

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

**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**

COMES NOW the State of Georgia, by and through Fani T. Willis, District Attorney, Atlanta Judicial Circuit, Fulton County, Georgia, and petitions this Honorable Court for a Certificate of Need for Testimony Before a Criminal Prosecution Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, pursuant to O.C.G.A. § 24-13-90 et seq., and in support thereof says as follows:

1. The above-styled matter is a criminal prosecution currently pending and 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. Pennsylvania resident Lawrence Tabas is a necessary and material witness to the proof of the State's case. Specifically, Act 53 of Count 1 of the Indictment in this criminal prosecution alleges that Defendant Kenneth John Chesebro e-mailed documents to Thomas W. King III for use in Pennsylvania by presidential election nominees for Donald John Trump in the 2020 presidential election despite Trump having lost the presidential election in Pennsylvania. This act, as alleged, was an overt act that Chesebro committed to effect the objective of a criminal enterprise that operated in Fulton County, Georgia and elsewhere: to unlawfully change the outcome of the presidential election in favor of Donald Trump.
5. As part of his efforts in the conspiracy and prior to December 14, 2020, Chesebro e-mailed two memoranda to Mr. King, who was General Counsel for the Republican Party of Pennsylvania at the time. These memoranda laid out the supposed justification for the December 14, 2020 meeting of the Trump presidential elector nominees in Pennsylvania and the logistics for the elector nominees to meet. Later, on December 10, 2020, Chesebro e-mailed a draft "Certificate" for the Trump presidential elector nominees in Pennsylvania and which they did use. In the same e-mail, Chesebro wrote specific instructions as to when the Trump presidential elector nominees needed to meet, what specific documents they needed to sign, where and to whom the signed documents needed to be sent.

6. Mr. King then forwarded Chesebro's e-mails and the attached documents to Chairman of the Pennsylvania Republican Party Lawrence Tabas. Mr. Tabas was a Trump presidential elector nominee who did not end up participating in the December 14, 2020 meeting of the Trump presidential elector nominees precisely because Joseph Biden won the election in Pennsylvania. Mr. Tabas produced these forwarded e-mails to the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol.
7. All of these e-mails were sent by Chesebro to Mr. King *after* Pennsylvania Governor Tom Wolf had signed a Certificate of Ascertainment on November 24, 2020 in which Governor Wolf certified that certain presidential electors pledged to Joseph Biden and Kamala Harris were the "duly elected and appointed Electors of President and Vice President of the United States."
8. The State anticipates that Mr. Tabas will testify about e-mails, other communications, and any documents he received from Chesebro and will testify about Chesebro's involvement in the scheme to have Trump presidential elector nominees convene and cast false Electoral College votes in Pennsylvania on December 14, 2020. The State also anticipates that Mr. Tabas will testify about the reasons why he did not participate in the December 14, 2020 meeting in Pennsylvania which will show to the jury that Chesebro's plan was in fact unlawful.
9. Mr. Tabas, based on the information set forth above, is a necessary and material witness. He possesses unique knowledge concerning communications between 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 Pennsylvania, Georgia, and elsewhere.

10. The testimony of Mr. Tabas will not be cumulative of any other evidence in this matter.
11. Mr. Tabas resides outside the jurisdiction of this Honorable Court and is therefore unable to be served with process to compel attendance and testimony.
12. Mr. Tabas currently resides in Philadelphia, Philadelphia County, Pennsylvania.
13. Mr. Tabas will be required to be in attendance and testify before the trial in this matter commencing on October 23, 2023. It is not known at this time which specific date he will be called by the State as a witness as a jury has not yet been sworn and the presentation of evidence has not yet begun. The District Attorney reasonably anticipates that Mr. Tabas' testimony will not exceed one day.
14. 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 the Mr. Tabas attendance and testimony, in accordance with the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. *See* O.C.G.A. §24-13-90 et seq.
15. If Mr. Tabas comes into the State of Georgia pursuant to this request, directing him to attend and testify in this criminal prosecution, the laws of this State shall give him protection from arrest and from service of civil or criminal process, both within this State and in any other state through which he may be required to pass in the ordinary course of travel, for any matters which arose before his entrance into this State and other states.

16. Both Georgia and Pennsylvania have adopted the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. *See* O.C.G.A. § 24-13-90 et seq.; 42 Pa. Cons. Stat. § 5961 et seq.

WHEREFORE, the State of Georgia, by and through Fani T. Willis, District Attorney, Atlanta Judicial Circuit, Fulton County, Georgia, prays that this Honorable Court issue a Certificate of Need for Testimony Before a Criminal Prosecution Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, pursuant to O.C.G.A. § 24-13-90 et seq., certifying to the proper authorities in the jurisdiction in which Lawrence Tabas is located that Lawrence Tabas is a necessary and material witness whose attendance and testimony is required for the above-referenced criminal prosecution, and the presence of Lawrence Tabas will be needed for the number of days specified above,

Respectfully submitted this the 3rd day of October, 2023,

**FANI T. WILLIS
DISTRICT ATTORNEY
ATLANTA JUDICIAL CIRCUIT**

/s/Grant Rood
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