

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 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. Austin, Texas resident Alexander Emerick Jones (Alex Jones) is a necessary and material witness to the proof of the State's case, specifically as to Defendant Kenneth Chesebro's culpability.
5. On November 18, 2020, Alex Jones participated in a "Stop the Steal" rally at the Georgia State Capitol alongside members of the Proud Boys and Oath Keepers and others.
6. On January 6, 2021, Alex Jones participated in the march on the United States Capitol alongside members of the Proud Boys and Oath Keepers and others. According to public statements made by Alex Jones, "the White House told me three days before, we are going to have you lead to March." While using a bullhorn, Alex Jones told the crowd marching on the Capitol that this was "the second American revolution." Video footage shows that Kenneth Chesebro was marching on the Capitol alongside Alex Jones on this day in an attempt to disrupt and delay the January 6, 2021 joint session of Congress.
7. Alex Jones will provide evidence to the jury of Kenneth Chesebro's involvement in the conspiracy, including, without limitation, as it relates to his participation in the march on the Capitol on January 6, 2021.
8. The facts and allegations described above form the basis for Counts 1, 9, 11, 13, 15, 17, 19 of this indictment.
9. Alex Jones, based on the information set forth above, is a necessary and material witness. He possesses unique knowledge concerning communications between

himself and Kenneth Chesebro and other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 3, 2020 election in Georgia and elsewhere.

10. The testimony of Alex Jones will not be cumulative of any other evidence in this matter.
11. Alex Jones resides outside the jurisdiction of this Honorable Court and is therefore unable to be served with process to compel attendance and testimony.
12. Alex Jones currently resides in Austin, Travis County, Texas.
13. Alex Jones 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 Alex Jones' 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 Alex Jones' 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 Alex Jones 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 Texas 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.; Tex. Code Crim. Proc. Art. 24.28.

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 Criminal Prosecution, pursuant to O.C.G.A. § 24-13-90 et seq., certifying to the proper authorities in the jurisdiction in which Alex Jones is located that Alex Jones is a necessary and material witness whose attendance and testimony is required for the above-referenced criminal prosecution, and the presence of Alex Jones will be needed for the number of days specified above,

Respectfully submitted this the 9th day of October, 2023,

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

/s/Grant Rood
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