

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

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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 a/k/a EMILY MISTY HAYES
Defendants.

CASE NO.

23SC188947

**STATE'S MOTION FOR A PROTECTIVE ORDER
OVER DISCOVERY MATERIALS**

COMES NOW, the State of Georgia, by and through the District Attorney FANI T. WILLIS, and requests this Court enter a protective order over discovery materials to protect witnesses and safeguard sensitive, private, and confidential information. Such information includes identifying information of witnesses, confidential business records, documents obtained under sealed orders, records from other governmental entities, special purpose grand jury materials, and witness statements.

In criminal proceedings, this Court may enter a protective order denying, restricting, or deferring discovery. The legislature clearly contemplated that trial courts could issue protective orders and control the process of discovery. O.C.G.A. § 17-16-4 (d) states: “Upon a sufficient showing that a discovery required by this article would create a substantial threat of physical or economic harm to a witness, the court may at any time order that the discovery or inspection be denied, restricted, or deferred or make such other order as is appropriate.” Further, Uniform Superior Court Rule 21.6 provides that filings and pleadings with personal and confidential information may be filed under seal.

The circumstances of this case necessitate a protective order to direct the defendants’ dissemination of confidential discovery. Already, there have been numerous instances of “doxing” (i.e., the release of confidential or personal information without consent for the purpose of harassment) of the grand jurors and the District Attorney. Public release of information contained within discovery could subject witnesses to harassment and threats prior to trial, which could discourage cooperation and candor. Premature public discussion or release of information could also affect the jury pool. *See Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1070 (1991) (“The outcome of a criminal trial is to be decided by impartial jurors, who know as little as possible of the case, based on material admitted into evidence before them in a court proceeding. Extrajudicial comments on, or discussion of, evidence which might never be admitted at trial . . . obviously threaten to undermine this basic tenet.”).

The State’s proposed order balances the privacy and security interests of the State and its witnesses with the discovery rights of the defendants. The State is not asking that the defendants and their counsel be prohibited from viewing or using the discovery to prepare in their defense but asks merely for the defendants and their counsel not to disseminate it for any reason aside from

trial preparation. The proposed order also ensures that the defendants' rights to a fundamentally fair trial will not be threatened by extrajudicial statements of others.

Therefore, the State requests this Court issue a protective order over discovery in order to protect witnesses, confidential or sensitive information, and defendants' own rights to a fair trial.

Respectfully submitted this 27th day of September 2023,

FANI T. WILLIS
District Attorney
Atlanta Judicial Circuit

/s/ F. McDonald Wakeford
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this STATE'S MOTION FOR PROTECTIVE ORDER OVER CONFIDENTIAL DISCOVERY MATERIAL, upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This 27th day of September 2023,

FANI T. WILLIS
District Attorney
Atlanta Judicial Circuit

/s/ F. McDonald Wakeford

F. McDonald Wakeford

Georgia Bar No. 414898

Chief Senior Assistant District Attorney

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