

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 23SC188947
	:	
DONALD JOHN TRUMP,	:	Judge: Scott McAfee
	:	
Defendant.	:	

MOTION TO COMPEL DISCOVERY

President Trump files this motion to compel discovery, and in support shows as follows:

1. On December 5, 2023, undersigned lead counsel emailed the following discovery request to Fulton County District Attorney Willis:

Madam DA Willis

Attached is a letter written by you to former Chairman Thompson dated December 17, 2021. The letter represents an official request from you for access to records that may be relevant to your office's criminal investigation. What you sought is set out in your letter.

....

Please provide me with former Chairman Thompson's response to your December 17 letter and any further correspondence between him, the Select Committee, your office, and you.

DA Willis' letter to then Chairman Thompson is attached as Exhibit 1. In a follow up email, undersigned counsel asked whether former Chairman Thompson or the Select Committee sent a written response. The DA's office has steadfastly refused to answer yes or no to whether former Chairman Thompson or the Select Committee

ever sent a response to DA Willis' letter. Accordingly, President Trump requests this Court compel the DA's office to respond yes or no to his request, and if yes, to disclose all responses.

2. On December 27, 2023, in an email response to a question from co-defendant Clark's counsel, ADA Young wrote in pertinent part:

Attorney MacDougald,

Here is the answer to your question: What does it mean on the state's witness list when it says, with respect to Donoghue and Rosen (Nos. 55 and 56), "(Video presentment/review)" ?

As to Donoghue and Rosen, the jurors reviewed the video of their testimony. They did not appear before the jurors in person.

On the same date, in response to that email, undersigned lead counsel emailed the DA's office:

I'm sure I missed it in discovery, but I did not see any videos on Donoghue and Rosen. Maybe you could point out where they are in the discovery.

The DA's office did not respond. On January 2, 2024, at 8:45 a.m., undersigned lead counsel again emailed the DA's office:

Please let defense counsel know if "the video of their [Donoghue or Rosen] testimony" has been produced in discovery. Thank you.

The DA's office did not respond. On January 3, 2024, at 7:42 p.m., undersigned lead counsel again emailed the DA's office:

Once again, I respectfully request that you inform defense counsel if the video testimony has been produced in discovery, and if so, where it is located.

Please be advised that if your office continues to choose not to respond to this request by noon on Friday January 4, I will assume that you do not intend to respond

and will have no choice but to file a motion to compel, as defense pretrial motions are due on Monday January 8.

The DA's office did not respond. Accordingly, President Trump requests this Court compel the DA's office to disclose if the video of Donoghue's and Rosen's testimony reviewed by the jurors has been disclosed to defense counsel in discovery, and if not, to disclose the video(s).

Respectfully submitted,

Steven H. Sadow

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CERTIFICATE OF SERVICE

I hereby certify I electronically filed the foregoing document with the Clerk of Court using Odyssey Efile Georgia electronic filing system that will send notification of such filing to all parties of record.

This 8th day of January, 2024.

/s/ Steven H. Sadow
STEVEN H. SADOW

EXHIBIT 1



OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY
ATLANTA JUDICIAL CIRCUIT
136 PRYOR STREET SW, 3RD FLOOR
ATLANTA, GEORGIA 30303

Fani T. Willis
District Attorney

TELEPHONE 404-612-4639

December 17, 2021

Hon. Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6 Attack on the United States Capitol
United States House of Representatives
Washington, DC 20515

VIA UPS NEXT DAY AIR

Dear Chairman Thompson:

As you may be aware, I am conducting a criminal investigation of possible attempts to illegally interfere with the administration of Georgia's 2020 General Election. Through news reports, we are aware that your committee has interviewed witnesses relevant to our investigation. We understand from the same reports that your committee's investigators may have collected records relevant to our investigation.

Please accept this letter as an official request from me for access to records that may be relevant to our criminal investigation. Those records include but are not limited to recordings and transcripts of witness interviews and depositions, electronic and print records of communications, and records of travel.

It may well be most efficient for your staff and effective for our understanding for my staff and me to meet with your investigators in person. We are able to travel to Washington any time between January 31, 2022 and February 25, 2022. We will do our best to accommodate the schedule of the committee.

Thank you for your consideration of this request. You may contact me directly via my personal cell phone at [REDACTED] and via email at [REDACTED]. My deputy executive assistant, [REDACTED], may be reached at [REDACTED] and via email at [REDACTED].

Yours in service,

Fani T. Willis
Fulton County District Attorney
Atlanta Judicial Circuit