## No. 23-12958

# IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

State of Georgia,

Plaintiff-Appellee,

v.

Mark R. Meadows,

Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Georgia
The Honorable Steve C. Jones, Presiding
No. 1:23-CV-3621-SCJ

Motion to Withdraw Pending Requests in Emergency Motion for Stay of Remand Order or Alternative Injunctive Relief

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## CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

To the best of Appellant's knowledge, no associations of persons, partnerships, or corporations have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock; the following is a list, in alphabetical order, of all trial judges, attorneys, law firms, and persons with such an interest\*:

- 1. Alksne, Cynthia, *amicus* below
- 2. Anulewicz, Christopher Scott, attorney for Robert David Cheeley
- 3. Arora, Manubir, attorney for Kenneth John Chesebro
- 4. Aul, Francis, attorney for Mark R. Meadows
- 5. Ayer, Donald B., amicus below
- 6. Barron, Lynsey M., attorney for Scott Graham Hall
- 7. Beckermann, Wayne R., attorney for Robert David Cheeley
- 8. Bever, Thomas Dean, attorney for Shawn Micah Tresher Still
- 9. Bittman, Robert, attorney for Mark R. Meadows
- 10. Bondurant Mixson & Elmore LLP

<sup>\*</sup> For all parties who appeared below, Appellant has included the parties, their attorneys, and their attorneys' law firms. In order to facilitate this Court's review for potential conflicts, Appellant has also included the other named defendants in the state proceeding and their attorneys, where available.

- 11. Carr, Christopher M., Attorney General of the State of Georgia
- 12. Cheeley, Robert David, Defendant in Georgia v. Trump
- 13. Chemerinsky, Erwin, *amicus* below
- 14. Chesebro, Kenneth John, Defendant in *Georgia v. Trump*
- 15. Christenson, David Andrew, pro se, denied intervention below
- 16. Clark, Jeffrey Bossert, Defendant in Georgia v. Trump
- 17. Cohen, Darryl B., attorney for Trevian C. Kutti
- 18. Copeland, Amy, amicus below
- 19. Cromwell, William Grant, attorney for Cathleen Alston Latham
- 20. Cross, Anna Green, Fulton County District Attorney's Office
- 21. Cross Kincaid LLC
- 22. Durham, James D., attorney for Mark R. Meadows in Georgia v. Trump
- 23. Eastman, John Charles, Defendant in Georgia v. Trump
- 24. Ellis, Jenna Lynn, Defendant in *Georgia v. Trump*
- 25. Englert, Joseph Matthew, attorney for Mark R. Meadows
- 26. Farmer, John J. Jr., *amicus* below
- 27. Floyd, Harrison William Prescott, Defendant in Georgia v. Trump
- 28. Floyd, John Earl, Fulton County District Attorney's Office
- 29. Francisco, Michael Lee, attorney for Mark R. Meadows
- 30. Fried, Charles A., *amicus* below
- 31. Fulton County District Attorney's Office

- 32. Gerson, Stuart M., amicus below
- 33. Gillen, Craig A., attorney for David James Shafer
- 34. Giuliani, Rudolph William Louis, Defendant in *Georgia v. Trump*
- 35. Griffin Durham Tanner & Clarkson LLC
- 36. Grohovsky, Julie, *amicus* below
- 37. Grubman, Scott R., attorney for Kenneth John Chesebro
- 38. Hall, Scott Graham, Defendant in *Georgia v. Trump*
- 39. Hampton, Misty (a/k/a Emily Misty Hayes), Defendant in *Georgia v. Trump*
- 40. Harding, Todd A., attorney for Harrison William Prescott Floyd
- 41. Hogue, Franklin James, attorney for Jenna Lynn Ellis
- 42. Hogue, Laura Diane, attorney for Jenna Lynn Ellis
- 43. Jones, Steve C., U.S. District Court Judge for the Northern District of Georgia
- 44. Kammer, Brian S., attorney for *amici* below
- 45. Kelley, Emily E., attorney for Mark R. Meadows
- 46. Kutti, Trevian C., Defendant in *Georgia v. Trump*
- 47. Lake, Anthony C., attorney for David James Shafer
- 48. Latham, Cathleen Alston, Defendant in *Georgia v. Trump*
- 49. Lee, Stephen Cliffgard, Defendant in Georgia v. Trump
- 50. Little, Jennifer L., attorney for Donald J. Trump
- 51. Luttig, J. Michael, amicus below

- 52. MacDougald, Harry W., attorney for Jeffrey Bossert Clark
- 53. McAfee, Scott, Fulton County Superior Court Judge
- 54. McFerren, William Coleman, attorney for Shawn Micah Tresher Still
- 55. McGuireWoods, LLP
- 56. Meyer, Joseph Michael, attorney for *amici* below
- 57. Moran, John S., attorney for Mark R. Meadows
- 58. Morgan, John Thomas III, attorney for *amici* below
- 59. Morris, Bruce H., attorney for Ray Stallings Smith, III
- 60. Ney, Adam, Fulton County District Attorney's Office
- 61. Novay, Kristen Wright, attorney for Ray Stallings Smith, III
- 62. Palmer, Amanda, attorney for Ray Stallings Smith, III
- 63. Parker, Wilmer, attorney for John Charles Eastman
- 64. Pierson, Holly Anne, attorney for David James Shafer
- 65. Powell, Sidney Katherine, Defendant in Georgia v. Trump
- 66. Rafferty, Brian T., attorney for Sidney Katherine Powell
- 67. Ragas, Arnold M., attorney for Harrison William Prescott Floyd
- 68. Raul, Alan Charles, amicus below
- 69. Rice, Richard A., Jr., attorney for Robert David Cheeley
- 70. Roman, Michael A., Defendant in Georgia v. Trump
- 71. Rood, Grant H., Fulton County District Attorney's Office
- 72. Sadow, Steven H., attorney for Donald J. Trump

- 73. Saldana, Sarah R., *amicus* below
- 74. Samuel, Donald Franklin, attorney for Ray Stallings Smith, III
- 75. Shafer, David James, Defendant in *Georgia v. Trump*
- 76. Smith, Ray Stallings, III, Defendant in *Georgia v. Trump*
- 77. Still, Shawn Micah Tresher, Defendant in Georgia v. Trump
- 78. Terwilliger, George J., III, attorney for Mark R. Meadows
- 79. Trump, Donald J., Defendant in *Georgia v. Trump*
- 80. Twardy, Stanley A. Jr., amicus below
- 81. Volchok, Daniel, attorney for *amici* below
- 82. Wade, Nathan J., Fulton County District Attorney's Office
- 83. Wade & Campbell Firm
- 84. Wakeford, Francis McDonald IV, Fulton County District Attorney's Office
- 85. Waxman, Seth P., attorney for amici below
- 86. Weld, William F., *amicus* below
- 87. Wertheimer, Fred, attorney for *amici* below
- 88. Willis, Fani T., Fulton County District Attorney's Office
- 89. Wilmer Cutler Pickering Hale and Dorr LLP
- 90. Wooten, John William, Fulton County District Attorney's Office
- 91. Wu, Shan, amicus below
- 92. Young, Daysha D'Anya, Fulton County District Attorney's Office

Mr. Meadows wishes to withdraw his pending requests, presented in his Emergency Motion for Stay Pending Appeal and for Expedited Review, *see* ECF No. 4, for a stay of the Remand Order, or in the alternative, for an injunction against the State's prosecution of Mr. Meadows pending appeal. Consistent with this Court's Rule 27-1(a)(5), undersigned counsel reached out to counsel for the State this morning; the State does not oppose the motion and does not intend to file any objection.

In support of this motion, Mr. Meadows states the following:

On September 11, 2023, the first business day after the Remand Order and his Notice of Appeal, Mr. Meadows filed his Emergency Motion. He sought three forms of potential relief: "(1) a stay of the Remand Order, and (2) expedited review" or, alternatively "(3) an injunction against state prosecution pending appeal." *Id.* at 3. Mr. Meadows also suggested an expedited briefing schedule. *Id.* at 3–4.

This Court ordered the State respond by Noon on September 13, 2023. The State responded and opposed the requested stay and any injunction against the ongoing prosecution. *See* ECF No. 11. However, the State "acknowledge[d] that expedited review may be appropriate" and did "not object to a form of expedited review," though it proposed a more relaxed briefing schedule. *Id.* at 13.

This Court granted Mr. Meadow's request to "expedite this appeal," Order, ECF No. 17, at 2 (Sept. 13, 2023), and set the following timeline:

- Mr. Meadows's opening brief is due on Monday, September 18
- The State's response brief is due on Monday, September 25
- Mr. Meadows's reply brief is due on Thursday, September 28

See id.<sup>1</sup> Accordingly, this Court has granted Mr. Meadows one of the forms of relief sought in his Emergency Motion.

This Court also asked the parties to brief whether the Federal Officer Removal Statute "permit[s] former federal officers to remove state actions to federal court or does it permit only current federal officers to remove." The parties filed their respective supplemental briefs on September 13, 2023, as directed.

This Court scheduled oral argument on the Emergency Motion for tomorrow, Friday, September 15 at 10:15 a.m. *See* Order, ECF No. 23 (Sept. 13, 2023).

Earlier today, the state court entered an order severing the case against Mr. Meadows and several other defendants from the case headed to trial on October 23, 2023, making clear that he will not be brought to trial on that date. *See* Ex. A, Order on Defendants' Motions for Severance and Stay, *Georgia v. Trump*, No.

<sup>&</sup>lt;sup>1</sup> The Court further stated that, "[i]f the Court determines oral argument is warranted, it will be scheduled at a later date." *Id*.

23SC188947 (Ga. Sup. Ct., Fulton Cnty.) (Sept. 14, 2023). Also this morning, in a separate order, the state court established pre-trial deadlines of October 6, 2023, for pretrial discovery and December 1, 2023, for all motions (other than motions *in limine*). *See* Ex. B, Case Specific Scheduling Order, *Georgia v. Trump*, No. 23SC188947 (Ga. Sup. Ct., Fulton Cnty.) (Sept. 14, 2023). The state court did not stay the state proceedings altogether but explained that its pretrial deadlines would minimize the burden of state-court litigation while this appeal is pending. *See* Ex A, at 6–7. The Court further stated that "[a]ny hearings on [defendants'] motions are unlikely to be scheduled until after the trial of Defendants Chesebro and Powell, which the State contends will stretch well into 2024." *Id.* at 7.

Mr. Meadows wishes to withdraw his pending requests in light of this Court's expedited merits consideration and the state court's new scheduling order. The Court may therefore conclude that oral argument tomorrow, September 15, is no longer needed. The parties and the Court can address all remaining issues in connection with the merits of the appeal.

Under this Court's order expediting the appeal, the matter will be fully briefed and ripe for a decision well before Mr. Meadows would be required to proceed to trial and ahead of the presently scheduled pre-trial deadlines. The sole effect of staying the Remand Order—preventing the state court from entering a judgment of

conviction, see 28 U.S.C. § 1455(b)(3)—is extremely unlikely to matter during the pendency of this Court's expedited consideration. The state court's postponing of pre-trial deadlines also substantially alleviates the burdens on Mr. Meadows of litigating in state court pending this appeal.

If future developments in this case warrant it, Mr. Meadows may seek interim relief at a later date. But this Court has given every indication that it intends to adjudicate Mr. Meadows's appeal on the merits in a timely fashion.

\* \* \*

For these reasons, the Court should allow Mr. Meadows to withdraw his requests for a stay or alternatively for an injunction pending appeal.

Dated: September 14, 2023 Respectfully submitted,

/s/ John S. Moran
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Counsel to Mark R. Meadows

# **CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d) and Eleventh Circuit Rule 27-1. This brief contains 792 words and uses a Times New Roman 14-point font.

Respectfully submitted this 14th day of September, 2023.

/s/ John S. Moran

John S. Moran

Counsel for Defendant-Appellant Mark R. Meadows

# Exhibit A

Fulton County Superior Court
Page: 2 of \*\*EFILED\*\*\*FD
Date: 9/14/2023 8:37 AM
Che Alexander, Clerk

# IN THE SUPERIOR COURT OF FULTON COUNTY STATE OF GEORGIA

STATE OF GEORGIA

v.

Indictment No. 23SC188947

DONALD JOHN TRUMP, et al.

### ORDER ON DEFENDANTS' MOTIONS FOR SEVERANCE AND STAY

After invoking the statutory right to a speedy trial, Defendants Chesebro and Powell filed motions asking that their cases be severed from each other and the additional 17 defendants. The Court held a hearing to consider their arguments on September 6, 2023, after which the State submitted supplemental briefing on September 12, 2023. Considering the record, law, and arguments of counsel, the Court finds that to the extent Defendants Chesebro (Docs. 17, 23) and Powell (Doc. 12) request severance from each other, the motions are DENIED. However, after considering the parties' filings and without the need for a hearing, the Court further finds that severing the remaining 17 co-defendants is simply a procedural and logistical inevitability, and thus the motions to sever from Defendants Chesebro and Powell are GRANTED IN PART. Finally, the motions to stay the proceedings of this Court pending appellate resolution of any federal removal actions are DENIED.

### Defendants Chesebro and Powell

Defendants indicted together "may be tried jointly or separately in the discretion of the trial court." O.C.G.A. § 17-8-4(a). Joint trials are generally favored, as they promote judicial efficiency

<sup>&</sup>lt;sup>1</sup> Trump (Doc. 25), Giuliani (Doc. 20), Eastman (Doc. 15), Meadows (Doc. 16), Hall (Doc. 17), Floyd (Doc. 33), Clark (Doc. 20), Still (Doc. 21), Smith (Doc. 16), Shafer (Doc. 17), Cheeley (Doc. 17). While Defendant Kutti's motion only requests not to be included in the speedy trial, the Court considers this is the functional equivalent of a request for severance. (Doc. 19).

<sup>&</sup>lt;sup>2</sup> Meadows (Doc. 16), Clark (Doc. 18), Shafer (Doc. 18), Still (Doc. 23).

and prevent inconsistent verdicts. *See, e.g., Zafiro v. United States*, 506 U.S. 534, 537 (1993). While the trial court has broad discretion in making this decision, our appellate courts have repeatedly highlighted three factors each court should consider: "(1) the likelihood of confusion of the evidence and law; (2) the possibility that evidence against one defendant may be considered against the other defendant; and (3) the presence or absence of antagonistic defenses." *Saylor v. State*, 316 Ga. 225, 230-31 (2023). But these factors are not exclusive. *See generally Cain v. State*, 235 Ga. 128, 129 (1975) (introducing the three factors as only "[s]ome of the considerations for the court in exercising its discretion"); *Hill v. State*, 239 Ga. 278, 280 (1977) ("[A] trial judge may order severance on his own motion."). Ultimately, the primary consideration is whether severance is "necessary to achieve a fair determination of the guilt or innocence of a defendant." *Cain*, 235 Ga. at 129; *Elkins v. State*, 350 Ga. App. 816, 822 (2019); *see also Floyd v. State*, 307 Ga. 789, 796 (2020) ("The burden is on the defendant [to] make a clear showing that a joint trial would lead to prejudice and a consequent denial of due process.").

Defendants Chesebro and Powell presented similar arguments. Both contend their involvement with each other is non-existent, and that essentially they have been separately charged as distant spokes on an allegedly vast conspiratorial wheel. Both also concede the third traditional factor regarding antagonistic defenses by affirming that they do not intend to point fingers at each other during trial.

These arguments cut against severance. By emphasizing that they have been charged for "different, albeit related, crimes, and [that] the evidence against them for those crimes was distinct, such that it is not likely that [Powell would be] convicted solely due to her association with [Chesebro]," Defendants have reduced any concern for "spillover" evidence or juror confusion. *Elkins*, 350 Ga. App. at 825 n.30. Unlike *Price v. State*, 155 Ga. App. 844 (1980), the principal case referenced in support of severance, neither Defendant articulated how the evidence was

overwhelming against one defendant but only slight against the other. Finally, as the State pointed out in rebuttal and supplemental briefing, the State is entitled to present the entirety of its case against each Defendant because as charged members of the same conspiracy, "each of the acts and statements of each of the participants in the criminal enterprise is the same" as if Chesebro or Powell had done the act or made the statement themselves. *Montgomery v. State*, 156 Ga. App. 448, 451-52 (1980).

Left with only arguments regarding judicial economy, and the perceived unfairness of being forced to sit through a presentation of evidence that the Defendants contend only tangentially relates to them, the Court finds that these ancillary interests are outweighed by efficiency concerns of its own. Specifically, due to the projected length of this trial, severing the case would require the enlistment of another member of the bench to comply with the statutory speedy trial deadline. The Defendants' judicial economy concerns simply do not outweigh the resources expended through an additional trial, the shuttering of a second judge's docket, and the resultant delay to a multitude of other criminal and civil cases, many of which involve inmates in lengthy pretrial confinement.

Accordingly, the Court finds that Defendants Chesebro and Powell have not satisfied their burden to show that due process mandates severance from each other. At trial, the Court intends to give all appropriate pattern instructions concerning multi-defendant proceedings. This, in combination with any other reasonable instructions or precautions requested by the parties, will ensure that a joint trial does not result in unavoidable prejudice.

### The Remaining 17 Defendants

The State maintains that it is ready to begin trial on October 23rd and that all 19 defendants should be seated across the table(s) that day. While adherence to the unwritten rule that the State is "always ready" is appreciated, several factors outside the traditional three-pronged severance analysis demand consideration.

First, each defendant has either filed, or provided an indication to the Court that they intend to file, a severance motion. Since the filing of the State's post-hearing brief on September 12, 2023, nine additional defendants have also filed or represented to the Court that they will waive their right to a statutory speedy trial.<sup>3</sup> Several defense counsel point to scheduling conflicts, including other jury trials, that prevent them from fully preparing for a trial that must begin in approximately 40 days. Others contend that a full review of discovery, which they have not yet received and is understandably voluminous, is necessary before they can articulate the exact reasons why severance is needed (*i.e.*, whether antagonistic defenses are expected). Even if the cases remained together for now, once continuance motions arrive citing insufficient preparation, the Court would be hard-pressed to find a lack of due diligence on the part of defense counsel in so compressed a timeline. *See* O.C.G.A. § 17-8-20 (showing required for continuances generally). The precarious ability of the Court to safeguard each defendant's due process rights and ensure adequate pretrial preparation on the current accelerated track weighs heavily, if not decisively, in favor of severance.

Second, to eliminate any doubts that the statutory speedy trial deadline has been met, the Court will endeavor to have a jury selected and sworn by November 3, 2023. *See* O.C.G.A. § 17-7-170(b) ("If the defendant is not tried . . ., the defendant shall be absolutely discharged and acquitted");

<sup>&</sup>lt;sup>3</sup> Should any defendant who has not yet filed a waiver invoke the statutory speedy trial deadline before the trial of Defendants Chesebro and Powell has commenced, those defendants will immediately join the October 23rd trial. And the Court will revisit the issue of severance for any defendant who has not filed a waiver by September 29th. Regardless, the Court has received assurances that other members of the Fulton County bench stand ready to begin a second trial within the November/December term.

Bowman v. State, 315 Ga. 707, 711 (2023) ("Without the [O.C.G.A. § 15-12-139] oath, there is no jury; and without the jury, there is no trial."); Bailey v. State, 209 Ga. App. 390, 391 (1993) (finding defendant's speedy trial "began and jeopardy attached when the jury was selected and sworn"). With each additional defendant involved in the voir dire process, an already Herculean task becomes more unlikely. Similarly complicating the issue, five defendants remain in federal litigation seeking to have this prosecution removed to federal court. See 28 U.S.C. § 1455. How a grant of removal midtrial would impact this case, particularly on the issue of double jeopardy, remains unclear and unanswered in the State's supplemental briefing, and overlooking or wrongly adjudicating these legal uncertainties risks automatic acquittal.

Finally, the Court joins the skepticism expressed by several federal courts that denying severance always ensures efficiency, especially in "mega-trials" such as this. *See*, *e.g.*, *United States v. Casamento*, 887 F.2d 1141, 1151 (2d Cir. 1989) ("we do have misgivings about trials of this magnitude") (21 defendants); *United States v. Gray*, 173 F. Supp. 2d 1, 8 (D.D.C. 2001) ("multi-defendant 'mega-trials' may warrant some severance") (17 defendants). Beginning with the logistical concerns, the Fulton County Courthouse simply contains no courtroom adequately large enough to hold all 19 defendants, their multiple attorneys and support staff, the sheriff's deputies, court personnel, and the State's prosecutorial team. Relocating to another larger venue raises security concerns that cannot be rapidly addressed. As for the length of the trial, the State argues it plans to call the same number of witnesses in its case in chief no matter how many defendants are tried together. Maybe so. But this is only one of many factors that drive the length of trial. Each additional defendant increases the length of opening and closing arguments, crossexamination, and the number of evidentiary objections. Each additional defendant increases the risk that the trial must be paused due to the unexpected absence of a party or attorney. Thus, even if the State's case remains identical in length, and the aggregate time invested by the Court is

increased, the burden on the jurors for each individual trial is lessened through shorter separate trials. *Gray*, 173 F. Supp. 2d at 9 (recognizing the "hardship on jurors who must leave the normal routines of life for extended periods of time"). And we must consider the ripple effects of a monthslong, multi-defendant trial on the local criminal justice system, sidelining dozens of defense counsel from handling other cases and preventing this Court - and quite likely most colleagues - from managing the rest of the docket.

For these reasons, the Court finds *sua sponte*, without the need for any particularized showing from each defendant, that severance is an absolute necessity. Additional divisions of these 17 defendants may well be required. That is a decision for another day once the many anticipated pretrial motions have been resolved and a realistic trial date approaches. For now, to the extent the Defendants' motions request severance from Defendants Chesebro and Powell, the motions are GRANTED IN PART.

## Stay of Proceedings

In addition to severance, Defendants Meadows, Clark, Shafer, and Still also move to stay proceedings in this case pending adjudication of the federal removal action in the Northern District of Georgia. After entry of this order, the Court intends to set a motions deadline of December 1, 2023, for all 17 defendants. Based on the recent handling of Defendant Meadow's removal notice, this deadline should fall well after the District Court enters an order on any remaining actions. *See Georgia v. Meadows*, No. 1:23-CV-03621-SCJ, 2023 U.S. Dist. LEXIS 159904 (N.D. Ga. Sep. 8, 2023) (order entered 11 days following evidentiary hearing).

However, as appeals to the Eleventh Circuit and the United States Supreme Court could take months to resolve even if expedited, the Court does not intend to delay pretrial litigation. Pending the removal appeals, Defendants are expected at a minimum to review discovery and prepare their pretrial motions. The arguments within these motions should mirror whatever would be filed if

this case is removed, lessening concerns regarding unnecessarily expended resources. Any

hearings on these motions are unlikely to be scheduled until after the trial of Defendants Chesebro

and Powell, which the State contends will stretch well into 2024. Thus, to the extent the Defendants

request a complete stay in this Court pending appellate resolution of the removal actions, the

motions are DENIED.

Conclusion

Defendants Chesebro and Powell will join each other at trial, however, the other 17 defendants

are severed from these two. Additional severances may follow. All pretrial deadlines will proceed

as scheduled without a stay of proceedings.

**SO ORDERED** this 14th day of September, 2023.

Judge Scott McAfee

Superior Court of Fulton County

Atlanta Judicial Circuit

# Exhibit B

Fulton County Superior Court
Page: 2 of 3\*\*EFILED\*\*\*FD
Date: 9/14/2023 8:40 AM
Che Alexander, Clerk

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# IN THE SUPERIOR COURT OF FULTON COUNTY STATE OF GEORGIA

STATE OF GEORGIA

v.

Indictment No. 23SC188947

DONALD JOHN TRUMP, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, MARK RANDALL MEADOWS, 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, CATHLEEN ALSTON LATHAM, SCOTT GRAHAM HALL, and MISTY HAMPTON.

### CASE SPECIFIC SCHEDULING ORDER

This case is subject to the Court's Standing Case Management Order. *See* Amended Standing Case Management Order for Criminal Cases in Judge Scott McAfee's Division, 2023-EX-000227 (Aug. 24, 2023). The rules and procedures contained within will govern the prosecution of this case and the conduct of the parties.

- (1) Discovery: Initial discovery from all parties is due by October 6, 2023.
- (4) Motions: All motions (other than motions in limine) are due by December 1, 2023.
- (3) Case Management/Pretrial Conference: TBD.
- (4) Motions Hearing Date(s): TBD.

https://www.fultoncourt.org/sites/default/files/judges/forms/mcafee\_criminal\_cmo.pdf

<sup>&</sup>lt;sup>1</sup> available at

**SO ORDERED** this, the 14th day of September, 2023.

Judge Scott McAfee

Fulton Superior Court Atlanta Judicial Circuit

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