Georgia, and placed a telephone call to Ruby Freeman while in Fulton County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

#### COUNT 31 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **STEPHEN CLIFFGARD LEE, HARRISON WILLIAM PRESCOTT FLOYD and TREVIAN C. KUTTI** with the offense of **INFLUENCING WITNESSES, O.C.G.A. § 16-10-93(b)(1)(A)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on or about the **4th day of January 2021**, knowingly and unlawfully engaged in misleading conduct toward Ruby Freeman, a Fulton County, Georgia, election worker, by stating that she needed protection and by purporting to offer her help, with intent to influence her testimony in an official proceeding in Fulton County, Georgia, concerning events at State Farm Arena in the November 3, 2020, presidential election in Georgia, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 32 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT ELECTION FRAUD, O.C.G.A. §§ 21-2-603 & 21-2-566**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired and agreed to willfully tamper with electronic ballot markers and tabulating machines in the State of Georgia;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of willfully tampering with said electronic ballot markers and tabulating machines, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in willfully tampering with electronic ballot markers and tabulating machines while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 33 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT ELECTION FRAUD, O.C.G.A. §§ 21-2-603 & 21-2-574**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired and agreed to cause certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place in the State of Georgia;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of causing certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in accessing election equipment while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, for the purpose of causing certain members of the conspiracy, who were not officers charged by law with the care of ballots and who were not persons entrusted by any such officer with the care of ballots for a purpose required by law, to possess official ballots outside of the polling place, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 34 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT COMPUTER THEFT, O.C.G.A. §§ 16-4-8 & 16-9-93(a)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired to use a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation,

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of using a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in using a computer with knowledge that such use was without authority and with the intention of taking and appropriating information, data, and software, the property of Dominion Voting Systems Corporation, while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 35 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT COMPUTER TRESPASS, O.C.G.A. §§ 16-4-8 & 16-9-93(b)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired to use a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of using a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in using a computer with knowledge that such use was without authority and with the intention of removing voter data and Dominion Voting Systems Corporation data from said computer, while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 36 of 41

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO COMMIT COMPUTER INVASION OF PRIVACY, O.C.G.A. §§ 16-4-8 & 16-9-93(c)**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired to use a computer with the intention of examining personal voter data with knowledge that such examination was without authority;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of using a computer with the intention of examining personal voter data with knowledge that such examination was without authority, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in using a computer with the intention of examining personal voter data with knowledge that such examination was without authority, while inside the Coffee County Elections & Registration Office in Coffee County, Georgia, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 37 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SIDNEY KATHERINE POWELL, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** with the offense of **CONSPIRACY TO DEFRAUD THE STATE, O.C.G.A. § 16-10-21**, for the said accused, individually and as persons concerned in the commission of a crime, and together with unindicted co-conspirators, in the County of Fulton and State of Georgia, on and between the **1st day of December 2020 and the 7th day of January 2021**, unlawfully conspired and agreed to commit theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity;

And **SIDNEY KATHERINE POWELL** entered into a contract with SullivanStrickler LLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC in Fulton County, Georgia, and caused employees of SullivanStrickler LLC to travel from Fulton County, Georgia, to Coffee County, Georgia, for the purpose of committing theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity, which were overt acts to effect the object of the conspiracy;

And **CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON** aided, abetted, and encouraged employees of SullivanStrickler LLC in accessing election equipment while inside the Coffee County Elections & Registration Office in Douglas, Georgia, for the purpose of committing theft of voter data, property which was under the control of Georgia Secretary of State Brad Raffensperger, a state officer, in his official capacity, which were overt acts to effect the object of the conspiracy, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 38 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §§ 16-4-7 and 16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on or about the **17th day of September 2021**, unlawfully solicited, requested, and importuned Georgia Secretary of State Brad Raffensperger, a public officer, to engage in conduct constituting the felony offense of Violation of Oath by Public Officer, O.C.G.A. § 16-10-1, by unlawfully “decertifying the Election, or whatever the correct legal remedy is, and announce the true winner,” in willful and intentional violation of the terms of the oath of said person as prescribed by law, with intent that said person engage in said conduct, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 39 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DONALD JOHN TRUMP** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **17th day of September 2021**, knowingly, willfully, and unlawfully made the following false statement and representation to Georgia Secretary of State Brad Raffensperger:

1. "As stated to you previously, the number of false and/or irregular votes is far greater than needed to change the Georgia election result";

said statement being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

**COUNT 40 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **DAVID JAMES SHAFER** with the offense of **FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the **25th day of April 2022**, knowingly, willfully, and unlawfully made at least one of the following false statements and representations in the presence of Fulton County District Attorney's Office investigators:

1. That he "attended and convened" the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, but that he did not "call each of the individual members and notify them of the meeting or make any of the other preparations necessary for the meeting";
2. That a court reporter was not present at the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia;

said statements being within the jurisdiction of the Fulton County District Attorney's Office, a department and agency of the government of a county of this state, contrary to the laws of said State, the good order, peace and dignity thereof;



**COUNT 41 of 41**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **ROBERT DAVID CHEELEY** with the offense of **PERJURY, O.C.G.A. § 16-10-70(a)**, for the said accused, in the County of Fulton and State of Georgia, on or about the **15th day of September 2022**, knowingly, willfully, and unlawfully made at least one of the following false statements before the Fulton County Special Purpose Grand Jury, a judicial proceeding, after having been administered a lawful oath:

1. That he was unaware of the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
2. That he had no substantive conversations with anyone concerning the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, until after the meeting had already taken place;
3. That he never suggested to anyone that the Trump presidential elector nominees in Georgia should meet on December 14, 2020;
4. That the only communication he had with John Eastman concerning the November 3, 2020, presidential election was for the purpose of connecting Eastman to Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury, for possible legal representation;
5. That he never worked to connect John Eastman with any Georgia legislators other than Georgia Senator Brandon Beach and unindicted co-conspirator Individual 8, whose identity is known to the Grand Jury;

said statements being material to the accused's own involvement in the December 14, 2020, meeting of Trump presidential elector nominees in Fulton County, Georgia, and to the accused's communications with others involved in said meeting, the issues in question, contrary to the laws of said State, the good order, peace and dignity thereof.

**FANI T. WILLIS, District Attorney**

## WITNESS LIST

Asst. Chief Inv. M. Hill – FCDA DA14

Sr. Inv. T. Swanson-Lucas – FCDA DA72

CHÈ ALEXANDER, CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA.  
I DO CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE, COMPLETE  
AND CORRECT COPY OF THE ORIGINAL IN SAID CASE, APPEARS ON FILE  
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT  
FULTON COUNTY CRIMINAL DIVISION., ATLANTA, GA.

WITNESS MY HAND AND SEAL OF SAID COURT THIS

9 DAY OF MAY 2024

DEPUTY CLERK, FULTON SUPERIOR COURT

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

vs.

Kenneth Chesebro

\*  
\*  
\*  
\*  
\*  
\*

INDICTMENT NO: 23SC188947

JUDGE SCOTT F. MCAFEE

PLEA OF GUILTY to count 15

1. What is your legal name? Kenneth Chesebro
2. At this time are you under the influence of any alcohol, drugs or medication? No
3. How old are you? 62
4. How far did you go in school? J.D.
5. Are you able to read and write English? Yes
6. Have you ever received psychiatric treatment or been in a mental hospital? If so, when and where? No
7. Do you wish to plead guilty to the offense(s) in this case? Yes to ct 15
8. Do you understand you have the right to plead either "guilty" or "not guilty" to the charges? Yes
9. Do you understand that by pleading "guilty" you:  
KJR (a) agree that you understand the nature of the charges.  
KJR (b) waive the right to trial by jury.  
KJR (c) waive the right to the presumption of innocence.  
KJR (d) waive the right to confront witnesses called to testify against you.  
KJR (e) waive the right to subpoena witnesses.  
KJR (f) waive the right to testify and to offer other evidence on your behalf.  
KJR (g) waive the right to assistance of counsel during trial.  
KJR (h) waive the right not to testify against yourself and that by pleading not guilty or remaining silent and not entering a plea you could obtain a jury trial.
10. Do you understand that you may obtain a jury trial should you elect to plead "not guilty" or remain silent? Yes
11. Do you acknowledge that you have entered this plea freely, voluntarily and with a full understanding of all the rights you are giving up? Yes
12. Do you acknowledge that no one has made any promises or threats to influence your decision to plead guilty? Yes
13. Do you understand the prosecutor is recommending the following sentence:  
5 yrs probation, 45 hr restitution, 100 hrs CS
14. Do you understand that although this a negotiated plea, the Judge is not bound to accept the prosecutor's recommendation? Yes If the Judge does not accept the recommendation, you will have the right to withdraw your plea of guilty. (If the plea is non-negotiated, counsel should strike through this provision as it does not apply.)
15. Do you acknowledge you have been advised the maximum sentence you can receive is 5 yrs and the minimum sentence you can receive is 0?

EXHIBIT

3

16. Do you acknowledge you have been advised if you are not a citizen of the United States a plea of guilty may impact your immigration status and could result in deportation? yes
17. Do you acknowledge you have been advised a plea of guilty could be used to aggravate the punishment you could receive in any subsequent criminal prosecution? yes
18. Do you acknowledge you have had sufficient time to discuss this case with your attorney and you are satisfied with your attorney's services? yes
19. Do you acknowledge if you plead guilty, there will be no trial and the Court will impose such sentence as it finds appropriate under the law? yes
20. Do you acknowledge you understand if you wish to seek relief from this sentence through a Writ of Habeas Corpus you will have four (4) years from today's date to file your petition as to any felony sentence and one (1) year from today's date to file your petition as to any misdemeanor sentence? yes
21. How do you plead to the charges: "Guilty" or "Not Guilty"? Guilty to ct. 15

Respectfully submitted this 20th day of October, 2023.

Kenneth J. Chesebro  
Printed Name of Defendant

Kenneth J. Chesebro  
Signature of Defendant

#### CERTIFICATION OF COUNSEL

I, as attorney for the Defendant, hereby certify the following:

1. I have read and fully explained to the Defendant all of the charges contained in the Indictment/Accusation in this case.
2. I have explained and discussed with the Defendant the facts and elements of the case which the Prosecution must prove and the defense(s) that may be available to the charge(s).
3. I have explained to the Defendant the maximum penalty provided by law for the offense(s) charged in the Indictment/Accusation to which the Defendant offers a plea of guilty and the possible consequences of a guilty plea.
4. The defendant DOES/DOES NOT QUALIFY for First Offender Treatment and IS/IS NOT asking for disposition under the First Offender Statue. (Circle options that apply.)
5. The plea of guilty offered by the Defendant is, in my opinion, knowingly, freely and voluntarily made, and is consistent with my advice to the Defendant.
6. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in the foregoing Plea of Guilty are in all respects true and accurate.
7. I have read and reviewed this plea sheet with the Defendant and answered any questions the Defendant may have concerning this plea sheet.
8. I do not know of any reason why the Court should not accept the Defendant's plea of guilty.

Respectfully submitted this 20 day of Oct., 2023

Manubir Anora  
Printed Name of Attorney for Defendant

[Signature]  
Signature of Attorney for Defendant

CHÉ ALEXANDER, CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA.  
I, DO CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE, COMPLETE  
AND CORRECT COPY OF THE ORIGINAL IN SAID CASE, APPEARS ON FILE  
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT  
FULTON COUNTY CRIMINAL DIVISION., ATLANTA, GA.

WITNESS MY HAND AND SEAL OF SAID COURT THIS  
9 DAY OF MAY 20

DEPUTY CLERK, FULTON SUPERIOR COURT

# IN THE SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA

**STATE OF GEORGIA**  
**vs**

**Kenneth John Chesebro**

Fulton County Superior Court

\*\*\*FILED\*\*\*CL

Date: 10/23/2023 1:26 PM

Che Alexander, Clerk

Clerk to complete if incomplete:

OTN(s):

DOB: 6/5/1961;

GA. ID#:

**CRIMINAL ACTION #:**

**23SC188947**

**SEPTEMBER - OCTOBER Term of 2023**

**Final Disposition:**

**FELONY With PROBATION**

**First Offender/ Conditional Discharge entered under :**

☒ O.C.G.A. § 42-8-60 ☐ O.C.G.A. § 16-13-2

☐ Repeat Offender as imposed below

**PLEA:**

**VERDICT:**

☐ Repeat Offender Waived

☒ **Negotiated**

☐ **Non-negotiated**

☐ **Jury**

☐ **Non-Jury**

**The Court enters the following judgment:**

Count	Charge (as indicted or accused)		Disposition Guilty; Not Guilty; Guilty-Alford Guilty-Lesser Incl; Nol Pros Nolo Contendere; Dead Docket; 1 <sup>st</sup> Offender; 1 <sup>st</sup> Offender- Alford Order	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended Commute to Time Served
1	Violation Of The Georgia Rico (Racketeer Influenced And Corrupt Organizations) Act	16-14-4	NOL PROS			
9	Conspiracy To Commit Impersonating a Public Officer	16-4-8	NOL PROS			
11	Conspiracy To Commit Forgery in the First Degree	16-4-8	NOL PROS			
13	Conspiracy To Commit False Statements and Writings	16-4-8	NOL PRO			
15	Conspiracy To Commit Filing False Documents	16-4-8	1 <sup>ST</sup> OFFENDER	FIVE (5) YEARS PROBATION	5000	
17	Conspiracy To Commit Forgery in the First Degree	16-4-8	NOL PROS			
19	Conspiracy To Commit False Statements and Writings	16-4-8	NOL PROS			

23SC188947

Kenneth John Chesebro

**EXHIBIT**

**4**

The Defendant is sentenced under First Offender/Conditional Discharge for the above-stated offense; the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

**Sentence Summary:** The Defendant is sentenced for a total of FIVE (5) YEARS to be served on probation.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

### **GENERAL CONDITIONS OF PROBATION**

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: **1)** Do not violate the criminal laws of any governmental unit and be of general good behavior. **2)** Avoid injurious and vicious habits. **3)** Avoid persons or places of disreputable or harmful character. **4)** Report to the Community Supervision Officer as directed and permit the Community Supervision Officer to visit you at home or elsewhere. **5)** Work faithfully at suitable employment insofar as may be possible. **6)** Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Community Supervision Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. **7)** Support your legal dependents to the best of your ability. **8)** When directed, in the discretion of the Community Supervision Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. **9)** Make restitution as ordered by the Court.

**FINE SURCHARGES or ADD-ONS:** The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

1) The Court orders that the Defendant shall pay the probation supervision fee as required by law.

### **SPECIAL CONDITIONS OF PROBATION**

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation as follows: *(import conditions to be imposed from Inventory of Special Conditions of Probation).*

**DEFENDANT SHALL PERFORM 100 HOURS OF COMMUNITU SERVICE.**

**DEFENDANT SHALL PAY A FINE OF \$5000 TO THE SECRETARY OF STATE.**

**DEFENDANT SHALL WRITE AN APOLOGY LETTER TO THE CITIZENS OF THE STATE OF GEORGIA.**

**DEFENDANT SHALL TESTIFY TRUTHFULLY AT ALL HEARINGS OR TRIALS INVOLVING THE CO-DEFENDANTS IN THIS MATTER.**

**DEFENDANT SHALL HAVE NO COMMUNICATION WITH CO-DEFENDANTS, WITNESSES, OR MEDIA UNTIL ALL CASES HAVE BEEN CLOSED.**



THE DEFENDANT MUST DO A FULL, RECORDED PROFFER WITH THE STATE AND CONTINUE TO PROVIDE ANY REQUESTED DOCUMENTS OR EVIDENCE SUBJECT TO ANY LAWFUL PRIVILEGES ASSETED IN GOOD FAITH.

STATE AND DEFENSE AGREE THAT COUNT 15 IS NOT A CRIME OF MORAL TURPITUDE.

### FIRST OFFENDER OR CONDITIONAL DISCHARGE

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

**DEFENDANT HAS BEHAVIORAL INCENTIVE DATE OF THREE (3) YEARS.**

*For Court's Use:*

CASE TO BE SEALED PURSUANT TO 42-8-62.1.

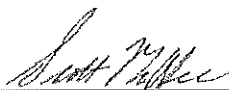
The Clerk of Court shall mark the disposition of all FTA cases associated with this case (as of this date) as NO FURTHER ACTION ANTICIPATED.

The Hon. Scott R Grubman, Attorney at Law, represented the Defendant by employment.

**KIMESHA SMITH**

Court Reporter

**SO ORDERED** this 20th day of October, 2023

  
\_\_\_\_\_  
Honorable SCOTT MCAFEE  
Judge of Superior Court  
Atlanta Judicial Circuit

**FIREARMS** – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

**Acknowledgment:** I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

---

Defendant

CHÉ ALEXANDER, CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA,  
I, DO CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE, COMPLETE  
AND CORRECT COPY OF THE ORIGINAL IN SAID CASE, APPEARS ON FILE  
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT  
FULTON COUNTY CRIMINAL DIVISION., ATLANTA, GA.

WITNES MY HAND AND SEAL OF SAID COURT THIS  
DAY OF 20  
DEPUTY CLERK, FULTON SUPERIOR COURT

AFFIDAVIT

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF TRAVIS     §

BEFORE ME, the undersigned authority, on this day personally appeared Amanda M. Kates, Petitioner's attorney of record, who, being by me duly sworn, deposed as follows:

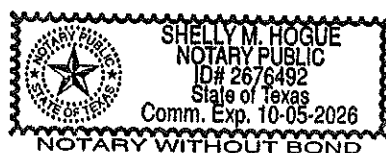
"My name is Amanda M. Kates. I am over the age of 18 years, of sound mind, capable of making this affidavit, and state the following:


Based upon information and belief, Kenneth J. Chesebro, whose Texas Bar Card Number is 04184400, is licensed as an attorney and counselor at law in the State of Texas. Based upon information and belief, Kenneth J. Chesebro, named as Respondent in the Petition for Compulsory Discipline filed with the Board of Disciplinary Appeals is one and the same person as the Kenneth John Chesebro who is the subject of the Final Disposition Judgment entered in *State of Georgia vs. Kenneth John Chesebro*, Criminal Action #: 23SC188947, In the Superior Court of Fulton County, State of Georgia, wherein Respondent pleaded guilty to Count 15 – Conspiracy to Commit Filing False Documents O.C.G.A. § 16-4-8. Respondent was sentenced for a total of FIVE (5) YEARS to be served on probation. Respondent was further ordered additional terms and payment of a fine."

FURTHER Affiant saith not.

  
Amanda M. Kates

SWORN AND SUBSCRIBED before me on the 18 day of June 2024.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



# INTERNAL PROCEDURAL RULES

## BOARD OF DISCIPLINARY APPEALS

*Current through June 21, 2018*

### Contents

<b>I. GENERAL PROVISIONS.....</b>	<b>1</b>
Rule 1.01. Definitions.....	1
Rule 1.02. General Powers .....	1
Rule 1.03. Additional Rules in Disciplinary Matters .....	1
Rule 1.04. Appointment of Panels .....	1
Rule 1.05. Filing of Pleadings, Motions, and Other Papers.....	1
Rule 1.06. Service of Petition .....	2
Rule 1.07. Hearing Setting and Notice .....	2
Rule 1.08. Time to Answer .....	2
Rule 1.09. Pretrial Procedure .....	2
Rule 1.10. Decisions .....	3
Rule 1.11. Board of Disciplinary Appeals Opinions.....	3
Rule 1.12. BODA Work Product and Drafts .....	3
Rule 1.13. Record Retention.....	3
Rule 1.14. Costs of Reproduction of Records.....	3
Rule 1.15. Publication of These Rules.....	3
<b>II. ETHICAL CONSIDERATIONS.....</b>	<b>3</b>
Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases.....	3
Rule 2.02. Confidentiality.....	4
Rule 2.03. Disqualification and Recusal of BODA Members .....	4
<b>III. CLASSIFICATION APPEALS .....</b>	<b>4</b>
Rule 3.01. Notice of Right to Appeal .....	4
Rule 3.02. Record on Appeal.....	4
<b>IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS.....</b>	<b>4</b>
Rule 4.01. Perfecting Appeal.....	4
Rule 4.02. Record on Appeal.....	5
Rule 4.03. Time to File Record.....	6
Rule 4.04. Copies of the Record .....	6
Rule 4.05. Requisites of Briefs .....	6
Rule 4.06. Oral Argument.....	7
Rule 4.07. Decision and Judgment .....	7
Rule 4.08. Appointment of Statewide Grievance Committee.....	8
Rule 4.09. Involuntary Dismissal.....	8
<b>V. PETITIONS TO REVOKE PROBATION.....</b>	<b>8</b>
Rule 5.01. Initiation and Service.....	8
Rule 5.02. Hearing.....	8

<b>VI. COMPULSORY DISCIPLINE.....</b>	<b>8</b>
Rule 6.01. Initiation of Proceeding .....	8
Rule 6.02. Interlocutory Suspension .....	8
<b>VII. RECIPROCAL DISCIPLINE .....</b>	<b>9</b>
Rule 7.01. Initiation of Proceeding .....	9
Rule 7.02. Order to Show Cause.....	9
Rule 7.03. Attorney’s Response.....	9
<b>VIII. DISTRICT DISABILITY COMMITTEE HEARINGS .....</b>	<b>9</b>
Rule 8.01. Appointment of District Disability Committee .....	9
Rule 8.02. Petition and Answer .....	9
Rule 8.03. Discovery .....	9
Rule 8.04. Ability to Compel Attendance.....	10
Rule 8.05. Respondent’s Right to Counsel .....	10
Rule 8.06. Hearing.....	10
Rule 8.07. Notice of Decision.....	10
Rule 8.08. Confidentiality.....	10
<b>IX. DISABILITY REINSTATEMENTS .....</b>	<b>10</b>
Rule 9.01. Petition for Reinstatement .....	10
Rule 9.02. Discovery .....	10
Rule 9.03. Physical or Mental Examinations .....	10
Rule 9.04. Judgment .....	10
<b>X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS .....</b>	<b>11</b>
Rule 10.01. Appeals to the Supreme Court.....	11

# INTERNAL PROCEDURAL RULES

## Board of Disciplinary Appeals

*Current through June 21, 2018*

### I. GENERAL PROVISIONS

#### Rule 1.01. Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

#### Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

#### Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

#### Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel,

except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

#### Rule 1.05. Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

- (1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

- (2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

- (4) Exceptions.

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.

- (ii) The following documents must not be filed electronically:

- a) documents that are filed under seal or subject to a pending motion to seal; and
- b) documents to which access is otherwise restricted by court order.

- (iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

- (5) Format. An electronically filed document must:

- (i) be in text-searchable portable document format (PDF);
- (ii) be directly converted to PDF rather than scanned, if possible; and
- (iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

- (1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
- (2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

#### **Rule 1.06. Service of Petition**

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

#### **Rule 1.07. Hearing Setting and Notice**

(a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the

request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

#### **Rule 1.08. Time to Answer**

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

#### **Rule 1.09. Pretrial Procedure**

##### **(a) Motions.**

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

- (i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;
- (ii) if an appeal has been perfected, the date when the appeal was perfected;
- (iii) the original deadline for filing the item in question;
- (iv) the length of time requested for the extension;
- (v) the number of extensions of time that have been granted previously regarding the item in question; and



(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

- (1) marked;
- (2) indexed with the title or description of the item offered as an exhibit; and
- (3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

#### **Rule 1.10. Decisions**

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

- (1) as required by the TRDP; and
- (2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

#### **Rule 1.11. Board of Disciplinary Appeals Opinions**

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in

the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

#### **Rule 1.12. BODA Work Product and Drafts**

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

#### **Rule 1.13. Record Retention**

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

#### **Rule 1.14. Costs of Reproduction of Records**

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

#### **Rule 1.15. Publication of These Rules**

These rules will be published as part of the TDRPC and TRDP.

## **II. ETHICAL CONSIDERATIONS**

#### **Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases**

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

## **Rule 2.02. Confidentiality**

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

## **Rule 2.03. Disqualification and Recusal of BODA Members**

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

## **III. CLASSIFICATION APPEALS**

### **Rule 3.01. Notice of Right to Appeal**

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

### **Rule 3.02. Record on Appeal**

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and

all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

## **IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS**

### **Rule 4.01. Perfecting Appeal**

(a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21 [2.20].

(b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) **Time to File.** In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

#### **Rule 4.02. Record on Appeal**

(a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.

(b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

#### **(c) Responsibility for Filing Record.**

##### **(1) Clerk's Record.**

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.

(ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

##### **(2) Reporter's Record.**

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:

- a) a notice of appeal has been filed;
- b) a party has requested that all or part of the reporter's record be prepared; and
- c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

#### **(d) Preparation of Clerk's Record.**

(1) To prepare the clerk's record, the evidentiary panel clerk must:

- (i) gather the documents designated by the parties'

written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);

(ii) start each document on a new page;

(iii) include the date of filing on each document;

(iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;

(v) number the pages of the clerk's record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

#### **(f) Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for

perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6<sup>1</sup>) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

<sup>1</sup> So in original.

#### **Rule 4.03. Time to File Record**

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless

a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

#### **(b) If No Record Filed.**

(1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

(i) the appellant failed to request a reporter's record; or

(ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

#### **(c) Extension of Time to File the Reporter's Record.**

When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

#### **Rule 4.04. Copies of the Record**

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

#### **Rule 4.05. Requisites of Briefs**

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed

within 30 days after the appellant's brief is filed.

**(c) Contents.** Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;
- (4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;
- (5) a statement, without argument, of the basis of BODA's jurisdiction;
- (6) a statement of the issues presented for review or points of error on which the appeal is predicated;
- (7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;
- (8) the argument and authorities;
- (9) conclusion and prayer for relief;
- (10) a certificate of service; and
- (11) an appendix of record excerpts pertinent to the issues presented for review.

**(d) Length of Briefs; Contents Included and Excluded.**

In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

**(e) Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.

**(f) Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's

failure to timely file a brief;

(2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or

(3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

**Rule 4.06. Oral Argument**

**(a) Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

**(b) Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
- (2) the dispositive issue or issues have been authoritatively decided;
- (3) the facts and legal arguments are adequately presented in the briefs and record; or
- (4) the decisional process would not be significantly aided by oral argument.

**(c) Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

**Rule 4.07. Decision and Judgment**

**(a) Decision.** BODA may do any of the following:

- (1) affirm in whole or in part the decision of the evidentiary panel;
- (2) modify the panel's findings and affirm the findings as modified;
- (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
- (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
  - (i) the panel that entered the findings; or
  - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

**(b) Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

#### **Rule 4.08. Appointment of Statewide Grievance Committee**

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

#### **Rule 4.09. Involuntary Dismissal**

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

### **V. PETITIONS TO REVOKE PROBATION**

#### **Rule 5.01. Initiation and Service**

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

#### **Rule 5.02. Hearing**

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

### **VI. COMPULSORY DISCIPLINE**

#### **Rule 6.01. Initiation of Proceeding**

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

#### **Rule 6.02. Interlocutory Suspension**

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

- (i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or
- (ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

## VII. RECIPROCAL DISCIPLINE

### Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

### Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

### Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

## VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

### Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

### Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

### Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) **Motion.** The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) **Report.** The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

#### **Rule 8.04. Ability to Compel Attendance**

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

#### **Rule 8.05. Respondent's Right to Counsel**

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

#### **Rule 8.06. Hearing**

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

#### **Rule 8.07. Notice of Decision**

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

#### **Rule 8.08. Confidentiality**

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

### **IX. DISABILITY REINSTATEMENTS**

#### **Rule 9.01. Petition for Reinstatement**

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension

contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

#### **Rule 9.02. Discovery**

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

#### **Rule 9.03. Physical or Mental Examinations**

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

#### **Rule 9.04. Judgment**

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.



## **X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS**

### **Rule 10.01. Appeals to the Supreme Court**

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.