

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,

v.

KENNETH CHESEBRO et al.,

Defendant.

INDICTMENT NO. 23SC188947

JUDGE McAFEE

**DEFENDANT'S THIRD COMPLIANCE WITH  
DISCOVERY OBLIGATIONS**

COMES NOW, Defendant Kenneth Chesebro and respectfully provides notice of the following evidence for the 10/20/23 trial, in accordance with O.C.G.A. §17-16-4 et seq.:

- 1) Affidavit of Senator Charles Clay
  - o Attached below as Exhibit A
- 2) Video from the Republican Elector's Meeting in Wisconsin on 12/14/20
  - o This will be provided to the State via email

Respectfully submitted this 9<sup>th</sup> day of October, 2023.

/s/ Scott R. Grubman  
SCOTT R. GRUBMAN  
Georgia Bar No. 317011  
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing  
**DEFENDANT'S THIRD COMPLIANCE WITH DISCOVERY OBLIGATIONS** upon  
all counsel via the Fulton County e-filing system.

This 9<sup>th</sup> day of October, 2023.

/s/ Scott R. Grubman  
SCOTT R. GRUBMAN  
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Counsel for Defendant

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EXHIBIT A

IN THE SUPERIOR COURT OF FULTON COUNTY  
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KENNETH CHESEBRO *et al.*,

Defendants.

Case No. 23SC188947

Judge McAfee

*Affidavit of Senator Charles "Chuck" Clay*

Personally appearing before me, the undersigned officer duly authorized to administer oaths in and for the State of Georgia, former Senator Charles Clay who, after being duly sworn, deposes and states the following under penalty of perjury:

1.

My name is Charles Clay, I am of legal age, and under no civil or legal disability.

2.

I give this affidavit as evidence in the above-styled case and for any other lawful purpose.

3.

I make this affidavit based upon my personal knowledge of its contents.

4.

I was elected as a State Senator, representing the 37<sup>th</sup> District, in 1988. I officially began the role in January, 1989. Prior to my time in the General Assembly, I was a prosecutor in Cobb County, Georgia for six years.

5.

In 1998, I along with two other State Senators, sponsored legislation that amended Georgia's RICO law, O.C.G.A. §16-14-2. This code section highlighted the requirement that RICO prosecutions must be motivated by or have the effect of pecuniary gain or physical threats or harm.

6.

In making the amendment(s), the legislature consulted with key stakeholders, including elected District Attorneys in Georgia, the Attorney General's Office, specifically Mike Bowers and the Prosecuting Attorney's Council, in order to gain their insights and recommendations.

7.

Our intent in making this change was to give prosecutors the ability to prosecute criminal acts under RICO that otherwise would be inapplicable due to the fact that street level crimes had not yet achieved actual pecuniary gains or physical threat or harm at the time of arrest or prosecution.

8.

In fact, as expansive as the language in the Georgia RICO statute is, the requirement of the statute was only to allow prosecutors to indict crimes that were motivated by pecuniary gain or physical threat or harm.

9.

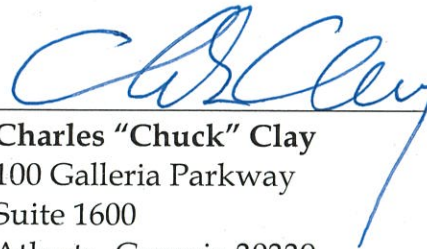
During our deliberations, with the amendment to RICO in mind, at no time did we contemplate or intend for this amendment to RICO to be used to prosecute non-

economic or non-violent acts such as political activity or other civic activity. Our sole intent was to allow prosecutors the ability to prosecute traditional criminal organizations and enterprises (e.g. human trafficking, drug trafficking, gangs, organized crime, fraudsters, etc.).

10.

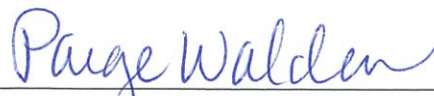
My comments are limited solely to the intent and purpose of the RICO statute. I have no opinion as to the remaining substantive counts alleged in the indictment.

Further Affiant says not this 9<sup>th</sup> day of October, 2023



**Charles "Chuck" Clay**  
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Atlanta, Georgia 30339  
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Sworn to and subscribed before me this 9<sup>th</sup> day of October, 2023.



**Notary Public**  
My commission expires: 5-4-24

