

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

DONALD JOHN TRUMP,
RUDOLPH WILLIAM LOUIS GIULIANI,
JOHN CHARLES EASTMAN,
MARK RANDALL MEADOWS,
KENNETH JOHN CHESEBRO,
JEFFREY BOSSERT CLARK,
JENNA LYNN ELLIS,
RAY STALLINGS SMITH III,
ROBERT DAVID CHEELEY,
MICHAEL A. ROMAN,
DAVID JAMES SHAFER,
SHAWN MICAH TRESHER STILL,
STEPHEN CLIFFGARD LEE,
HARRISON WILLIAM PRESCOTT FLOYD,
TREVIAN C. KUTTI,
SIDNEY KATHERINE POWELL,
CATHLEEN ALSTON LATHAM,
SCOTT GRAHAM HALL,
MISTY HAMPTON a/k/a EMILY MISTY HAYES
Defendants.

CASE NO.

23SC188947

**STATE'S MOTION TO QUASH SUBPOENAS OF
DEFENDANT MICHAEL ROMAN**

Defendant Roman has taken the extraordinary step of attempting to subpoena numerous members of the District Attorney's Office to a February 15 hearing in support of his ill-conceived Motion to Dismiss the Indictment and Disqualify the District Attorney's Office. *See* Ex. A (Defendant Michael Roman's Return of Subpoenas and Witness List). The effort should be promptly brought to a close. Georgia law—as well as authority from across the country—predictably frowns on a process that permits counsel for one litigant to compel the testimony of counsel and employees of the

opposing party, and there is no justification to depart from that general principle here.

As there is no factual basis that could reasonably justify requiring opposing counsel and other employees to be a witness in the case, the State respectfully requests that the Court quash each of the subpoenas served on the following persons associated with the District Attorney's Office:

- District Attorney Fani T. Willis
- Executive District Attorney Daysha Young
- Deputy District Attorney Sonya Allen
- Deputy District Attorney Dexter Bond
- Special Prosecutor Nathan Wade
- Assistant Chief Investigator Michael Hill
- Deputy Executive Assistant Tia Green
- Chief of Investigations Capers Green
- Assistant Chief Investigator Thomas Ricks.¹

Additionally, Defendant Roman has attempted to subpoena an attorney who represented Special Prosecutor Wade in divorce proceedings (Attorney Terrance Bradley), in addition to personal and business bank records belonging to Wade and his law practice. Ex. B (Subpoena to Synovus Bank).

Upon information and belief, counsel for Defendant Roman has not spoken to **any**

¹ Neither Assistant Chief Investigator Thomas Ricks nor Special Prosecutor Wade have actually been served with a subpoena via any method permitted by O.C.G.A. § 24-13-24, and this motion to quash specifically does not waive either's right to raise lack of proper service as an additional ground to quash. Both, however, were included on Defendant Roman's Witness List, and for efficiency's sake they are addressed in the State's Motion to Quash.

of the above-named witnesses, and cannot with any degree of accuracy or good faith relay to the Court the content of their anticipated testimony on any relevant issue. Instead, each of these subpoenas appear transparently to be an attempt to conduct discovery in a (rather belated) effort to support reckless accusations made in prior court filings. The subpoenas should be quashed.

I. SUBPOENAS TO THE DISTRICT ATTORNEY AND EMPLOYEES/SPECIAL COUNSEL

The spectacle of one party attempting to call opposing counsel to the stand has been predictably criticized by appellate courts. “The practice of trial attorneys testifying is not approved by the courts except where made necessary by the circumstances of the case.” *Goodwin v. State*, 320 Ga. App. 224, 231 (2013) (internal quotation marks omitted; quoting *Timberlake v. State*, 246 Ga. 488, 500 (1980)). “[T]he advocate as a witness poses innumerable threats to the integrity and reliability of the judicial process.” *Castell v. Kemp*, 254 Ga. 556, 557 (1985). “[C]ourts have properly refused to permit a prosecutor to be called as a defense witness unless there is a compelling need.” *United States v. Roberson*, 897 F2d 1092, 1098 (11th Cir. 1990) (citations and punctuation omitted). “Trial courts are generally held to have discretion on whether to allow a party to call opposing counsel as a witness, on the view that attempting to call opposing counsel to establish some fact that can be readily proved in a different manner should be discouraged.” *Goodwin v. State*, 320 Ga. App. at 231 (quoting *Louisiana v. Tuesno*, 408 S2d 1269, 1272 (La. 1982)); Pirsig & Kirwin, *Professional Responsibility*, 378-79 (3rd ed. 1976)). The practice is roundly—and rightly—disfavored.

This case is no different. “A trial court has discretion to quash an unreasonable and oppressive subpoena, and abuse of discretion is the appropriate standard of review in

such situations.” *Cronan v. JP Morgan Chase Bank, N.A.*, 336 Ga. App. 201, 205 (2016). *overruled on other grounds by SRM Grp., Inc. v. Travelers Prop. Cas. Co. of Am.*, 308 Ga. 404 (2020) (citing *Bazemore v. State*, 244 Ga. App. 460, 463 (2000)); O.C.G.A. § 24-13-23(b)(1)). Courts consistently quash subpoenas served on opposing counsel in all but the rarest of circumstances. *See Cronan*, 336 Ga. App. at 205 (no abuse of discretion in quashing subpoena to opposing counsel regarding subjective intent of clients); *King v. State*, 300 Ga. 180, 183 (2016) (trial court did not error in quashing witness and document subpoena to prosecutor who had dismissed an earlier case involving defendant); *Cushenberry v. State*, 300 Ga. 190, 196 (2016) (quashing subpoena to prosecutor where other witnesses could provide same or similar information related to receipt of evidence). Any subpoena for testimony or documents directed to opposing counsel presents a rightfully high hurdle for any litigant to clear, and Defendant Roman cannot make that showing here.

Federal courts take a similar approach to discourage the gamesmanship that comes from one party attempting to subpoena counsel for the opposing party. While the Federal Rules do not explicitly forbid the deposition of opposing counsel, “[f]ederal courts . . . have held that **depositions of attorneys inherently constitute an invitation to harass the attorney and parties, and to disrupt and delay the case.**” *West Peninsular Title Co. v. Palm Beach Cty.*, 132 F.R.D. 301, 302 (S.D. Fla.1990) (emphasis added); *see also Floyd v. SunTrust Banks, Inc.*, No. 1:10-CV-2620-RWS, 2011 U.S. Dist. LEXIS 70964, at *4-5 (N.D. Ga. June 30, 2011). Disrupt and delay appear to be the primary goal of each of the subpoenas served to District Attorney employees and opposing counsel.

Finally, the indiscriminate breadth with which Defendant Roman has sought to secure testimony from District Attorney employees is troubling, and suggests an eye toward public narrative as opposed to legal remedy. In addition to the attorneys and investigators tasked with investigating and prosecuting the case against Defendant Roman who appear on his subpoena list, other District Attorney staff with no knowledge at all of the issues raised in Roman’s original motion have received subpoenas—to include District Attorney Willis’ executive assistant, investigators involved in her security detail, and personnel responsible for general operations. Defendant has not demonstrated **any** need for these witnesses, let alone cleared the “compelling need” hurdle, nor can he represent what relevant testimony these witnesses may possess as his attorney has not spoken to any of them. Harassment and disruption of this type should not be entertained.

II. SUBPOENA TO ATTORNEY TERRANCE BRADLEY

Defendant Roman’s subpoena to Special Prosecutor Wade’s former divorce attorney is a similar effort that the law does not condone. Mr. Bradley is a former business partner of Wade, but also represented Wade in his divorce proceedings. Any relevant information Mr. Bradley may have—and the State disputes he has any information relevant to any pending matter before the Court—is protected by attorney-client privilege and non-discoverable.

There is no more established common law privilege for confidential communication than the attorney-client privilege. *See St. Simons Waterfront, LLC v. Hunter, Maclean, Exley & Dunn, P.C.*, 293 Ga. 419, 421 (2013); *see also* O.C.G.A. § 24-5-501(a)(2) (“There are certain admissions and communications excluded from evidence

on grounds of public policy, including, but not limited to, . . . **[c]ommunications between attorney and client . . .**” (emphasis added)). An extended recitation of the sanctity of the privilege is not necessary here; it is enough to note that the privilege exists “to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice.” *Hill, Kertscher & Wharton, LLP v. Moody*, 308 Ga. 74, 78-79 (2020) (internal punctuation omitted; citing *St. Simons Waterfront*, 293 Ga. at 422). Special Prosecutor Wade has not waived his privileged communication with Mr. Bradley, and any subpoena to Bradley is properly quashed without the need for public invocation of privilege that could well lead to more reckless speculation.

III. SUBPOENA TO SYNOVUS BANK

Lastly, Defendant Roman can make no showing of need to justify the subpoena to Synovus Bank to produce the wide swath of Special Prosecutor Wade’s financial information. *See* Ex. B (Subpoena to Synovus Bank for “all documents” related to Wade and various professional entities associated with Wade, including “credit reports” “application for credit” from January 2020 to present). The sensitive information demanded actually predates Wade’s appointment as Special Prosecutor, and Defendant Roman cannot possibly justify such a fishing expedition—this intrusion into an opposing counsel’s financial life is the very definition of “unreasonable and oppressive.” O.C.G.A. 24-13-23(b)(1) (the Court may quash a subpoena if it is unreasonable and oppressive). As Georgia courts have consistently held, a motion to quash is properly granted where it serves to prevent a criminal defendant from using a subpoena duces tecum as an instrument of general discovery against a third party; “it is the tool to stop the defendant

using a subpoena to search through the [third party's] records in hopes of obtaining information which might possibly impeach [a witness's] credibility.” *Gregg v. State*, 331 Ga. App. 833, 834-35 (2015) (internal punctuation and quotation marks omitted; quoting *Plante v. State*, 203 Ga. App. 33, 34 (1992)).

General subpoenas that indiscriminately seek categories of documents such as Defendant's subpoena to Synovus are rightly characterized as over-broad. *In re Frost*, 366 Ga. App. 45, 50 (2022) (“the broadly-worded subpoena did not, however, provide the specificity required to show the relevance of the documents sought, or that this was something other than a **fishing expedition** into records held by a third party” (emphasis added)); *see generally In re Frost*, 366 Ga. App. 45 (2022) (finding reversible error in trial court's order disseminating victim's privileged mental health records to criminal defendant for potential impeachment purposes). “[I]t is not enough to assert that [further discovery] might produce evidence helpful to the defense, i.e., to embark on a ‘fishing expedition.’” *Hilley v. State*, 344 Ga. App. 58, 63 (2017) (effort to uncover potentially impeaching evidence of State's witness not a proper use of subpoena). In short, Defendant Roman is casting as wide a net as is possible in hopes that he finds some information to support allegations he has already made. It is a misuse of the subpoena power, and should be quashed.

CONCLUSION

Although litigation is certainly adversarial, there are rules in play that govern the proceedings. Because Defendant Roman cannot establish the necessity of any of the testimony or documents he has demanded, the subpoenas should be quashed.

Respectfully submitted this 7th day of February, 2024,

FANI T. WILLIS
DISTRICT ATTORNEY
ATLANTA JUDICIAL CIRCUIT

/s/ Anna Green Cross
Anna Green Cross
Special Prosecutor
Georgia Bar No. 306674

Office of the Fulton County District Attorney
136 Pryor St, SW
Atlanta, GA 30303

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the STATE’S MOTION TO QUASH upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system, in addition to service by email.

This 7th day of February, 2024,

FANI T. WILLIS
District Attorney
Atlanta Judicial Circuit

/s/ Anna Green Cross
Anna Green Cross
Special Prosecutor
Fulton County District Attorney’s Office
136 Pryor Street SW, 3rd Floor
Atlanta, Georgia 30303
anna@crosskincaid.com

Exhibit A

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)	
)	
v.)	INDICTMENT NO.
)	23SC188947
MICHAEL A. ROMAN,)	
)	
Defendant.)	
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**DEFENDANT MICHAEL ROMAN’S
RETURN OF SUBPOENAS AND WITNESS LIST**

COMES NOW, Defendant Michael Roman (“Mr. Roman”), by and through his undersigned counsel, pursuant to O.C.G.A. § 24-13-24 and show that service was made upon the following witnesses, as evidenced in the attached subpoenas, by certified mail with certification tracking number endorsed on the copy of the subpoenas. Mr. Roman hereby gives notice that all individuals listed on the attached subpoenas are witnesses he intends to call at his hearing on February 15, 2024.¹

Additionally, witness Thomas Ricks, an employee of the Fulton County District Attorney’s Office, may also be called as a witness but has refused service of his subpoena. A copy of his subpoena was emailed to him at his Fulton County official e-mail address. Additionally, since he refused service at his office at the Fulton County District Attorney’s Office on January 29, 2024 at 4:57pm, we have asked him to accept service. If not, then he will be personally served, and his return will be filed at that time.

This list will be updated as additional information becomes available.

¹ Two witnesses were served at their home addresses and those addresses have been redacted from this filing. Should the State wish to have those addresses, Mr. Roman is happy to supply those upon request.

Respectfully submitted this 31st day of January, 2024.

THE MERCHANT LAW FIRM, P.C.

/s/ Ashleigh B. Merchant

ASHLEIGH B. MERCHANT

Georgia Bar No. 040474

701 Whitlock Avenue, S.W., Ste. J-43

Marietta, Georgia 30064

Telephone: 404.510.9936

Facsimile: 404.592.4614

Email: *ashleigh@merchantlawfirmpc.com*

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)	
)	
v.)	INDICTMENT NO.
)	23SC188947
MICHAEL A. ROMAN,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within and foregoing ***DEFENDANT MICHAEL ROMAN'S RETURN OF SUBPOENAS*** has been served upon counsel for the State of Georgia by filing same with the Court's electronic filing system, which will deliver a copy by e-mail to the following counsel of record for the State:

Nathan Wade
Nathanwade@lawyer.com

Anna Cross
Anna@crosskincaid.com

John Floyd
Floydbme@law.com

Daysha Young
Daysha.Young@fultoncountyga.gov

Adam Ney
Adam.Ney@fultoncountyga.gov

Alex Bernick
Alex.bernick@fultoncountyga.gov

F. McDonald Wakeford
FMcDonald.Wakeford@fultoncountyga.gov

Grant Rood
Grant.Rood@fultoncountyga.gov

John W. Wooten
Will.wooten@fultoncountyga.gov

I further certify that, in compliance with Judge Scott McAfee's Standing Order a copy of this pleading has been emailed to the Court via the Litigation Manager Cheryl Vortice at *Cheryl.vortice@fultoncountyga.gov* with copies of such communication provided to all counsel of record for the State at the email addresses provided above.

This 31st day of January, 2024.

THE MERCHANT LAW FIRM, P.C.

/s/ Ashleigh B. Merchant

ASHLEIGH B. MERCHANT

Georgia Bar No. 040474

EXHIBIT A

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Christopher A. Campbell
Wade & Campbell Firm
Building 25
1827 Powers Ferry Road, S.E., Suite 100
Atlanta, Georgia 30339
Email: Chris@wadeandcampbell.com

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirm.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Christopher Campbell with this subpoena on 1/25/24 at 3:30 am/pm by: delivering to him/her in person, or by registered or certified mail.

#7011200000020569755A

Served by: Ashleigh Merchant by JBM
Name and Title

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Dexter Bond
Fulton County District Attorney's Office
136 Pryor Street
Third Floor
Atlanta, Georgia 30303
Email: Dexter.bond@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Dexter Bond with this subpoena on 1/25/24 at 3:30 am/pm by: _____ delivering to him/her in person, or by ✓ registered or certified mail. # 7011 2000 0002 05695048

Served by: Ashleigh Merchant, Attorney
Name and Title by JBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Fani Willis
Fulton County District Attorney's Office
136 Pryor Street
Third Floor
Atlanta, Georgia 30303
Email: fani.willisda@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant, by SBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Fani Willis with this subpoena on 1/25/24 at 9:30 am/pm by: delivering to him/her in person, or by registered or certified mail.

7011 2000 0002 05698055 Served by: Ashleigh Merchant, Attorney
Name and Title by SBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Nathan Wade
Wade & Campbell Firm
Building 25
1827 Powers Ferry Road, S.E., Suite 100
Atlanta, Georgia 30339
Email: Nathan@wadeandcampbell.com

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by SBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Nathan Wade with this subpoena on 1/25/24 at 3:30 am/pm by: delivering to him/her in person, or by registered or certified mail.

7011 2000 0002 0569 5062

Served by: Ashleigh Merchant, Attorney
Name and Title by SBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Daysha Young
Fulton County District Attorney's Office
136 Pryor Street
Third Floor
Atlanta, Georgia 30303
Email: Daysha.Young@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by SBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Daysha Young with this subpoena on 1/25/24 at 3:30 am/pm by: _____ delivering to him/her in person, or by registered or certified mail.

7011 2000 0002 0569 5024

Served by: Ashleigh Merchant Attorney
Name and Title by SBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Michael Hill
Fulton County District Attorney's Office
136 Pryor Street
Third Floor
Atlanta, Georgia 30303
Email: Michael.hill@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Michael Hill with this subpoena on 1/25/24 at 3:30 am/pm by: delivering to him/her in person, or by registered or certified mail.

#7011 2000 0002 0569 7738

Served by: Ashleigh Merchant by JBM
Name and Title

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Tia Green
Fulton County District Attorney's Office
136 Pryor Street
Third Floor
Atlanta, Georgia 30303
Email: Tia.Green@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Tia Green with this subpoena on 1/25/24 at 3:30 am/pm by: _____ delivering to him/her in person, or by ✓ registered or certified mail.

#7011 2000 0002 0569 5031

Served by: Ashleigh Merchant, Attorney
Name and Title by JBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Robin Bryant Yeartie
5500 Dogwood Drive
Unit 218
Atlanta, Georgia 30354
Email: robin.yeartie1@comcast.net

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

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Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by IBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Robin Yeartie with this subpoena on 1/25/24 at 3:30 am/pm by: delivering to him/her in person, or by registered or certified mail.

#7011 2000 0002 0569 7707

Served by: Ashleigh Merchant, Attorney
Name and Title by IBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Terrence Bradley
Law Offices of Terrence A. Bradley
Building 2
2727 Paces Ferry Road, S.E., Suite 1450
Atlanta, Georgia 30339
Email: tbradley1@gmail.com

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street, S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena issued by Attorney of Record for Defendant Jw/permission

RETURN OF SERVICE

I served the within witness Terrence Bradley with this subpoena on Jan 25, 2024 at 3:30 am/pm by: _____ delivering to him/her in person, or by registered or certified mail.

#7011 2000 0002 0569 7547

Served by: Ashleigh Merchant, Attorney
Name and Title by JBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Capers Green
~~1539 Cabinwood Lane~~
~~Douglasville, Georgia 30135~~
Email: Capers.green@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirm.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Capers Green with this subpoena on 1/25/24 at 3:30 am/pm by: delivering to him/her in person, or by registered or certified mail.

#7011 2000 0002 0869 7714

Served by: Ashleigh Merchant, Attorney
Name and Title by JBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Thomas Ricks
Fulton County District Attorney's Office
136 Pryor Street
Third Floor
Atlanta, Georgia 30303
Email: Thomas.Ricks@fultoncountyga.gov

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmnpc.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Thomas Ricks with this subpoena on 1/25/24 at 3:30 am/pm by: _____ delivering to him/her in person, or by registered or certified mail.

#7011 2000 0002 0569 7721

Served by: Ashleigh Merchant, Attorney
Name and Title by JBM

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

Exhibit B

February 1, 2024

VIA U.S. MAIL AND VIA EMAIL:
ashleigh@merchantlawfirmpc.com

Ashleigh B. Merchant
The Merchant Law Firm, P.C.
701 Whitlock Avenue, S.W., Suite J-43
Marietta, Georgia 30064

Re: *State v. Michael Roman*
Superior Court of Fulton County
Case No.: 23SC188947

Dear Ms. Merchant:

This firm represents Synovus Bank. We are in receipt of a subpoena (the "Subpoena") from you related to the above matter. The Subpoena seeks, *inter alia*, any and all documents in Synovus Bank's possession related to Nathan J. Wade, Nathan J. Wade, P.C., Nathan J. Wade, P.C., Attorney at Law, and/or Wade, Bradley & Campbell Firm, LLC.

Synovus Bank conducted a diligent search of its records and was able to locate certain account records related to two accounts associated with the Wade, Bradley & Campbell Firm, LLC. Late yesterday, I received notice via e-mail that one of the authorized signatories on these accounts, Nathan Wade, objected to the the Subpoena and to the production of the account records at issue. Mr. Wade further advised via e-mail that his counsel intended to move to quash the Subpoena.

Pursuant to O.C.G.A. § 7-1-360(a), a financial institution is not required or permitted to disclose financial records except under limited circumstances. Notice to the affected account holder is required, and O.C.G.A. § 7-1-60(c) allows the account holder to “file in the court issuing an order or subpoena for the records or the Georgia or federal court where the civil matter is being heard or, the absence of such a court, in the superior court of the county in which the financial institution is located a motion to quash the order, subpoena, or request or for a protective order...” Because the account holder has indicated an intent to object to the Subpoena and file a motion to quash as set forth in O.C.G.A. § 7-1-360(c), Synovus Bank is presently unable to provide the responsive records to you.

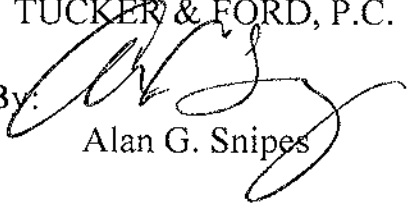
Synovus Bank takes no position on the ability of your client to request the records set forth in the Subpoena, nor whether any objection or motion to quash the Subpoena would be meritorious. If and when a ruling is provided on any objection and/or motion to quash, Synovus Bank will, of course, promptly comply with any court order regarding the matter. In that regard, please be advised that Synovus Bank has gathered the responsive records and will be in a position to produce them immediately upon resolution of any objection or motion to quash.

If you have any questions regarding this matter, please let me know.

Yours very truly,

PAGE, SCRANTOM, SPROUSE,
TUCKER & FORD, P.C.

By:


Alan G. Snipes

cc: Mr. Nathan Wade (via email)
Synovus Bank



THE MERCHANT LAW FIRM

TRIAL AND APPELLATE ATTORNEYS

Ashleigh B. Merchant

701 Whitlock Avenue, S.W.
Suite J-4
Marietta, Georgia 30066
Telephone: (404) 510-9930
Facsimile: (404) 592-4611
ashleigh@merchantlawfirmpc.com

January 25, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Synovus Bank
c/o Deacon Service, LLC
1111 Bay Avenue
Third Floor
Columbus, Georgia 31901

**Re: *State v. Michael Roman; Case No. 23SC188947; Superior Court of
Fulton County; Subpoena For Production of Records***

Dear Sir or Madam:

I am counsel for Michael Roman, a defendant in the above-referenced matter. Enclosed please find a subpoena issued pursuant to O.C.G.A. § 24-13-21, *et seq.* commanding your appearance as a witness on behalf of Mr. Roman at Mr. Roman's pre-trial hearing, which is scheduled to begin on **Thursday, February 15, 2024, at 9:30 a.m. before Honorable Scott McAfee, at the Superior Court of Fulton County, Courtroom 5A, 136 Pryor Street, S.W., Atlanta, Georgia 30303.**

The Rules of Evidence in Georgia now permit the foundation requirements for identification, authentication, and admissibility of business records to be satisfied under certain circumstances without the expense and inconvenience of producing witnesses, all as pursuant to O.C.G.A. §§ 24-8-803 and 24-9-902.

In accordance with the Georgia Rules of Evidence, we have attached a Business Record Certification form for use by the custodian of the business records requested. Please review the Certification to determine whether it is an accurate statement with regard to the records requested pursuant to the attached subpoena. If the Certification is accurate, then in lieu of having the custodian of records appear in court with the records on the date and at the time stated in the attached subpoena, please have the custodian sign the original

State v. Roman

Letter to Witness encl. Subpoena for Production of Evidence

January 25, 2024

Page 2

Certification under oath in the presence of a notary public, attach the requested records to it, and return the original certification and all responsive records to our office address listed above **prior to Thursday, February 8, 2024.**

We cannot, however, guarantee that the Court will not require the custodian of records to appear at the hearing to authenticate the records and to lay a proper foundation for admittance of the requested records. In lieu of appearance, however, as directed by the attached subpoenas, upon the receipt of the records and certification, the custodian will be placed "on call" for the hearing. Please provide us with a good contact number and email for the custodian, and we will make every effort to use the Business Record Certification instead of the testimony of the custodian. If testimony from the custodian is required, I will contact the custodian to advise the custodian about the time and place for the custodian's appearance.

Thank you very much, and should you have any questions, please do not hesitate to contact me.

Sincerely,

ABM by
Ashleigh B. Merchant

*SBM
w/ express
permission*

ABM/ssb

Encl.

cc: John B. Merchant, III (w/encl. via e-mail only)

SUBPOENA FOR PRODUCTION OF EVIDENCE

State of Georgia, Fulton County

TO: Synovus Bank
c/o Deacon Service, LLC
1111 Bay Avenue
Third Floor
Columbus, Georgia 31901

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2023 at 9:30am in the Superior Court of Fulton County, Courtroom 5A, 136 Pryor Street, S.W., Atlanta, Georgia 30303 and to bring with you into said Court certain matters to be used as evidence by the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

The following are hereby subpoenaed: See Exhibit "A".

HEREIN FAIL NOT, under the penalty of law by authority of the Hon. Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
The Merchant Law Firm, P.C.
701 Whitlock Ave., S.W., Suite J-43
Marietta, GA 30064
Email: ashleigh@merchantlawfirmpc.com
Phone No. (404) 510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Synovus Bank with this subpoena on 1/25/24 at 3:30 am/pm by: ✓ delivering to him/her in person, or by ✓ registered or certified mail.

Served by: Ashleigh Merchant
Name and Title Attorney by JBM w/ permission

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

EXHIBIT "A"

We kindly request that you please produce the following documents and records:

- (1) Any and all documents or materials related to **Nathan J. Wade, Jr., DOB: [REDACTED]**
SSN: [REDACTED] Attorney Nathan J. Wade, Nathan J. Wade, P.C., Nathan J. Wade P.C. Attorney at Law, and/or Wade, Bradley & Campbell Firm, LLC, for the period January 1, 2020 through the present;
- (2) All documents pertaining to open or closed credit cards in the name of **Nathan J. Wade, Jr., Atty Nathan J Wade, Nathan J. Wade P.C., Nathan J. Wade P.C. Attorney at Law, and/or Wade, Bradley & Campbell Firm, LLC**, or under the signatory authority of **Nathan J. Wade, Jr., Atty Nathan J. Wade, Nathan J. Wade P.C., Nathan J. Wade P.C. Attorney at Law, and/or Wade, Bradley & Campbell Firm, LLC**;
- (3) All documents pertaining to **Nathan J. Wade, Jr., Atty Nathan J Wade, Nathan J. Wade P.C., Nathan J. Wade P.C. Attorney at Law, and/or Wade, Bradley & Campbell Firm, LLC**, or under the signatory authority of **Nathan J. Wade, Jr., Atty Nathan J. Wade, Nathan J. Wade P.C., Nathan J. Wade P.C. Attorney at Law, and/or Wade, Bradley & Campbell Firm, LLC** in connection with known account ending in [REDACTED] with your organization including, but not limited to any:
 - (a) Application for credit;
 - (b) Credit report;
 - (c) Monthly statement;
 - (d) Financial statement;
 - (e) Documents (checks, debit memos, cash in tickets, wires, etc.) reflecting payments and/or debits on the account; and
 - (f) Documents (deposit forms, wire confirmations, etc.) reflecting deposits and/or credits on the account.

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)	
)	
v.)	INDICTMENT NO.
)	23SC188947
MICHAEL A. ROMAN,)	
)	
Defendant.)	
_____)	

BUSINESS RECORD CERTIFICATION

I, [name] _____ being the [title of position] _____ hereby certify that I have personal knowledge of the business filing record system of the business known as [name of business] _____ located at [business address] _____.

I have reviewed the attached business records being provided pursuant to the requests for documents set forth in Exhibit A to the subpoena dated January 25, 2024 in the above-referenced matter. I hereby certify that the business records attached hereto were taken from the ordinary business records of [name of business] _____.

I further certify that based upon my review of these records:

- A. The records were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of these matters;
- B. The records were kept in the course of the regularly conducted activity of the above-named entity; and
- C. The records were kept in the course of the regularly conducted activity as regular practice of said entity.

In accordance with O.C.G.A. §§ 24-8-803 and 24-9-902, I declare, certify, and verify, under penalty of perjury, that the foregoing is true and correct.

Name (Printed): _____

Name (Signed): _____

Title: _____

Address: _____

Date: _____

Sworn to and subscribed before
me on this ____ day of _____, 2024.

Notary Public