IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

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

DEFENDANT MICHAEL ROMAN'S SUPPLEMENTAL REPLY[1] TO THE STATE'S RESPONSE TO MOTION TO DISMISS AND MOTION TO DISQUALIFY

COMES NOW, Defendant Michael Roman ("Mr. Roman"), by and through his undersigned counsel, and files this supplemental reply to The State's Opposition To Defendants' Roman, Trump, and Cheeley's Motions To Dismiss And To Disqualify The District Attorney filed on February 2, 2024 ("State's Response"), and respectfully requests that the Court conduct an evidentiary hearing in this matter and grant Mr. Roman's motions, and as grounds therefore, shows the Court further as follows:[2]

[1] On Friday, February 2, 2024, Mr. Roman filed a preliminary reply on the issue related to the contention in the State's Response that an evidentiary hearing is not needed. That argument, along with the others raised in the State's response, are addressed further below.

[2] Mr. Roman adopts and incorporates as if set forth fully herein the facts and arguments set forth in the following pleadings:

(1) Defendant Robert David Cheeley's Motion to Dismiss the Grand Jury Indictment and Disqualify the District Attorney, Her Office and the Special Prosecutors filed on January 26, 2024;

(2) Defendant Cathleen Latham's Motion to Disqualify The District Attorney dated February 5, 2024; and

(3) President Trump's Motion to Dismiss on Due Process Grounds and Memorandum in Support filed on January 8, 2024.

INTRODUCTION

This Court is faced with a monumental and historic task—deciding whether to disqualify the elected district attorney in a case involving the prosecution of a former President of the United States. This is unprecedented, and we are in uncharted waters. Mr. Roman understands that this is not an easy decision, particularly given that this is an election year and we are living in a politically charged and polarized time. Nonetheless, neither Mr. Roman nor the Court has put us in this position. The district attorney has. And the important role and function of the judiciary is to protect the integrity, sanctity and fairness in the judicial process.

Aside from the Constitution, this Court and the rules it applies are the principal guardrails to ensure that the judicial process in our democracy is fair and transparent. Our legal system was designed to ensure that prior to verdict, the defendant stands as an innocent man, and the State has the obligation, through a disinterested prosecutor, to seek justice, not just a conviction. When the lines get blurred between a prosecutor's interest in her personal fame and publicity and her public duty, the system breaks down, as does the public's confidence in the process itself, which threatens to undermine the public's confidence in the outcome.

The right to a fair trial is not trivial and it was not an afterthought or a catch phrase. It was rooted in the Sixth Amendment and made a part of the Bill of Rights, which meant the Founders knew it was of paramount importance in a new democracy. The Founders also knew that to deprive a defendant of fairness in the criminal process would be to deny him the right to a fair trial, so those procedural safeguards were also made a part of the Constitution in the Fourth, Fifth and Fourteenth Amendments to the Constitution. In other words, the several individual rights the Founders believed were integral to a functioning democracy centered on the accused's freedom from an oppressive state both before and during the judicial process.

These principles are important in a case of this magnitude. It matters not that this case is under a national and media microscope or that this case may garner more attention. In light of the attention this case was expected to garner amongst the public, the State had an obligation to protect at all costs the fundamental fairness in the process and to avoid even the appearance of impropriety regarding the State's motives or the district attorney's personal or financial incentives in prosecuting the case. But the State did not do that.

Over the past several years, the district attorney has done the opposite, using the media to turn the screws on each of the defendants long before any trial juror was called to serve. These media appearances by a publicly-elected prosecutor are incredibly improper, but more importantly, they were designed to tear down the defendants' pre-trial constitutional protections. This case should be, and could have been, tried on the evidence admitted at trial. Because of the actions of the district attorney, however, that is no longer possible. The damage is already done. That is why there are specific rules that prevent prosecutors, in particular, from making extra-judicial statements to the news media that are designed to increase the public's condemnation of the accused before trial starts. That is why the district attorney and special prosecutor must be disqualified from any further prosecution in this case.

It is evident that the district attorney and her personally-appointed special prosecutor have enriched themselves off this case. That enrichment has taken various forms, not the least of which is incredible amounts of money paid to Wade by Willis that has, in turn, resulted in Willis' personal financial benefit in the form of vacations, hotel stays and the like that have nothing to do with this case or her official duties as a prosecutor. This enrichment is a form of self-dealing, which creates a personal interest in this case. In other words, the more work that is done on the case (regardless of what justice calls for) the more they get paid. The more they fight Mr. Roman's motions, the

more they get paid. The more they refuse to dismiss defendants who should not be indicted, the more money they make. And, of course, the more money the special prosecutor makes, the more the district attorney gets to reap the financial benefits. These benefits are concrete, personal and financial. They are also at odds with the district attorney's obligation to seek justice, which is why both the district attorney and special prosecutor will always labor under this conflict, regardless of when their relationship began.[3]

But it is not just these financial rewards that infect this case now. This case is different. And everyone knows it. It is not the average case. It is not even an average RICO case. It targets public and private officials and the former president of the United States. It has and will continue to garner significant media attention. In this context, it belies belief that the district attorney would sit for so many media appearances and make so many publicly-available statements about the case. The statements were calculated to enhance her professional image, and, in turn, that of the special prosecutor. Indeed, she even hired a company with public money to track the public's perception of her public statements. Perhaps more alarming, however, is the district attorney's interviews with two authors writing a book about this case that has now been published and is available for public consumption. The district attorney for some reason believed that giving the authors of the book access to her staff and allowing them to publish the book prior to the trial of this case should not be scrutinized or questioned. She granted this unprecedented media access so she could taint the jury pool, thus making a conviction much more likely, and use the conviction to open doors to a new political future. And she wanted her rise to fame documented for the world to see.

[3] Mr. Roman believes the special prosecutor's statement in his affidavit that the relationship did not start until 2022 is patently false.

We are speeding toward a precipice in this case. In Mr. Roman's view, if we proceed as the State wants, we will all go over that constitutional cliff together. This Court has the power to put the brakes on, inquire further, hold an evidentiary hearing and allow Mr. Roman to question witnesses so that the truth may be revealed before we reach that cliff, beyond which there is no return. Mr. Roman is asking for nothing more than the Constitution demands. The State, on the other hand, would ask this Court to go blindly in the dark, objecting to every effort Mr. Roman has made to shine a light on this issue.

The State's strategy here is obvious and purposeful:

- Avoid having to answer any real questions directly by using inflammatory and dogmatic defensive rhetoric intended to falsely minimize the important claims raised in the motions;

- Avoid having to answer any real questions by ensuring Willis, even by affidavit, does not have to respond under oath about any of the important claims even though she certainly could have;

- Avoid having to answer any real questions by not addressing any of the potential ethical breaches or Willis' failure to disclose gifts from Wade on Willis' financial disclosure forms with Fulton County;

- Avoid having to answer any real questions by having Wade admit to the relationship but limit it to the time *after* he started making money on this case;

- Avoid having to answer any real questions by asking the Court not to conduct an evidentiary hearing; and

- In the event the Court does conduct an evidentiary hearing, ensure the witnesses cannot testify by filing motions to quash so that the testimony cannot be heard.[4]

In light of the obvious, continued, strategic obfuscation and stonewalling, the adage that "[t]he lady doth protest too much, methinks" rings true. This Court has the power and the duty to

[4] Undersigned counsel has a good faith basis to believe that, following the filing of Mr. Roman's motions on January 8, 2024, Willis' office asked its employees to sign non-disclosure agreements and this was confirmed through a news story on WSB Channel 2.

inquire further of the potential conflict, and Mr. Roman submits that the testimony in this case, as proffered below, if allowed, will bear out that both the district attorney and the special prosecutor have violated their legal and ethical obligations, and they should be disqualified.

Supreme Court Justice Brandeis once explained that "sunlight is said to be the best of disinfectants." He reportedly took that view from James Bryce's 1888 book, The American Commonwealth, which explained that:

> public opinion is a sort of atmosphere, fresh, keen, and full of sunlight, like that of the American cities, and this sunlight kills many of those noxious germs which are hatched where politicians congregate. . . . Selfishness, injustice, cruelty, tricks, and jobs of all sorts shun the light; to expose them is to defeat them. No serious evils, no rankling sore in the body politic, can remain long concealed, and when disclosed, it is half destroyed.

Mr. Roman asks nothing more than an opportunity to present his evidence so that he, too, may shine some sunlight on the conduct here. For these reasons, and those set forth below, Mr. Roman respectfully requests that the Court grant him a right to present testimony at an evidentiary hearing and grant his Motions to Dismiss and Disqualify Willis and Wade.

ADDITIONAL FACTUAL BACKGROUND

I. WILLIS AND WADE HAVE NOW ADMITTED TO HAVING A PERSONAL, ROMANTIC RELATIONSHIP AFTER FAILING TO DISCLOSE THE RELATIONSHIP FOR YEARS.

On February 2, 2024, the Court finally learned that Mr. Roman was correct when he asserted that Willis and Wade have been romantically involved. This fact was confirmed in the State's Response. (*See* pp. 6-7 (implying but not expressly admitting), Ex. A, Para. 27). This fact was never disclosed to Fulton County, Georgia, this Court or any defendant until the State filed its response. Wade admitted to the relationship expressly, publicly and under oath. (State's Response, Ex. A, Para. 27). Willis still has not.

Willis and Wade claim they did not have a personal, romantic relationship before Willis appointed Wade as a special prosecutor, but Terrence Bradley ("Bradley") will refute that claim. Bradley is an attorney and a member of the Georgia Bar. Bradley and Wade were friends and business associates. Bradley has non-privileged, personal knowledge that the romantic relationship between Wade and Willis began prior to Willis being sworn as the district attorney for Fulton County, Georgia in January 2021. Thus, Bradley can confirm that Willis contracted with Wade after Wade and Willis began a romantic relationship, thus rebutting Wade's claim in his affidavit that they did not start dating until 2022.

Bradley obtained information about the relationship between Wade and Willis directly from Wade when Wade was not seeking legal advice from Bradley. Bradley obtained this information in a personal capacity as Wade's friend prior to Wade's decision to file for divorce. While Bradley would later represent Wade for a time in his divorce proceeding, the information about the relationship was obtained prior to any attorney-client relationship beginning, and none of Bradley's testimony will relate to any privileged attorney-client communications or work product. Bradley also has personal knowledge that Wade and Willis regularly stayed together at her home until Willis' father moved into her home sometime in 2020.

Robin Yeartie ("Yeartie") was an employee of the Fulton County District Attorney's Office and long-time friend of Willis. Yeartie and Willis lived together for a time in a residence in the East Point/Hapeville area of Fulton County. When Yeartie moved out, Willis continued living at the residence. Bradley will confirm that Willis and Wade stayed together at this apartment until Yeartie's employment was terminated in the Fall of 2022, at which time Willis and Wade began staying in what was known commonly as a "safehouse" that Fulton County, Georgia rented for Willis. Willis and Wade stayed together at both residences regularly.

II. ADDITIONAL WADE PAYMENTS AND PERSONAL, FINANCIAL BENEFITS

A. Wade Invoices

Since the filing of Mr. Roman's initial motion, his counsel has obtained additional invoices for Wade, but the Fulton County District Attorney's Office still has failed to produce others:

Invoice 19 (April 2023) $35,000
Invoice 20 (May 2023) $39,250
Invoice 21 (June 2023) $33,000
Invoice 22 (July 2023) (The State has failed to provide this invoice despite repeated open record requests.)
Invoice 23 (August 2023) $35,000
Invoice 24 (September 2023) $34,250
Invoice 25 (The State has failed to provide this invoice despite repeated open record requests.)
Invoice 26 (October 2023) $37,000
Invoice 27 (November 2023) $16,000

Mr. Roman also has been able to obtain details concerning various trips taken by Willis and Wade that were paid for by Wade.

B. October 2022 Royal Caribbean Cruise

On October 28, 2022 Wade and Willis flew to Miami and boarded the Royal Caribbean Freedom of the Seas cruise to the Bahamas. Wade paid for Willis' flight from Atlanta to Miami and their shared cruise cabin. Wade paid a total of $1,201.60 to American Airlines for both flights. Wade paid $1,387.70 for their shared cabin on the ship. He also paid an additional $992.28 to Royal Caribbean during this cruise. In total, Wade paid $3,581.58 for this vacation. This does not include transportation and other fees that appear to be related to this trip.

C. November 2022 Aruba Trip

Wade took Willis to Aruba from November 1, 2022 to November 4, 2022 and paid for the flights and hotel through Vacation Express $3835.26. Wade also paid an additional $370.88 to the

Hyatt Regency in Aruba where Willis and Wade shared a room. This does not include transportation and other fees or expenses that may be unknown at this time.

D. December 2022-January 2023 Bahamas Cruise

Wade took Willis on a New Years cruise on Norwegian and paid $3,172.20 for flights and the cruise itself. Wade also paid $98 for an Island Jeep Rental and $198.75 to Rum Runners Freeport plus an additional payment to Norwegian Cruise lines for $214.80. In all, Wade paid $3, 683.75 for this vacation for he and Willis.

E. March 2023 Trip to Belize

Wade took Willis to Belize for vacation again on March 18, 2023. He paid for them to stay at the Phoenix Resort for a total of $1,723.33 and the Ambergis Grand for $995.75. Additionally, they spent $74.15 at a tattoo parlor, and $363.79 at local restaurants.

F. May 2023 Trip to Napa Valley

Roughly two months later, Wade took Willis to Napa Valley on May 15, 2023. He purchased their flights to San Francisco for $817.80 and paid $840.22 for their hotel in Napa Valley.[5] Just the flights and hotel for this trip totaled $1,658.02.

The foregoing trips surely are not the only payments Wade has made that have personally and financially benefited Willis. If, as Bradley confirms, Willis and Wade were in a romantic relationship before she even took office, Wade likely provided Willis with significant other gifts and benefits. Of course, the State and Wade have now filed motions to quash Mr. Roman's lawful subpoenas in an attempt to prevent discovery of these facts.

[5] Wade also paid for a number of Uber rides associated with this and all his trips but those are not added to the totals here.

III. WILLIS GAVE STATEMENTS AND ALLOWED CASE ACCESS TO THE AUTHORS OF A NOW-PUBLISHED BOOK IN AN EFFORT TO ENHANCE HER OWN PUBLIC IMAGE AND TO PREJUDICE MR. ROMAN AND POISON THE JURY POOL.

On January 30, 2024, Hachette Book Group published a book entitled *Find Me The Votes: A Hard-Charging Georgia Prosecutor, a Rogue President, and the Plot to Steal an American Election*, about District Attorney Willis and the "ongoing" criminal case. *See* Michael Isikoff & Daniel Klaidman, *Find Me The Votes: A Hard-Charging Georgia Prosecutor, a Rogue President, and the Plot to Steal an American Election*, Acknowledgements (1st ed. 2024)("The Book"). A number of statements in The Book highlight Willis' efforts to boost her public image and her alleged belief in the strength of the case allowing her to personally benefit from this case. The following are taken from The Book.[6]

Before Willis made the decision to run for district attorney against Paul Howard, she was worried that if she lost she would end up in financial straits again.[7] She told the authors of The Book that she was thinking, "I really don't want to be financially effed up again." (The Book,

[6] Since The Book was not published until January 30, 2024, Mr. Roman did not have the opportunity to read The Book prior to his deadline to file his Motion to Dismiss and Disqualify—January 8, 2024.

[7] According to the authors of The Book, Alvin Kendall gave Willis her first job in Atlanta, but Willis "did not stay long at the Kendall law firm." (The Book, p.23).[7] After Willis left the Kendall law firm, Kendall "would be charged with a felony and get disbarred . . ." (*Id*.). He spent three years in federal prison. (*Id*.) Prior to working at the Kendall law firm, and while in law school, Willis had worked as an intern with Howard Schmuckler in California. After Willis concluded her work with Schmuckler, he would be charged by federal prosecutors for running a fraudulent mortgage "rescue" company and was described by prosecutors as someone who had shown a "blatant disregard for the law." (*Id*., p.23-24). He was convicted and sentenced to seven years in prison. (*Id*., p.24). After leaving the Kendall law firm, Willis opened her own law practice, but needed a more reliable income so she started work at the Atlanta Solicitor's Office. (*Id*.)

p.43-44).[8] While Ms. Willis was on the fence about running for district attorney, Willis consulted with Kendall, her convicted former boss, who told her, "A story is going to come out . . . that [Paul Howard] can't survive." (*Id*., p.44). After deciding to run against Paul Howard, Willis claimed that Howard had engaged in "an egregious abuse of power" and that Howard was "just a bully." (*Id*., 50). In her words, "[t]hat's what disgusted her most about it." (*Id*.)

After becoming district attorney, and following an interview given by Georgia Secretary of State, Brad Raffensperger, Willis issued a press statement telling the public that she would approach the investigation "without fear or favor" and stated that "Like many Americans, I have found the news reports about the President's telephone call with the Georgia Secretary of State disturbing." (*Id*., p.201).[9] After Willis learned of certain alleged events in Coffee County, Willis wrote a letter as part of her investigation and released it during the impeachment trial. (*Id*., p.222). According to the authors, the letter "ramped up hopes that Willis' investigation would be the one that could hold Trump accountable for his election lies." (*Id*.) The authors explain that Willis "was flooded with media requests" and she agreed to do a TV interview the next night with MSNBC's Rachel Maddow." (*Id*., pp. 222-23). The interview "gave a national audience their first glimpse of Fani Willis and her non-nonsense, often brusque style." (*Id*., p.223). Willis told Maddow during that interview that "[w]e've gotten a lot of comments. Interestingly enough, the comments are always racist, and it's really just a waste of time and foolishness." (*Id*.) She told Maddow, "[s]ome people think 'the nerve of me' to actually do my job." (*Id*.) Willis also purportedly told the authors

[8] This citation is from a chapter of The Book entitled, "The Law-And-Order Candidate". (*See id*., p.36). Underneath the Chapter heading is a quote from Willis that reads, "It was as if God was saying, 'Listen, didn't I tell you this is what you're supposed to do?" (*Id*.)

[9] This quote is contained in a chapter of The Book entitled, "The DA Speaks" and is preceded by a Book Three page, which is entitled, "The State of Georgia v. Donald J. Trump". (*Id*., 196-97).

"*[w]e all have to live by a certain standard of rules. And if you violate them, you catch a charge*." (*Id*., 255) (emphasis in original).

In another interview during Willis' investigation into the Fulton County election case, she told a reporter, "And certainly if somebody did something as serious as interfere with somebody's right to vote, --which, you know as a woman, as a person of color, is a sacred right where people lost a lot of lives—we're going to invest in that." (*Id*., p.226). Around this time, as Willis apparently explained to the authors of The Book that she could not get anyone to assist her because it would result "in them having to deal with the never-ending threats from the ex-president's cult-like followers." (*Id*., p.227). Willis also explained to the authors that she turned to Nathan Wade and also hired John Floyd. (*Id*.) It is not clear if Willis disclosed her personal relationship with Wade to the authors, but her personal relationship with Wade is not mentioned in The Book. (*See generally*, *id*.) In discussing her initial efforts to obtain witness testimony and documents, Willis apparently shared her strategy about how to do so and explained she intended to seek a special purpose grand jury. (*Id*., pp. 228, 231).[10]

Incredibly, the Book contains detailed information about normally secret grand jury proceedings, leading to the obvious question about how the authors obtained access to the information from the grand jury proceedings and the special grand jurors. The Book details a personal biography of the foreperson for the special grand jury and details of specific questions asked of certain witnesses by not only the special grand jurors, but also by Wade. (*See id*., pp. 235-42, 247-54). Apparently, the authors were given full access because they were even able to

[10] This, along with numerous other statements and actions by Willis, constituted a waiver of the State's work product privilege in this case. *See McKesson Corp. v. Green*, 279 Ga. 95, 96, 610 S.E.2d 54, 56 (2005).

comment on Willis' thought process and her thoughts on the jurors' reaction to certain evidence such as the Raffensperger phone call. (*See e.g., id*., 238). The Book describes specific evidence discussed and presented to the special grand jury. (*Id*., pp.249-53). It also discussed the disputes among grand jurors about the evidence and testimony and reservations (i.e., "red flags"). These authors somehow obtained specific information about Willis' view of the grand jurors' reactions to evidence, her thoughts on how she winnowed the list of potential defendants, and how she decided to bring certain charges. (*Id*., pp.260-66).[11]

The obvious intent of these pages was to bolster the credibility of the investigation by making it appear as though Willis was "checking" all of the evidence "boxes" to obtain an airtight case. This idea would be further supported in the authors' discussion of her internal discussions with the lawyers handling the investigation and portraying Willis's efforts to obtain evidence and prepare charges. (*Id*., 255-57). She made self-serving statements designed to bolster her credibility: "We don't get awards for participation around here, she explained during an interview with the authors shortly after the meeting, ..." (*Id*., 257). Based on this passage and others like it throughout The Book, it appears the authors had full or nearly full access to Willis during key aspects of her investigation of this case. Indeed, it appears that the authors were given specific information about telephone calls between the district attorney's office and opposing counsel to which Wade and Willis were parties. (*Id*., pp.259-60). The authors were also apparently given

[11] In addition to describing Willis' handling of the secret grand jury proceedings in great detail, The Book details specific information about Willis' cooperation with, and efforts to obtain information from, the January 6 Committee and the people she sent to review the materials. (*Id*., pp.242-45). At this point in The Book, the authors also describe Willis' financial support for Charlie Bailey, who was running for office against Burt Jones, a Republican, who was among those being investigation by Willis, which ultimately led to her being disqualified from prosecuting Jones. (*Id*., pp.245-46).

insight into Willis' "draft" indictment. (*Id*., p.269)("Her proposed draft indictment detailed a conspiracy . . .").

The authors also detail communications Willis sent to Atlanta-area law enforcement officials to have them "stay alert" and "make decisions that keep your staff safe" as she was readying the case for the regular grand jury and attached excerpts from some of the threats she had received which included—"obscene letters and emails with the ugliest of racist messages." (*Id*., p.270). Willis stated, "I am sending [these messages] to you in case you are unclear on what I and my staff have come accustomed to over the last 2 ½ years . . . ." (*Id*., pp.270-71). The authors detail Willis' office policy regarding working from home and he order to "stay alert" and "stay safe". (*Id*., p.271). Willis detailed for the authors the threats she received. (*Id*.)

Willis also revealed a discussion with a woman who told her God had instructed her to pray with Willis before her "big announcement", (*id*., p.272), that Willis "had a habit of communing with God before big decisions[,]" (*id*.), that she sought "protection" from God and that "God wanted her to hear that ". . .I'm not going to let anything happen to you." (*Id*., p.273). These passages were intended to portray Willis as a religious person or that God was behind her decision to pursue the indictment or both. Indeed, the day the indictment was presented, Willis explained to the authors that her Bible verse of the day was, "Let patience have its perfect work, that you may be perfect and complete." (*Id*., pp.274-75). After the grand jury returned a true bill, the authors were given information that Willis' eyes "welled with tears." (*Id*., p.275). Willis later told the authors that she "was well aware of the doubts people would have about her—a Black, female local DA few had ever heard of taking on a former president of the United States." (*Id*.). She told the authors, "I'm a damn good lawyer", she thought to herself. (*Id*.)

In two hours, she would hold a "high-stakes press conference with reporters from around the world." (*Id*.). Her speech had already been written. (*Id*.). In the speech, Willis stated to the world, "It was a conspiracy that had one overriding "illegal goal" to allow Donald J. Trump "to seize the presidential term of office. . . ." (*Id*., p.276). The authors even learned that those last words had been chosen "deliberately." (*Id*.) After detailing how Willis used a "body double" to leave the courthouse, (*see id*., p.277), the authors explain how Willis felt "physically sick" from exhaustion, but that she "flipped on the TV" when she saw the news replaying her news conference. (*Id*.). She watched it and thought to herself, "I did good today." (*Id*.)

The authors' access to Willis' thoughts did not end at the indictment. Willis has given them information about, or allowed them access to, how she intended to prepare the case against several defendants, explaining that "Willis' team was rushing to prepare" and "holding mock trials, honing arguments, practicing delivery." (*Id*., p.291). The Book readies for conclusion by describing Willis' "considerable skills as a prosecutor" and the "set of qualities" that "makes her a uniquely formidable adversary" . . ., "She has a combativeness and an instinct for the jugular that even Trump would have to grudgingly admire." (*Id*., pp.293-94). With this premise, the authors then detail how she responded to Republican Jim Jordan with a letter that was written with "calculated condescension." (*Id*., p.294). Willis is last quoted by bolstering her own abilities, telling the authors, "When I walk into a courtroom, I'm always underestimated, which can be a powerful thing." (*Id*., p.295).

The "Acknowledgements" note that, ". . .as should be clear from the book, we benefitted from the access and time afforded us by Fani Willis . . . ." (*Id*., 298). The "Notes On Reporting And Sources" section similarly notes, "This book is based in large part of original research by the

authors, including interviews with Fulton County district attorney Fani Willis and members of her team, ..." (*Id*., 303).

IV. WILLIS GAVE RACIALLY CHARGED AND TELEVISED COMMENTS DURING A JANUARY 14, 2024 SPEECH AT THE BIG BETHEL AME CHURCH.

Mr. Roman filed his motion to dismiss and disqualify Willis on January 8, 2024. Six days later, on January 14, 2024, Willis provided her first public comments, which had been prepared in advance. She gave them during a televised speech to an audience at Big Bethel AME Church the day before Martin Luther King Day:

> Why does [Fulton County] Commissioner [Bridget] Thorne, and so many others, question my decision in special counsel. Lord, your flawed, hard-headed and imperfect child--I'm a little… confused. I appointed three special counsel as… is my right to do. Paid them all the same hourly rate. They only attack one.
>
> *I hired one white woman*. A good personal friend and great lawyer. *A superstar, I tell you*.
>
> *I hired one white man*. Brilliant, my friend and a great lawyer.
>
> *And I hired one black man. Another superstar.* A great friend… and a great lawyer.
>
> O Lord, they going to be mad when I call them out on this nonsense.
>
> First thing they said,"oh she going to play the race card now." But no, God. *Isn't it them playing the race card when they only question one?* Isn't it them playing the race card when they constantly think that I need someone from some other jurisdiction, in some other state, to tell me how to do a job I've been doing almost 30 years?
>
> [Applause.]
>
> God, why don't they look at themselves and just be honest? I mean, can't they keep it [ ] with themselves? Why are they so surprised that *a diverse team that I assembled, your child, can accomplish extraordinary things?*
>
> *God, wasn't it them who attacked this lawyer of impeccable credentials? The black man I chose* has been a judge more than 10 years. Run a private practice more than 20. Represented businesses in civil litigation. I ain't done, y'all. Served as a prosecutor, a criminal defense lawyer, Special Assistant Attorney General. Won

Chief Justice Robert Benham award from the State Bar of Georgia—you know, *they ain't just giving this to black men.*

How come God, the same black man I hired was acceptable when a republican in another county hired him and paid him twice the rate? Oh y'all like to hear me. [Applause.] In another county, the elected official has the authority to pay him twice the rate. *Why is the white male Republican's judgment good enough, but the black female Democrat's not?*

[Applause.]

Now please hear me: I am not criticizing his judgment. The people of his county elected him to make that decision. In fact, let me put it on the record, he's someone I respect, because he was always willing to hire diversity. He was just looking for quality. I don't care for political party—they care about it. My only question is: why [ ] it question me?

Now I want to be clear: *all three of these special counselors are superstars. But I'm just asking, God: is it that some will never see a black man as qualified, no matter his achievements?* What more can one achieve? The other two have never been judges, but no one questions their credentials. I'm just saying.

Lord, I'm just asking. Is it that I, because of the shell you chose to put me in, will never be qualified in their eyes to make the decisions the voters put me here to make?

[Applause.]

Lord, never mind your flawed, imperfect servant *has composed a team that wins and wins and wins.* [Applause.] Never mind, Lord, that *this leader has a trial conviction rate of 95 percent.* [Applause.] Never mind, Lord, that *the trial team that this lawyer put together has a conviction rate of 95 percent.* [Applause.] Never mind, Lord, that the appellate rate of my office is 96 percent. [Applause.] Never mind, Lord, that 400 plus children are touched by the programming that my staff put together to keep them out of gangs. [Applause.] Never mind, Lord, that thousands of records of citizens in my county have now been restricted so that they can work, and get homes and return to being productive [ ]. [Applause.] Never mind, Lord, that in three years I have cut the backlog by more than 50 percent. [Applause.] Never mind, Lord, in my community where in the rest of the country crime is down five or seven percent, is down 20 percent here. [Applause.] Never mind, Lord, that homicides are down in Atlanta by 20 percent. [Applause.] Is there something about me, Lord, that makes me still unqualified?

God [ ] responds,"Child, pray for those. They can't see what I've qualified." [Applause.] Wait God. I'm going to slow down here. It's your hard-headed child. *I told you I don't want to pray them.* [Laughter.] I am tired of being treated cruelly.

> Pray for them anyway, child. Pray for their hearts. Pray for their souls. *I qualified you. I qualified your imperfect, flawed self. I saw you in every hour. Do my work*. Ignore the distractions.[12]

(Emphasis added). Willis' statements were widely reported by national and local news media, and the recording of her statements was published numerous times online. Following Willis' public statements at the church, a flood of media stories were published with headlines such as:

- "Fani Willis, Trump Georgia case prosecutor, ends silence on misconduct accusations,"
- "Fulton County DA Fani Willis defends special prosecutor following allegation of romantic relationship,"
- "Fulton DA defends special prosecutor during church speech,"
- "What you need to know about the drama surrounding Fulton County DA Fani Willis,"
- "Judge in Trump Georgia case orders hearing on Fani Willis misconduct claims,"
- "Lawyer hired to prosecute Trump in Georgia is thrust into the spotlight over affair claims," and
- "How Allegations of an Office Romance Came to Complicate the Case Against Trump."

The media interpreted Willis' statements as accusing her critics of racism: "[w]hile Willis did not directly confirm nor deny whether she had been in a relationship with Nathan Wade, in her 35-minute speech she suggested that racism was at the heart of the allegations against her and the outside attorney, a Black man."

[12] FOX 5 Atlanta,"Fani Willis Big Bethel AME Church full speech | FOX 5 News" (January 14, 2024) https://www.youtube.com/watch?v=aGHjumOMWHA.

V. WILLIS HAS MADE NUMEROUS OTHER EXTRA-JUDICIAL STATEMENTS TO THE MEDIA DESIGNED TO INFLATE HER PUBLIC PERCEPTION AND VISIBILITY AND TO PREJUDICE MR. ROMAN AND THE OTHER DEFENDANTS.

Willis has previously stated, "I have no interest in headlines or making a name for myself."[13] Despite this, she has provided comments and gave interviews at least 38 different times with various media outlets including but not limited to: The Atlanta Journal Constitution, MSNBC, Fox 5 Atlanta, The New York Times, The Associated Press, WABE Radio, Time Magazine, CNN, USA Today, Yahoo! News, the AJC's Podcast "The Breakdown," NBC, 11Alive, and the Washington Post.[14] Given the sheer number of interviews, in the interest of brevity, a listing and description of Willis' interview appearances is included in Exhibit "A", which is attached hereto.

As shown further below, Willis' media appearances were part of a concerted and calculated plan to boost her personal image and create animus towards Mr. Roman and the other defendants. Her media monitoring company, Critical Media, which tracked and placed a dollar value on her media appearances and images, was the mechanism by which she evaluated her public relations "campaign" against the defendants.

[13] https://www.youtube.com/watch?v=mKcczSo5tK8
[14] These are in addition to her statements on January 14, 2024.

ARGUMENT AND CITATION TO AUTHORITY

I. THE STATE HAS ADVANCED NO AUTHORITY TO JUSTIFY NOT HAVING A HEARING AND WHERE A POTENTIAL CONFLICT OF INTEREST EXISTS, DUE PROCESS IS VIOLATED WHEN THE TRIAL COURT FAILS TO CONDUCT AN EVIDENTIARY HEARING.[15]

A. Mr. Roman Has Requested An Evidentiary Hearing And Continues To Request An Evidentiary Hearing On His Motion To Dismiss The Indictment and Disqualify The District Attorney And Special Prosecutor.

As a preliminary matter, and to avoid any potential doubt or confusion, Mr. Roman has requested and continues to request an evidentiary hearing on this matter and so moves the Court again now. On January 18, 2024, the Court entered its "Notice of Motion Hearing", which scheduled an evidentiary hearing for February 15, 2024.[16] On February 2, 2023, the Court sent an e-mail to counsel for the parties stating, "[i]n light of the State's response to Defendant Roman's disqualification motion, the Court requests a reply brief to be filed no later than COB February 9th. In particular, the Court would like to hear the Defendant's contention of what facts at issue remain to be proven at an evidentiary hearing, and the anticipated evidence the defendant has to prove these facts."[17]

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[15] Mr. Roman is addressing this issue at the outset since the State seeks to avoid having an evidentiary hearing in this matter, so this is an important procedural, evidentiary and constitutional hurdle to cross before the merits of the other arguments advanced by the State are addressed.

[16] That hearing was scheduled before the State's response was filed and presumably scheduled based on factual allegations underlying the potential conflict of interest that Mr. Roman raised in his Motion to Dismiss and Disqualify. Now the Court has the additional knowledge that Wade and Willis have, in fact, been involved in a personal, romantic relationship. (*See* State's Response, Ex. A, Para. 27).

[17] To the extent the Court is considering not conducting an evidentiary hearing, in an abundance of caution, and to avoid any appearance that Mr. Roman has waived his right to an evidentiary hearing, *see Darden v. State*, 233 Ga. App. 353, 354–55, 504 S.E.2d 256, 258 (1998), *Dawson v. State,* 258 Ga. 380(2), 369 S.E.2d 897 (1988), Mr. Roman specifically and expressly requests an evidentiary hearing and that he be permitted to present his evidence and testimony in support of his motions. As shown below, Mr. Roman also asserts that the Court's failure to conduct an evidentiary hearing knowing the information contained in the pleadings in this case, including the

With regard to the Court's inquiries related to the issues, facts and evidence to be addressed at the hearing, Mr. Roman's undersigned counsel: (1) as an officer of the Court in good standing with the State Bar of Georgia; (2) with nearly twenty years of experience in the practice of criminal defense, and (3) as the current President of the Georgia Association of Criminal Defense Lawyers, proffers the following:[18]

(a) All issues remain to be decided. Wade's concession in his inadmissible *ex-parte* affidavit that he and Willis engaged in a personal relationship only after he was appointed as a special prosecutor does not absolve either Willis or Wade of responsibility for the conflict it created. The issue with regard to the potential disqualifying interest is the same: did Willis and/or Wade receive a personal interest or stake in Mr. Roman's prosecution? Also, since Wade denied being in a personal relationship with Willis until after his appointment and has denied co-habiting with Willis, these contentions will need to be disproven. These issues address whether, and to what extent, Willis received personal benefits from monies she paid Wade for his work as a special prosecutor. Further, since Wade has attempted to bolster his experience, that issue needs to be explored, as it appears, as set forth in Mr. Roman's motion, that Wade had no prior experience prosecuting felony RICO cases, thus raising the question of why he was appointed, particularly since we now know Willis and Wade admit to dating.

In addition, Mr. Roman will present evidence related to Willis' forensic misconduct, which is addressed further below. Willis has made numerous extra-judicial statements, given numerous interviews to news media outlets, and provided case information to authors of a book (now published) that were designed to infect and taint the jury pool in this case and which, therefore, have deprived Mr. Roman of his right to a fair trial.

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instant supplemental response, would violate Mr. Roman's due process rights and require remand should this case proceed to trial without a hearing on this issue.

[18] Since this is an evidentiary hearing, and Mr. Roman has a Sixth Amendment right of confrontation and a right under Georgia law to a thorough and sifting cross-examination, Mr. Roman does not interpret the Court to be asking for Mr. Roman to reveal his strategy or order of proof for every fact, witness, document or other piece of evidence that he intends to present. Thus, the following list is not exhaustive and meant only to guide the Court for purposes of scheduling and to give the Court a sense of the facts and evidence he anticipates presenting. Mr. Roman, therefore, reserves his right to present facts, testimony and evidence at the hearing that are not specifically identified herein and also reserves his right to present the evidence in a manner his counsel believes is in his best interest.

(b) The facts at issue that remain to be proven. The facts that remain to be proven include all of those facts going to whether Willis had appropriate approval to contract with Wade, why she did not utilize resources and staff in her own office to prosecute this case, Wade's lack of qualifications, the qualifications and income of the other special prosecutors on this case, Wade's income derived from this case, the timeframe when Willis and Wade began a personal relationship, the dates and locations where they co-habited, Wade's and Willis' payments for vacations, cruises, hotel stays and other payments resulting in benefits to Willis (both the nature and amounts). Mr. Roman is prepared to elicit facts on these topics showing that Willis and Wade have personally benefitted from this prosecution.

(c) The anticipated evidence Mr. Roman has to prove these facts. Mr. Roman anticipates presenting testimony from the witnesses for whom subpoenas have issued. A return for each of those witnesses has been filed with the Court and, to the extent additional witnesses may be called, returns for those witnesses will be filed with the Court prior to the hearing. In addition, Mr. Roman anticipates introducing various business records related to personal expenditures for Willis, trips taken by Willis and Wade, and the timing of such payments resulting in benefits. Mr. Roman also intends to introduce contracts between Willis and the special prosecutors in this case, as well as invoices showing how much each has been paid. Mr. Roman also intends to present the testimony of witnesses with personal knowledge of the nature of the relationship between Willis and Wade, when it began, when and where Willis and Wade co-habited, and witnesses who can rebut the assertions in Wade's *ex-parte* affidavit. Mr. Roman also anticipates calling at least one witness who can testify about the statements Willis made to the authors of The Book, which relates to this case.

Undersigned counsel has a good faith basis to believe that the witnesses who may be called have personal knowledge of facts Mr. Roman intends to elicit. Georgia law provides, however, that undersigned's counsel's proffers about anticipated testimony of witnesses is hearsay. *See Dewberry v. State,* 271 Ga. 624(2), 523 S.E.2d 26 (1999); *Prather v. State,* 259 Ga.App. 441(4), 576 S.E.2d 904 (2003); *Fuller v. State,* 278 Ga. 812(2)(d), 607 S.E.2d 581 (2005). And, hearsay, of course, has no probative value. *See e.g., Bridges v. State,* 279 Ga. 351, n. 12, 613 S.E.2d 621 (2005). As shown below in more detail below, the same is also true for the State's "proffer" set forth in the State's Response and Wade's affidavit. The foregoing proffer, Mr. Roman's proffer is provided in response to the Court's instruction, but it is not intended to serve as a substitute the February 15, 2024 hearing, at which Mr. Roman intends to elicit testimony from several witnesses.

B. Contrary To The State's Assertion, An Evidentiary Hearing Is Required In Order To Protect Mr. Roman's Due Process Right To Further And Fully Develop The Factual Record Regarding The Conflict Of Interest And Willis' Forensic Misconduct.

The State suggests, without any legal authority, that, ". . .after consideration of the attached exhibits including the sworn affidavit of Special Prosecutor Wade," Mr. Roman's motions should be denied "without an evidentiary hearing." (*See* State's Response, p.2). The State predictably claims, "Defendant's failure to support their demands for extreme relief with evidence that would support any remedy makes an evidentiary hearing on this matter unnecessary." (*See id*., p.27). The State goes on to request that "after consideration of the Wade Affidavit and other submitted exhibits, the motions be denied without further spectacle." (*Id*.). Putting rhetoric aside, the State's argument is entirely without merit and threatens to put this Court in the position of violating Mr. Roman's due process rights and his right of confrontation under both the United States and Georgia Constitutions.

In *Wood v. Georgia*, 450 U.S. 261, 271–72, 101 S. Ct. 1097, 1103–04, 67 L. Ed. 2d 220 (1981), a case originating in Fulton County, Georgia, the United States Supreme Court addressed whether the trial court violated due process and Sixth Amendment right to conflict-free counsel when it failed to conduct a hearing on the conflict issue. *Wood* noted that when the record demonstrates that the possibility of a conflict of interest is sufficiently apparent, the trial court has a duty to "inquire further." Going further, *Wood* made clear that its ruling in *Cuyler v. Sullivan*, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980) "*mandates* a reversal when the trial court has failed to make an inquiry even though it 'knows or reasonably should know that a particular conflict exists.'" *Wood*, 450 U.S. at 273, 101 S. Ct. at 1104, n.18 (citing and quoting *Cuyler*, 446 U.S. at 347, 100 S.Ct. at 1717 (emphasis in original). On the facts presented in *Wood*, the Supreme Court explained, "[a]ny doubt as to whether the court should have been aware of the problem is

dispelled by the fact that the State raised the conflict problem *explicitly* and requested that the court look into it." *Wood*, 450 U.S. at 272–73, 101 S. Ct. at 1104 (emphasis in original). Notably, *Wood* based its decision "on due process grounds[,]" and vacated and remanded with instructions that the case be returned to the State Court of Fulton County. *Wood*, 450 U.S. at 273, 101 S. Ct. at 1104.

The need to conduct a hearing was also discussed shortly after *Wood* by the Tenth Circuit Court of Appeals, which explained:

> While the record thus left this serious question open without a discussion by the court with the defendant, and without a clear determination on the conflict of interests question, we cannot agree that reversal and a new trial are now mandated in the circumstances of this case. We instead are vacating the judgment and remanding so that an inquiry and determination on the question can be made by the trial court, in light of the Supreme Court's disposition in a similar situation in *Wood v. Georgia, supra,* 450 U.S. at 273–74, 101 S.Ct. at 1104–05. The district court should hold a hearing to determine whether the conflict of interests, which the record strongly suggests, actually existed and adversely affected defense counsel's performance at the time of trial. If the court finds that an actual conflict did exist which adversely affected defense counsel's performance, and that there was no valid waiver of the right to counsel free of the conflict, then the court should order a new trial; otherwise, the judgment should be reinstated.

United States v. Winkle, 722 F.2d 605, 611–12 (10th Cir. 1983)(citations omitted). In keeping with *Wood*, the Eleventh Circuit has explained that "[c]ourts are permitted, and sometimes required, to inquire into a potential conflict of interest." *United States v. Diaz-Rosado*, 725 Fed. Appx. 847, 854 (11th Cir. 2018)(citing *Mickens v. Taylor*, 535 U.S. 162, 173–74, 122 S.Ct. 1237, 152 L.Ed.2d 291 (2002) and *Wood*, 450 U.S. at 272, 101 S.Ct. 1097). The Court in *Diaz-Rosado* found that the facts "cried out for an inquiry by the court not only to insure that the statute was complied with, but to protect Defendant and the integrity of the sentencing process." *Diaz-Rosado*, 725 Fed. Appx. at 855.

Another court has explained that when the trial court fails to make the above inquiries, it is impossible for the appellate court to determine whether a conflict existed and, if so, what effect it had. *Morgan v. Comm'r of Correction*, 87 Conn. App. 126, 142, 866 A.2d 649, 659 (2005). As that court aptly explained, "[i]n discharging [its] duty [to inquire], the ... ***court must be able, and be freely permitted, to rely upon ... counsel's representation that the possibility of such a conflict does or does not exist****.... **The reliance in such an instance is upon the solemn representation of a fact made by [the] attorney as an officer of the court***." *Id*., 87 Conn. App. at 142, 866 A.2d at 659-60 (citing *State v. Drakeford,* 261 Conn. 420, 427, 802 A.2d 844)(Citations omitted; internal quotation marks omitted) (emphasis added). The trial court in *Morgan* had "summarily denied the petitioner's motion to disqualify his attorney without inquiry as to the legitimacy of the petitioner's assertion that the grievances represented a conflict of interest[,]" which was improper. *Morgan*, 87 Conn. App. at 142, 866 A.2d at 659–60.[19]

Here, Mr. Roman and other defendants have provided the Court with sufficient information related to the conflict of interest and forensic misconduct to "inquire further" under *Wood* by conducting an evidentiary hearing on the matter. As in *Wood*, the conflict issue, which is rooted in Mr. Roman's right to due process under the Fourteenth Amendment, has been explicitly raised. Mr. Roman's original motion to dismiss and disqualify the district attorney and the special prosecutor, as well as his initial reply brief and the instant brief, contain sufficient proffered facts to demonstrate at the very least that a "potential" conflict of interest exists. Mr. Roman has proffered that Willis and Wade engaged in personal relationship prior to his appointment as the special prosecutor and that there are witnesses who can confirm this fact at an evidentiary hearing.

[19] Georgia Uniform Superior Court Rule 31.2 provides that, "[a]ll such motions, demurrers, special pleas and notices shall be heard and considered at such time, date, and place as set by the judge." *Rule 31.2 - Time for hearing*, Ga. R. Super. Ct. 31.2.

Mr. Roman has also proffered that the statement provided in Wade's affidavit that he has not cohabited with Willis is false and Mr. Roman has witnesses who can testify to this fact. Mr. Roman has proffered to the Court that both Willis and Wade took trips together that were paid for by Wade, showing that Willis received a personal and financial benefit from Willis' appointment of Wade as the special prosecutor and from her prosecution of this case. Mr. Roman has further proffered that Willis and Wade intentionally failed to disclose their personal relationship to the Court, the parties or Fulton County until they did so by way of Wade's affidavit this week, which is indicia of their actual conflict. Mr. Roman has also highlighted the significant amount of money that Wade has made, highlighted irregularities in his invoices, and highlighted that the sums provided to Wade (who contracted with Willis directly) are significantly more than the amounts billed by the other two special prosecutors. Based on the foregoing, the Court "knows or reasonably should know" that a particular conflict may exist. *Wood*, 450 U.S. at 273, 101 S. Ct. at 1104, n.18.

Based on the foregoing, if the Court fails to conduct an evidentiary hearing, the Court will necessarily violate Mr. Roman's due process rights under *Wood* and eventually will require reversal. *Wood*, 450 U.S. at 272–73, 101 S. Ct. at 1104. Accordingly, Mr. Roman respectfully requests that the Court conduct an evidentiary hearing on his motion to dismiss the indictment and disqualify the district attorney and special prosecutor.

C. The State Cannot Avoid An Evidentiary Hearing And The Important Test Of Cross-Examination By Attaching Inadmissible Exhibits To Its Brief And Asking For "Summary Judgment" Based Solely On The Pleadings When Disputes Of Key Facts Exist And There Has Been No Testimony Taken.

1. The State's "Summary Judgment" Request

Though the State seeks to have this Court rule on Mr. Roman's motions based solely on its response and the exhibits attached thereto without a hearing, the State took the opposite position in a prior brief, where it stated, "[t]here is no such thing as a motion for summary judgment in a criminal case." (*See* State's Response To Defendant Chesebro's General Demurrer To Count 1 (RICO), p. 3). In that response, the State argued that "Chesebro cannot avoid the strictures of a general demurrer by presenting extrinsic facts that he believes support his claim of innocence and asking the court to adjudicate the case on the merits at the pre-trial stage." (*Id*.) In the State's own words, "Georgia law admits of no such process." (*Id*.) The State also made a point to explain that, "[t]he State does not stipulate or agree to the facts relied upon by Chesebro." (*Id*., n.2). While that argument was raised in response to a general demurrer, the State has taken the exact opposite position in response to Mr. Roman's motions.

The State attaches to its brief fourteen exhibits (A-N). These exhibits include:

- An affidavit from Wade dated February 1, 2024 (Exhibit A);[20]
- Printouts of apparent slurs or threats against Willis which have no bearing on Mr. Roman's motions (Exhibit B);
- Printouts of undersigned counsel's Facebook page from *2016*, now roughly 8 years old—(at lot has happened since then) (Exhibit C);
- Willis January 20, 2022 letter to Chief Judge, Christopher Brasher requesting that a special purpose grand jury be empaneled with attachments that contain unauthenticated writings (Exhibit D);

[20] Notably, Willis did not provide an affidavit or any other sworn testimony in support of the State's response.

- Order approving Willis' request for a special purpose grand jury (Exhibit E);

- Order dissolving special grand jury (Exhibit F);

- Order entering special grand jury's final report and attached report (Exhibit G);

- Professional Services Agreement Between the Fulton County District Attorney's Office and Wade dated November 1, 2021[21] and subsequent contracts signed by Willis and Wade through November of 2022 (Exhibit H);

- Wade's Oath Of Special Assistant District Attorney (Exhibit I);

- A Memo From Sharon Whitmore To Dexter Bond dated October 2, 2023 that attaches an unauthenticated payment voucher and invoice from Wade (Exhibit J);

- Mr. Roman's Return of Subpoenas and Witness List and attached subpoenas (Exhibit K);

- A letter from the law firm representing Synovus Bank to undersigned counsel for Ms. Merchant along with Ms. Merchant's letter and subpoena to Synovus Bank (Exhibit L);

- Professional Services Agreement Between the Fulton County District Attorney's Office and Anna Cross dated July 15, 2022 (Exhibit M); and

- Professional Services Agreement Between the Fulton County District Attorney's Office and John Floyd dated February 2021 to April 1, 2022 (Exhibit N).

Based on its arguments and the attached exhibits, the State asks the Court to decide the important issues of dismissal and disqualification solely on the State's word, in particular, representations made by Wade in his affidavit. In the absence of an evidentiary hearing, this presents two problems, one evidentiary in nature, the other a significant constitutional concern.

[21] This is the initial contract that Mr. Roman's counsel has requested numerous times over the past six months but never received until it was attached to the State's response.

2. Wade's Affidavit (Exhibit A, Including Attachments Thereto) Is (In Its Entirety) Inadmissible Hearsay Under O.C.G.A. §§ 24-8-801 and 24-8-802 And Contains Inadmissible Hearsay Statements In Violation §§ 24-8-801 and 24-8-802.

(a) Wade's affidavit is inadmissible in its entirety

The affidavit in its entirety is inadmissible hearsay because it has been offered for the truth of the statements contained therein. *See* O.C.G.A. §§ 24-8-801, 24-8-802. "While an affidavit need not necessarily *contain* hearsay, in that the information recited in the affidavit may be within the personal knowledge of the affiant, nevertheless the affidavit itself *is* hearsay, because it is an extrajudicial statement offered to prove the truth of the matter asserted. *Dickens v. State*, 280 Ga. 320, 322, 627 S.E.2d 587, 590, n.2 (2006)(emphasis in original). *See Roger v. State,* 224 Ga. 436, 438, 162 S.E.2d 411 (1968) (hearsay rule involves extrajudicial utterances offered to evidence the truth of the matter asserted); *Doughty v. State,* 175 Ga.App. 317(1), 333 S.E.2d 402 (1985) (hearsay is evidence of extrajudicial statements or declarations of the witness or of another when offered as proof of the matter therein asserted). Consideration of the affidavit's contents by the court is only permissible when there is statutory authority allowing the use of affidavits in lieu of the affiant's own direct testimony. *Dickens*, 280 Ga. at 322, 627 S.E.2d at 590, n.2. Since there is no statute authorizing the admission of Wade's affidavit, if the State wishes to advise the Court of Wade's anticipated testimony, "[e]ither the uncalled witness [Wade] must testify or the [the State] must introduce a legally recognized substitute for [Wade's] testimony." *Dickens*, 280 Ga. at 322, 627 S.E.2d at 590.[22] Based on the foregoing, Wade's testimony has not been properly entered into

[22] Wade's affidavit is being offered for the truth of the statements contained therein. (*See e.g.,* State's Response, p.4 (noting that it is being offered to show Willis and Wade have "no personal or financial interest" in the conviction), p. 9-10 (citing the affidavit to prove Wade as "an exceptionally talented litigator with significant trial experience[,]" and outlining the credentials outlined in his affidavit, p.12, n.3 (noting that Wade agreed to work "at a steeply reduced hourly rate" compared to the Atlanta metro area legal market), p. 15 (justifying Wade's hours and noting

the record and should not be considered. *See Jones v. State*, 224 Ga. App. 340, 341, 480 S.E.2d 618, 620 (1997)(noting that the State "attached exhibits to its briefs in an attempt to show that the factors set forth in these Code sections were properly considered" but finding that "[e]ven if these exhibits were sufficient to show this, however, we could not consider them, since exhibits to briefs on appeal are not part of the record.")(citing *Leatherwood v. State,* 212 Ga.App. 342(1)(a), 441 S.E.2d 813 (1994)). *See also State v. Ganong,* 221 Ga.App. 250, 470 S.E.2d 794 (1996).[23] Since the State here is unwilling to allow Wade to testify in person, his affidavit, in whole, is inadmissible and, as a result, has no probative value and should be rejected by the Court.

(b) Wade's affidavit also contains multiple, self-serving hearsay statements that are separately but likewise inadmissible.

In addition to the affidavit being inadmissible hearsay in its entirety, it also contains inadmissible hearsay statements. For instance, Wade makes references to the "gratitude of hundreds of [unnamed] clients over the course of the last 25 years." (*See* Response, Ex. A, ¶ 13). He also states that, "District Attorney Willis asked me to serve on her transition team, . . ." (*id*., Para. 18), and that "Willis asked me and two other attorneys to assist her in looking for a competent, trustworthy attorney to manage and lead the investigation . . . ." (*id*., ¶ 19). He also stated, "[l]awyers we spoke with about taking on the work expressed hesitation due to concerns related to violent rhetoric and potential safety issues for their families." (*Id*., ¶ 20). He also relayed

"the hours invoiced by Wade are wholly predictable[,]" and claiming that "the personal relationship" between Wade and Willis "has never involved direct or indirect financial benefit" to Willis). Wade's affidavit, therefore, in its entirety constitutes inadmissible hearsay, and not proper evidence before the Court.

[23] This line of cases deals with the appellate record being supplemented on appeal, but the State here is trying to make an end run around the rule in these cases by submitting inadmissible evidence at the trial court level for the same improper purpose. As a result, the reasoning of these cases applies with equal force here.

conversations from others about how he came to be involved. (*See id*., ¶ 21)("The District Attorney and other lawyers approached me in September of 2021 and asked me to serve in the role of the Special Prosecutor in the 2020 election investigation case."). Wade responded to the District Attorney and these unnamed "other lawyers" by telling them he was not interested…." (*Id*.) All of these statements are nothing more than self-serving hearsay. Finally, instead of Willis providing her own affidavit, Wade decided to talk for her, and explained that she helped purchase tickets with her personal funds and attached alleged proof. (*See id*., ¶ 34).

Based on the foregoing, Mr. Roman objects to the specific hearsay statements and other unauthenticated, inadmissible documents attached to Wade's affidavit and asks that the Court allow the parties to solve the hearsay and other admissibility issues by conducting a hearing and allowing Mr. Roman to question Wade and Willis directly about these important issues. In the absence of a hearing, the hearsay statements contained in Wade's affidavit are inadmissible and, as a result, have no probative value and should be rejected by the Court.

3. *Admission Of Wade's Affidavit Would Violate Mr. Roman's Right To Confrontation Under the Sixth Amendment, Georgia Constitution and Violate His Statutory Right To Thorough and Sifting Cross-Examination Of Wade*.

In addition to being (and containing) inadmissible hearsay, the Wade affidavit runs afoul of Mr. Roman's right to confront Wade and Willis. The Constitution guarantees a criminal defendant the right to "be confronted with the witnesses testifying against such person." *Miller v. State*, 266 Ga. 850, 856, 472 S.E.2d 74, 79 (1996) (citing Art. I, Sec. I, Para. XIV). "[T]he primary advantage, and the one which the constitutional provision mainly guarantees, is the right of the accused to be confronted by the witness against him, to secure the opportunity of thorough cross-examination." *Denson v. State*, 150 Ga. 618, 622, 104 S.E. 780 (1920). Thus, *ex parte* affidavits are not admissible against a defendant in a criminal case. *Miller*, 266 Ga. at 856, 472 S.E.2d at 79

(citing *Smith v. State*, 147 Ga. 689, 95 S.E. 281 (1918)). "Affidavits of absent witnesses cannot be admitted in evidence at criminal trials because doing so violates the right of defendants to confront witnesses against them. [Cit.]" *Adams v. State*, 217 Ga.App. 706(2), 459 S.E.2d 182 (1995), cert. denied 217 Ga.App. 899. *See also Reed v. State*, 150 Ga.App. 312(2), 257 S.E.2d 380 (1979); *Becton v. State*, 134 Ga.App. 100, 101, 213 S.E.2d 195 (1975). *Cf. Freeman v. State*, 233 Ga. 745(2), 213 S.E.2d 643 (1975).

As noted above, the State can offer no statute that authorizes the State's use of a self-serving affidavit in a criminal case. As a result, use of an affidavit to introduce testimony that is not subject to cross-examination violates Mr. Roman's right to confront the testimony under both the United States and Georgia Constitutions and also violates Mr. Roman's right to a thorough and sifting cross-examination under Georgia statutory law. Accordingly, the Court must reject the affidavit testimony and allow Mr. Roman a right to cross-examine witnesses, including Wade, to impeach his statements and disprove the self-serving statements contained in the affidavit.

II. THE NOW-ADMITTED PERSONAL RELATIONSHIP BETWEEN WILLIS AND WADE CREATES A DISQUALIFYING PERSONAL, FINANCIAL INTEREST AND BENEFIT TO BOTH WILLIS AND WADE.

A. The Important Origins Of The Disqualification Standard For Prosecutors In Georgia And The Relative Unimportance Of The Distinction Between A Conflict Of Interest And Forensic Misconduct.

In *Williams v. State*, 258 Ga. 305, 314, 369 S.E.2d 232, 238 (1988), the Georgia Supreme Court established that there are generally two bases for disqualifying a district attorney; by virtue of a conflict of interest or through "forensic misconduct."[24] As to the first basis, *Williams* established that a conflict of interest may arise where the prosecutor "has acquired a personal interest or stake in the defendant's conviction." *Id*. As to the second basis, Williams explained that "[o]ne of the primary examples of 'forensic misconduct' consists of the improper expression by the prosecuting attorney of his personal belief in the defendant's guilt." *Id*. (citing *Vermont v. Hohman,* 138 Vt. 502, 420 A.2d 852 (1980)).

In establishing the two bases for disqualification, the Georgia Supreme Court relied on the Vermont Supreme Court's decision in *State v. Hohman*, 138 Vt. 502, 505–06, 420 A.2d 852, 854–55 (1980), overruled on other grounds by *Jones v. Shea*, 148 Vt. 307, 532 A.2d 571 (1987). The context of *Hohman* is very instructive for the instant case. In *Hohman*, the district attorney, who had previously obtained a conviction of the defendant that was later overturned, made extrajudicial statements about the defendant during his election campaign. *Hohman*, 138 Vt. at 505, 420 A.2d at 854. The district attorney commented on the defendant's alleged "danger to the community", the district attorney explained that the case was "the most important case pending[,]", and the district attorney promised to "vigorously prosecute" the defendant and obtain a second conviction,

[24] Thus, as to the general applicable rule regarding disqualification, the State does not appear to disagree with Mr. Roman. (*See* State's Response, 2)(citing *Williams*).

and asked for the public's support in his election campaign. *Id*. On those facts, the Vermont Supreme Court stated:

> We strongly condemn the conduct of the state's attorney in this case. The awesome power to prosecute ought never to be manipulated for personal or political profit. The (state's attorney) is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor-indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

Hohman, 138 Vt. at 505, 420 A.2d at 854, 855 (citing *Berger v. United States*, 295 U.S. 78, 88, 55 S.Ct. 629, 633, 79 L.Ed. 1314 (1935)). Based on this, *Hohman* held that "it was error for the state's attorney to fail to disqualify himself, and it was error for the trial court to deny the motion to disqualify the state's attorney." *Id*. Not only did *Hohman* agree that the district attorney should be disqualified, the court, "because serious questions exist as to the ethical propriety of the state's attorney's conduct," referred the matter to the Vermont Professional Conduct Board. *Id.*

It was in that context the Georgia Supreme Court decided *Williams v. State*, 258 Ga. 305, 369 S.E.2d 232 (1988). In *Williams*, the defendant sought disqualification of the district attorney when, "[i]mmediately after termination of the third trial, the prosecutor was apparently besieged by representatives of the media, and, in response to questioning, he made statements which were subsequently broadcast on television and printed in the newspapers." *Id*. The prosecutor stated, "So far as I see it, the score is 35-to-1 for conviction, and I'm confident that if we bring it back and get a jury that is willing and able to decide, then we'll get the right result." *Id*. He further stated, "Two juries have voted unanimously for conviction. Another has voted 11-to-1 for conviction. In

my opinion, therefore, there is substantial reason to believe Mr. Williams is guilty of the offense charged." *Id*., 258 Ga. 305, 310, 369 S.E.2d at 236.

Williams ultimately held the statements of the district attorney were not egregious enough to disqualify the district attorney, but before doing so importantly noted that, "[i]n determining whether an improper statement of the prosecutor as to the defendant's guilt requires his disqualification, the courts have taken into consideration ***whether such remarks were part of a calculated plan evincing a design to prejudice the defendant in the minds of the jurors, or whether such remarks were inadvertent, albeit improper, utterances.***" *Id.*, 258 Ga. at 314, 369 S.E. at 239 (emphasis added). This appeared to be the Supreme Court's determination that because the comments were made "immediately" after trial and appeared to be "inadvertent" they were distinguishable from those made by the district attorney in *Hohlman*. Importantly, however, *Williams* made clear that there is no talismanic definition for either "conflict of interest" or "forensic misconduct", noting, "[i]n *Hohman,* the prosecutor was disqualified for conflict of interest, because he had pledged in his reelection campaign to obtain a conviction against the defendant. ***Thus, there is no clear demarcation line between conflict of interest and forensic misconduct, and a given ground for disqualification of the prosecutor might be classifiable as either***." *See Williams*, 258 Ga. at 315, 369 S.E.2d at 239, n. 4 (1988)(emphasis added).

In other words, the Georgia Supreme Court has explained that the focus of the trial court's inquiry in the context of disqualification is on the acts and words of the district attorney (and fairness to the defendant), not some artificial distinction between a conflict of interest and forensic misconduct. This is important in the instant case because the actions of Willis can be classified as both a conflict of interest and forensic misconduct because Willis has engaged in "a calculated

plan evincing a design to prejudice" the defendants in this case and has also benefitted financially from the prosecution.

B. The State Has Failed To Demonstrate That Willis Does Not Have A Personal Or Financial Interest In The Outcome Of This Case.[25]

In response to Mr. Roman's argument that Willis and Wade have received a personal benefit from the instant prosecution, the State argues emphatically[26] that Mr. Roman has failed to show an actual conflict of interest. In doing so, the State argues generally that: (1) Wade and Willis's personal relationship alone would not present any personal or financial conflict of interest under Georgia case law, even if they were on opposite sides of the fight; and (2) Mr. Roman has failed to demonstrate more than a speculative personal or financial interest of Wade and Willis in the instant prosecution. (*See, e.g.,* State's Response, pp.2-4, 6-9, 11-12). More specifically, the State asserts:

- Willis' actions were performed as part of her "official action" as district attorney, and not for any personal or individual interest (*see* State's Response, p.3);
- Willis had no personal or financial interest in any conviction (*id*., p.4);
- Willis had no personal relationship with Wade at the time Willis contracted with him in November, 2021 (*id*., p. 7, Ex.4);
- Personal relationships between lawyers do not create a conflict of interest (*id*., p.7);
- There is no evidence of any improper appointment of Wade (*id*., p.9);

[25] On February 5, 2024, a group of "ethic experts" filed an amicus brief supporting the State's position that Willis should not be disqualified. ("Amicus Brief"). In large part, aside from policy considerations such as cost and an alleged trust in prosecutors, the Amicus Brief parrots the same arguments set forth by the State. In the few instances where a novel issue was raised, it is addressed below.

[26] The State's Response uses a number of colorful and hyperbolic words and phrases to characterize Mr. Roman's claims and to minimize their impact, but those words cannot change the unfortunate facts facing the State, which, in large part, it still has failed to address.

- The district attorney can pay a special prosecutor whatever she wants (*id*., p.11);

- Wade's fees are reasonable because he was appointed as lead counsel (*id*, p.12); and

- Willis did not receive any financial benefit from Wade (*Id*., p.15).

Each of these arguments, as addressed below, does not hold water under Georgia law.

(1) *The Personal Romantic Relationship Between Willis and Wade Has Resulted In Personal and Financial Benefit To Both.*

(a) Willis' actions in receiving personal and financial gifts from Wade was not part of any "official action" as district attorney.

The first argument advanced by the State appears to be that Willis is somehow "immune" from disqualification because she was acting as an officer of the law. (*See* State's Response, p.3). The State relies on the language from *State v. Sutherland*, 190 Ga. App. 606, 607 (1989) and the holding in *State v. Davis*, 159 Ga. App. 537, 538 (1981), but neither supports the State's position. First, the State focuses on the "officer of the law" language in *Sutherland*, but wholly ignores the language ahead of it that discusses a prosecutor acting "in his personal or individual character, or for his *personal or individual interest*, . . ." (emphasis added)(*See* State's Response, p.3). As Mr. Roman has made clear, Willis contracted with Wade when they were in a personal relationship knowing that a significant sum of public money would be paid to him.[27] And, since that time, Willis and Wade have used that money for personal airfare, hotel stays, excursions and cruises.[28]

[27] While Wade's affidavit disputes the timing of their relationship, Mr. Roman is prepared to call witnesses who will establish that his representation is false.

[28] As noted above, the State is making every effort to prevent any hearing and hide records that may demonstrate additional personal expenses of Wade relating to Willis. Mr. Roman has documented some of these expenses, but since they have been together since 2019, there assuredly are additional records, including bank records, that would show these expenditures. This is also why Mr. Roman needs to be able to question the witnesses.

These trips cannot in any common sense or legal fashion constitute "official" acts of Willis or Wade and the State has not provided any facts or law demonstrating otherwise.

Second, *Sutherland* involved the district attorney's involvement in an unrelated civil case that did not relate to the pending criminal charges. The issue here is entirely different: Willis has benefited and continues to benefit personally from public money that she alone authorized to pay Wade *in this case*. Thus, *Sutherland* is inapposite to the case at hand.

Finally, the State's reliance on *Davis* is misplaced because it also has no application here. *Davis* involved a district attorney's decision not to pursue criminal charges, a quintessential discretionary function of a district attorney, so it was obvious that decision was done as part of the district attorney's "official" acts. Furthermore, unlike the financial benefit here, the benefit of the district attorney's action in *Davis* in pursuing charges went to the defendant, *not the district attorney*. While contracting with a special prosecutor as a general matter might be considered a discretionary, official act, the receipt and use of the funds by the district attorney for personal use most assuredly is not. Mr. Roman is not arguing that Willis is disqualified for appointing a special prosecutor; Willis should be disqualified because she used her official authority to contract with boyfriend and then used the money she paid him for her personal, financial interests.

(b) Willis undoubtedly has a personal and financial interest in Mr. Roman's prosecution.

The State asserts that Willis should not be disqualified because she and Wade do not have any personal or financial interest in Mr. Roman's conviction and thus, there is no conflict of interest. (*See* State's Response, pp.3-4, 15). This argument also rings hollow for several reasons. First, and perhaps most importantly, there is no doubt Willis has received a personal financial benefit in this case. In 2020, when she was running for district attorney, Willis told 11Alive News

in Atlanta, "[W]hen you represent the citizens… you need to be beyond reproach."[29] Despite this public statement, Willis and Wade have not remained above reproach, and, instead, have used money she paid him for personal airfare, hotel stays, excursions and cruises. More specifically, they traveled in October 2022 on a cruise, and Wade paid for Willis' flight from Atlanta to Miami and their shared cruise cabin. Wade paid a total of $1,201.60 to American Airlines for both flights. Wade paid $1,387.70 for their shared cabin on the ship. He also paid an additional $992.28 to Royal Caribbean during this cruise. In total, Wade paid $3,581.58 for this vacation. This does not include transportation and other fees that appear to be related to this trip. Wade also took Willis to Aruba from November 1, 2022 to November 4, 2022 and paid for the flights and hotel through Vacation Express for a total of $3835.26. Wade also paid an additional $370.88 to the Hyatt Regency in Aruba where Willis and Wade shared a room. This does not include transportation and other fees or expenses that may be unknown at this time.

Wade also took Willis on a New Year's Eve cruise in December 2022 and January 2023 on Norwegian Cruise Lines and paid $3,172.20 for flights and the cruise itself. Wade also paid $98 for an Island Jeep Rental and $198.75 to Rum Runners Freeport plus an additional payment to Norwegian Cruise lines for $214.80. In all, Wade paid $3,683.75 for this vacation for he and Willis. In March of 2023, Wade took Willis to Belize for vacation again on March 18, 2023. He paid for them to stay at the Phoenix Resort for a total of $1,723.33 and the Ambergis Grand for $995.75. Additionally they spent $74.15 at a tattoo parlor, and $363.79 at local restaurants. Roughly two months later, Wade took Willis to Napa Valley on May 15, 2023. He purchased their

[29] "Fani Willis talks about race against D.A. Paul Howard," 11Alive (August 6, 2020), https://www.youtube.com/watch?v=3CEM3GfiLdo .

flights to San Francisco for $817.80 and paid $840.22 for their hotel in Napa Valley. Just the flights and hotel for this trip totaled $1,658.02.[30]

The foregoing trips surely are not the only payments Wade has made that have personally and financially benefitted Willis. If, as Bradley confirms, Willis and Wade were in a romantic relationship prior to November 1, 2021 and staying at Yeartie's residence for some time, Wade likely made many more purchases for Willis that have yet to be discovered. Nevertheless, there is no minimum dollar requirement necessary to establish a personal or financial interest under Georgia law. Wade and Willis enjoyed expensive and luxurious cruises that many taxpayers in Fulton County have never taken and could never take because they cannot afford them.

The State, however, fails to address *anywhere* in its response or Wade's affidavit these facts even though the State was aware of them.[31] The reason for this appears to be obvious: Willis is required to complete Fulton County financial disclosure forms showing gifts in excess of $100.00. Her completed forms do not show any gifts from Wade, even though those gifts, as shown above, total in the thousands of dollars.[32] Instead of addressing these financial benefits in any way, the State attempts to shift the goal posts by creating, without any legal authority, an exclusive list of potential "factors" that might demonstrate a financial interest, (*see* State's Response, p.15), and then argue, based on Wade's self-serving *ex parte* affidavit, that those factors are not satisfied. (*Id*., pp.15-16).[33] The State's attempt to create some sort of "defining" list of "financial interests" is unavailing and contrary to Georgia law. There can be no doubt Willis has

[30] Records reflecting purchases for Willis are attached hereto as Exhibit "B".
[31] This was set forth in Mr. Roman's initial motion to disqualify.
[32] Willis' financial disclosure forms since becoming district attorney are attached hereto as Exhibit "C".
[33] Adding to the effort to obfuscate, motions to quash have been filed with the Court that seek to prevent Mr. Roman from questioning the witnesses.

received personal, financial benefits that are disqualifying. The State fails to cite a single case demonstrating that self-dealing by virtue of hiring and paying your boyfriend is not a "personal" interest, nor could it.

Second, the State again relies on cases that simply have no application to the facts at hand. The State cites cases that fall into essentially two buckets: (a) cases discussing the "loyalty" type conflict of interest (i.e., "switching sides", relationship with an adverse party/witness, joint representation)(*see* State's Response, p.4,); and (b) cases stating that advocates in personal relationships are not automatically disqualified by virtue of being in a relationship. (*See* State's Response, pp.7-8).[34] The gist of the argument the State advances here is that there has to be some divided "loyalty" on the part of the district attorney, and because she and Wade do not have a divided loyalty, there is no conflict. (*See id*). That is not the inquiry.

While there appear to be no Georgia cases directly addressing disqualification on the facts at issue, the Georgia Rules of Professional Conduct do provide a roadmap. The theory underlying Rule 1.7 is that a lawyer should not represent or continue to represent a client is there is a risk that the lawyer's "own interests" will affect the representation of the client. (*See* Rule 1.7(a)). Under

[34] The State claims that "Defendants' motions do not cite to any of this controlling caselaw . . . ." (State's Response, p.8), but this case law is not controlling or in any way dispositive of the issues in the instant case. This line of cases stands for the unremarkable proposition that there is no per se rule of disqualification involving professionals and that in those cases there was no showing of any improper conduct or connection to the underlying case. In other words, there was no reason to assume professionals had allowed their intimate relationships to interfere with their professional obligations. We have the opposite situation here. Willis has allowed her intimate relationship with Wade to affect her professional judgment and, indeed, she used that judgment to enrich Wade and herself. The State also takes shots at defense counsel for alleged relationships. This argument, which comes across as a veiled threat, is disingenuous and wrong. Defense counsel are private lawyers representing individuals. Willis and Wade are public prosecutors using public money with a duty to seek justice, not convictions. The relationships are in no way analogous.

such circumstances, Rule 1.7 contemplates that the lawyer must obtain informed consent of the client to continue in the representation, assuming such consent is permissible. (*See* Rule 1.7(b)).

The first comment explaining Rule 1.7 states that "loyalty and *independent judgment* are essential elements in the lawyer's relationship to a client." (Rule 1.7, Comment [1])(emphasis added). The language of Rule 1.7 also appears to contemplate that a "personal interest" may be one that involves "the lawyer's other competing responsibilities or interests." (*See* Rule 1.7, Comment [2]). Comment [2] also refers to whether "the lawyer's independent professional judgment" is affected. Thus, the duty of loyalty on which the State is focused is only one half of the conflict analysis. The second half of the equation contemplates a prohibition against self-dealing (and dealing for third parties) that affects the lawyer's independent professional judgment and decision making on behalf of the client. That is exactly what we have here: Willis' *independent judgment* and decision making in prosecuting this case on behalf of the State is necessarily affected because she is a direct, personal beneficiary of the funds she is providing to Wade. In addition, improper use of state and county funds for her personal gain is contrary to the interests of the State and Fulton County, her "clients." In other words, she and Wade, by definition, are personally and financially invested in the prosecution and conviction and not in simply seeking justice.[35]

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[35] In the context of a case where the judge was also the mayor, the United States Supreme Court put the potential for "temptation" this way:

> the test is whether the mayor's situation is one which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear, and true between the state and the accused . . . .Plainly that 'possible temptation' may also exist when the mayor's executive responsibilites [sic] for village finances may make him partisan to maintain the high level of contribution from the mayor's court.

Third, the State's reliance on *Greater Georgia Amusements, LLC v. State of Georgia,* 317 Ga.App. 118, 121(2), 728 S.E.2d 744 (2012) (physical precedent only) and *Amusement Sales, Inc. v. State*, 316 Ga. App. 727, 736, 730 S.E.2d 430, 438 (2012), while coming closer to the facts of this case, also do not support the State's argument. Unremarkably, the rule of those cases is that contingency fee arrangements for specially-appointed district attorneys in forfeiture cases violate Georgia public policy because they cause an appointed prosecuting attorney to have a personal financial stake in the outcome of the proceedings and thus disqualification is proper. *See id*. While this case does not involve a forfeiture (so the "personal financial stake" is not as obvious), it is no less important. *Amusement Sales* is also notable for the idea that it violates "public policy" to have a personal financial stake in the outcome of proceedings—which as noted above, Willis and Wade both have by virtue of their self-dealing arrangement. *See McLaughlin v. Payne*, 295 Ga. 609, 613 (2014) (citing *Lane v. State*, 238 Ga. 407, 408–410 (1977); *Clifton v. State*, 187 Ga. 502, 504 (1939))(against public policy to have a district attorney with a conflict of interest).

Furthermore, there is no language in *Amusement Sales* stating that the financial arrangement there was the exclusive means by which a prosecutor could be disqualified for having a "personal financial stake" in the proceedings. Indeed, the instant case presents another, but equally improper, type of conflict that violates Georgia public policy because the conflict at issue involves an elected official using public money for personal gain and benefit.

Finally, there is more than ample evidence that Willis has a disqualifying "personal interest" in this prosecution by virtue of her numerous calculated, and inflammatory extrajudicial statements commenting on Mr. Roman's guilt and the guilt of the other defendants and painting

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Ward v. Vill. of Monroeville, Ohio, 409 U.S. 57, 59–61, 93 S. Ct. 80, 82–83, 34 L. Ed. 2d 267 (1972)(internal quotations and citations omitted).

them and their counsel (falsely) as having racial motivation.[36] It is not an exaggeration to say that Willis has waged a media war against the defendants, including Mr. Roman. The litany of public appearances over the past three years is chronicled in Exhibit A.

In addition, less than a month ago, Willis spoke to the audience and news media present at the Big Bethel AME church *using notes she had prepared*, and specifically referenced the race of the private attorneys. She asked the audience whether Fulton County Commissioner Bridget Thorne and others who criticized her were "playing the race card." She also referred to Mr. Wade as the "black man," and asked why a "white male Republican's judgment" was allegedly "good enough" but a "black female Democrat's" (referring to herself) judgment allegedly was not. She then asked whether there were some persons who "will never see a black man as qualified, no matter his achievements," and whether she would ever be qualified in the eyes of such people because of the "shell" she had been "put in."

She also suggested that Commissioner Thorne, Mr. Roman and Willis' other critics are motivated by alleged racial prejudice or animus. The media likewise interpreted Willis' statements as suggesting that Mr. Roman and others questioning the her employment or compensation of

[36] The comments were entirely inappropriate and used specifically to cast Mr. Roman and his counsel in a negative light. Undersigned counsel has spent the last 20 years representing people from all ethnic, racial and socioeconomic backgrounds. She began her legal career as an intern for the Southern Center for Human Rights advocating against unfair prison conditions in the South and fighting for prison reform. She worked at the public defender in Fulton County for several years representing indigent defendants of all colors. In private practice, she has continued to represent people with diverse racial and ethnic backgrounds in criminal cases and in civil rights cases, including serving as co-counsel in a case involving the profiling of a group of young African Americans in Cartersville, Georgia. For Willis to label or insinuate that undersigned counsel is in any way motivated by race in filing Mr. Roman's motions is personally offensive. It is completely unfounded and slanderous, not just to Mr. Roman, but also to counsel.

Wade were "racist."[37] In her calculated media campaign, Willis has willfully attempted to prejudice any jury panel selected in this case through insinuating that her opponents are allegedly racist.

Willis also provided unprecedented access and interviews to the authors of the Book, in which she comments about this case and the defendants in an effort to boost her public profile and condemn the defendants. Willis purportedly also told the authors "*[w]e all have to live by a certain standard of rules. And if you violate them, you catch a charge*." (The Book, p.255) (emphasis in original). Since Mr. Roman, "[caught] a charge", this appears to be her commenting not so subtlety about Mr. Roman's guilt. In another interview during Willis investigation into this case, she told a reporter, "And certainly if somebody did something as serious as interfere with somebody's right to vote, --which, you know as a woman, as a person of color, is a sacred right where people lost a lot of lives—we're going to invest in that." (*Id*., p.226).

The Book also describes specific evidence discussed and presented to the special grand jury, (*id*., pp.249-53), and the disputes among grand jurors about the evidence and testimony and reservations (i.e., "red flags"). These authors somehow obtained specific information about Willis' view of the grand jurors' reactions to evidence, how she winnowed the list of potential defendants, and what charges Willis intended to pursue against certain defendants. (*Id*., pp.260-66).[38] The obvious intent of these pages (and, indeed, the book as a whole) was to bolster the

[37] https://www.newsweek.com/fani-willis-tears-marjorie-taylor-greene-1860775; https://www.nytimes.com/2024/01/18/us/fani-willis-trump-georgia-prosecutors.html.

[38] In addition to describing Willis' handling of the secret grand jury proceedings in great detail, The Book also details specific information about Willis' cooperation with, and efforts to obtain information from, the January 6 Committee and who she sent to review the materials. (*Id*., 242-45). At this point in The Book, the authors also describe Willis' financial support for Charlie Bailey, who was running for office against Burt Jones, a Republican, who was among those being

credibility of Willis and the investigation by making it appear as though Willis was "checking" all of the evidence "boxes" to obtain an airtight case. This idea would be further supported in the authors' discussion of her internal discussions with the lawyers handling the investigation, portraying Willis's efforts to obtain evidence and prepare charges. (*Id*., pp.255-57).

As the authors explained, she made self-serving statements designed to bolster her credibility: "We don't get awards for participation around here, she explained during an interview with the authors shortly after the meeting, ..." (*Id*., 257). Based on this passage and others like it throughout The Book, it appears the authors had full or nearly full access to Willis during key aspects of her investigation of this case. Indeed, it appears that the authors were given specific information about telephone calls internal to the district attorney's office that included Willis and Wade and their specific conversation details about opposing counsel. (*Id*., 259-60). The authors were also apparently given insight into Willis "draft" indictment. (*Id*., 269)("Her proposed draft indictment detailed a conspiracy . . .").

As she did on January 14, 2024 from Bib Bethel AME church, Willis used her beliefs to bolster the idea that this prosecution was being led by God. As the authors point out, she told them she discussion with a woman who told her God had instructed her to pray with Willis before her "big announcement", (*id*., pp.272), that Willis "had a habit of communing with God before big decisions[,]" (*id*.), and that she sought "protection" from God and that "God wanted her to hear" that ". . .I'm not going to let anything happen to you." (*Id*., pp.273). These passages were intended to portray Willis as a religious person or that God was behind her decision to pursue the indictment or both. Indeed, the day the indictment was presented, Willis explained to the authors that her

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investigation by Willis, which ultimately led to her being disqualified from prosecuting Jones. (*Id*., 245-46).

Bible verse of the day was, "Let patience have its perfect work, that you may be perfect and complete." (*Id*., pp.274-75).

After the grand jury returned a true bill, the authors were given information that Willis' eyes "welled with tears." (*Id*., pp.275). Willis later told the authors that she "was well aware of the doubts people would have about her—a Black, female local DA few had ever heard of taking on a former president of the United States." (*Id*.). She told the authors, "I'm a damn good lawyer", she thought to herself. (*Id*.). In two hours, she would hold a "high-stakes press conference with reporters from around the world." (Id.). Her speech had already been written. (*Id*.). In the speech, Willis stated to the world, "It was a conspiracy that had one overriding "illegal goal" to allow Donald J. Trump "to seize the presidential term of office. . . ." (*Id*., pp.276). The authors even learned that those last words had been chosen "deliberately." (*Id*.) After detailing how Willis used a "body double" to leave the courthouse, (*see id*., p.277), the authors explain how Willis felt "physically sick" from exhaustion, but that she "flipped on the TV" when she saw the news replaying her news conference. (*Id*.). She watched it and thought to herself, "I did good today." (*Id*.)

The authors' access to Willis' thoughts did not end at the indictment. Apparently, Willis has given them information, or allowed them access, to how she intended to prepare the case against several defendants, explaining that "Willis' team was rushing to prepare" and "holding mock trials, honing arguments, practicing delivery." (*Id*., p.291). The Book readies for conclusion by describing Willis' "considerable skills as a prosecutor" and the "set of qualities" that "makes her a uniquely formidable adversary" . . ., "She has a combativeness and an instinct for the jugular that even Trump would have to grudgingly admire." (*Id*., pp.293-94). With this premise, the authors then detail how she responded to Republican Jim Jordan with a letter that was written with

"calculated condescension." (*Id*., pp.294). Willis is last quoted by bolstering her own abilities, telling the authors, "When I walk into a courtroom, I'm always underestimated, which can be a powerful thing." (Id., p.295).

These are not the actions of a disinterested prosecutor. Willis' highly-publicized, inflammatory and scandalous remarks suggesting that her opponents are racist, the more than three dozen interviews or media statements, and the unprecedented access and interviews she provided for a book relating directly to Willis and this case demonstrates clearly that Willis has an unmistakable and undeniable "personal" interest in this prosecution. Unlike the prosecutor in *Williams v. State*, 258 Ga. 305, 314, 369 S.E.2d 232, 238 (1988), who made impromptu comments immediately after trial when he was "besieged by representatives of the media," Willis has purposely sought out media attention prior to and at each stage of these proceedings and commented directly about the case and the defendants over and over again over the course of several years. The combination of these public statements and Willis' statements contained in the Book are "part of a calculated plan evincing a design to prejudice the defendant in the minds of the jurors" and not "simply inadvertent, albeit improper, utterances." *Id.*, 258 Ga. at 314, 369 S.E. at 239. Indeed, Willis' actions are significantly more egregious than those of the district attorney in *State v. Hohman*, 138 Vt. 502, 505–06, 420 A.2d 852, 854–55 (1980), where the district attorney commented on the defendant's alleged "danger to the community", the district attorney explained that the case was "the most important case pending[,]", and the district attorney promised to "vigorously prosecute" the defendant and obtain a second conviction, and asked for the public's support in his election campaign. *Id*. Just as the disqualification in *Hohlman* was appropriate, it is appropriate here as well; indeed, more so.

(c) Willis and Wade were in a personal, romantic relationship when Willis appointed him and paid him hundreds of thousands of dollars that he used to take her on personal vacations.

Until Mr. Roman filed his motions, Willis and Wade were not even in a personal relationship—at least as far as the Court, the public or any defendant knew. The reason for keeping their relationship secret is now evident—they were using public funds to enrich their personal lives and they knew it was wrong. Willis was also under a statutory mandate to notify the Executive Director of the Prosecuting Attorneys' Council of the State of Georgia of her disqualifying "interest or relationship" as a result of her relationship with Wade, *see* O.C.G.A. § 15-18-5, which is another reason she had to conceal their relationship. If she disclosed the relationship, she was at risk of losing this case, which, as shown above, she desperately wants and needs for her own personal ambitions.

But now that we know they are in a romantic relationship, and now that we have documentation of their personal travel together in 2022 paid for by Wade, the State now predictably wishes for us to believe that Willis had no personal relationship with Wade at the time Willis contracted with him in November, 2021 (*See* State's Response, Ex. A). In keeping with this theme, the State also claims that there is no evidence that Willis improperly appointed Wade (*id*., p.9), Willis is qualified to be the special prosecutor on this case (*id*., 9-10), that Willis can pay Wade whatever she wants (*id*., p.11), and that Wade's fees are reasonable because he was appointed as lead counsel. (*Id*, p.12). Since Willis and Wade were not forthright about their relationship in the first instance, there is no reason to believe they are telling the truth now. These last-minute maneuvers have one purpose—to minimize the fall out. As shown below, there are important and material factual questions surrounding Wade's appointment, his experience and his work and income from this case that all go to the issue of Willis receiving a disqualifying personal

and financial stake in this prosecution. Accordingly, this Court should not let their word be the last.

The State argues that Mr. Roman's motion to disqualify is somehow a strategic attempt to choose his prosecutor, and the State levels an unsupported claim that his motion was filed in "bad faith." (*See* State's Response, 9). The best evidence that is not true is the revelation that Willis and Wade are, in fact, in a personal relationship. Thus, a fact unknown before Mr. Roman filed his motion, is now known. Furthermore, Mr. Roman has not alleged any fact that his counsel did not learn through a witness or document, and all of the allegations were set forth after extensive investigation and interviews by his counsel. Thus, the State's assertion, which is merely an attempt to characterize, not respond to, Mr. Roman's arguments, falls flat. Mr. Roman simply seeks a disinterested prosecutor. *Young v. U.S. ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 807 (1987).

Another fact that Mr. Roman uncovered and which Willis and Wade now deny is that Willis and Wade began their relationship prior to November 1, 2021. As noted above, Bradley, a personal friend of Wade's, confirms that Willis and Wade were in a romantic relationship before Willis even took office and that Willis and Wade stayed together at Yearti's residence and the "safehouse".[39] Thus, two crucial statements in Wade's affidavit about the relationship (facts incredibly material to Willis and Wade's personal and financial interests) are in dispute.[40]

[39] Mr. Roman has subpoenaed other witnesses to corroborate the testimony of Bradley and Yeartie.

[40] The State apparently seeks to avoid Willis' disqualification or the appearance of impropriety by claiming that the relationship did not start until 2022, but that still presents a conflict of interest because Willis received a personal and financial benefit. But, it is even more egregious knowing that Willis set up the system of return payments and gifts by installing her boyfriend as a special prosecutor and paying him significant sums of money.

(d) The State fails to address Willis' ethical violations

Mr. Roman raised serious ethical violations by Willis that she did not address in any way in the State's Response. (*See generally* State's Response). While ethical violations do not necessarily constitute legal conflicts of interest, the ethical rules are instructive about Willis' knowledge as to what conduct could constitute a conflict of interest. For instance, the State did not address that Fulton County requires that "public service not be used for private gain"[.] Fulton Cnty. Code Ethics, Sec. 2-66(a). The State also did not address the requirement that, "[o]fficers and employees should aspire to avoid even the appearance of a conflict of interest by avoiding conduct or circumstances that would provide a reasonable basis for the impression that the officer's or employee's ability to protect the public interest or impartially perform an official act is compromised by his or her financial or personal interests in the matter or transaction." Fulton Cnty. Code Ethics, Sec. 2-66(b).

The State did not address the Fulton County requirement that "[c]ounty officers and employees cannot "directly or indirectly solicit, request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value, in any form whatsoever, for himself, herself, or another person, from any prohibited source," Fulton Cnty. Code Ethics, Sec. 2-69(a), with a value greater than $100, *see* Fulton Cnty. Code Ethics, Sec. 2-69(c). As with the County's Disclosure Reports, a "prohibited source" is any person "is seeking to do or is doing business with the county…" Fulton Cnty. Code Ethics, Sec. 2-67(s). County officials and employees must file income and financial disclosure reports with the Clerk of the Fulton County Board, disclosing "any gift(s) or favor(s) from a single prohibited source in the aggregate value or amount of $100.00 or more…" Fulton Cnty. Code Ethics, Sec. 2-79(b)(3). The State did not address any of these provisions.

Willis, however, violated these ethical rules by Wade with whom she had an undisclosed romantic relationship, paying Wade hundreds of thousands of dollars in county funds and accepting gifts from him which she did not disclose to the County. Based on the foregoing rules, Willis should have known that her actions would violate Fulton County's ethical rules, and Willis should have known that her ethical violations would lead to an irreparable conflict of interest. Accordingly, she and Wade must be disqualified from further prosecuting this matter.

(e) *The policy considerations suggested by the amici curiae do not outweigh Mr. Roman's right to a disinterested prosecutor.*

The amici curiae attempt to construct "Four key principles" of the "law" of disqualification, (Amicus Brief, pp.4-9). Essentially, the amici curiae claim that disqualification imposes costs, prosecutors are expected to act ethically and in accordance with the law, disqualification implicates constitutional considerations because she's elected, and the remedy of disqualification is defendant-focused. These "four key principles" are simply an artificial construct designed to turn the Court's attention to policy and practicality considerations and away from Willis' conduct, but they are addressed, in turn, below.

(1) The Costs of Disqualification

The amici curiae ask this Court to approach the motion to disqualify with caution essentially because it may impose additional costs and delay or may be used strategically to get "less formidable" opposing counsel (*Id*., p.5). Addressing the latter argument first, Mr. Roman believes that Wade was unqualified in the first instance to handle a complex RICO case, and undersigned counsel has twenty years of experience as a trial lawyer. The qualifications of opposing counsel are irrelevant and certainly not a consideration here. As to the former argument, the potential costs and delay that may be associated with disqualification are far less than if this Court denies the motion and this case has to be tried again years later and after the appellate process

is concluded. As important, though, is that any cost savings, even assuming one would exist, pales in comparison to Mr. Roman's constitutional right to a disinterested prosecutor. Thus, this policy consideration is without serious weight under the facts presented.

(2) The idea that prosecutors are trusted to do their jobs ethically

The next policy argument advanced suggests that this Court should assume, as a legal matter, that even if Willis has acted out of personal interest, she is assumed to have acted appropriately. (*See id*., pp. 6-8). As an initial matter, the amici curiae do not cite to a single case that supports the idea that the law in disqualification cases is that this Court has to give her the benefit of the doubt by assuming Willis acted appropriately. This is just a thinly-veiled attempt to raise Mr. Roman's burden to demonstrate the standard for disqualification. In other words, it appears the amici curiae are saying, "even if this looks bad and she may be disqualified, you have to assume she was not acting for self interest". That is not what the law of disqualification says. If there is a disqualifying personal or financial interest under the law, then Willis must be disqualified. It is not more complex than that, and the Court is not required under the law to put on its rose-colored glasses before considering the facts of this case.

(3) The claim that disqualification focuses on the defendant, not third parties.

The amici curiae urge the Court to "focus squarely" on the "due process interests" that the disqualification is meant to serve and not the actions of Wade. (*See id*., 8-9). The amici curiae do not cite to any Georgia cases suggesting this Court cannot consider the facts *as a whole* when considering due process concerns. (*Id*.) Instead, the amici curiae state the unremarkable proposition that due process rights are at the heart of any disqualification. This request by the amici curiae is a slight of hand to get the Court, as with the other "policy" considerations, to ignore the conduct at issue. Wade's experience, the focus of this focus section, is relevant for

disqualification because it relates directly to the self-serving interests of Willis, which, in turn, relates to Mr. Roman's constitutional right to a disinterested prosecutor. That is the inquiry for disqualification of a prosecutor in Georgia, and the Court may, and in this case must, consider how's Wade's conduct, particularly as it relates to billing, has caused him and Willis to obtain an interest in this case. The amici curiae have not shown otherwise.

(4) The idea that this Court should avoid disqualification because Willis is the elected district attorney.

The final policy argument advanced by the amici curiae is that disqualifying Willis "implicates structural concerns" under the Georgia Constitution and the Court should proceed with caution. (*Id*., 9-10). Again, this is not a novel idea or concept, and it has not prevented Georgia courts from disqualifying district attorneys when the facts demand disqualification, as they do here. Thus, this policy concern is unfounded.

(f) The amici curiae's suggestion that this Court has the power to allow Willis to cure any conflict of interest is unsupported in Georgia law and makes little sense in the context of this criminal case.

The amici curiae have suggested that if this Court finds Willis has a disqualifying personal interest, "she should be allowed to cure it." (*Id*., p.17). The amici curiae suggest that Willis can fix all of this by reimbursing Wade or modifying his role in the case. (*Id*.) In other words, they would like this Court to put the genie back in the bottle. This argument fails for several reasons. First, undersigned counsel has been unable to find any law in Georgia that gives the Court that option in the context of a motion to disqualify a district attorney, and the amici curiae cite none. The cases cited in support of this position are federal civil cases, not criminal cases. This case implicates Mr. Roman's constitutional rights. It is not as simple as giving the money back now. Second, this argument addresses only the financial self-interest and ignores the other disqualifying factors that importantly include Willis' numerous inflammatory extra-judicial statements to the

media and the public. Those cannot be cured by a simple transfer of money. Third, the federal statute cited by the amici curiae, 28 U.S.C. § 455(f), relates to a judge's ability to cure an alleged financial conflict of interest. It does not apply to prosecutors and, more importantly, the amici curiae have not pointed to any corollary under Georgia law. Thus, there is no legal basis under Georgia law for allowing Willis to sidestep disqualification through an order of this Court. Accordingly, this request for relief should be rejected.[41]

III. WILLIS ALSO SHOULD BE DISQUALIFIED ON THE SEPARATE BASIS THAT SHE HAS COMMITTED FORENSIC MISCONDUCT[42] AND VIOLATED MR. ROMAN'S DUE PROCESS RIGHTS BY MAKING IRREPARABLE EXTRA-JUDICIAL STATEMENTS, INCLUDING MANY CONTAINED IN A NEWLY-PUBLISHED BOOK, SPECIFICALLY DESIGNED TO POISON AND PREJUDICE THE POTENTIAL JURY POOL.

In November of last year, Willis stated, "If I were to comment on any open case, it would be a reason to conflict my office out."[43] Despite making numerous comments to the media and in The Book about this "open case", Willis, unsurprisingly, still has not conceded that her office should be conflicted out. Nonetheless, her actions and comments have denied Mr. Roman his right to a fair trial and due process.

Due process requires "'[a] fair trial in a fair tribunal…" *Estes v. Texas*, 381 U.S. 532, 543 (1965) (quoting *In re Murchison*, 349 U.S. 133, 136 (1955); quoting *Offutt v. United States*, 348

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[41] The amici curiae's argument that Willis and Wade should not be disqualified largely track those advanced by the State, so they are not addressed further here.

[42] The State asserts that "Defendants advance no argument that forensic misconduct has occurred here. (*See* State's Brief, p.2). That is not true. Defendants have asserted Willis labors under a conflict of interest and has made public statements regarding the guilt of the Defendants. In such a circumstance, there is no clear demarcation line between conflict of interest and forensic misconduct, and a given ground for disqualification of the prosecutor might be classifiable as either." *See Williams*, 258 Ga. at 315, 369 S.E.2d at 239, n. 4 (1988)(emphasis added). In any event, and to avoid any doubt, Mr. Roman is asserting that argument as a basis to disqualify Willis.

[43] Fulton County, Georgia, Atlanta Judicial Circuit, District Attorney Fani T. Willis, November 14, 2023 (emphasis added) (to a reporter for The Washington Post).

U.S. 11, 14 (1954)). It requires "a jury capable and willing to decide the case solely on the evidence before it, and a trial judge ever watchful to prevent prejudicial occurrences and to determine the effect of such occurrences when they happen." *Smith v. Phillips*, 455 U.S. 209, 217 (1982); *accord Inman v. State*, 281 Ga. 67, 74 (2006) (quoting *Smith*, at 217). Concerning publicity, "[d]ue process requires that the accused receive a trial by an impartial jury free from outside influences." *Sheppard v. Maxwell*, 384 U.S. 333, 362 (1966). "Given the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against the accused." *Id*. "[T]he atmosphere essential to the preservation of a fair trial—the most fundamental of all freedoms—must be maintained at all costs." *Estes*, 381 U.S. at 540.

The Georgia Rules of Professional Conduct state that:

> A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that a person would reasonably believe to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

Ga. R. Prof. Cond. 3.6(a). The Rules of Professional Conduct furthermore provide that a prosecutor in a criminal case shall, "except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, *refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused*." Ga. R. Prof. Cond. 3.8(g) (emphasis added).

As noted above, Willis made severally inflammatory remarks in a church less than a month ago that reflect her personal interest in this case, but those comments also reflect her misconduct and violate Mr. Roman's Due Process rights. The U.S. Supreme Court has recognized that "[t]he heightened public clamor resulting from radio and television coverage will inevitably result in

prejudice." *Estes*, 381 U.S. at 549. District attorneys and their offices have been disqualified or recused from prosecutions for making prejudicial statements to the media in other cases. *See People v. Lastra*, 83 Cal. App. 5th 816, 819, 821, 824 (2022), *as modified on denial of reh'g* (Sept. 28, 2022), *review denied* (Jan. 11, 2023) (affirming the trial court's granting of the defendants' motion to recuse the district attorney's office from the prosecution of the defendants for charges relating to a protest march where the district attorney had made media and public appearances, and posts on social media, making statements critical of the Black Lives Matter movement); *People v. Choi*, 80 Cal. App. 4th 476, 479, 480, 484 (2000) (trial court's order recusing the entire district attorney's office affirmed where the district attorney made statements to the press, stating his belief that the defendants, who were charged with murder, were connected to an uncharged murder, affirmed). However, the fact that Willis has willfully and publicly raised racial arguments relating to the issues in this action makes disqualification of Willis and her office from representing the State in this action on grounds of the Willis' violations of the Rules of Professional Conduct uniquely appropriate. The United States Supreme Court has recognized that:

> [D]iscrimination on the basis of race, "odious in all aspects, is especially pernicious in the administration of justice," *Rose v. Mitchell,* 443 U.S. 545, 555 [(1979)], damaging "both the fact and the perception" of the jury's role as "a vital check against the wrongful exercise of power by the State," *Powers v. Ohio,* 499 U.S. 400, 411 [(1991)].

Pena-Rodriguez v. Colorado, 580 U.S. 206, 208 (2017). The jury is supposed to be a criminal defendant's "'protection of life and liberty against race or color prejudice.'" *Id.* at 209 (quoting *McCleskey v. Kemp,* 481 U.S. 279, 310 (1987); quoting *Strauder v. West Virginia*, 100 U.S. 303, 309 (1880)).

As a court in another jurisdiction has observed, "[r]eliance on racial or ethnic bias has no place in the justice system." *State v. Horntvedt*, 539 P.3d 869, 874 (Wash. Ct. App. 2023) (citing

State v. Zamora, 199 Wash.2d 698, 723 (2022); *Rose*, 443 U.S. at 555; *State v. Sum*, 199 Wash.2d 627, 640 (2022)). "A defendant is deprived of their right to an impartial jury 'when explicit or implicit racial bias is a factor in a jury's verdict.'" *State v. Bagby*, 200 Wash.2d 777, 787 (2023) (reversing the defendant's convictions for burglary, fourth degree assault, and harassment, finding that "the prosecutor in [the defendant's] case engaged in conduct that flagrantly or apparently intentionally appealed to racial bias and thus undermined [the defendant's] credibility and the presumption of his innocence") (quoting *State v. Berhe*, 193 Wash.2d 647, 657 (2019)). "Because the prosecutor is a representative of the State, it is especially damaging to… constitutional principles when the prosecutor introduces racial discrimination or bias into the jury system." *Zamora*, at 710.[44] A court "must be vigilant of conduct that appears to appeal to racial or ethnic bias…" *Id.* at 714.

Willis' deliberate, inflammatory accusations that those objecting to her employment and compensation of Wade are racist are outrageous and warrant her removal as counsel for the State of Georgia. Willis repeatedly emphasized and contrasted Wade's race and the race of two other attorneys and that of a politician who had hired Wade. *See Bagby*, 200 Wash.2d at 795 ("Identifying [the defendant] as the Black man and [the victim] as the white man in opposition to one another in this manner further emphasizes the idea of a racially charged 'us' versus 'them' mentality"). Willis' public appeals based upon racial bias or prejudice in relation to her hiring of Wade were especially inflammatory in view of the fact that, earlier in the same speech, Willis

[44] One district attorney was even removed from office, as opposed to a particular prosecution, for use of racist language. *See In re Spivey*, 345 N.C. 404, 408, 419 (1997) (affirming trial court's order removing a district attorney from office where the district attorney had used an abusive racial epithet during a confrontation with a patron at a bar).

stated that she had received regular death threats and racist abuse as a consequence of this prosecution:

> Oh, my God, you forgot to mention that my life and the life of my family would be threatened so regularly. I now think it's not normal if I don't have two death threats a week My God, you did not tell me that people would call me the N word more than they call me. Funny, you did not tell me. As a woman of color, it would not matter what I did, my motive, my talent, my ability, and my character would be constantly attacked.[45]

Willis furthermore spoke to the audience about a "response" from "God"--to the effect that God had allegedly "qualified" Willis, had been watching her, and was directing her to do God's "work."[46] Willis' statements to the media that God had allegedly qualified her and that she is allegedly doing "God's work" were grossly improper and plainly amounted to an "'inflammatory appeal to… jurors' private religious beliefs.'" *Hammond v. State*, 264 Ga. 879, 886 (1995) (quoting *United States v. Giry,* 818 F.2d 120, 133–134 (1st Cir. 1987)). Her statements concerning her "superstar" team that "wins and wins and wins" and has a "95 percent conviction rate" furthermore constituted improper vouching for the prosecution to the public, in disregard of the presumption of innocence and the prosecution's burden to prove its charges against the defendants beyond a reasonable doubt. To the public, the prosecution's case against the defendants must be sufficient, given the fact that they "win" virtually every case.

Moreover, Willis' characterization of Mr. Roman and the 2020 nominee Republican Presidential Electors as alleged "Fake Electors" on national cable news has been exceedingly prejudicial to Mr. Roman and the defendants. Mr. Roman was acting pursuant to the advice of

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[45] FOX 5 Atlanta, "Fani Willis Big Bethel AME Church full speech | FOX 5 News" (January 14, 2024) https://www.youtube.com/watch?v=aGHjumOMWHA .

[46] She made similar statements in The Book, in which Willis has also made efforts to boost her public image and her alleged belief in the strength of the case and to disparage Mr. Roman and the other defendants in the eyes of the jurors.

legal counsel. Mr. Roman has been characterized along with the 2020 Republican Presidential Electors and Willis' public comments have improperly impaired Mr. Roman's and the other defendants' primary defense to the prosecution's charges against them, with the false characterization being widely repeated by the media. Moreover, Willis' labelling the group as alleged "Fake Electors" amounts to an improper and prejudicial opinion that defendants' actions were allegedly illegal. "'The prosecutor should not express his or her personal belief or opinion as to the truth or falsity of any testimony or evidence or the guilt of the defendant.'" *Woods v. State*, 275 Ga. 844, 848 (2002) (quoting ABA Standards of Criminal Justice Relating to the Prosecution Function).

The Court should act to safeguard the defendants' right to a fair trial by an impartial jury, free from outside influences and, above all, appeals to racial prejudice by the prosecution. *See Bagby*, 200 Wash.2d at 803 ("'[T]he prosecutor's injection of racial discrimination into this case cannot be countenanced at all, not even to the extent of contemplating to any degree that the error might be harmless'") (quoting *Berhe*, 193 Wash.2d at 682 (Madsen, C.J., concurring)). Willis has willfully violated the Rules of Professional Conduct and inserted issues of race into this proceeding and into the public forum in an effort to prejudice any jury pool in this action. Willis' actions and statements, as intended, have eviscerated Mr. Roman's due process and fair trial rights. As a result, Willis should be disqualified.

IV. THE STATE DID NOT ADDRESS THE ISSUE REGARDING THE *MCLAUGHLIN* DISQUALIFICATION, BUT SHOULD THIS COURT DISQUALIFY WILLIS, HER WHOLE OFFICE, INCLUDING ANY SPECIAL PROSECUTORS, MUST BE DISQUALIFIED.

The State does not address whether Willis' disqualification would require the disqualification of the entire Fulton County District Attorney's Office, but it is clear that if she falls, the entire office falls with her. *See McLaughlin v. Payne*, 295 Ga. 609, 613 (2014).

V. THE INDICTMENT SHOULD BE DISMISSED BECAUSE IT WAS OBTAINED WITHOUT AUTHORITY.

The State has done nothing to demonstrate that Willis had the required authority to appoint Wade, so the indictment must be dismissed. In its response, the State argues vehemently that there are no structural errors due to Wade's appointment as the special prosecutor, (State's Response, pp. 18-24), claiming that "[d]efendants misunderstand county and state contracting procedures in asserting any impropriety". The State argues that the District Attorney is "well within her duties and responsibilities" to contract with Wade since "contracting with professional service vendors is a well-established practice afforded to prosecutors of all kinds." (State's Response, p.21). To support this contention, the State cites the Office of Attorney General's website where outside counsel fee arrangements are listed.

The State fails to acknowledge, however, that the practice of a district attorney employing "special prosecutors" is, essentially, unheard of outside of Fulton County. Undersigned counsel sent open records requests to all 46 elected district attorneys in the State of Georgia to inquire about their policies regarding the use of special prosecutors. Of the 46, *only 2* used any outside counsel for criminal matters.[47] Of those two, Coweta County pays outside counsel *$50.00 an hour* and Hall County pays *$41.00 an hour*. Both of these district attorneys have the approval of the their respective counties, which significantly limit the hourly rates and number of hours of outside counsel. Four district attorneys employ outside counsel for forfeiture actions, but outside counsel do not prosecute criminal cases.[48] In the Enotah Circuit, when a conflict arises, the district attorney has either the State Attorney General or the Prosecuting Attorneys Counsel coordinate outside

[47] Undersigned counsel has all open record responses and is happy to make them available for inspection to the State and intends to introduce them at the hearing on this matter.

[48] These are Dublin, Tift, Rome and Cordele.

counsel, who is a prosecutor from another district attorney's office, who does the conflict work without any additional compensation other than their regular salary as a district attorney. The Attorney General is statutorily authorized to employ outside counsel to perform legal work on behalf of the State of Georgia. O.C.G.A. § 45-15-4.

A district attorney's ability to employ outside counsel is controlled by an entirely different statute, O.C.G.A. § 15-8-20, which provides a district attorney with the power to employ an "independent contractor as may be provided for by local law or as may be authorized by the governing authority of the county." *Id*. The State, without citing to any authority, claims that a district attorney can employ a special prosecutor and use whatever funding she wants, without regard to whether it is permitted under any local law or authorized by the county's governing authority. (State's Response, p. 21). Essentially, the State argues that the language of O.C.G.A. §15-8-20 is entirely superfluous and, just because Willis wants to, she can employ whomever she wants as an independent contractor without having to comply with the statute on the basis she is a "state constitutional officer".

The plain language of O.C.G.A. § 15-8-20, which relates to district attorneys specifically, says the opposite. O.C.G.A. §15-8-20 requires Willis, as a state constitutional officer, to comply with the law stating she can only appoint an "independent contractor as may be provided for by local law or as may be authorized by the governing authority of the county." Contrary to the State's assertion, Mr. Roman does not incorrectly contend anything – he correctly states that the law only allows Willis, as the district dttorney, to hire an independent contractor only *if* provided for by local law or as may be authorized by the governing authority of the county. Under the State's theory, Willis does not have to answer to anyone when hiring her boyfriend and paying

him whatever she wants.[49] The essence of the State's argument is that because Willis is a *state* officer and not a *county* officer, she does not have to comply with O.C.G.A. § 15-8-20. (State's Response, p.21-23). This argument makes little sense since O.C.G.A. § 15-8-20, as noted above, is directed, specifically, to district attorneys.

The State further argues that, "[e]ven still, the District Attorney's ability to contract service providers (without interference from the County's Board of Commission) is a practice that has spanned decades, pre-dating District Attorney Willis' tenure." (State's Response, p. 23). Unfortunately for the State, just because it was done by her predecessor Paul Howard does not mean that it is legal. That may be how the *practice* has occurred in Fulton County historically, but it is not the law.

The State also argues that Mr. Roman has a "fundamental misunderstanding of the county procurement process" and that the fact that the County's Chief Financial Officer approved for payment the submitted invoices somehow "indicat[es] that District Attorney Willis had authority to engage in a contract". (State's Response, p. 23). The fact that the invoices were paid in no way "indicates" that Willis had the authority to employ independent counsel. Her authority to employ independent counsel is derived solely from O.C.G.A. § 15-8-6 which requires she obtain county approval from either "local law" or the "governing authority of the county", which here is the Fulton County Board of Commissioners.

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[49] In this same paragraph the State argues that "Roman erroneously relies on O.C.G.A. § 45-3-5". (State's Response, p. 22). This code section governs when a county officer must file their official oath and has nothing to do with whether or not the District Attorney must comply with O.C.G.A. §15-8-6 or whether, as the State argues, she can act however she wants without approval by the local government. Mr. Roman has not raised any issues with whether Willis took an oath or filed it so the relevance of this argument is unclear. The State then argues that, because Willis is a State officer and not a county office, Willis does not have to comply with O.C.G.A. § 45-3-5. Mr. Roman is not arguing that Ms. Willis has to comply with this section and, frankly, that is irrelevant to the issues here that have absolutely nothing to do with whether or not Ms. Willis took an oath.

The State spends considerable time arguing that Willis did not need the approval of the Board of Commissioners to contract with outside counsel. The Fulton County Standard Operating Procedures ("SOP"), however, require that any services that are over $100,000.00, including "professional services", must go through a formal bidding process with a "formal sealed invitation to bid or request for proposal". (SOP, P. 14, Section 2.3). Section 2.3.4.1 "professional and consultant services" states that "[a]ll contracts for professional and consultant services must be in writing….[and] must be approved by the Board of Commissioners and require a written contractual agreement regardless of the cost." (SOP, p.16-17).

SOP 6.4 "Step 3: Board Approval Process" requires that "[t]he following procurements must be presented to the BOC for approval: any procurement that requires the approval and execution of a written contract, regardless of the amount (i.e., professional services)" and that such a procurement must be placed on the BOC's agenda for consideration. (SOP p.73).

Chapter 12 addresses the "four county positions that draw their authority from the State constitution and do not fall under the control of the board of commissioners" which include "the sheriff, superior court clerk, tax commissioner and probate judge." (SOP, p.111). Despite the State's belief that Willis' ability to contract and spend county funds is exempt from the control of the Board of Commissioners, these SOPs establish such approval is, in fact, required.

In section II(c) of its response, the State outlines Fulton County procedures for paying invoices which is of no consequence to the actual question here – did Willis have the approval of the Board of County Commissioners to hire and pay independent counsel? (State's Response, p. 24). Whatever process Wills used to make sure that Wade was paid is of no consequence in

determining whether she had the legal authority to hire him in the first place.[50] The State spends two pages explaining how she chose the more "time consuming and robust process" of using a "payment voucher" in order to "ensure that all the rules and regulations were followed" but fails to explain the following questions which are actually relevant:

- Why did she not seek approval, as required by O.C.G.A. §15-8-6, of the Board of County Commissioners?
- Why did she not disclose, as required by county policy, her relationship with Special Prosecutor Wade?
- Why did she not list the "gifts" she received from "prohibited sources" on her County Income and Disclosure Report she filed with Fulton County?

In sum, the State has failed to demonstrate that Willis obtained the required approval to contract with Wade. While the State believes Willis is not accountable, she is. Since she failed to obtain prior approval from Fulton County to contract with and pay Wade, and Wade was instrumental in obtaining the indictment against Mr. Roman, the indictment is fatally flawed and must be dismissed.

CONCLUSION

"The administration of the law, and especially that of the criminal law, should, like Caesar's wife, be above suspicion, and should be free from all temptation, bias or prejudice, so far as it is possible for our courts to accomplish it." *Davenport v. State*, 157 Ga. App. 704, 705–706 (1981) (quoting *Nichols v. State*, 17 Ga. App. 593, 606 (1915))(quotations omitted). In light of Willis' actions in this case, she has failed to remain above suspicion and, and in the interest of

[50] In its response, the State argues that "any suggestion that [ORCA or other designated funds were used to compensate special prosecutors] is either misinformed or deliberately indifferent to the facts." (State's Response, p. 24). The facts clearly show that Mr. Wade, for example, was paid $100,000 from "seized funds" also known as "confiscated funds" which are "other designated funds". Special prosecutor Anna Cross, who placed her signature on the State's response, was also paid, at least partially, out of these "seizure" funds.

preserving Mr. Roman's right to a fair trial by a disinterested prosecutor, the Court should order the disqualification of Willis, her office and all of the specially-appointed prosecutors.

Respectfully submitted this 9th day of February, 2024.

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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 SUPPLEMENTAL REPLY TO THE STATE'S RESPONSE TO MOTION TO DISMISS AND MOTION TO DISQUALIFY*** 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:

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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 9th day of February, 2024.

THE MERCHANT LAW FIRM, P.C.

/s/ Ashleigh B. Merchant
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EXHIBIT A

1. On January 4, 2021, the day after the phone call became public, D.A. Willis publicly shared her feelings about the call.[1]

2. On February 10, 2021, Willis spoke with the AJC about the investigation.[2]

3. Two days later, Willis sat down for an interview with Fox 5 Atlanta.[3]

4. That same day, Willis appeared live on MSNBC with Rachel Maddow for a live interview during which she discussed, among other things, President Trump's *mens rea* at the time of the call.[4] Willis teased this interview prior to it airing and then posted the interview after it aired to both her Twitter as well as Facebook accounts.[5]

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[1] https://lawandcrime.com/2020-election/this-is-the-democratic-da-for-atlanta-looking-to-investigate-trumps-phone-call-with-georgias-secretary-of-state/, https://twitter.com/JustinGrayWSB/status/1346126903141408772?s=20 ("Like many Americans, I have found the news reports about the President's telephone call with Georgia Secretary of State disturbing... anyone who commits a felony violation of Georgia law in my jurisdiction will be held accountable.")

[2] https://www.ajc.com/politics/fultons-da-opens-criminal-investigation-into-trump-demand-to-overturnelection/YWJPS4B4BREHDLHQCZYDDWBVIA/?d (Willis would not say whether anyone else besides the president was under investigation but stated she had no reason to believe that any Georgia official is a target of the investigation.)

[3] https://www.youtube.com/watch?v=mKcczSo5tK8 ("I am not going to bring an indictment on any citizen without an investigation and so there is no way on January 4th we could have done a proper investigation." She further stated, "I hate bullies.")

[4] https://www.youtube.com/watch?v=IQz_v2hmtHQ ("When any prosecutor throughout this country is interviewing people trying to determine if a crime was committed, and if they understood what they were doing, the *mens rea* is always important. So you look at facts to see, 'did they really have intent?' [or] 'did they really understand what they were doing?' Detailed facts become important like, asking for a specific number and then going back to investigate and understand that that number is just one more than the number that is needed. It let's you know that someone had a clear mind. They understood what they were doing, and so when you are pursuing the investigation, facts like that that may not seem so important, become very important."

[5] https://twitter.com/FaniforDA, https://facebook.com/FaniTWillis/posts/2943360885896612, https://facebook.com/FaniTWillis/posts/2942995862599781

5. On February 13, 2021, the New York Times published an article summarizing a recent interview with Willis.[6] Willis posted this article to her Twitter account as well as her Facebook account that same day.[7]

6. In a second New York Times article from the same day, Jeff DiSantis, a spokesman for Ms. Willis, provided comments on behalf of the office.[8]

7. On February 19, 2021, The Atlanta Journal Constitution reported that D.A. Willis sat for an interview that week.[9]

8. On February 25, 2021, Willis gave an interview to the Associated Press. [10]
9. On March 2, 2021, Willis welcomed cameras from Associate Press into her office.[11]

10. On March 8, 2021, Willis gave an interview to Fox 5 Atlanta again discussing the case.[12]

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[6] https://www.nytimes.com/2021/02/13/us/politics/fani-willis-trump.html (Willis was "open to considering not just conspiracy but racketeering charges" and even "criminal solicitation to commit election fraud." She spoke specifically to RICO noting it applies to otherwise lawful organizations that are used to break the law and stated, "if you have various overt acts for an illegal purpose, I think you can – you may – get there.")

[7] https://twitter.com/FaniforDA, https://www.facebook.com?FaniTWillis/posts/2944087135823987

[8] https://www.nytimes.com/2021/02/10/us/politics/trump-georgia-investigation.html (DiSantis noted Mr. Duncan's role in presiding over the Senate and claimed the Senate "may have evidence of efforts to interfere with the proper administration of the election." Anyone who participated in those efforts "is potentially a subject of this investigation, and that would include a variety of people.")

[9] https://www.ajc.com/news/crime/new-fulton-da-balances-trump-probe-massive-localworkload/AHWEA3OAIFE55CTWB6LQBMS5R4/ (D.A. Willis suggested she had no timetable for the investigation or her decision about whether to bring charges against President Trump. She insisted politics played no role in her probe stating that she took "no pleasure in this," and commented, "who else is going to do it. Nobody is above the law.")

[10] https://www.fox5atlanta.com/news/georgia-prosecutor-investigating-trump-call-urges-patience (D.A. Willis discussed various aspects of the investigation and commented on various issues like the resignation of Byung J. 'Bjay' Pak calling it "particularly peculiar.")

[11] Georgia prosecutor discusses election inquiry - YouTube (Willis spoke about her investigation into "anyone that attempted to influence the November 2020 election" and noted she had not yet determined whether Graham's call to Raffensperger violated the law or not.)

[12] https://www.fox5atlanta.com/news/grand-jury-investigation-of-former-president-trump-set-to-begin

11. On September 8, 2021, Willis was featured in WABE's Rose Scott's podcast.[13]

12. During the week of September 17, 2021, Willis spoke to reporters as covered by CNN.[14]

13. On September 28, 2021, Willis sat for an interview with Time Magazine.[15] The article was later posted to her Official Facebook Page as well as her Twitter account.[16]

14. On September 29, 2021, Willis gave a press conference regarding the backlog of cases in Fulton County, during which she fielded questions about this investigation.[17]

15. On January 4, 2022, Wills gave an interview to the Associated Press. [18]

16. On January 24, 2022, Willis sat down for interview with Time Magazine within minutes of her request being granted.[19]

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[13] https://www.cnn.com/2021/09/17/politics/georgia-probe-trump-election/index.html (Willis stated, "people are being interviewed, things are being researched, it's where any unindicted case would be.")

[14] https://www.cbs58.com/news/georgia-criminal-probe-into-trumps-attempts-to-overturn-2020-election-quietly-moves-forward ("I do not have the right to look the other way on any crime that may have happened in my jurisdiction."), https://www.cnn.com/2021/09/17/politics/georgia-probe-trump-election/index.html (She further commented that she hopes to strike a formal cooperation agreement with congressional committees investigating the insurrection stating, "it is certainly information my office needs to see."

[15] https://time.com/6099301/fani-willis-atlanta/ (She explained the moment when she heard the call and had one of those, Wait. What in the hell moments.)

[16] https://twitter.com/FaniWillisForDA/status/1442943119817797644, https://www.facebook.com/FultonCountyDA

[17] https://www.youtube.com/watch?v=sjGgiF0Wt9g (She told the crowd: "certainly, if someone did something as serious as interfere with people's right to vote—which you know as a woman, and a person of color, is a sacred right where people lost a lot of lives, we are going to invest in that.")

[18] https://www.fox5atlanta.com/news/fulton-county-da-investigating-trump-closer-to-decision-on-charges (Willis indicated she was leaning towards impaneling a special purpose grand jury, called her efforts a "quest for judgment," and commented that she knows this is "a serious issue, takes it seriously and we're doing our job here.")

[19] https://time.com/6141873/georgia-election-probe-trump-fani-willis/ (Willis hinted that the Supreme Court's decision to grant Congress access to Trump Administration documents may have meaning in Georgia. She reacted to comments made by Raffensperger and President Trump. When asked about the words "reasonable probability that possible criminal disruptions" of the election had occurred, she noted her choice of words was no mistake.)

17. On February 3, 2022, Willis spoke on camera to the Atlanta Journal Constitution. [20]

18. Willis also spoke to Fox 5 about the investigation that same day.[21]

19. On February 7, 2022, Willis sat down for a videotaped interview with CNN where she commented on the exercise of constitutional challenges and disclosed previously unknown information about counsel. [22]

20. On February 14, 2022, Willis spoke to USA Today.[23]

21. On April 19, 2022, the AJC reported that Willis spoke with reporters.[24] In a video interview embedded within the article, she outright stated that the allegations were a crime and clearly referenced President Trump immediately after that statement.[25] She went on to discuss potential legal

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[20] Fulton DA details next stage of Trump probe - YouTube

[21] https://www.fox5atlanta.com/news/former-president-trumps-comments-prompt-new-security-measures-for-fultonda

[22] https://www.cnn.com/2022/02/07/politics/fani-willis-donald-trump-election-investigation/index.html (Willis stated, "this is a criminal investigation, we're not here playing games. I plan to use the power of the law. We are all citizens. Mr. Trump, just as any other American citizen, is entitled to dignity. He is entitled to being treated fairly. He will be treated fairly in this jurisdiction, but I plan to do my job, and my job is to make sure that we get the evidence that gives us the truth. I'm not concerned at all about games to delay this." Willis disclosed the previously unknown fact that President Trump had retained counsel in the Georgia investigation and that she had met with counsel on two separate occasions explaining to them she would not "bring an indictment" in that calendar year.)

[23] Georgia DA Fani Willis talks about Trump election probe | USA TODAY - YouTube (Willis stating of the phone call: "almost immediately I knew that there was something to be investigated.")

[24] https://www.ajc.com/news/georgia-news/fulton-da-clarifies-timeline-for-witness-testimony-in-trump-probe/QPKS7EJWYZHDRDXYH5NOR3KXGE/ (Willis said at least 50 people have voluntarily testified before prosecutors and that she plans to subpoena at least 30 others who declined to be interviewed. She added that there were another 60 or so people her team is hoping to talk to. She described her process in evaluating what crimes to charge, explained that it mattered not "who it is," and stated, "once we can meet A, B and C, then we will bring an indictment for those charges only.")

[25] "I think it is also equally and fundamentally important that the government makes sure that in a free society that people can vote and that is not infringed upon by anyone. So in this case, you have an allegation of a human being, of a person, of an American citizen, possibly doing something that would've infringed upon the rights of lots of Georgians. Specifically from my county—Fulton County—right to vote being infringed upon. And the allegations, quite frankly, were not a civil wrongdoing, but a crime. And so everybody is equal before the law no matter what position they

challenges and opined as to whether executive privilege claims would prevent her from procesuting President Trump.[26] When this interview was later featured on the "Break Down" podcast, she indicated that President Trump was *the* target of the investigation although she corrected herself by saying, "*a* target."[27]

22. On April 29, 2022, the AJC reported on Willis' comments from a recent interview.[28] It is unclear if this was the same interview conducted the week prior.

23. On May 2, 2022, the day the special grand jury was officially impaneled, Willis appeared live on CNN with Anderson Cooper.[29] While discussing the special purpose grand jury that was impaneled to determine *whether* any crimes to took place, she referenced the "fake electors" and commented that the behavior being investigated was illegal.[30] She again referenced communications with defense counsel despite counsel never publicly commenting or acknowledging their existence in the matter.[31]

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hold, no matter how much wealth, no matter how poor they are, no matter how educated, no matter how uneducated."

[26] "People have many, many days of legal arguments. A judge, and my guess is even the Supreme Court of Georgia will weigh in on that issue. I do not think that executive immunity would protect against prosecution in this case."

[27] https://podcasts.apple.com/us/podcast/a-force-of-nature/id992983540?i=1000567810613 (In response to the question of whether she would subpoena President Trump, she responded, "it is foreseeable that I would subpoena the target of this investigation, A target.")

[28] https://www.ajc.com/politics/fulton-da-faces-biggest-decision-of-career-as-trump-grand-jury-looms/6OKYH6PMRZB3TPBSQZJSHL5CCU/ (Willis said she has yet to make up her mind about whether the former president or his advocates broke the law and reiterates that she will treat President Trump like anyone else who crosses her desk. The article noted that Willis is in the public eye so much that a deputy executive assistant keeps close tabs on her and steps in to touch up her hair and makeup. She discussed her plans to run in 2024 and commented on her choice to pursue this investigation: "If one term is what I get, people are upset that we tried to make ethical choices and responsibilities, well then I'll take this honor and go do something else with my career. If not, then I will sit here as long as they allow me to sit here, and we'll do what's right.")

[29] https://www.youtube.com/watch?v=vHcu0ex8e7Q (Willis discusses upcoming subpoenas to uncooperative witnesses and communications she had had with President Trump's legal counsel. She confirmed, "I am only looking into election interference in the State of Georgia and, more specifically, things that they asked for around that call that occurred in my county…")

[30] "…and two, that if we live in a free land in a democracy, we have to have free and fair elections. And so, I am very concerned that if behavior that is illegal, goes unchecked, that it could lead to a very bad start and a very, very bad path."

[31] "I have been in conversation with them [Trump's attorneys] recently and I anticipate we will have further conversations over the next few days. I would not say anything fruitful has come out of those conversations at that point – other than respectful dialogue about what I plan to do. Last year I met with former President's legal counsel, and I assured them at that point I would not be

24. On May 26, 2022, in anticipation of the first witnesses being called, Willis gave an interview to the New York Times. [32] The article noted how Willis has said President Trump created a threatening atmosphere with his open criticism of the investigation but insisted the investigation was not personal.[33] She confirmed her investigators were reviewing the slate of electors, condemned those efforts and said they could lead to fraud charges, among others, while citing her approach to the 2014 Atlanta Public Schools racketeering case.[34] Contrary to ethical standards, Willis directly commented on witnesses exercising their constitutional rights by challenging subpoenas and suggested they were playing games rather than telling the truth.[35] This article was posted to the Fulton County District Attorney's official Facebook page three days later, with the caption: "[Willis is] weighing racketeering charges connected to G.O.P. attempts to overturn the 2020 election."[36]

25. On June 6, 2022, Willis spoke to Yahoo! News.[37] Willis herself stated that she felt great about the special grand jury that was selected and described

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going to a special purpose grand jury. I think that we were not at that stage yet – that I was simply going to conduct an investigation trying to ask witnesses to voluntarily come in. At the very end of last year – December to be exact – I met with them again to say that at this point I was confident that in this next year, 2022, that I would be moving forward with greater investigative tools. And so, we have kept our word on that. I've also made them a commitment that we can have very open dialogues. And so if there are things that they want to being to me, of course, they have no obligation to do so, that I'm here. And I'm open and I'm willing to listen."

[32] https://www.nytimes.com/2022/05/27/us/trump-grand-jury-georgia.html (Willis referenced her investigation of President Trump stating, "it's not of much consequence what title they wore." She again disclosed the number of people who had declined to speak with her and plans for subpoenas. Willis said that there had been "no formal coordination" between her office and the Jan. 6 committee and further stated, "but, I mean, obviously, we're looking at everything that relates to Georgia that that committee is overturning.")

[33] "I'm not taking on a former president. We're not adversaries. I don't know him personally. He does not know me personally. We should have no personal feelings about him."

[34] "There are so many issues that could have come about if somebody participates in submitting a document that they know is false. You can't do that. If you go back and look at Atlanta Public Schools, that's one of the things that happened, is they certified these test results that they knew were false. You cannot do that."

[35] "I don't know how many games folks are going to play. I don't know how many times we're going to have to fight someone just to get them to come speak to a grand jury and tell the truth. And there could be delays for those reasons. In a perfect world, I'd be done in the next 60 to 90 days. But I live in an imperfect world."

[36] https://www.facebook.com/FultonCountyDA

[37] https://news.yahoo.com/georgia-da-fani-willis-is-confident-as-her-trump-probe-takes-shape-145829588.html (The outlet reported, "Willis spoke freely in her office for over an hour" just after Raffensperger spent 5 hours testifying. The article stated, "Willis is taking an unusually

their composition and inquisitive nature.[38] She also commented that her father, a former Black Panther turned trial lawyer, had grown up "in the movement“ and ”since I was a very little bitty girl, you get dragged to the polls. So you understand very, very early on, voting is such an intrinsic right. And so I understand how important the infraction on someone's right to vote is. So I do get the significance.” She was explicit in what future decisions would be made (to arrest and jail witnesses) if she were to prevail in an upcoming motion to quash subpoenas but legislators still chose to resist appearing.[39] She stated she would not bring an indictment once early voting begins but noted that she has plenty of time before that — ”and after.“

26. On June 27, 2022, the Atlanta Journal-Constitution podcast, “Break Down,” featured her comments related to voting rights and the government's responsibility to ensure that right is not infringed upon.[40] She further discussed the timing of the investigation and the likelihood of subpoenaing ”targets“ of her investigation.

27. On June 30, 2022, Willis gave a statement to the Atlanta Journal Constitution regarding the Georgia state legislators' challenges to their subpoenas.[41]

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aggressive, hands-on approach to her office's investigation into Donald Trump, personally selecting members of a special grand jury and sitting in on questioning while preparing to wage legal war against all-but certain challenges from the former president and recalcitrant witnesses.” The article noted that "Willis expressed confidence about the direction of her investigation and offered an admittedly optimistic timetable that could lead to a decision on indicting the former president by this fall.“ She commented directly on pending and future challenges to the investigation stating, "that's nothing for prosecutors.” She further stated, “I did not choose this. I did not choose for Donald Trump to be on my plate,“ but noted that she had no choice. She again discussed RICO and what a great tool it is to use so the jury can see the ”whole story.“)

[38] ”So I'm a trial lawyer. And so often, my trial strategy is always pick a diverse jury. I don't want all Black people. I don't want all white people. I don't want all young people. If you put that mix of people on there, they'll keep each other honest. This [grand] jury looks like the diversity of my county. And so that's already a good, smart start. … It's an inquisitive group. It's a group that takes the responsibility seriously, and I think Fulton County is in good hands.”

[39] Willis stated that she has a standard playbook: She will get a 'material witness' warrant commanding them to comply or face arrest. It's ”just what you do,“ she said. ”I've had a witness arrested before because they ignore my subpoena. And you do not expect to have to do it. But I will.”

[40] https://podcasts.apple.com/us/podcast/a-force-of-nature/id992983540?i=1000567810613

[41] Prosecutor pushes back against Georgia legislators fighting subpoenas from Trump grand jury (ajc.com) (In the interview, she spoke directly to the merits of the defenses raised in the legislators' motions.)

28. On July 6, 2022, the day after issuing the first public subpoenas to well-known individuals such as Guiliani, Eastman and Chesebro, Willis sat down for a videotaped interview MSNBC's Blayne Alexander.[42]

Additional portions of that interview were shown on MSNBC's All In with Chris Hayes.[43] When asked about Senator Graham's comment that the investigation was a fishing expedition, Willis replied "what do I have to gain from these politics? It's an inaccurate estimation. It's someone that doesn't understand the seriousness of what we're doing. I hope they don't come and testify truthfully before the grand jury."

29. On July 13, 2022, the AJC reported that Willis provided an interview to the AJC the week prior.[44] On July 14, 2022, the AJC published another article referencing an interview with Willis the week prior.[45]

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[42] https://www.youtube.com/watch?v=gThpjjlTxO4 (Willis said she expects to subpoena additional members of Trump's inner circle and further stated, "I think that people thought that we came into this as some kind of game. This is not a game at all. What I am doing is very serious. It's very important work. And we're going to do our due diligence and make sure that we look at all aspects of the case.")

[43] 4 https://www.youtube.com/watch?v=HHWp82iyWgE (In that interview, she opined on the conduct by stating, "election interference is a very important subject." She went on to reiterate the importance of the investigation as well as the importance of "the grand jurors hearing from anyone that may have impacted this election." She further stated,"I think it's important that they hear from people that may have had something to do with an election interference." She reminded viewers that her team was investigating and speaking to people and that enough people refused to speak to her absent a subpoena where she felt it was necessary to take this step of impaneling a special purpose grand jury to advise her what to do. When asked about a subpoena for President Trump, she replied, "anything's possible." When asked how she would respond to resistance, Willis stated, "we'll take you before the judge and the judge will make a ruling if we have a legal right to bring them before the court . . . that's why you have the power of the state, and the power of the subpoena to bring them here. My job is not to bring you here because you want to come, my job is to make sure the grand jurors get all of the evidence they want.")

[44] https://www.ajc.com/politics/graham-moves-to-quash-fulton-subpoena-in-trumpprobe/CQX4KUFVABHMNBVPAAGI4FA53Q/ (Willis confirmed that her team informed multiple people that they were "targets" of the investigation.)

[45] https://www.ajc.com/politics/ajc-subpoena-shows-grand-jurys-interest-in-us-attorneytumult/YVPTG7QF35FGBNTW2VSMSEZ3HI/ (Willis indicated she was open to subpoenaing others who worked in the White House, including President Trump and his former Chief of Staff, Mark Meadows: "I think it would be safe to say that if people have information in particular about Georgia and interference in the Georgia elections, and they were in the White House, that will not bar us from wanting to talk to them." She again confirmed that multiple targets of her investigation have been identified.)

30. On July 15, 2022, Willis sent "target letters" to Georgia Republicans, and her office provided comments to the AJC.[46]

31. That same day, she told Yahoo News that she is considering subpoenaing President Trump.[47]

32. On July 21, 2022, this Court held a hearing on Burt Jones' Motion to Disqualify D.A. Willis. Just days prior to the hearing, Willis told journalist Greg Bluestein that the motion was "without merit."[48] Willis also retweeted Greg Bluestein's post on her twitter account.[49]

On July 25, 2022, the Court issued an order disqualifying D.A. Willis. Both during the hearing on that motion as well as the subsequent order, references were made to the number of public appearances D.A. Willis had been making. As a result, D.A. Willis began appearing in the media less frequently, but her behavior continued nonetheless.

33. On August 2, 2022, 11 Alive posted an interview with Willis to YouTube.[50]

34. On August 3, 2022, Willis spoke to Yahoo! News in response to rumors of a recall effort against her.[51] That same day, in response to a post suggesting she be recalled, Willis tweeted, "Whatever! From a person who believes the law does not apply to ALL....equally #FCDA #FaniForFulton #FirstWomanDA."[52]

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[46] https://www.ajc.com/politics/top-ga-republicans-informed-theyre-targets-of-fulton-daprobe/3CZJHEYOD5ADFDCVP3372HROFQ/ (Her office commented that Burt Jones' motion to disqualify was "without merit." Willis spokesman Jeff DiSantis said the DA "supports Charlie Bailey because she worked with him as a prosecutor and knows he will support law enforcement as Lieutenant Governor. Her support for Mr. Bailey has nothing to do with his opponent, nor does her fulfillment of her oath of office to investigate and prosecute crimes occurring in Fulton County have anything to do with anyone else's campaign for elected office.")

[47] https://theatlantavoice.com/fulton-county-d-a-fani-willis-sends-target-letters-to-georgia-based-trump-allies-ininvestigation/

[48] https://twitter.com/bluestein/status/1548050719604744195

[49] https://twitter.com/FaniforDA

[50] https://www.youtube.com/watch?v=sUZVs6zDSME (Willis discussed whether to subpoena President Trump and stated, "the grand jury needs to hear as much information from as many people that are willing to come and testify truthfully.)

[51] https://ca.news.yahoo.com/exclusive-trump-allies-launch-effort-to-recall-fulton-county-da-fani-willis-224315547.html

[52] https://twitter.com/FaniforDA

35. On August 29, 2022, Willis held a press conference on a gang case but responded to questions about the SPGJ investigation speaking directly to Governor Kemp's challenge.[53]

36. On September 12, 2022, Willis again sat down for an interview with the New York Times.[54] This article was posted to the official Fulton County District Attorney's Facebook page.[55]

37. On September 15, 2022, the Washington Post published their interview with D.A. Willis where she suggested that serious crimes have been committed and "people are facing prison sentences."[56] Willis declined to comment on recent filings related to pressure on [Ruby] Freeman except to say: "I hate a bully. Obviously, I think we would find it offensive to bully an election official to influence an election."

38. In October 2022, multiple outlets reported that Willis' investigation would "go quiet" during early voting but that "her team is gearing up for a flurry of activity after Election Day."

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[53] https://www.youtube.com/watch?v=Qzcyw-OnpG0 ("I think we're about 60% through of all of the people we need to be brought up….You know, there can't be any predictions. As you know, many people are unsuccessfully fighting our subpoenas. We will continue to fight to make sure that the grand jury and the public gets the truth.")

[54] https://www.nytimes.com/2022/09/12/us/fani-t-willis-trump-atlanta.html (Willis again called the conduct under investigation a crime and tied it to the right to vote stating, "I mean, if crime happens in my jurisdiction, who's going to investigate it? I do not have the right to look the other way on a crime that could have impacted a major right of people in this community and throughout the nation." The authors of the article even noted, "the Georgia inquiry has emerged as one of the most consequential legal threats to the former president, and it is already being shaped by Ms. Willis's distinct and forceful personality and her conception of how a local prosecutor should do her job. Her comfort in the public eye stands in marked contrast to the low-key approach of another Trump legal pursuer, Attorney General Merrick B. Garland.")

[55] https://www.facebook.com/FultonCountyDA

[56] https://www.washingtonpost.com/national-security/2022/09/15/fani-willis-georgia-prison/ (As a result of Willis' more aggressive comments, even the author notes, "Willis's open and frank assessment is unusual for a prosecutor, as such high-profile investigations are often shrouded in secrecy. Her approach in this inquiry has drawn criticism from some in the legal community, and it contrasts with the general reticence of Attorney General Merrick Garland. Willis said she believes transparency is a requirement of her job.")

39. In November 2022, Willis gave an interview with the New York Times. The article was released on February 2, 2023.[57] The article was posted on the FCDA's Facebook page.[58]

40. Following the court's decision to release a redacted version of the SPGJ's report, Willis told 11 Alive that she was pleased with the judge's decision.[59]

In the wake of Willis' many statements on national cable news, the news media published numerous pieces concerning Mr. Roman and the 2020 nominee Republican Presidential Electors with headlines such as "GOP fake electors 'targets' in Georgia election fraud inquiry," "Fake GOP electors targeted in Fulton County special grand jury probe," "Georgia fake electors may face charges in election probe," "Georgia prosecutors 'target' 16 'fake electors' in 2020 election probe," "Georgia GOP bankrolls lawyers for 'fake' Trump electors in Fulton County DA probe," "Judge: GOP head can't share lawyers with other fake electors," "Georgia DA seeks to disqualify attorney for 'fake electors' in Trump investigation," "Fulton DA offered immunity to 'fake' electors, asks for attorney to remove[ ] from case, motion shows," "Fulton DA seeks to disqualify lawyer for some GOP fake electors, citing 'ethical mess,'" "Fake Trump electors pointing fingers in Georgia election inquiry; DA seeks removal of defense attorney," "'Ethical mess' | Georgia's 'fake' Trump electors turn on each other, Fulton DA says," "Fani Willis wants lawyer for Trump fake electors off the case, says there's conflict," "'Fake' Coffee County Trump elector wants 2020 Georgia election investigation ended," "Eight alleged fake Trump electors in Georgia accept immunity deals in grand jury probe," "At least 8 fake electors have immunity in Ga. election probe," "8 Trump 'fake electors' have accepted immunity in Georgia election probe, attorney

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[57] https://www.nytimes.com/2023/02/02/magazine/fani-willis-trump.html?fbclid=IwAR0Yii9Uk3ySFRc2oIgkUVvSm2NXkjc-AbpW5zJwnTWSJeI-D0uQhKDMmec

[58] https://www.facebook.com/FultonCountyDA

[59] https://www.11alive.com/article/news/politics/trump-investigations-georgia-prosecutor/85-e08fc996-8305-4fed92c5-62ac57547bf2

says," "2020 election investigation | Fulton County DA backs off removal of Trump electors' attorney," "Who are Georgia's alleged fake electors in the Donald Trump investigation?," "Georgia Trump investigation | Who are the 'fake' or 'alternate' electors?," "Fani Willis successfully flipped eight 'fake electors.' Why that matters to Trump," "Fake Electors 'Perfectly' Positioned to Flip on Donald Trump: Kirschner," and "Prosecutors push back on efforts by 3 Trump 'fake electors' to have their Georgia cases moved to federal court."

EXHIBIT B

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] GRANT Cooksey being the [title of position] VP Operations hereby certify that I have personal knowledge of the business filing record system of the business known as [name of business] Vacation Express located at [business address] 3500 Piedmont Rd #600 Atlanta GA

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] Vacation Express.

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): Grant Cookson

Name (Signed): Grant Cookson

Title: VP Operations

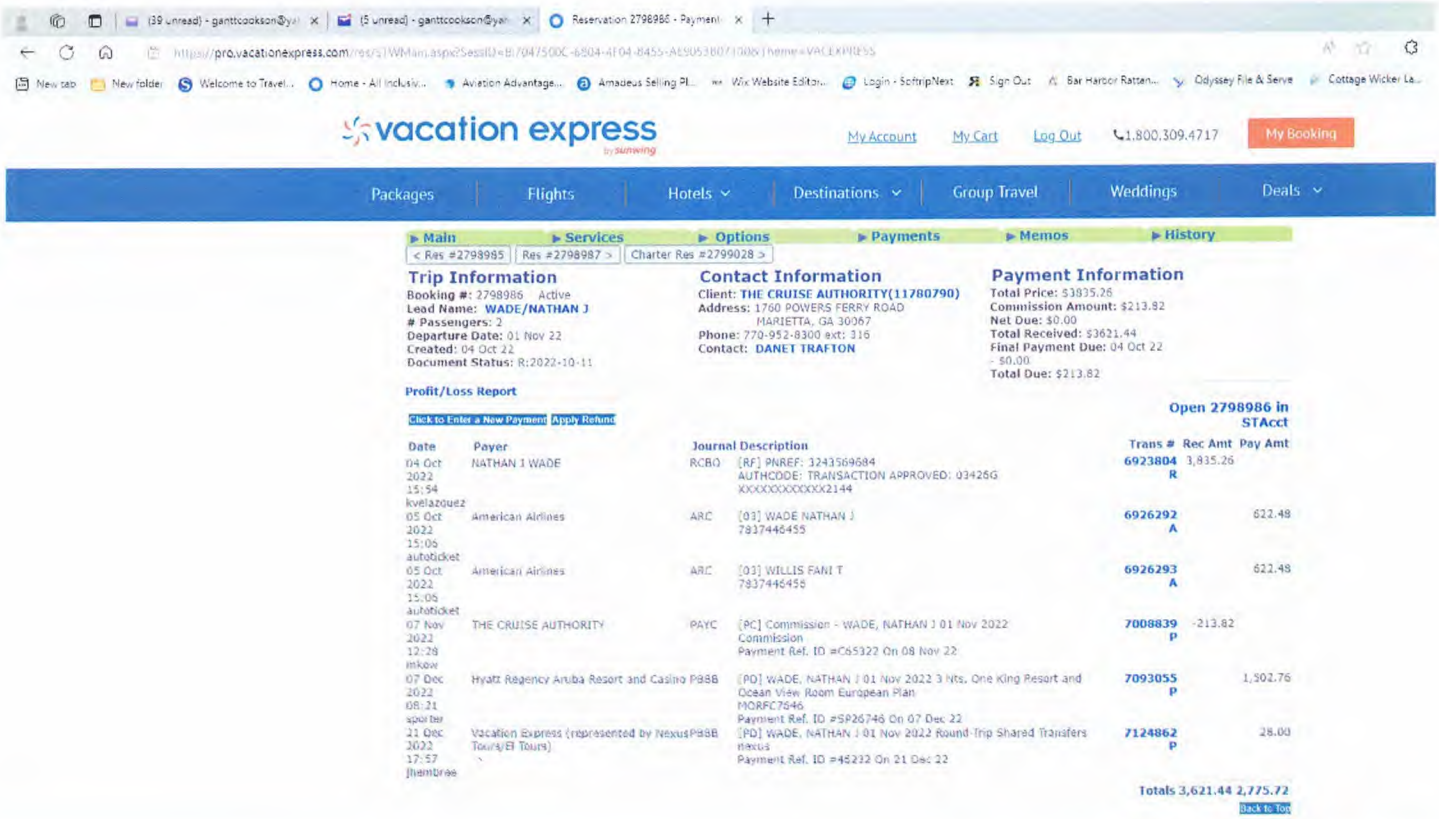
Address: 3330 Piedmont Rd #600
Atlanta, GA 30305

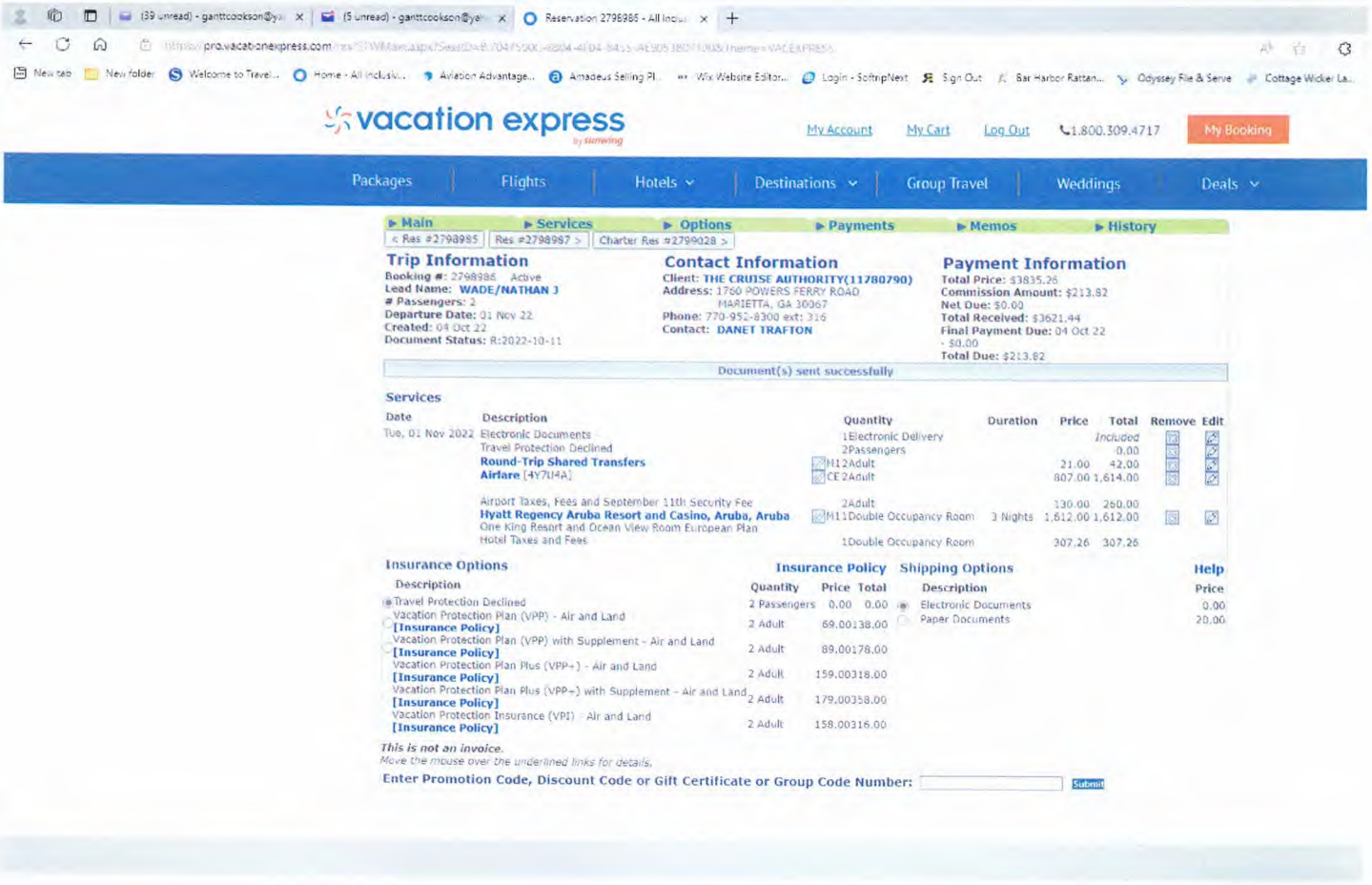
Date: Feb 01, 2024

Sworn to and subscribed before
me on this 01 day of February, 2024.

Notary Public

Ann Memmer
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 10/29/2024


vacation express
by sunwing
My Account
My Cart
Log Out
1.800.309.4717
My Booking
Packages
Flights
Hotels
Destinations
Group Travel
Weddings
Deals
Main
Services
Options
Payments
Memos
History
< Res #2798985
Res #2798987 >
Charter Res #2799028 >
Trip Information
Booking #: 2798986 Active
Lead Name: WADE/NATHAN J
Passengers: 2
Departure Date: 01 Nov 22
Created: 04 Oct 22
Document Status: R:2022-10-11
Contact Information
Client: THE CRUISE AUTHORITY(11780790)
Address: 1760 POWERS FERRY ROAD
MARIETTA, GA 30067
Phone: 770-952-8300 ext: 316
Contact: DANET TRAFTON
Payment Information
Total Price: $3835.26
Commission Amount: $213.82
Net Due: $0.00
Total Received: $3621.44
Final Payment Due: 04 Oct 22
- $0.00
Total Due: $213.82
Profit/Loss Report
Click to Enter a New Payment
Apply Refund
Open 2798986 in STAcct
Date
Payer
Journal Description
Trans #
Rec Amt
Pay Amt
04 Oct 2022 15:54 kvelazquez
NATHAN J WADE
RCBO
[RF] PNREF: 1243569684
AUTHCODE: TRANSACTION APPROVED: 03426G
XXXXXXXXXXX2144
6923804 R
3,835.26
05 Oct 2022 15:05 autoticket
American Airlines
ARC
[03] WADE NATHAN J
7817446455
6926292 A
622.48
05 Oct 2022 15:05 autoticket
American Airlines
ARC
[03] WILLIS FANI T
7817446456
6926293 A
622.48
07 Nov 2022 12:29 mkow
THE CRUISE AUTHORITY
PAYC
[PC] Commission - WADE, NATHAN J 01 Nov 2022
Commission
Payment Ref. ID #C65322 On 08 Nov 22
7008839 P
-213.82
07 Dec 2022 08:21 sporter
Hyatt Regency Aruba Resort and Casino P88B
[PD] WADE, NATHAN J 01 Nov 2022 3 Nts, One King Resort and Ocean View Room European Plan
MORFC7646
Payment Ref. ID #SP26746 On 07 Dec 22
7093055 P
1,502.76
21 Dec 2022 17:57 jhembree
Vacation Express (represented by Nexus P88B Tours/El Tours)
[PD] WADE, NATHAN J 01 Nov 2022 Round-Trip Shared Transfers
nexus
Payment Ref. ID #45232 On 21 Dec 22
7124862 P
28.00
Totals 3,621.44 2,775.72
Back to Top
Legal
Certified by
Social media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My Booking
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Destinations
Group Travel
Weddings
Deals
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Services
Options
Payments
Memos
History
< Res #2798985
Res #2798987 >
Charter Res #2799028 >
Trip Information
Booking #: 2798986 Active
Lead Name: WADE/NATHAN J
Passengers: 2
Departure Date: 01 Nov 22
Created: 04 Oct 22
Document Status: R:2022-10-11
Contact Information
Client: THE CRUISE AUTHORITY(11780790)
Address: 1760 POWERS FERRY ROAD
MARIETTA, GA 30067
Phone: 770-952-8300 ext: 316
Contact: DANET TRAFTON
Payment Information
Total Price: $3835.26
Commission Amount: $213.82
Net Due: $0.00
Total Received: $3621.44
Final Payment Due: 04 Oct 22
- $0.00
Total Due: $213.82
Document(s) sent successfully
Services
Date
Description
Quantity
Duration
Price
Total
Remove
Edit
Tue, 01 Nov 2022
Electronic Documents
1Electronic Delivery
Included
Travel Protection Declined
2Passengers
0.00
Round-Trip Shared Transfers
N12Adult
21.00
42.00
Airfare [4Y7U4A]
CE 2Adult
807.00
1,614.00
Airport Taxes, Fees and September 11th Security Fee
2Adult
130.00
260.00
Hyatt Regency Aruba Resort and Casino, Aruba, Aruba
One King Resort and Ocean View Room European Plan
M11Double Occupancy Room
3 Nights
1,612.00
1,612.00
Hotel Taxes and Fees
1Double Occupancy Room
307.26
307.26
Insurance Options
Insurance Policy
Shipping Options
Help
Description
Quantity
Price
Total
Description
Price
Travel Protection Declined
2 Passengers
0.00
0.00
Electronic Documents
0.00
Vacation Protection Plan (VPP) - Air and Land [Insurance Policy]
2 Adult
69.00
138.00
Paper Documents
20.00
Vacation Protection Plan (VPP) with Supplement - Air and Land [Insurance Policy]
2 Adult
89.00
178.00
Vacation Protection Plan Plus (VPP+) - Air and Land [Insurance Policy]
2 Adult
159.00
318.00
Vacation Protection Plan Plus (VPP+) with Supplement - Air and Land [Insurance Policy]
2 Adult
179.00
358.00
Vacation Protection Insurance (VPI) - Air and Land [Insurance Policy]
2 Adult
158.00
316.00
This is not an invoice.
Move the mouse over the underlined links for details.
Enter Promotion Code, Discount Code or Gift Certificate or Group Code Number:
Submit

Gantt Cookson
VP Operations, Vacation Express

Fwd: FW: Vacation Express - Travel Documents for Reservation #2798986

ashleigh merchantlawfirmpc.com <ashleigh@merchantlawfirmpc.com>
Thu 2/1/2024 12:33 PM
To:john merchantlawfirmpc.com <john@merchantlawfirmpc.com>;sierra merchantlawfirmpc.com <sierra@merchantlawfirmpc.com>

1 attachments (154 KB)
TRAVELDOCUMENTS - 2798986 - 67257644.PDF;

Ashleigh B. Merchant
The Merchant Law Firm, P.C.
Trial and Appellate Attorneys
701 Whitlock Avenue, S.W.
Suite J-43, First Floor
Marietta, Georgia 30064
404.510.9936 (office)
404.592.4614 (fax)
ashleigh@merchantlawfirmpc.com
www.merchantlawfirmpc.com

---------- Forwarded message ---------
From: **Gantt Cookson** <gcookson@vacationexpress.com>
Date: Thu, Feb 1, 2024 at 12:28 PM
Subject: FW: Vacation Express - Travel Documents for Reservation #2798986
To: ashleigh merchantlawfirmpc.com <ashleigh@merchantlawfirmpc.com>

Travel Documents....Note airfare information pulls live here and drops off after travel.

-----Original Message-----
From: Do-Not-Reply <do-not-reply@vacationexpress.com>
Sent: Tuesday, January 23, 2024 2:09 PM
To: Gantt Cookson <gcookson@vacationexpress.com>
Subject: Vacation Express - Travel Documents for Reservation #2798986

Dear Danet Trafton,

Attached please find your Travel Documents for Vacation Express Reservation #2798986.
Please notify us immediately of any discrepancies.

Thanks again,
Your Vacation Express Travel Team
1-800-486-9777

vacation express by sunwing

IMPORTANT TRAVEL DOCUMENTS

1.800.309.4717

Dear NATHAN J WADE
FANI T WILLIS

Vacation Express Reservation #: 2798986

Package Summary

Selected Flight

Departure	Date	Time	Flight Info	Class	Stops	Seats
-	01 Jan 00	0:00AM-0:00AM	' #		0	

#Error

Selected Hotel - Hyatt Regency Aruba Resort and Casino

- **3 nights accommodations for 2 adults occupying 1 room**
- **One King Resort and Ocean View Room European Plan**
- **Check in Date: 01 Nov 2022, Check out Date: 04 Nov 2022**
- **Includes Aruba Sale, Includes Taxes and Fees! - Book your stay today!**

Selected Additional Services

- Electronic Documents
- Travel Protection Declined
- Round-Trip Shared Transfers AUA

Hotel Information

Hotel Name: Hyatt Regency Aruba Resort and Casino
Address: J.E. Irausquin Blvd #85
Palm Beach, Dutch Caribbean Aruba
Local Phone: 011 (297) 586-1234

Reservation # 2798986
Voucher Print Date: Tue Jan 23, 2024
Client Names: NATHAN J WADE
FANI T WILLIS
Clients of: THE CRUISE AUTHORITY

Arrival Date: Tue Nov 01, 2022
Departure Date: Fri Nov 04, 2022
Accommodations: 1 room(s), One King Resort and Ocean View Room European Plan
Special Codes: RFILL (Aruba Sale, Includes Taxes and Fees!)

Check-in: 4PM Check-out: 11AM Guests must present a credit card or a cash deposit at check-in to charge incidentals to their room during their stay.

vacation express by sunwing

IMPORTANT TRAVEL DOCUMENTS

1.800.309.4717

Transfer Information

Name:	Vacation Express (represented by Nexus Tours/El Tours)	**Reservation #**	2798986
Address:	Ing. Luymesstraat 6 Spaans Lagoen Aruba	**Voucher Print Date:**	Tue Jan 23, 2024
Local Phone:	297.594.4277	**Client Names:**	NATHAN J WADE FANI T WILLIS
		Clients of:	THE CRUISE AUTHORITY

Date/Service: Tue Nov 01, 2022 - MIA-AUA - AA 1028 @ 1:29PM to Hyatt Regency Aruba Resort and Casino, Round-Trip Shared Transfers

Departure Date: Fri Nov 04, 2022 - Hyatt Regency Aruba Resort and Casino to AUA-MIA - AA 1036 @ 3:04PM

Xhub is not available for Contracted Groups under one booking number.

Pre-Arrival Info: Sign up for NexusTours Xperiences Hub online to get your Airport Transfer Pass (arrival and departure), access to the Virtual Concierge and easy access to crucial destination information. Visit eh.nexustours.com and use your Vacation Express booking number to register your preferred method of communication (Whats App, SMS/Text Messaging and Email) while in destination.

Arrival Information: Pass through passport control, collect your bags and proceed through customs. Proceed directly to the EXIT. Immediately outside the door, you will see the Vacation Express/NexusTours reps wearing orange shirts, displaying branded signage and ready to escort you to the transportation to your resort.

Nexus representatives are available to assist you 24/7. We recommend you attend the Welcome Orientation, either virtually or in person at your resort, where you can benefit from their expert local knowledge. Optional excursions and special offers are also available. We highly recommend you book all excursions through NexusTours to ensure the highest quality and value.

Your return transfer info will be provided 48hrs prior to departure via the communication method you indicated using the NexusTours Xperiences Hub. If you did not register, you will be contacted by phone in your room so please check for messages. You may also call the 24/7 phone number listed below to reconfirm your return transfer pick up time.

Emergency Number: If you require assistance with your hotel/airport transfer contact NexusTours at: 9am-5pm local time 585-6730, 24/7 from Aruba 592-2952 or 592-2982 or 24/7 from a U.S. phone 1-855-706-3987.

vacation express by sunwing

IMPORTANT TRAVEL DOCUMENTS

1.800.309.4717

IMPORTANT INFORMATION ABOUT YOUR VACATION:

If you would like information on cancelling or rescheduling your vacation with Vacation Express, please visit the Vouchers, Rebooking & Extending page linked in the footer of our website.

Travel Hints: Your hotel may require a credit card or cash deposit for incidentals such as phone calls. Check-in time at most hotels is 3pm and check out time is 11am. If your room is not available upon arrival, the hotel will store your luggage for you. Most hotels provide a changing area for early arrivals or late departures.

Vacation Protection Plan: If you have purchased one of our Vacation Protection Plans, details of coverage can be obtained online at www.vacationexpress.com/vacation-protection/. If your reservation involves scheduled airline tickets, it is imperative that your reservation be canceled with the respective airline a minimum of one hour prior to departure. Failure to cancel the airline reservation will result in forfeit of all air credits associated with your airline ticket.

Denied Boarding Information: **Don't Let This Happen to You! . .**
Check in for international flights begins 3 hours prior to departure. You must check in no later than 2 hours prior to departure or risk denied boarding. No passengers can be accepted for check in less than 60 minutes prior to flight time. You must present yourself at the boarding gate at least 30 minutes prior to departure. A valid passport is required for all passengers (including infants) on all international flights. Passport Cards are not valid for air travel to Mexico or the Caribbean. Some countries require that passports be valid for 6 months beyond your scheduled travel dates. Non-US citizens may also require a visa for travel on Vacation Express packages. Check with the consulate of your intended destination as well as the US to ensure that you have proper documents to travel. Some countries require a single parent traveling with minor children (or minors traveling alone) to present additional documents (notarized permission letter, death certificate, sole custody papers or "father unknown" documents) to enter the country.

Luggage: Most airlines now charge for checked baggage and some are now even charging for carry-on items. Contact your carrier for details on their charges for personal luggage items.

Assistance in Destination: While on vacation, a destination representative is available to you. Take a few minutes to meet your destination representative and benefit from expert local knowledge. For your convenience, a Vacation Express binder is available at your hotel in the hospitality desk area. This binder provides you with destination and local contact information for your representative and local office in case you need assistance during your stay. In most destinations, NexusTours is the Vacation Express representative. Their representatives are available to assist you via telephone 24/7 or in person at your resort throughout your vacation. We strongly recommend you locate the representative at your hotel where you can benefit from their expert, local knowledge. Optional excursions and special offers are available through your rep and we highly recommend you book all tours and activities through NexusTours to ensure the highest quality and value for money.

For assistance on your departure date please call 800-309-4717 and follow the prompts for Day of Departure assistance. For assistance while in destination, please email the Vacation Express Travel Support team at travelsupport@vacationexpress.com. Travel Support hours of operation are 8 am ET to 8 pm ET, 7 days a week.

Hotel Cancellation Penalties: We understand the unexpected can happen and choosing to cancel your vacation is never an easy decision. For that reason, we are providing you with a chart of estimated cancellation penalties for our partner hotels. Visit https://www.vacationexpress.com/hotel-cancellations/ for more details.

Flight Information: We highly recommend that travelers visit their air carrier's website to sign up for travel alerts. This is to ensure that you receive the most up-to-date flight information such as schedule changes and safety precautions.

Fwd: FW: Vacation Express - Invoice for Reservation #2798986

ashleigh merchantlawfirmpc.com <ashleigh@merchantlawfirmpc.com>
Thu 2/1/2024 12:42 PM
To:john merchantlawfirmpc.com <john@merchantlawfirmpc.com>;sierra merchantlawfirmpc.com <sierra@merchantlawfirmpc.com>

1 attachments (214 KB)
INVOICE - 2798986 - 13b70a1a.PDF;

Ashleigh B. Merchant
The Merchant Law Firm, P.C.
Trial and Appellate Attorneys
701 Whitlock Avenue, S.W.
Suite J-43, First Floor
Marietta, Georgia 30064
404.510.9936 (office)
404.592.4614 (fax)
ashleigh@merchantlawfirmpc.com
www.merchantlawfirmpc.com

---------- Forwarded message ---------
From: **Gantt Cookson** <gcookson@vacationexpress.com>
Date: Thu, Feb 1, 2024 at 12:26 PM
Subject: FW: Vacation Express - Invoice for Reservation #2798986
To: ashleigh merchantlawfirmpc.com <ashleigh@merchantlawfirmpc.com>

Ashleigh:
Attached is invoice for trip booked with Vacation Express
More to follow
Gantt

Gantt Cookson
VP Operations, Vacation Express

-----Original Message-----
From: Do-Not-Reply <do-not-reply@vacationexpress.com>

Sent: Tuesday, January 23, 2024 2:08 PM
To: Gantt Cookson <gcookson@vacationexpress.com>
Subject: Vacation Express - Invoice for Reservation #2798986

Dear Danet Trafton,

Attached please find your Invoice for Vacation Express Reservation #2798986.
Please notify us immediately of any discrepancies.

Thanks again,
Your Vacation Express Travel Team
1-800-486-9777

vacation express by sunwing

1.800.309.4717

Trip Information

Booking #: 2798986 Active
Lead Name: WADE/NATHAN J
 # Passengers: 2
Departure Date: 01 Nov 22
Created: 04 Oct 22
Document Status: R:2022-10-11

Contact Information

Client: THE CRUISE AUTHORITY
Phone: 770-952-8300
Contact: DANET TRAFTON

Payment Information

Total Price: $3835.26
Total Received: $3621.44
Final Payment Due: 04 Oct 22 - $213.82
Total Due: $213.82

Package Summary

Names must match passport. No name changes/corrections allowed.

Passenger Name	D.O.B.	Gender	Flight Itin	Departure City
NATHAN J WADE	18 Mar 73	M	4Y7U4A	MIA
FANI T WILLIS	27 Oct 71	F	4Y7U4A	MIA

Selected Flight

Departure	Date	Time	Flight Info	Class	Stops	Seats
Miami (MIA) - Aruba (AUA)	01 Nov 22	10:30AM - 1:29PM	American Airlines # 1028	M	0	32A, 28D
Aruba (AUA) - Miami (MIA)	04 Nov 22	3:04PM - 6:06PM	American Airlines # 1036	N	0	32E, 32F

Roundtrip air transportation from Miami to Aruba on Tuesday Nov. 01, 2022 for 3 nights for 2 people.

Selected Hotel

Hyatt Regency Aruba Resort and Casino ★★★★½

- 3 nights accommodations for 2 adults occupying 1 room
- One King Resort and Ocean View Room European Plan
- Check in Date: 01 Nov 2022, Check out Date: 04 Nov 2022
- Includes Aruba Sale, Includes Taxes and Fees! - Book your stay today!

Services

Electronic Documents
Travel Protection Declined
Round-Trip Shared Transfers AUA

Urgent Action Needed - If this booking is for travel within 10 days action required by 3pm EST (If booked after 3pm, send by 9am EST next morning):

- Please submit to verify@vacationexpress.com the following documents:
  - A completed Credit Card Authorization Form
  - A scanned copy of the Credit Card used for payment with only the last 4 digits showing
  - A scanned copy of State identification (or passport photo page) for the credit card holder

Please visit https://www.vacationexpress.com/terms/ to review the Terms & Conditions.

Please review the Conditions of Carriage at: https://www.vacationexpress.com/conditions-of-carriage/

For information on airline fees for baggage & other services, please visit https://www.vacationexpress.com/baggage/

All prices are in US Dollars.

Airline Ticket Validity:
Airlines have different rules when it comes to rebooking a cancelled ticket. In most cases with American, United, Delta, JetBlue, Sun Country and Alaska Airlines you must commence travel within one year from the date the ticket was issued (not your original travel date). Tickets on Frontier Airlines and Spirit Airlines must be rebooked within 90 days from the cancellation date for travel on any other date available in their system. Cancelled tickets on Southwest that were unexpired or created on or after July 28, 2022, have no expiration date.

Please Note: 1) Since COVID, airlines may have more flexible terms depending on when your ticket was booked or when you were scheduled to travel. **2)** Some airlines may charge a change fee. **3)** Basic Economy tickets are highly restrictive and generally do not have any value when cancelled. For exceptions, questions and terms related to rebooking your specific ticket please contact the airline directly.

Airline Schedule Changes for Commercial Flights Purchased through Vacation Express:
If your airline changes their schedule 31 days or more prior to your trip, please email schedulechange@vacationexpress.com. If your airline changes their schedule 30 days or less prior to your trip, you should call us to address the issue immediately.

Insurance:
If you did not add insurance at time of booking, but want to add it at a later time, you must call in to our Contact Center. VPP must be added prior to final payment. VPP+ or VPI (only offered on a very limited scale) must be added within 7 days of deposit or prior to final payment due date whichever comes first.

Insurance and Reduced Deposit Plan (RDP):
If you selected the RDP and the VPP insurance plan and you have to cancel your booking, you must pay for the full value of the airline ticket prior to receiving your ticket for future use. In addition, the $25 RDP fee and any insurance, if applicable, must be paid in full and is not refundable.

Travel Documents:
Travel Documents are released and issued via email 21 days prior to departure. Please check your spam folder if you did not receive your documents or you may retrieve them online in your booking under Options.

Seat Assignments and Other Airline Matters:
If you booked a ticket using a scheduled airline, seat assignments or bags must be made/purchased on the airline's website directly. Vacation Express does not book seats or bags. You can access your booking online at the airline's website using the **Airline Record Locator** number (or Reservation Code) that is listed on your Invoice and Travel Documents. If you booked one of our VE Exclusive Non-Stop flights, you can add seat assignments and purchase bags in advance, online under Options in your booking.

Transfers with Hotel-Only Bookings:
You must provide us with your flight information no later than 7 days prior to arrival in destination in order for the transfer company to be able to schedule your hotel transfer. If your Travel Documents show "pick up not available" then that means that we have not received your flight information. You may add your flight info in your booking online under Services and Transfer Details.

Hotel Requests:
We cannot guarantee bedding! Bedding is only guaranteed when the room category has the bedding in the name. Any special requests made for your hotel stay whether related to bedding, views, location, etc. are always on request. We highly suggest that you reach out to the hotel directly prior to arrival to notify them of any requests you may have.

Transportation in Destination:
In most destinations, transfers and representation are offered by Nexus Tours. Your Travel Documents will list all the necessary information regarding your transfers and any helpful hints related to that.

Hotel Cancellation Info:
We understand the unexpected can happen and choosing to cancel your vacation is never an easy decision. For that reason, we are providing you with a chart of estimated cancellation penalties for our partner hotels. Visit https://www.vacationexpress.com/hotel-cancellations/ for more details.

CHANGE FEES:

Exclusive Non-Stop Flights (changes to destination or travel dates)

- Up to 31+ days prior to departure $50 per person plus applicable airline/hotel/feature penalties or fees.
- 30-7 days prior to departure $150 per person plus applicable airline/hotel/feature penalties or fees. There is no ticket residual value.
- 6-0 days prior to departure non-changeable
- * change of travel date must be within same calendar year of original travel dates.

Exclusive Non-Stop Flights (changes to passenger name)

- Up to 7+ days prior to departure $50 per person or up to $100 per room plus applicable airline/hotel/feature penalties or fees.
- 6-0 days prior to departure non-changeable

Scheduled Air Packages (any changes other than minor changes)

- Up to 31+ days prior to departure $25 per person or up to $100 per room plus applicable airline/hotel/feature penalties or fees.
- 30-3 days prior to departure $50 per person or up to $100 per room plus applicable airline/hotel/feature penalties or fees.
- 2-0 days prior to departure $75 per person plus applicable airline/hotel/feature penalties or fees.

Hotel Only (any changes other than minor changes)

- Up to 3+ days prior to departure $25 per room plus applicable airline/hotel/feature penalties or fees.
- 2-0 days prior to departure $50 per room plus applicable airline/hotel/feature penalties or fees.

In-Destination Voluntary Change Fees:

- Re-issuing of airline tickets: $75 per person plus applicable airline fees
- Hotel extensions and deviations: $75 per room plus applicable hotel fees.
- Transfers are non-refundable and non-changeable inside 48hrs. New transfers must be purchased directly from Nexus Tours.

Minor Changes (all packages):

- Up to 7+ days prior to departure no VE change fee for minor name correction (does not apply to name corrections for airline tickets that require re-issuing of a ticket), adding passenger, change to higher-priced hotel or room category. Airline/hotel/feature penalties, charges and price increases still apply.

CANCELLATION FEES:

Exclusive Non-Stop Flight Package or Air Only

- Up to 31+ days prior to departure $125 per person plus applicable hotel/feature penalties.
- 30-15 days prior to departure $225 per person plus applicable hotel/feature penalties.
- 14-0 days prior to departure non-refundable.

Scheduled Air Packages

- 3+ days prior to departure $50 per person plus applicable hotel/feature penalties. Airfare is non-refundable.
- 2-0 days prior to departure $75 per person plus applicable hotel/feature penalties. Airfare is non-refundable.

Hotel Only

- 3+ days prior to departure $25 per room plus applicable hotel/feature penalties
- 2-0 days prior to departure $50 per room plus applicable hotel/feature penalties.

Passenger Information with regards to rights under the Canadian Air Passenger Protection Regulations: SOR/2019-150
If you are travelling to or from a Canadian airport and are denied boarding or your baggage is lost or damaged, you may be entitled to certain standards of treatment and compensation under the Canadian Air Passenger Protection Regulations. For more information about your passenger rights please contact your operating airline or visit the website of the Canadian Transportation Agency (CTA).

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] Howard Moses being the [title of position] President hereby certify that I have personal knowledge of the business filing record system of the business known as [name of business] The Cruise + Vacation Authority located at [business address] 1760 Parks Ferry Rd Marietta, GA 30067.

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] The Cruise + Vacation Authority.

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): Howard Moses

Name (Signed):

Title: President

Address: 1760 Powers Ferry Rd
Marietta GA 30067

Date: 1/31/24

Sworn to and subscribed before
me on this 31st day of January, 2024.

Leslie S. Cook
Notary Public

LESLIE S COOK
NOTARY PUBLIC
COBB COUNTY, GEORGIA
COMMISSION EXPIRES
MAY 30, 2027

The Cruise & Vacation Authority
1760 Powers Ferry Rd.
Marietta, GA 30067
770-952-8300
1-800-326-4971
Fax 770-916-1425

Creating extraordinary travel experiences

Vacation Statement

printed 10/05/2022

Nathan Wade
1827 Powers Ferry Road
Bldg 25, Suite 100
Atlanta, GA 30339

Travel Consultant: Danet Trafton
Booking Date: 10/04/2022
TCA B #: 55049

PACKAGE

Tour Operator: **Vacation Express** *Category*:* **Hyatt Regency Aruba Resort & Casino**
Departure Date: **Tuesday, November 01, 2022** • *Return Date:* **Friday, November 04, 2022**

Your Vacation Package begins on Tuesday, November 01, 2022 for 3 nights, and includes the following: AMERICAN AIRFARE, AIRPORT TRANSFERS, 3 NIGHTS KING RESORT & OCEAN VIEW

VERIFY LEGAL NAMES: Nathan J Wade • Fani T Willis • • •

Cruise:	$0.00
*Port Charges & Government Taxes**:*	
Transfers:	
*Air**:*	
Land/Hotel Packages: Package: 3 night(s) -- $3835.26	$3,835.26
Additional Charges:	
**Port Charges, Government Taxes, Air Taxes and Supplier Surcharges are subject to increase without notice. Sub-total	$3,835.26

CANCELLATION/BAGGAGE/MEDICAL COVERAGE

Insurance:

To cover penalties incurred if you are forced to cancel your vacation for any medical emergency involving you or anyone in your immediate family. Coverage includes Missed Connection, Travel Delay, Medical, Baggage, Accident & Transportation. Insurance is not refundable under any circumstances! Consult your Cruise Counselor for specific information on cancellation policies.

GRAND TOTAL $3,835.26

PAYMENT SCHEDULE

Your full payment of **$3,835.26** has been received. Should you be forced to cancel this vacation, please see the Vacation Express brochure for applicable penalties. We recommend taking out cancellation protection. If you have not already done so, please contact Danet for details.

VERY IMPORTANT! PASSPORT REQUIREMENTS & DOCUMENTATION

A valid passport is required for ALL U.S. citizens with departure and/or return dates on or after December 31, 2006, for ALL travel to and/or from the United States via air or sea, **regardless of destination**. Valid passports must have an expiration date valid for at least six months past your return date to the United States. • Your travel documents (cruise, air, and/or land packages) will be available approximately two (2) weeks before departure, **and not before**, as this is when we will receive them from the vendor.

AIR SCHEDULES

If you have an air and cruise or travel package, please note that has sole control of air schedules and the airlines utilized. The Cruise Authority is not able to influence the choice of airline, flight times or if the flight is direct and/or non-stop. If you elect to provide your own air and transfers, and delays for any reason result in missed embarkation, The Cruise Authority, , and the airline cannot take any responsibility for cancellation penalties, costs associated with re-connection, or return air charges. Should you have specific flight requirements, please consult with Danet Trafton.

vacation express by sunwing

1.800.309.4717

Trip Information

Booking #: 2798986 Active
Lead Name: WADE/NATHAN J
 # Passengers: 2
Departure Date: 01 Nov 22
Created: 04 Oct 22
Document Status: n/a

Contact Information

Client: THE CRUISE AUTHORITY
Phone: 770-952-8300
Contact: DANET TRAFTON

Payment Information

Total Price: $3835.26
Commission Amount: $213.82
Net Due: $-213.82
Total Received: $3835.26
Final Payment Due: 04 Oct 22 - $-213.82
Total Due: $0.00

Package Summary

Names must match passport. No name changes/corrections allowed.

Passenger Name	D.O.B.	Gender	Flight Itin	Departure City
NATHAN J WADE	18 Mar 73	M	4Y7U4A	MIA
FANI T WILLIS	27 Oct 71	F	4Y7U4A	MIA

Selected Flight

Departure	Date	Time	Flight Info	Class	Stops	Seats
Miami (MIA) - Aruba (AUA)	01 Nov 22	10:30AM - 1:29PM	American Airlines # 1028	M	0	32A, 28D
Aruba (AUA) - Miami (MIA)	04 Nov 22	3:04PM - 6:06PM	American Airlines # 1036	N	0	32E, 32F

Roundtrip air transportation from Miami to Aruba on Tuesday Nov. 01, 2022 for 3 nights for 2 people.

Flight Information

VE GDS Code: 4Y7U4A
Airline Record Locator(s): AA - KHODRQ Flight Status: Confirmed

Selected Hotel

Hyatt Regency Aruba Resort and Casino ★★★★½

- **3 nights accommodations for 2 adults occupying 1 room**
- **One King Resort and Ocean View Room European Plan**
- **Check in Date: 01 Nov 2022, Check out Date: 04 Nov 2022**
- **Includes Super Hotel - Includes Hotel Taxes/Fees! - Book your stay today!**

Hyatt on RQ

Pricing & Services

Double Occupancy Room	$1613.00	2	Adults	$3226.00
Taxes & Fees	$283.63	2	Passengers	$567.26
Electronic Documents				No Charge
Travel Protection Declined				No Charge
Round-Trip Shared Transfers AUA	$21.00	2	Adult	~~$42.00~~
			Total Package Price	**$3835.26**

Payment Schedules & Terms

Total Received: $3835.26
Final Payment Due: Tue Oct 04, 2022

Issue: 04 Oct 22

Commission Amount	$213.82
Net Amount Due	**$3621.44**

Please visit https://www.vacationexpress.com/terms/ to review the Terms & Conditions.

Please review the Conditions of Carriage at: https://www.vacationexpress.com/conditions-of-carriage/

For information on airline fees for baggage & other services, please visit https://www.vacationexpress.com/baggage/

All prices are in US Dollars.

Airline Ticket Validity:
Airlines have different rules when it comes to rebooking a cancelled ticket. In most cases with American, United, Delta, JetBlue, Sun Country and Alaska Airlines you must commence travel within one year from the date the ticket was issued (not your original travel date). Tickets on Frontier Airlines must be rebooked within 90 days from the cancellation date for travel on any other date available in their system. Tickets on Spirit Airlines must be rebooked within 60 days from the cancellation date for travel on any other date available in their system. Cancelled tickets on Southwest are valid for one year from date of issue and the new travel date must be completed prior to the one-year expiration.

Please Note: 1) Since COVID, airlines may have more flexible terms depending on when your ticket was booked or when you were scheduled to travel. **2)** Some airlines may charge a change fee. **3)** Basic Economy tickets are highly restrictive and generally do not have any value when cancelled. For exceptions, questions and terms related to rebooking your specific ticket please contact the airline directly.

Airline Schedule Changes for Commercial Flights Purchased through Vacation Express:
If your airline changes their schedule 31 days or more prior to your trip, please email schedulechange@vacationexpress.com. If your airline changes their schedule 30 days or less prior to your trip, you should call us to address the issue immediately.

Insurance:
If you did not add insurance at time of booking, but want to add it at a later time, you must call in to our Contact Center. VPP must be added prior to making final payment. VPP+ or VPI (only offered on a very limited scale) must be added within 7 days of deposit or prior to final payment whichever comes first.

Insurance and Reduced Deposit Plan (RDP):
If you selected the RDP and the VPP insurance plan and you have to cancel your booking, you must pay for the full value of the airline ticket prior to receiving your ticket for future use. In addition, the $25 RDP fee and any insurance, if applicable, must be paid in full.

Travel Documents:
Travel Documents are released and issued via email 21 days prior to departure. Please check your spam folder if you did not receive your documents or you may retrieve them online in your booking under Options.

Seat Assignments and Other Airline Matters:
If you booked a ticket using a scheduled airline, seat assignments or bags must be made/purchased on the airline's website directly. Vacation Express does not book seats or bags. You can access your booking online at the airline's website using the **Airline Record Locator** number (or Reservation Code) that is listed on your Invoice and Travel Documents. If you booked one of our VE Exclusive Non-Stop flights, you can make seat assignments and purchase bags in advance under Options in your booking.

Transfers with Hotel-Only Bookings:
You must provide us with your flight information no later than 7 days prior to arrival in destination in order for the transfer company to be able to schedule your hotel transfer. If your Travel Documents show "pick up not available" then that means that we have not received your flight information. You may add your flight info in your booking online under Services and Transfer Details.

Hotel Requests:
We cannot guarantee bedding! Bedding is a request only unless the room category guarantees the bedding. Any special requests made for your hotel stay whether related to bedding, views, location, etc. are always on request. We highly suggest that you reach out to the hotel directly prior to arrival to notify them of any requests you may have.

Transportation in Destination:
In most destinations, transfers and representation are offered by Nexus Tours. Your Travel Documents will list all the necessary information regarding your transfers and any helpful hints related to that.

The Cruise & Vacation Authority
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Marietta, GA 30067
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Fax 770-916-1425

Creating extraordinary travel experiences

Cruise Statement

printed
10/05/2022

Nathan Wade
1827 Powers Ferry Road
Bldg 25, Suite 100
Atlanta, GA 30339

Travel Consultant: Danet Trafton
Booking Date: 10/04/2022
TCA B #: 55047
Royal Caribbean Booking #: [redacted]6544194

CRUISE PACKAGE

Cruise Line: **Royal Caribbean** *Ship:* **Freedom of the Seas** *Category*:* **4B Spacious Oceanview Balcony** *Cabin:* **9364**
(*GTY/TBA indicates that cabin assignment will be made about 3 days before departure, and may indicate an upgraded cabin.)
Departure Date: **Friday, October 28, 2022** • *3 nights* • *Return Date:* **Monday, October 31, 2022**
EMBARK: Miami; PORTS: Perfect Day Cococay, Nassau; DEBARK: Miami

VERIFY LEGAL NAMES of Passengers: Nathan J Wade • Fani T Willis • • •

Cruise Rates: $429 x 2 passenger(s)	$858.00
*Port Charges & Government Taxes**:* $90 x 2 passenger(s); $115.85 x 2 passenger(s)	$411.70
Transfers:	
*Air**:*	
Land/Hotel Packages:	$0.00
Additional Charges:	

**Port Charges, Government Taxes, Air Taxes and Supplier Surcharges are subject to increase without notice. Sub-total $1,269.70

CANCELLATION/BAGGAGE/MEDICAL COVERAGE

Insurance: insured by Cruise Care $118.00

To cover penalties incurred if you are forced to cancel your cruise for any medical emergency involving you or anyone in your immediate family. Coverage includes Missed Connection, Travel Delay, Medical, Baggage, Accident & Transportation. Insurance is not refundable under any circumstances! Consult your Cruise Counselor for specific information on cancellation policies.

Important Information

GRAND TOTAL $1,387.70

PAYMENT SCHEDULE

Your full payment of **$1,387.70** has been received. Please note the cancellation penalties described in the Royal Caribbean brochure are now in effect. We recommend taking out cancellation protection. If you have not already done so, please contact Danet for details.

DINING ARRANGEMENTS

We have requested the Early dinner seating at a table. Note that this is a request and should be confirmed with the Maitre'd immediately upon boarding.

VERY IMPORTANT! PASSPORT REQUIREMENTS

A valid passport is required for ALL U.S. citizens for ALL travel to and/or from the United States via air or sea, regardless of destination. Valid passports must have an expiration date valid for at least six months past the return date to the U.S. and contain enough blank pages for entry and exit endorsements and any required visas. For travel requiring a visa, there must be at least (1) one completely blank, unused visa page for each required visa. As of 1/1/16 pages can no longer be added to passports – a new passport will be required. For non-U.S. citizens requirements vary for each nationality, we suggest guests contact local authorities or a visa service provider to determine individual requirements for all destinations. TCAVA is not responsible for passport, immigration, health or visa matters.

AIR SCHEDULES

If you have an air and cruise or travel package, please note that Royal Caribbean has sole control of air schedules and the airlines utilized. TCAVA is not able to influence the choice of airline, flight times or if the flight is direct and/or non-stop. If you elect to provide your own air and transfers, and delays for any reason result in missed embarkation, TCAVA, Royal Caribbean, and the airline cannot take any responsibility for cancellation penalties, costs associated with reconnection, or return air charges. Should you have specific flight requirements, please consult with Danet Trafton.

Booking Confirmation - Agent Copy

Issue Date: 04 OCT 2022
Confirmation Copy #: 1

General Information				
THE CRUISE & VACATION AUTHORITY	**Reservation ID:**	6544194 (Group ID Not Applicable)	Booking Date:	04 OCT 2022
Attn:DANET	Ship:	FREEDOM OF THE SEAS	Booking Status	Booked
7709528300	Departure Date:	28 OCT 2022		
1760 POWERS FERRY RD SE	Itinerary:	3 NIGHT BAHAMAS & PERFECT DAY CRUISE		
MARIETTA,GA-30067	Stateroom:	4B-9364 Spacious Ocean View Balcony		
UNITED STATES	Stateroom Obstructed View Percentage	0%		
	Sailing Date:	28 OCT 2022		
	Promo Restrictions:	Discount		

Guest Information	Guest #1	Guest #2	Guest #3	Guest #4
Guest Name	NATHAN	FANI		
	WADE	WILLIS		
Crown & Anchor Number				
Age Range	46 - 54	46 - 54		
Dining	6:00 PM()	6:00 PM()		
Departure Airport	Cruise Only	Cruise Only		
Special Services				
Stateroom Dining With Booking ID:	6565152			

Booking Charges Currency: USD	Guest #1	Guest #2	Guest #3	Guest #4	Total	Comm/ Admin Rate
Cruise Fare	713.00	713.00	0.00	0.00	1426.00	16%
Non Comm Cruise Fare	90.00	90.00	0.00	0.00	180.00	0%
30% Savings NRD	-284.00	-284.00	0.00	0.00	-568.00	16%
Vacation Protection Plan	59.00	59.00	0.00	0.00	118.00	10%
Taxes, fees, and port expenses	115.85	115.85	0.00	0.00	231.70	0%
Gross Charges	**693.85**	**693.85**	**0.00**	**0.00**	**1387.70**	**0%**
Comm/Admin	**74.54**	**74.54**	**0.00**	**0.00**	**149.08**	
Total Comm/Admin					**149.08**	
Net Charges	**619.31**	**619.31**	**0.00**	**0.00**	**1238.62**	
Amount Paid					**1387.70**	
Net Balance Due					**-149.08**	

If your stateroom is GTY (Guarantee) or WLT (Waitlist), once your room is assigned or confirmed, you'll receive an updated invoice advising of your location. If your stateroom has an obstructed view, you'll receive details once your room is assigned.
Deposit has been posted to your reservation. Final Payment has been posted to your reservation.
The minimum deposit for this reservation is Non-Refundable. A change fee of 100 USD per guest will apply for ship or sail date changes.
The balance due must be paid in full by the final payment date listed above to prevent your booking from cancelling. Balance and payments may not reflect recent transactions made within the past 48 hours.
Deposit amounts may vary by promotion.
The booking is currently subject to USD 900.72 cancellation penalties at time of this booking invoice 04 OCT 2022. This amount may increase based on the cruise penalty schedule.

Remit payments through CruisePay at www.cruisingpower.com or P.O. Box 025511 Miami, FL. 33102-5511 USA.

A $16.00 per guest, per day gratuity will automatically be added to each guests SeaPass account for our dining, bar & culinary services staff, stateroom attendants and other hotel services teams who work behind the scenes to give you the best possible cruise experience. Suite guests will see a $18.50 daily gratuity.

Guests who prepaid gratuities prior to boarding their cruise will not see a daily charge onboard.

An 18% gratuity is also automatically added to beverages, room service, and the mini bar. Beverage gratuities are pooled and shared by various dining and beverage service staff. An 18% gratuity is also automatically added to spa and salon purchases. Gratuities for other service personnel are at your discretion.
*Guest who booked prior to September 7,2022 can pre-pay gratuities before their sailing at the previous rates, which are $14.50 for standard staterooms and $17.50 for suites.

Cancellation Schedule	Cancellation Amount	Date
Prior to Final Payment Due Date	No Charge (except for Non-Refundable Deposit amounts)	
74 to 61 Days Prior to Sailing	50% Per Guest	15 AUG 2022
60 to 31 Days Prior to Sailing	75% Per Guest	29 AUG 2022
30 to 0 Days Prior to Sailing	100% Per Guest	28 SEP 2022

Booking Confirmation - Agent Copy

Issue Date: 04 OCT 2022
Confirmation Copy #: 1

General Information

THE CRUISE & VACATION AUTHORITY
Attn:DANET
7709528300
1760 POWERS FERRY RD SE
MARIETTA,GA-30067
UNITED STATES

Reservation ID:	6544194 (Group ID Not Applicable)
Ship:	FREEDOM OF THE SEAS
Departure Date:	28 OCT 2022
Itinerary:	3 NIGHT BAHAMAS & PERFECT DAY CRUISE
Stateroom:	4B-9364 Spacious Ocean View Balcony
Stateroom Obstructed View Percentage	0%
Sailing Date:	28 OCT 2022
Promo Restrictions:	Discount

Booking Date: 04 OCT 2022
Booking Status Booked

Booking Itinerary

Pre Cruise Arrangements

Cruise Itinerary - Check-in Between: 10:30 AM - 3:00 PM (Embarkation time, itinerary, hotel, rail and/or transportation may change without notice as conditions warrant)

Date	Port Location	Arrive	Depart	Date	Port Locaton	Arrive	Depart
28 OCT	MIAMI, FLORIDA		4:30 PM				
29 OCT	PERFECT DAY COCOCAY, BAHAMAS	7:00 AM	6:00 PM				
30 OCT	NASSAU, BAHAMAS	8:00 AM	5:00 PM				
31 OCT	MIAMI, FLORIDA	6:00 AM					

Formal Night: Make it a night out in your best black-tie look - suits and ties, tuxedos, cocktail dresses or evening gowns.

- Usually on Day 2

Post Cruise Arrangements

Health Acknowledgment

Exposure to pathogens (such as the virus that causes COVID-19) is an inherent risk in places where people gather and may result in severe illness or death. Exposure may occur at any point during your voyage, onboard or ashore. Remaining onboard at all times during your voyage will not prevent exposure because pathogens may be brought onboard by others, including passengers who choose to participate in shore excursions or activities ashore in our various ports of calls or private destinations. Our health and safety measures mitigate the risk of exposure but cannot eliminate it entirely. Before booking or sailing on a cruise, all guests should consider their individual risk level for severe illness resulting from pathogen exposure and make an informed travel decision on that basis. We recommend guests with a higher risk of severe illness consult with their doctor prior to booking or sailing with us.

By booking a cruise with us, on behalf of yourself and/or others for whom you are acting (collectively "you" or "your"), you acknowledge that you understand the risks related to exposure to pathogens and their resulting illnesses while cruising with us, including those relating to guests who are at a higher risk of severe illness.

Further, you agree to review and comply with our Guest Health, Safety and Conduct Policy, as well any of our health or safety instructions, or other posted signage. Failure to do so will lead to you being denied boarding or may constitute cause for your removal, as well as the denial of boarding or removal of your traveling party, from the vessel.

Finally, you acknowledge that we will collect and use personal information, including health information, in connection with these measures, and may disclose it to health or port authorities, if required.

For the latest protocols, visit the Healthy Sail Center or royalcaribbean.com/health.

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Cruise Statement

printed
10/05/2022

Nathan Wade
1827 Powers Ferry Road
Bldg 25, Suite 100
Atlanta, GA 30339

Travel Consultant: Danet Trafton
Booking Date: 10/04/2022
TCA B #: 55048
Royal Caribbean Booking #: **6565152**

CRUISE PACKAGE

Cruise Line: **Royal Caribbean** *Ship:* **Freedom of the Seas** *Category*:* **4B Spacious Oceanview Balcony** *Cabin:* **9372**
(*GTY/TBA indicates that cabin assignment will be made about 3 days before departure, and may indicate an upgraded cabin.)
Departure Date: **Friday, October 28, 2022** • *3 nights* • *Return Date:* **Monday, October 31, 2022**
EMBARK: Miami; PORTS: Perfect Day Cococay, Nassau; DEBARK: Miami

VERIFY LEGAL NAMES of Passengers: Mrs. Clara Bowman • • • •

Cruise Rates: $858 x 1 passenger(s)	$858.00
*Port Charges & Government Taxes**:* $180 x 1 passenger(s); $115.85 x 1 passenger(s)	$295.85
Transfers: $32 x 1 passenger(s)	$32.00
*Air**:*	
Land/Hotel Packages:	$0.00
Additional Charges:	
**Port Charges, Government Taxes, Air Taxes and Supplier Surcharges are subject to increase without notice. Sub-total	$1,185.85

CANCELLATION/BAGGAGE/MEDICAL COVERAGE

Insurance: insured by Cruise Care $99.00
To cover penalties incurred if you are forced to cancel your cruise for any medical emergency involving you or anyone in your immediate family. Coverage includes Missed Connection, Travel Delay, Medical, Baggage, Accident & Transportation. Insurance is not refundable under any circumstances! Consult your Cruise Counselor for specific information on cancellation policies.

Important Information

American Airlines ticket issued separately from the cruise.

GRAND TOTAL $1,284.85

PAYMENT SCHEDULE

Your full payment of **$1,284.85** has been received. Please note the cancellation penalties described in the Royal Caribbean brochure are now in effect. We recommend taking out cancellation protection. If you have not already done so, please contact Danet for details.

DINING ARRANGEMENTS

We have requested the Early dinner seating at a table. Note that this is a request and should be confirmed with the Maitre'd immediately upon boarding.

VERY IMPORTANT! PASSPORT REQUIREMENTS

A valid passport is required for ALL U.S. citizens for ALL travel to and/or from the United States via air or sea, regardless of destination. Valid passports must have an expiration date valid for at least six months past the return date to the U.S. and contain enough blank pages for entry and exit endorsements and any required visas. For travel requiring a visa, there must be at least (1) one completely blank, unused visa page for each required visa. As of 1/1/16 pages can no longer be added to passports – a new passport will be required. For non-U.S. citizens requirements vary for each nationality, we suggest guests contact local authorities or a visa service provider to determine individual requirements for all destinations. TCAVA is not responsible for passport, immigration, health or visa matters.

AIR SCHEDULES

If you have an air and cruise or travel package, please note that Royal Caribbean has sole control of air schedules and the airlines utilized. TCAVA is not able to influence the choice of airline, flight times or if the flight is direct and/or non-stop. If you elect to provide your own air and transfers, and delays for any reason result in missed embarkation, TCAVA, Royal Caribbean, and the airline cannot take any responsibility for cancellation penalties, costs associated with reconnection, or return air charges. Should you have specific flight requirements, please consult with Danet Trafton.

Booking Confirmation - Agent Copy

Issue Date: 04 OCT 2022
Confirmation Copy #: 1

General Information				
THE CRUISE & VACATION AUTHORITY	**Reservation ID:**	6565152 (Group ID Not Applicable)	Booking Date:	04 OCT 2022
Attn:DANET	Ship:	FREEDOM OF THE SEAS	Booking Status	Booked
7709528300	Departure Date:	28 OCT 2022		
1760 POWERS FERRY RD SE	Itinerary:	3 NIGHT BAHAMAS & PERFECT DAY CRUISE		
MARIETTA,GA-30067	Stateroom:	4B-9372 Spacious Ocean View Balcony		
UNITED STATES	Stateroom Obstructed View Percentage	0%		
	Sailing Date:	28 OCT 2022		
	Promo Restrictions:	Discount		

Guest Information	Guest #1	Guest #2	Guest #3	Guest #4
Guest Name	CLARA BOWMAN			
Crown & Anchor Number				
Age Range	55 +			
Dining	6:00 PM()			
Departure Airport	Cruise Only			
Special Services				
Stateroom Dining With Booking ID:	6544194			

Booking Charges Currency: USD	Guest #1	Guest #2	Guest #3	Guest #4	Total	Comm/ Admin Rate
Cruise Fare	1426.00	0.00	0.00	0.00	1426.00	16%
Non Comm Cruise Fare	180.00	0.00	0.00	0.00	180.00	0%
30% Savings NRD	-568.00	0.00	0.00	0.00	-568.00	16%
Round Trip Transfer	32.00	0.00	0.00	0.00	32.00	0%
Vacation Protection Plan	99.00	0.00	0.00	0.00	99.00	10%
Taxes, fees, and port expenses	115.85	0.00	0.00	0.00	115.85	0%
Gross Charges	1284.85	0.00	0.00	0.00	1284.85	0%
Comm/Admin	147.18	0.00	0.00	0.00	147.18	
Total Comm/Admin					147.18	
Net Charges	1137.67	0.00	0.00	0.00	1137.67	
Amount Paid					1284.85	
Net Balance Due					-147.18	

If your stateroom is GTY (Guarantee) or WLT (Waitlist), once your room is assigned or confirmed, you'll receive an updated invoice advising of your location. If your stateroom has an obstructed view, you'll receive details once your room is assigned.
Deposit has been posted to your reservation. Final Payment has been posted to your reservation.
The minimum deposit for this reservation is Non-Refundable. A change fee of 100 USD per guest will apply for ship or sail date changes.
The balance due must be paid in full by the final payment date listed above to prevent your booking from cancelling. Balance and payments may not reflect recent transactions made within the past 48 hours.
Deposit amounts may vary by promotion.
The booking is currently subject to USD 900.72 cancellation penalties at time of this booking invoice 04 OCT 2022. This amount may increase based on the cruise penalty schedule.

Remit payments through CruisePay at www.cruisingpower.com or P.O. Box 025511 Miami, FL. 33102-5511 USA.

A $16.00 per guest, per day gratuity will automatically be added to each guests SeaPass account for our dining, bar & culinary services staff, stateroom attendants and other hotel services teams who work behind the scenes to give you the best possible cruise experience. Suite guests will see a $18.50 daily gratuity.

Guests who prepaid gratuities prior to boarding their cruise will not see a daily charge onboard.

An 18% gratuity is also automatically added to beverages, room service, and the mini bar. Beverage gratuities are pooled and shared by various dining and beverage service staff. An 18% gratuity is also automatically added to spa and salon purchases. Gratuities for other service personnel are at your discretion.
*Guest who booked prior to September 7,2022 can pre-pay gratuities before their sailing at the previous rates, which are $14.50 for standard staterooms and $17.50 for suites.

Cancellation Schedule	Cancellation Amount	Date
Prior to Final Payment Due Date	No Charge (except for Non-Refundable Deposit amounts)	
74 to 61 Days Prior to Sailing	50% Per Guest	15 AUG 2022
60 to 31 Days Prior to Sailing	75% Per Guest	29 AUG 2022
30 to 0 Days Prior to Sailing	100% Per Guest	28 SEP 2022

Booking Confirmation - Agent Copy

Issue Date: 04 OCT 2022
Confirmation Copy #: 1

General Information

THE CRUISE & VACATION AUTHORITY
Attn:DANET
7709528300
1760 POWERS FERRY RD SE
MARIETTA,GA-30067
UNITED STATES

Reservation ID:	6565152 (Group ID Not Applicable)
Ship:	FREEDOM OF THE SEAS
Departure Date:	28 OCT 2022
Itinerary:	3 NIGHT BAHAMAS & PERFECT DAY CRUISE
Stateroom:	4B-9372 Spacious Ocean View Balcony
Stateroom Obstructed View Percentage	0%
Sailing Date:	28 OCT 2022
Promo Restrictions:	Discount

Booking Date: 04 OCT 2022
Booking Status Booked

Booking Itinerary

Pre Cruise Arrangements

--- Transfer to Pier

Cruise Itinerary - Check-in Between: 10:30 AM - 3:00 PM (Embarkation time, itinerary, hotel, rail and/or transportation may change without notice as conditions warrant)

Date	Port Location	Arrive	Depart	Date	Port Locaton	Arrive	Depart
28 OCT	MIAMI, FLORIDA		4:30 PM				
29 OCT	PERFECT DAY COCOCAY, BAHAMAS	7:00 AM	6:00 PM				
30 OCT	NASSAU, BAHAMAS	8:00 AM	5:00 PM				
31 OCT	MIAMI, FLORIDA	6:00 AM					

Formal Night: Make it a night out in your best black-tie look - suits and ties, tuxedos, cocktail dresses or evening gowns.
- Usually on Day 2

Post Cruise Arrangements

--- Transfer from Pier

Health Acknowledgment

Exposure to pathogens (such as the virus that causes COVID-19) is an inherent risk in places where people gather and may result in severe illness or death. Exposure may occur at any point during your voyage, onboard or ashore. Remaining onboard at all times during your voyage will not prevent exposure because pathogens may be brought onboard by others, including passengers who choose to participate in shore excursions or activities ashore in our various ports of calls or private destinations. Our health and safety measures mitigate the risk of exposure but cannot eliminate it entirely. Before booking or sailing on a cruise, all guests should consider their individual risk level for severe illness resulting from pathogen exposure and make an informed travel decision on that basis. We recommend guests with a higher risk of severe illness consult with their doctor prior to booking or sailing with us.

By booking a cruise with us, on behalf of yourself and/or others for whom you are acting (collectively "you" or "your"), you acknowledge that you understand the risks related to exposure to pathogens and their resulting illnesses while cruising with us, including those relating to guests who are at a higher risk of severe illness.

Further, you agree to review and comply with our Guest Health, Safety and Conduct Policy, as well any of our health or safety instructions, or other posted signage. Failure to do so will lead to you being denied boarding or may constitute cause for your removal, as well as the denial of boarding or removal of your traveling party, from the vessel.

Finally, you acknowledge that we will collect and use personal information, including health information, in connection with these measures, and may disclose it to health or port authorities, if required.

For the latest protocols, visit the Healthy Sail Center or royalcaribbean.com/health.

THE CRUISE & VACATION AUTHORITY
Creating extraordinary travel experiences

1760 Powers Ferry Rd. • Marietta, GA 30067
770.952.8300 • 800.326.4971
dtrafton@tcava.com

Danet Trafton

Your Vacation Itinerary
Oct 28 – Nov 4, 2022

Record Locater # AXKPEV (Wade & Willis)

Oct 28	American 2344	Lv Atlanta	705am
		Ar Miami	900am
Nov 4	American 1045	Lv Miami	734pm
		Ar Atlanta	935pm

Record Locater # VBXXBF (Clara Bowman)

Oct 28	American 1347	Lv Houston IAH	718am
		Ar Miami	1047am
Oct 31	American 1276	Lv Miami	142pm
		Ar DFW	354pm
	American 2737	Lv DFW	435pm
		Ar IAH	545pm

Royal Caribbean, Freedom of the Seas. Oct 28 – 31, 2022
Wade confo # 6544194, cabin 9364, no transfers
Bowman confo # 6565152 cabin 9371, transfers included

Vacation Express to ARUBA, Nov 1 – 4, 2022

Nov 1	American 1028	Lv Miami	1030am
		Ar Aruba	129pm
Nov 4	American 1036	Lv Aruba	304pm
		Ar Miami	606pm

Round trip shared airport transfers included
Hyatt Regency Aruba Resort & Casino – King Resort & Ocean View room

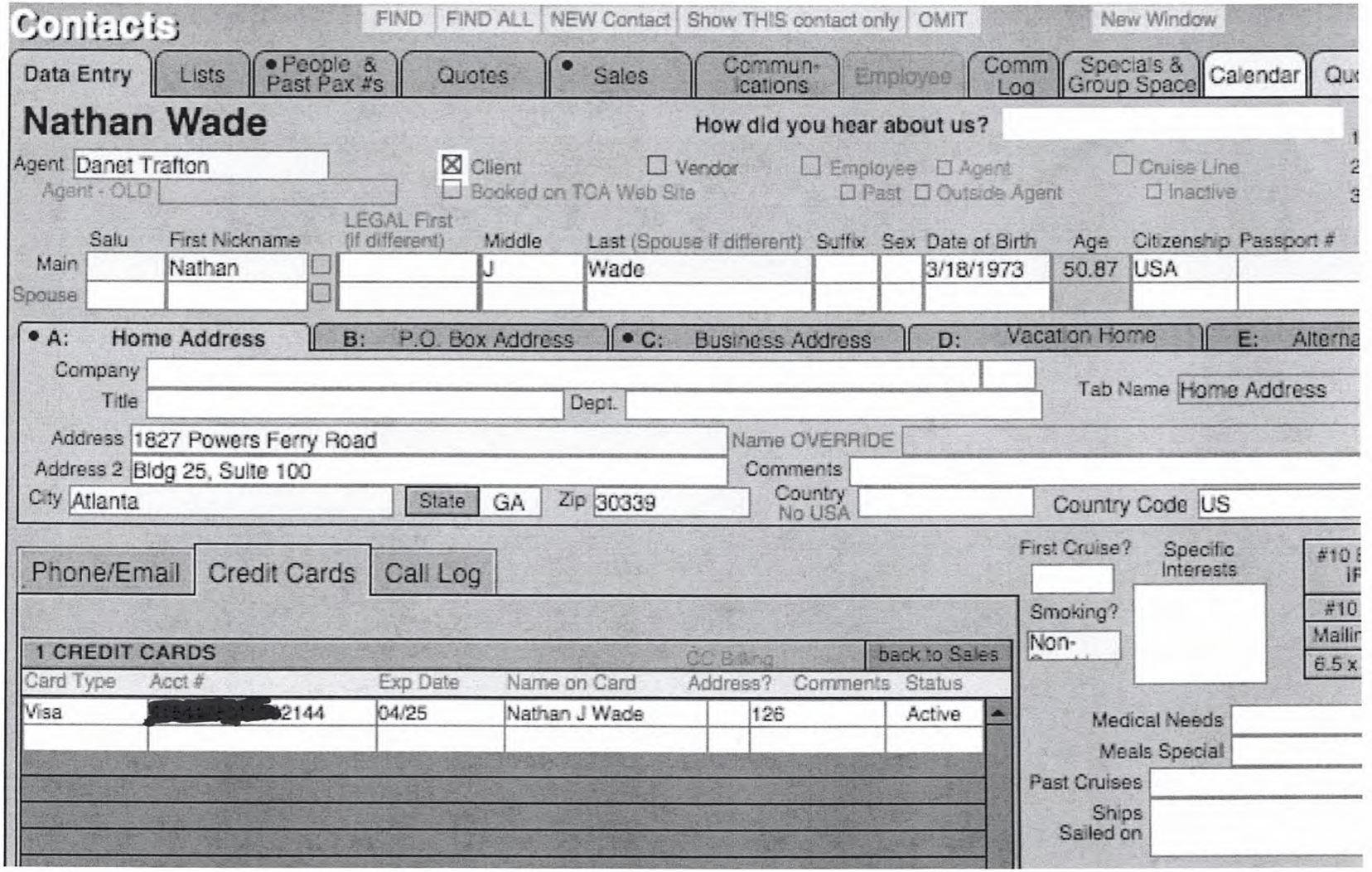
Contacts
FIND
FIND ALL
NEW Contact
Show THIS contact only
OMIT
New Window
Data Entry
Lists
People & Past Pax #s
Quotes
Sales
Communications
Employee
Comm Log
Specials & Group Space
Calendar
Nathan Wade
How did you hear about us?
Agent
Danet Trafton
Agent - OLD
Client
Vendor
Employee
Agent
Cruise Line
Booked on TCA Web Site
Past
Outside Agent
Inactive
Salu
First Nickname
LEGAL First (if different)
Middle
Last (Spouse if different)
Suffix
Sex
Date of Birth
Age
Citizenship
Passport #
Main
Nathan
J
Wade
3/18/1973
50.87
USA
Spouse
A: Home Address
B: P.O. Box Address
C: Business Address
D: Vacation Home
E: Alterna
Company
Title
Dept.
Tab Name
Home Address
Address
1827 Powers Ferry Road
Address 2
Bldg 25, Suite 100
Name OVERRIDE
Comments
City
Atlanta
State
GA
Zip
30339
Country No USA
Country Code
US
Phone/Email
Credit Cards
Call Log
First Cruise?
Specific Interests
Smoking?
Non-
#10
Mailin
6.5 x
1 CREDIT CARDS
CC Billing
back to Sales
Card Type
Acct #
Exp Date
Name on Card
Address?
Comments
Status
Visa
2144
04/25
Nathan J Wade
126
Active
Medical Needs
Meals Special
Past Cruises
Ships Sailed on

EXHIBIT C

Reporting Period:
Jan. 1, 2022 - Dec. 31, 2022

FULTON COUNTY
INCOME AND FINANCIAL DISCLOSURE REPORT

Name of County Official/Board Member: Fani T. Willis
Title of County Official/Board Member: District Attorney

A. Pursuant to Section 2-79 of the Fulton County Code of Ethics, approved by the Board of Commissioners on February 4, 2004 (Item No. 03-1531) and as amended on August 4, 2004 (Item No. 04-0796), on or before April 15 of each calendar year, each of the following individuals must file this Income and Financial Disclosure Report with the Clerk to the Commission, which Report shall cover the preceding calendar year:

1) All elected officials of Fulton County;
2) Judges of the Juvenile Court;
3) Judges of the Magistrate Court;
4) County Manager and Deputy County Managers;
5) All Department Heads, County Attorney, Clerk to the Commission, Division Heads reporting to the County Manager and the Deputy Director of Zoning;
6) Members of the Board of Tax Assessors and all Property Appraisers;
7) Members of the Community Zoning Board;
8) Members of the Board of Zoning Appeals; and
9) Members of the Board of Ethics.

(Attach additional pages, if necessary).

B. For the Reporting Period stated above, identify by name and address, the source of each of the following, received or accrued during the preceding calendar year, by each person required to file such report and such person's spouse, if any:

(1) Income for services rendered in the amount of $1,000.00 or more:

Self/Spouse	Name of Source	Address
Self	State Accounting Office	200 Piedmont Ave. Ste 1604 W Tower Atlanta, GA 30334
Self	Fulton County	141 Pryor St. Atlanta, GA 30303
SPOUSE-NONE	N/A	N/A

(2) Each honorarium from a single source in the amount of $500.00 or more, unless otherwise reported under applicable state law:

Self/~~Spouse~~	Name of Source	Address
SELF	NONE	N/A

(3) Each gift or favor from a single prohibited source in the aggregate amount of $100.00 or more:

For purposes of this section, *Gifts and favors* means anything of value given by or received from a prohibited source. *Prohibited source* means any person, business, or entity that the involved officer or employee knows or should know:

(i) is seeking official action from the county; or
(ii) is seeking to do or is doing business with the county, or
(iii) represents a person who is seeking official action from the county or who is seeking to do or is doing business with the county; or
(iv) has interests that may be affected by the performance or non-performance of official duties by the officer or employee; or
(v) is a registered lobbyist in accordance with state law.

Code of Ethics, Section 2-67(4)

Self/~~Spouse~~	Name of Source	Address
SELF	NONE	N/A

(4) Dividend income of $1,000.00 or more:

Self/Spouse	Name of Source	Address
SELF	NONE	NONE

C. For the Reporting Period stated above, identify by name, address and general description:

(1) Any professional organization in which the person reporting is an officer, director, partner, proprietor, or employee, or serves in an advisory capacity, from which $1,000.00 or more was received:

Name/Address:NONE	Role/Title
General Description:	

Name/Address:	Role/Title
General Description:	

Name/Address:	Role/Title
General Description:	

(2) Each business in which the person reporting owns 10% or more of such business's then outstanding stock:

For purposes of this section, *Business* means any corporation, partnership, proprietorship, organization, self-employed individual and any other entity operated for economic gain, whether professional, industrial, or commercial, and other entities, which for purposes of federal income taxation are operated as non-profit organizations.

Code of Ethics, Section 2-67(1)

Name of Business	Address
NONE	NONE

(3) Each parcel of real property in which the person reporting has an ownership interest valued at 5% or more of the property's then assessed value:

Address	Tax Parcel ID Number
[redacted] Public Employee	

(4) Each reimbursement of expenses to the person reporting in the amount of $1,000.00 or more:

Name of Source	Date	Amount
SELF	N/A	NONE

Reporting Period:
Jan. 1, 2021 - Dec. 31, 2021

FULTON COUNTY
INCOME AND FINANCIAL DISCLOSURE REPORT

Name of County Official/Board Member: Fani T. Willis
Title of County Official/Board Member: District Attorney

A. Pursuant to Section 2-79 of the Fulton County Code of Ethics, approved by the Board of Commissioners on February 4, 2004 (Item No. 03-1531) and as amended on August 4, 2004 (Item No. 04-0796), on or before April 15 of each calendar year, each of the following individuals must file this Income and Financial Disclosure Report with the Clerk to the Commission, which Report shall cover the preceding calendar year:

1) All elected officials of Fulton County;
2) Judges of the Juvenile Court;
3) Judges of the Magistrate Court;
4) County Manager and Deputy County Managers;
5) All Department Heads, County Attorney, Clerk to the Commission, Division Heads reporting to the County Manager and the Deputy Director of Zoning;
6) Members of the Board of Tax Assessors and all Property Appraisers;
7) Members of the Community Zoning Board;
8) Members of the Board of Zoning Appeals; and
9) Members of the Board of Ethics.

(Attach additional pages, if necessary).

B. For the Reporting Period stated above, identify by name and address, the source of each of the following, received or accrued during the preceding calendar year, by each person required to file such report and such person's spouse, if any:

(1) Income for services rendered in the amount of $1,000.00 or more:

Self/Spouse	Name of Source	Address
Self	Ross Law Firm	2675 Paces Ferry Rd. SE ATL, GA 30339
Self	State Accounting Office	200 Piedmont Ave Ste 1604 W Tower; ATL, GA 30334
Self	Fulton County	141 Pryor St.; ATL, GA 30303
Self	Rocheblave Consulting LLC	1620 Cumberland Club RD SW Marietta, GA 30008
SPOUSE	NONE	NONE

(2) Each honorarium from a single source in the amount of $500.00 or more, unless otherwise reported under applicable state law:

Self/Spouse	Name of Source	Address
SELF	NONE	NONE
SPOUSE	NONE	NONE

(3) Each gift or favor from a single prohibited source in the aggregate amount of $100.00 or more:

For purposes of this section, *Gifts and favors* means anything of value given by or received from a prohibited source. *Prohibited source* means any person, business, or entity that the involved officer or employee knows or should know:

(i) is seeking official action from the county; or
(ii) is seeking to do or is doing business with the county, or
(iii) represents a person who is seeking official action from the county or who is seeking to do or is doing business with the county; or
(iv) has interests that may be affected by the performance or non-performance of official duties by the officer or employee; or
(v) is a registered lobbyist in accordance with state law.

Code of Ethics, Section 2-67(4)

Self/Spouse	Name of Source	Address
SELF	NONE	NONE
SPOUSE	NONE	NONE

(4) Dividend income of $1,000.00 or more:

Self/Spouse	Name of Source	Address
SELF	NONE	NONE
SPOUSE	NONE	NONE

C. For the Reporting Period stated above, identify by name, address and general description:

(1) Any professional organization in which the person reporting is an officer, director, partner, proprietor, or employee, or serves in an advisory capacity, from which $1,000.00 or more was received:

Name/Address: NONE	Role/Title
General Description:	

Name/Address:	Role/Title
General Description:	

Name/Address:	Role/Title
General Description:	

(2) Each business in which the person reporting owns 10% or more of such business's then outstanding stock:

For purposes of this section, *Business* means any corporation, partnership, proprietorship, organization, self-employed individual and any other entity operated for economic gain, whether professional, industrial, or commercial, and other entities, which for purposes of federal income taxation are operated as non-profit organizations.

Code of Ethics, Section 2-67(1)

Name of Business	Address
NONE	NONE

(3) Each parcel of real property in which the person reporting has an ownership interest valued at 5% or more of the property's then assessed value:

Address	Tax Parcel ID Number
Public Employee	

(4) Each reimbursement of expenses to the person reporting in the amount of $1,000.00 or more:

Name of Source	Date	Amount
SELF	NONE	NONE

Reporting Period:
Jan. 1, 2021 - Dec. 31, 2021

To be completed by County Official/Board Member:

Fani T. Willis	Fulton County DA
Print Name	County Official Title
Fani Willis	4/15/2022
Signature	Date

For Office Use Only:

Received by: _____ Date: 4/15/2022 via email

Please submit to:
Office of the Clerk to the Commission
141 Pryor Street SW, Suite 10075
Atlanta, Georgia 30303
(404) 612-8200 Phone
(404) 730-8254 Fax
Clerk.Commissioners@fultoncountyga.gov

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
Public Employee	Records that reveal a public employee's home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access accounts, financial data or information other than compensation by a government agency, unlisted telephone number, and identity of the public employee's immediate family members or dependents; See O.C.G.A. § 50-18-72(a)(21)	4(1)

Reporting Period:
Jan. 1, 2022 - Dec. 31, 2022

To be completed by County Official/Board Member:

Fani T. Willis — District Attorney

Print Name — County Official Title

Signature — 4/17/2023 Date

For Office Use Only:

Received by:_____ Date:_____

Please submit to:
Office of the Clerk to the Commission
141 Pryor Street SW, Suite 10075
Atlanta, Georgia 30303
(404) 612-8200 Phone
(404) 730-8254 Fax
Clerk.Commissioners@fultoncountyga.gov

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
Public Employee	Records that reveal a public employee's home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access accounts, financial data or information other than compensation by a government agency, unlisted telephone number, and identity of the public employee's immediate family members or dependents; See O.C.G.A. § 50-18-72(a)(21)	4(1)