

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. Virginia resident Aaron Vick is a necessary and material witness to the proof of the State's case, specifically as to Defendant Sidney Powell's culpability.
5. As part of her role in the conspiracy to unlawfully change the outcome of the 2020 presidential election, Sidney Powell engaged with unindicted coconspirators and a data forensics firm to obtain data stored on Dominion voting machines in Georgia, Michigan, and other states. Near the beginning of the start of the conspiracy in November, Ms. Powell gave a public interview in which she claimed that the Dominion machines were "created to produce altered voting results in Venezuela" and that she knew the Dominion machines were "producing altered election results."
6. Later, on November 19, 2020 in a press conference with co-defendants and co-conspirators Rudolph Giuliani and Jenna Ellis, Powell communicate unfounded information about Dominion machines in an effort to delegitimize the election, specifically claiming 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."
7. Powell stayed at Lin Wood's estate in South Carolina with other members of the conspiracy, to include Michael Flynn, starting in November 2020. There, she participated in the drafting of a memorandum that recommended that Dominion

voting machines be taken from various cities and then forensically imaged. Ms. Powell contemporaneously signed an engagement agreement with a Fulton County-based data forensics firm for that forensic firm to “provide services such as Computer Forensic Collections and Analytics on the Dominion Voting Systems equipment” in Michigan. That same day, employees of the data forensics firm traveled to Antrim County, Michigan, and obtained data from the Dominion voting machines in Antrim County.

8. Approximately a week later, on December 14, 2020, a report was released by the Allied Security Operations Group (ASOG). ASOG used the data collected from the Dominion voting machines as the basis for its false claim in the report that software on the Dominion voting machines had been “intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results.”
9. On the same day, co-defendant and former President of the United States Donald John Trump, instructed a White House staff member to send this ASOG report to numerous individuals including acting Attorney General Jeffrey Rosen. He likewise tweeted about the report, “WOW. This report shows massive fraud. Election changing result!”
10. Four days later, on December 18, 2020, Sidney Powell and other co-conspirators met with President Trump in the White House for a long, and sometime contentious, meeting. There, Powell and her co-conspirators recommended that the President use martial law to seize voting machines, including Dominion voting machines. The President did not approve of this plan at the time, but the claims of Dominion voting machines having contributed to President Trump’s loss continued into January 2021

and continue to this day. Michael Flynn, who was with Powell at Mr. Wood's estate, also attended and participated in this December 18 meeting.

11. Later, on January 7, 2021, employees of the same Fulton County-based data forensics firm that copied data from Antrim County traveled to Coffee County, Georgia and illegally copied data from Dominion voting machines there in Coffee County. One of the firm's employees e-mailed Sidney Powell multiple times that day updating her with the status of their operation and asked for payment. A few days later, the firm received a check for payment from Sidney Powell's organization Defending the Republic for payment of the firm's work in Coffee County. This data illegally obtained in Coffee County was then illegally distributed to other co-conspirators throughout the country.
12. The facts and allegations described above form the basis for Acts 3, 33, 90, 91, 144, 145, 146, 147, 148, 149, 155 of Count 1 and Counts 32-37 of this indictment.
13. One of the purposes of obtaining the data from the Dominion voting machines was to show purported problems with the equipment, which was then used to promote the belief that Donald Trump had won the election and had only "lost" the election because the machines were, to paraphrase Powell, producing altered voting results.
14. Witness Aaron Vick will provide evidence to the jury of Sidney Powell's involvement in the conspiracy, specifically as it relates to her time at Lin Wood's estate in South Carolina. While at the estate, Powell was involved in some parts of the organizing and planning for people to go to various states to obtain data from the Dominion voting machines used in those states.

15. Mr. Vick will also provide evidence of who also visited the estate and interacted with Powell as it relates to this as well as provide evidence of their conversations.
16. Mr. Vick, based on the information set forth above, is a necessary and material witness. He possesses unique knowledge concerning communications between himself and Sidney Powell and other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 2020 election in Michigan, Georgia, and elsewhere.
17. The testimony of Mr. Vick will not be cumulative of any other evidence in this matter.
18. Mr. Vick resides outside the jurisdiction of this Honorable Court and is therefore unable to be served with process to compel attendance and testimony.
19. Mr. Vick currently resides in Virginia Beach, Virginia.
20. Mr. Vick 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. Vick's testimony will not exceed one day.
21. 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 Mr. Vick's 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.

22. If Mr. Vick 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.

23. Both Georgia and Virginia 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.; Va. Code Ann. § 19.2-272 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 Aaron Vick is located that Aaron Vick is a necessary and material witness whose attendance and testimony is required for the above-referenced criminal prosecution, and the presence of Aaron Vick 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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