

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

KENNETH JOHN CHESEBRO;  
SIDNEY KATHERINE POWELL, et al.  
Defendants.

CASE NO.

23SC188947

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**CERTIFICATE OF NEED FOR TESTIMONY BEFORE A CRIMINAL PROSECUTION  
PURSUANT TO THE UNIFORM ACT TO SECURE THE ATTENDANCE OF  
WITNESSES FROM WITHOUT THE STATE**

Upon the petition of Fani T. Willis, District Attorney, Atlanta Judicial Circuit, pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, codified at O.C.G.A. § 24-13-90 et seq., the Court issues the following Certificate under seal of this Court, and further states as follows:

1. The above-styled matter is pending and is specially set for trial beginning October 23, 2023 in the Superior Court of Fulton County, Georgia.
2. Defendant Kenneth John Chesebro is charged with one count of Violation of the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act, one count of Conspiracy to Commit Impersonating a Public Officer, two counts of Conspiracy to Commit Forgery in the First Degree, two counts of Conspiracy to Commit False Statements and Writings, and one count of Conspiracy to Commit Filing False Documents.
3. Defendant Sidney Katherine Powell is charged with one count of Violation of the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act, two counts of Conspiracy to Commit Election Fraud, one count of Conspiracy to Commit Computer

Theft, one count of Conspiracy to Commit Computer Trespass, one count of Conspiracy to Commit Computer Invasion of Privacy, and one count of Conspiracy to Defraud the State.

4. Based on the representations made by the State in the attached “Petition for Certificate of Need for Testimony Before Criminal Prosecution Pursuant to the Uniform Act to Secure the Attendance of Witnesses from without the State,” the Court finds that Boris Epshteyn, born August 14, 1982, is a necessary and material witness in this prosecution. The Court further finds that Boris Epshteyn currently resides in Washington, D.C.
5. Based on the representations made by the State in the attached and incorporated “Petition for Certificate of Need for Testimony Before Criminal Prosecution Pursuant to The Uniform Act to Secure the Attendance of Witnesses from Without the State”, the Court finds that Sidney Powell was present at a press conference with Boris Epshteyn, Rudolph Giuliani and Jenna Ellis in November 2020. There, she claimed that there was an algorithm on the Dominion voting machines that could “take a percentage of votes from President Trump and flip them to President Biden.” She further went on to say that it was not only the “swing states” that were affected but that “the algorithm was likely run across the country to affect the entire election.”
6. Based on the representations made by the State in the attached and incorporated “Petition for Certificate of Need for Testimony Before Criminal Prosecution Pursuant to The Uniform Act to Secure the Attendance of Witnesses from Without the State”, the Court finds that Kenneth Chesebro was in communication with John Eastman,


Rudolph Giuliani, and Boris Epshteyn regarding the attempt to disrupt and delay the January 6, 2021 joint session of Congress.

7. Based on the representations made by the State, the Court finds that Boris Epshteyn is a necessary and material witness. Boris Epshteyn possesses unique knowledge concerning communications between himself and Sidney Powell as well as himself and Kenneth Chesebro and other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 2020 election in Georgia and elsewhere.
8. The Court further finds that these communications are evidence against Sidney Powell and Kenneth Chesebro, as represented by the State, as to Acts 3, 70, 94, 109, 144, 145, 146, 147, 148, 149, 155 of Count 1 and Counts 9, 11, 13, 15, 17, 19 of this indictment in this criminal prosecution.
9. The testimony of Boris Epshteyn will not be cumulative of any other evidence in this matter.
10. Boris Epshteyn will be required to be in attendance and testify before the trial in this matter commencing on October 23, 2023 in the Superior Court of Fulton County, Fulton County Courthouse, Courtroom 5A, 185 Central Avenue SW, Atlanta, Georgia 30303. The Court notes that the District Attorney reasonably anticipates that the Witness's testimony will not exceed one day.
11. The Office of the Fulton County District Attorney, in and for the State of Georgia, will pay all reasonable and necessary travel expenses and witness fees required to secure Boris Epshteyn's attendance and testimony, in accordance with O.C.G.A. §24-13-90 et seq.

12. Boris Epshteyn shall be given protection from arrest and from service of civil or criminal process, both within this State and in any other state through which Boris Epshteyn may be required to pass in the ordinary course of travel, for any matters which arose before Boris Epshteyn's entrance into this State and other states, while traveling to and from this Court for the purpose of testifying for this case.
13. The State of Georgia is a participant in a reciprocal program providing for the securing of witnesses to testify in foreign jurisdictions which likewise provide for such methods of securing witnesses to testify in their courts.
14. This Certificate is made for the purpose of being presented to a judge of the Superior Court of the District of Columbia by the United States Attorney for the District of Columbia or his duly authorized representative, who is proceeding at the request and on behalf of the Office of the Fulton County District Attorney.

**WITNESS MY HAND AND SEAL** as a judge of the Superior Court of Fulton County,  
Georgia,

This the 3 day of October, 2023.

  
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**SCOTT MCAFEE**  
SUPERIOR COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT