

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

**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 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 Certification 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 Andrew Hitt, born 12/21/1977, is a necessary and material witness in this prosecution. The Court further finds that Mr. Hitt currently resides in Appleton, Outagamie County, Wisconsin.
5. Based on the representations made by the State in the attached “Petition for Certificate of Need for Testimony Before Special Purpose Grand Jury Pursuant to O.C.G.A. § 24-13-90 et seq.”, the Court finds that Kenneth John Chesebro sent an e-mail to Brian Schimming in Wisconsin that contained language to be used by the Trump presidential elector nominees convening and casting false Electoral College votes in Wisconsin on December 14, 2020. Mr. Hitt later was forwarded this e-mail. The Court further finds that the evidence as represented by the State form the basis of Act 50 of Count 1 of the Indictment in this criminal prosecution.
6. The Court further finds that Andrew Hitt was a Trump presidential elector nominee who participated in the December 14, 2020 meeting of the Trump presidential elector nominees in Wisconsin and that he spoke to Kenneth Chesebro there as Chesebro also attended the meeting.
7. Based on the representations made by the State in the attached “Petition for Certificate of Need for Testimony Before Special Purpose Grand Jury Pursuant to


O.C.G.A. § 24-13-90 et seq.”, the Court finds that Mr. Hitt, based on the information set forth above, is a necessary and material witness. Mr. Hitt possesses unique knowledge concerning communications between himself and Kenneth John Chesebro and other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 2020 election in Arizona, Georgia, and elsewhere.

8. The testimony of Mr. Hitt will not be cumulative of any other evidence in this matter.
9. Mr. Hitt 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 Mr. Hitt’s testimony will not exceed one day and that his testimony will be needed the weeks of November 6, 2023 or November 13, 2023.
10. 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. Hitt’s attendance and testimony, in accordance with O.C.G.A. §24-13-90 et seq.
11. Mr. Hitt 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 Mr. Hitt may be required to pass in the ordinary course of travel, for any matters which arose before Mr. Hitt’s entrance into this State and other states, while traveling to and from this Court for the purpose of testifying for this case.

12. 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.
13. This Certificate is made for the purpose of being presented to a judge of the Circuit Court of Outagamie County, Wisconsin, by the Outagamie County District Attorney's Office, Wisconsin, or her 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 10 day of October, 2023.



SCOTT MCAFEE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT