

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

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

**CORRECTED SUPPLEMENTAL DEFENSE EXHIBIT 38 TO THE
HEARING ON DEFENDANTS' MOTION TO DISMISS AND
DISQUALIFY**

President Trump hereby files this corrected* proposed Supplemental Defense Exhibit 38 to the hearing on Defendants' Motion to Dismiss and Disqualify. Proposed Supplemental Defense Exhibit 38 consists of an affidavit from defense investigator Charles Mittelstadt certifying the CellHawk analysis and reports which are attached to the affidavit as Exhibits A-C. The CellHawk analysis and reports as well as the certified AT&T records have been provided electronically via a cloud folder link contained in the courtesy service email. Mr. Mittelstadt, the author of Exhibit 38, is available to testify at the Court's convenience.

Respectfully submitted,

Steven H. Sadow
STEVEN H. SADOW
Georgia Bar No. 622075
Lead Counsel for Defendant

* The correction is on page 5, the first paragraph, line 4, which should have read "12,000 interactions" not "12,000 text messages."

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CERTIFICATE OF SERVICE

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

This 23rd day of February, 2024.

/s/ Steven H. Sadow
STEVEN H. SADOW

AFFIDAVIT OF CHARLES MITTELSTADT

My name is Charles Mittelstadt. I am 59 years of age. I am a criminal defense investigator working with attorneys Steve Sadow and Jennifer Little in support of the defense of Donald J. Trump in 23SC188947. In conjunction with counsel of record for Michael Roman, on or around February 9, 2024, I personally served a request for records upon AT&T's Subpoena Compliance Center. The requested documents included voice call/text history as well as specialized location data for AT&T number [REDACTED] belonging to subscriber Nathan Wade.

On the morning of February 15, 2024, counsel received the response from AT&T containing an encrypted link to the requested records, and I was provided access to the .zip file containing the response from AT&T. Following my review of the .zip file, I confirmed that AT&T fully complied with the request, the bulk of which included records for the period 01/01/2021 through 11/30/2021. The certified records from AT&T are included in the cloud folder titled AT&T records which is being contemporaneously served upon all parties.

Upon receipt, I began an analysis using a Leads Online analytics tool called CellHawk. CellHawk is considered by law enforcement to be the gold standard in cell phone records analytics. It is used throughout the United States and Georgia by law enforcement agencies and should be well known to the Fulton County District Attorney's Office.

As a Board-Certified Criminal Defense Investigator, having specialized in criminal cases for over 25 years, I routinely use CellHawk to conduct analysis on records, both on initiated subpoenas and those received in discovery. My firm was granted a license and completed training in 2019, I pay an annual licensing fee, and CellHawk is the program I use exclusively to analyze such records. Since that time, my staff and I continuously attend webinars and remain up to date on training and the latest features available via CellHawk analytics. I have a strong working knowledge of its capabilities and limits, and I have extensive experience utilizing this program to analyze cell phone data. While I am not a cell phone tower engineer or expert, I have the equivalent experience and training of those individuals routinely tasked by law enforcement agencies or the District Attorney's Office with identical analysis responsibilities.

A cornerstone of the CellHawk analytics tool is the *inability* to manipulate the data. Data is uploaded as received by the cell provider custodian. Once loaded, it can be queried and examined in innumerable ways. From there, data reports can be generated using filters, and the geolocation data can be displayed in unlimited ways, including via an animated map.

Under normal circumstances, analysis is conducted on data involving far narrower record periods, perhaps a few days or even a few weeks. It is difficult to understate the amount of data in this scenario, however. While the sheer size in no way impacts the ability to conduct the analysis, it did require a different approach in order to narrow down potential dates to explore. I began my analysis by focusing on two distinct reports:

1) Generating a report, attached as Exhibit A, isolating all interactions (this includes voice calls and text messages) between Mr. Wade and Ms. Willis during the period of available records in 2021: The dates, timing, frequency and duration of these interactions are included as part of the report. That report revealed over 2000 voice calls and just under 12,000 interactions exchanged over the 11-month period in 2021. A heat map, attached as Exhibit B, highlights the interaction patterns which demonstrate a prevalence of calls made in the evening hours.

2) Focusing on geolocation activity near [REDACTED] which was testified to by Ms. Yearti as the address of her condominium, and generating a report to reflect such activity, attached as Exhibit C: Given the urgency associated with the need to analyze this newly acquired data against the relevant testimony, I constructed a very conservative geofence which isolated the two cell towers in closest proximity to this address (one roughly 3000' and the other 2000' away). The purpose of this geofence was to conduct an initial assessment of whether Mr. Wade's phone ever connected to these towers. Additionally, this modality was used to eliminate the possibility that hits could be associated with routine travel on either I-75 or I-85 or visits to nearby attractions or the airport. Following that initial conservative sweep limited to those 2 towers, I further constrained those findings to hits on Alpha Sector or Azimuth 2 which pointed directly at the [REDACTED] community. Additionally, the report was limited to those occasions when the phone was connected for an extended period.

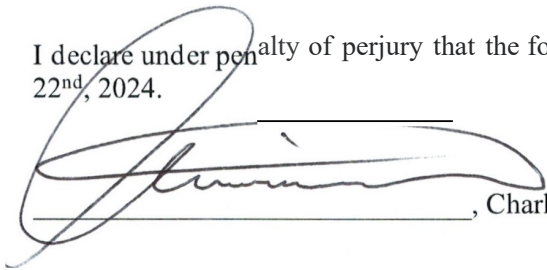
This conservative analysis using the above referenced modality revealed a minimum of 35 occasions when Mr. Wade's phone connected for an extended period to either one of those towers in closest proximity to the [REDACTED] address based upon associated data use, voice calls or text messages. The data reveals he is stationary and not in transit. A deeper analysis of the data would reveal additional details such as where his travel began or ended. For purposes of my analysis, I determined that his residence is located in East Cobb and was able to review the records which demonstrate his phone pinging off the associated towers near his residence for consistent periods.

Because of the limitations in analyzing the sheer volume of data and preparing the report, I was directed to conduct a deeper analysis on two specific dates: September 11-12, 2021 (before I understand Mr. Wade was hired) and November 29-30, 2021 (prior to what I understand was the in-court testimony that the romantic relationship began in 2022). Specifically, on September 11, 2021, Mr. Wade's phone left the Doraville area and arrived within the geofence located on the Dogwood address at 10:45 P.M. The phone remained there until September 12 at 3:28 A.M. at which time the phone traveled directly to towers located in East Cobb consistent with his routine pinging at his residence in that area. The phone arrived in East Cobb at approximately 4:05 A.M., and records demonstrate he sent a text at 4:20 A.M. to Ms. Willis.

Additionally, on November 29, 2021, Mr. Wade's phone was pinging on the East Cobb towers near his residence and, following a call from Ms. Willis at 11:32 P.M., while the call continued, his phone left the East Cobb area just after midnight and arrived within the geofence located on the Dogwood address at 12:43 A.M. on November 30, 2021. The phone remained there until 4:55 A.M..

The findings and data are presented in a PowerPoint presentation. According to CellHawk, PowerPoint screen recordings are deemed to be the best way to present, in a transparent way, the totality of the data upon which the animated map feature was built. It allows for simultaneous viewing of the timeline, route of travel (tower hits), tower information, source of the hit (call, data, text), and elapsed time, among other features. Furthermore, juxtaposed to communications or the absence thereof, additional conclusions may be drawn from the data.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 22nd, 2024.

 _____, Charles Mittelstadt

CERTIFICATION OF CELL RECORD ANALYSIS
GENERATED FROM CELLDHAWK ANALYTICS

I hereby certify that the following reports were generated from the certified AT&T records utilizing the CellHawk analytics program and were not manipulated or edited to reflect anything other than the available generated reports from the analytics tool:

Exhibit A titled "Wade Willis Interactions for 2021": data report of all communications (text and calls) between Nathan Wade [REDACTED] and Fani Willis [REDACTED] from January 1, 2021 to November 30, 2021

Exhibit B titled "Wade Willis Heat Map 2021": heat map report reflecting the timing of interactions with a prevalence of calls made in the evening hours

Exhibit C PowerPoint Presentation titled N. Wade Geolocation Highlights in 2021

Slides 11-44 "Initial Search for Wade Visits within Dogwood Geofence": conservative data search described in the attached affidavit revealing Mr. Wade's cell phone pinging off of one of the two towers closest to the Dogwood address for an extended period of time on 35 occasions during the period ranging from April 1, 2021 to November 30, 2021

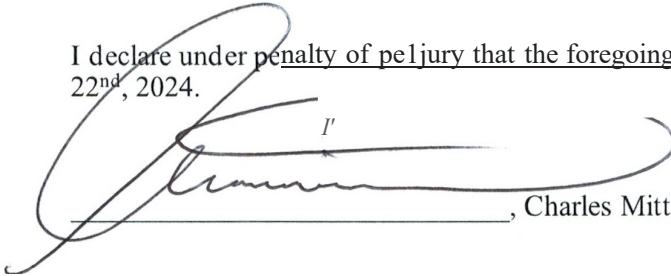
Slides 5-7 "September 11 to 12": deeper analysis described in the attached affidavit of Mr. Wade's cell phone tracking from September 11, 2021 to September 12, 2021 revealing the following activity:

- o Leaving the Doraville area at approximately 10:15 P.M.
- o Traveling directly to and arriving within the geofence located on the Dogwood address at approximately 10:45 P.M.
- o Leaving the Dogwood address at approximately 3:28 A.M.
- o Traveling directly to towers near his Marietta residence in East Cobb and arriving at 4:05 A.M.
- o Texts Fani Willis at 4:20 A.M.

Slides 8-10 "November 30": deeper analysis described in the attached affidavit of Mr. Wade's cell phone tracking on November 30, 2021 revealing the following activity:

- o Following a call from Fani Willis at 11:32 P.M which continues for 40 minutes
- o Leaving the towers located near his residence in East Cobb at approximately 12:05 A.M.
- o Outgoing call at 12:38 A.M. to Fani Willis
- o Traveling directly to and arriving within the geofence located on the Dogwood address at 12:43 A.M.
- o Leaving the Dogwood address at approximately 4:55 A.M. and traveling to the Atlanta area

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 22nd, 2024.


_____, Charles Mittelstadt