

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

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

CASE NO.

23SC188947

**STATE’S OBJECTION TO AND MOTION TO EXCLUDE DEFENDANT
DONALD JOHN TRUMP’S PROPOSED SUPPLEMENTAL EXHIBIT 38 SUBMITTED
IN VIOLATION OF O.C.G.A. § 24-7-702 ET SEQ., DAUBERT, AND THE COURT’S
OWN STANDING CASE MANAGEMENT ORDER FOR CRIMINAL CASES**

COMES NOW, the State of Georgia, by and through Fulton County District Attorney Fani T. Willis, and both objects to and moves the Court to exclude Defendant Donald John Trump’s proposed Supplemental Exhibit 38, which has been improperly submitted to the Court for consideration, in violation of O.C.G.A. § 24-7-701 et seq., the United States Supreme Court’s ruling in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and the Court’s own Standing Case Management Order for Criminal Cases. Supplemental Exhibit 38 contains both

telephone records that have not been admitted into evidence and an affidavit and other documents containing unqualified opinion evidence. For the reasons set forth below, the Court must exclude Defendant Trump's inadmissible proposed Supplemental Exhibit 38 from consideration, or, at a minimum, it must also consider the State's rebuttal evidence that demonstrates the unreliability of the unqualified opinion evidence improperly introduced by Defendant Trump.

I. Defendant Trump's proposed Supplemental Exhibit 38 was improperly submitted in direct violation of the Court's own Standing Case Management Order for Criminal Cases and should not be considered.

While Defendant Trump's proposed Supplemental Exhibit 38 cleverly avoids the use of the term "expert," it is clear that Defendant Trump's submission is an attempt to have the Court improperly receive unqualified opinion evidence as written "expert" testimony. The Court's own Standing Case Management Order for Criminal Cases states as follows:

Experts. Any party seeking to rely on expert testimony at trial (or any evidentiary hearing) *must provide written notice to the opposing party*. This notice *must include a meaningful summary of the expert's testimony* as well as *his or her qualifications to serve as an expert witness*. This notice *must be provided at least 14 days before the Final Plea/Trial Calendar Call and seven days before any evidentiary hearing requiring expert testimony*.

Amend. Standing Case Mgmt. Order for Crim. Cases at 3, Aug. 24, 2023, (emphasis added), attached as "**Exhibit A.**" Defendant Trump's proposed Supplemental Exhibit 38 violates this mandate of the Court in four ways: (1) Defendant Trump provided **no written notice** to the State; (2) Defendant Trump provided **no summary of the purported expert's testimony**; (3) Defendant Trump provided **no information related to qualifications of the witness to serve as an expert witness**; and (4) **no notice was provided at least seven days before the evidentiary hearing** that began on February 15, 2024.

At the conclusion of the portion of the hearing held on February 16, 2024, counsel for Defendant Trump stated:

We are in the process of, if the court will allow us, to obtain certain phone records, and we'd like the record kept open for the introduction of those phone records. We have them in draft, informally. We do not have certification of them.¹ And they would deal with—if you'll remember I asked Mr. Wade about certain activity down in Hapeville during the time period—and it deals with that specific time period. We're talking about February or March of 2021 through November 1st. ... We would want to—if what we believe is there based on our preliminary research, is there—*we'd like to reopen and introduce records and someone to explain what they mean.*

JudgeScottMcAfee, “2/16/24 Roman Motion Hearing Day 2 – 23SC188946,” YouTube (last accessed Feb. 23, 2024), available at <https://www.youtube.com/watch?v=351j4vLffYU> at 7:02:30.

Counsel for Defendant Roman also stated:

As soon as we got a hearing date and the State's response to what happened—when the State responded February 9th and admitted to the relationship but put parameters on the timing—I sent subpoenas out in response to that. The problem is Delta, AT&T, and all these folks aren't super fast about all that. I know Delta—we're also waiting, I wanted to remind the Court—waiting for those records to be submitted *in camera*. And *AT&T actually e-mailed me these phone records yesterday morning on the way to court.*

Id. at 7:03:52.

Representations made by counsel for Defendant Trump and Defendant Roman make very clear to the Court several relevant facts: (1) defense counsel issued subpoenas for the telephone records at issue on or about February 9, 2024; (2) defense counsel had the subpoenaed telephone records in their possession at least as early as February 15, 2024; and (3) defense counsel always intended to attempt to introduce both the telephone records and an expert witness “to explain what they mean.” In spite of this, Defendant Trump made no effort to comply with the Court's own Standing Case Management Order for Criminal Cases. Defendant Trump provided no written

¹ This statement by counsel for Defendant Trump was untruthful. Defendant Trump's own proposed Supplemental Exhibit 38 and the assertions of counsel for Defendant Roman demonstrate Defendant Trump had a business record certification in his possession on February 16, 2024. See “**Exhibit B**,” Certificate of Authenticity dated Feb. 15, 2024.

notice to the State in advance of the hearing, provided no summary of the testimony, and provided no information related to qualification to serve as an expert witness. The Court's Standing Case Management Order for Criminal cases was specifically intended to prevent parties from ambushing opposing counsel with purported expert evidence without allowing opposing counsel a meaningful opportunity to review the evidence, review the purported expert's report and qualifications, and obtain its own expert in rebuttal. The Court cannot now allow Defendant Trump to bypass this protective procedure when, in other cases, it has excluded expert evidence for a party's failure to follow the Standing Case Management Order for Criminal Cases. All parties coming before this Court must be treated equally; indeed, "treating like cases alike promotes a system of equal treatment under the law rather than one built on arbitrary discretion." *Ammons v. State*, 315 Ga. 149, 169 (2022) (quoting THE FEDERALIST NO. 78, at 529 (Alexander Hamilton) (Jacob E. Cooke ed., 1961)) (Pinson, J., concurring) (cleaned up); *see also* O.C.G.A. § 15-6-6.

II. Defendant Trump's proposed Supplemental Exhibit 38 was improperly submitted in direct violation of O.C.G.A. § 24-7-701 et seq. and the United States Supreme Court's ruling in *Daubert* and cannot be considered by the Court.

Effective July 1, 2022, the General Assembly revised longstanding Georgia evidence rules regarding lay and expert witness opinion testimony by applying the provisions of O.C.G.A. § 24-7-701 et seq. to criminal matters, substantially consistent with the standards set forth by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). The provisions "*shall apply in all proceedings*" with limited exceptions that do not apply here. O.C.G.A. § 24-7-702(a) (emphasis added). Defendant Trump now seeks to submit Supplemental Exhibit 38, which contains, among other things, an affidavit of witness Charles Mittelstadt that consists of opinions based on scientific, technical, and other specialized knowledge within the scope of O.C.G.A. § 24-7-702. This type of opinion testimony is specifically prohibited if a witness

has not been qualified as an expert. O.C.G.A. § 24-7-701. No applicable exceptions exist under Georgia law. Prior to providing *expert* opinion testimony, the Court must make each of the following findings based on evidence in the record:

- (1) The expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (2) The testimony is based upon sufficient facts or data;
- (3) The testimony is the product of reliable principles and methods; and
- (4) The expert has reliably applied the principles and methods to the facts of the case.

O.C.G.A. § 24-7-702(b). The party advancing the expert testimony has the burden of establishing its admissibility under O.C.G.A. § 24-7-702(b). *Stern v. Pettis*, 357 Ga. App. 78, 80 (2020); *accord United States v. Frazier*, 387 F.3d 1244, 1260 (11th Cir. 2004)². Here, none of the required findings have been made by the Court, and no timely, competent evidence that complies with the Court’s Standing Case Management Order in Criminal Cases exists in the record that would establish even one of these factors, as our law requires. Indeed, Defendant Trump has provided *no* competent evidence whatsoever that would establish that Mittelstadt is in fact an expert in anything.

Moreover, the telephone records at issue themselves, which form the basis of Mittelstadt’s purported expert testimony, are not properly in evidence. No one has authenticated the telephone records at issue, and the “Certificate of Authenticity of Domestic Records Pursuant to Federal Rules of Evidence 902(11) and 902(13)” is insufficient. O.C.G.A. § 24-9-902(11) states that a party intending to offer business records into evidence under that code section “shall” make both

² Pursuant to O.C.G.A. § 24-7-702(f), in interpreting and applying these rules, the Court is authorized to “draw from the opinions of the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *General Electric Co. v. Joiner*, 522 U.S. 136 (1997); *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999); and other cases in federal courts applying the [same] standards”

the records *and* the declaration available for inspection “sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge such record and declaration.” Contemporaneously providing the certificate of authenticity and the telephone records to the State *after the close of evidence* is not sufficiently advance notice to provide the State with a fair opportunity to challenge the records and the declaration. *See Gregory v. State*, 342 Ga. App. 411, 417 (2017) (failure to comply with notice requirement excusable only because the business records themselves were provided in discovery well in advance of trial); *Salas v. JP Morgan Chase Bank, N.A.*, 334 Ga. App. 274, 279 (2015) (failure to comply with notice requirement only excusable because plaintiff received business records themselves as part of motion for summary judgment and had time to challenge records before filing their response). The Court should not excuse Defendant Trump’s failure to comply with O.C.G.A. § 24-9-902(11) when it is clear from the record that Defendant Trump subpoenaed the records as early as February 9, 2024, and had both the records and the declaration in his possession by February 15, 2024. Rather than providing notice to the State at that time, he never provided notice and instead is now attempting to ambush the State with these unauthenticated records only five business days in advance of the scheduled closing arguments to deprive the State an opportunity to rebut.

The Court should not now reopen the evidence, disregard its own standing order, and allow Defendant Trump the opportunity to qualify Mittelstadt as an expert witness when it has declined to do the same in other cases. All parties coming before this Court must be treated equally.

III. If the Court determines that Defendant Trump’s inadmissible, untimely proposed Supplemental Exhibit 38 can be considered, the Court must also consider the State’s rebuttal evidence.

Notwithstanding the inadmissibility of Defendant Trump’s proposed Supplemental Exhibit 38 under the Court’s Standing Case Management Order for Criminal Cases and under O.C.G.A. §

24-7-701 et seq., pursuant this Court's own evidentiary ruling against the State at the hearing, the phone records at issue are inadmissible. When the State attempted to impeach the testimony of defense witness Terrence Bradley concerning the circumstances surrounding his departure from Wade Bradley Campbell Firm, the Court ruled that the State could not introduce extrinsic evidence contradictory to Bradley's testimony for the purpose of impeachment:

Under [Rule] 608, I don't see how this isn't well beyond the core facts at issue. I think you confronted with him, I think he answered them as he saw fit, and argument can be made as a result. But to go down a whole mini trial on whether he did or did not do this and the circumstances of his leaving the firm, I don't see how that gets past 608.

JudgeScottMcAfee, "2/16/24 Roman Motion Hearing Day 2 – 23SC188946," YouTube (last accessed Feb. 23, 2024), available at <https://www.youtube.com/watch?v=351j4vLffYU> at 7:13:07. Here, Defendant Trump attempts to do the exact same thing: introduce extrinsic evidence purportedly contradictory to Special Prosecutor Nathan Wade's testimony for the purpose of impeachment. If the Court did not allow the State to impeach with extrinsic evidence, it cannot allow Defendant Trump's attempt to do the same thing. All parties coming before this Court must be treated equally.

But even if, in spite of all of these evidentiary deficiencies, the Court determines that it can still consider Defendant Trump's proposed Supplemental Exhibit 38, the phone records simply do not prove anything relevant. The records do nothing more than demonstrate that Special Prosecutor Wade's telephone was located somewhere within a densely populated multiple-mile radius where various residences, restaurants, bars, nightclubs, and other businesses are located. **The records do not prove, in any way, the content of the communications between Special Prosecutor Wade and District Attorney Willis; they do not prove that Special Prosecutor Wade was ever at any particular location or address; they do not prove that Special Prosecutor Wade and District**

Attorney Willis were ever in the same place during any of the times listed in Supplemental Exhibit 38; and, in fact, on multiple relevant dates and times, evidence clearly demonstrates that District Attorney Willis was elsewhere, including at work at the Fulton County District Attorney's Office AND VISTING THE THREE CRIME SCENES WHERE A MASS MURDER MOTIVATED BY RACE AND GENDER BIAS HAD TAKEN PLACE. *See, e.g.,* “**Exhibit C,**” Calendars and E-mails Showing District Attorney Willis at DA’s Office.

IV. Defendant Trump’s proposed Supplemental Exhibit 38, which is clearly inadmissible and has little evidentiary value, was not filed in good faith and is simply another attempt to garner media attention.

The State submits that Defendant Trump’s proposed Supplemental Exhibit 38, was not filed in good faith but instead is nothing more than another attempt to garner salacious headlines in the media. *See* “**Exhibit D,**” New York Post Article. Some of these headlines, including the attached, were patently false, and many others were misleading. Roughly simultaneous with the filing, counsel for Defendant Trump immediately provided unredacted cell phone records, which contained personal identifying information belonging to Special Prosecutor Wade and District Attorney Willis, to members of the media. *See* “**Exhibit E,**” Steve Sadow E-mail.³ Portions of Defendant Trump’s proposed Supplement Exhibit 38, including cell phone records with personal identifying information, were then quickly distributed on social media. *See* “**Exhibit F,**” @CitizenFreePres Tweet.

Defendant Trump’s proposed Supplemental Exhibit 38 includes an attempt to introduce evidence by affidavit even though Defendant Trump insisted that the State was disallowed from doing so and compelled Special Prosecutor Wade to testify. Defendant Trump’s proposed

³ Attorney Sadow’s contact information has been redacted from this exhibit at the direction of District Attorney Willis to protect his safety, a courtesy she was not provided.

Supplemental Exhibit 38 fails to comply with the Court's standing order and evidentiary rules regarding notice or qualification of expert witnesses. Moreover, the State questions whether Defendant Trump legally obtained cell site location information, which is generally only obtainable after a finding of probable cause and issuance of a search warrant. For all of these reasons, it is clear that Defendant Trump's proposed Supplemental Exhibit 38 is inadmissible, was not filed in good faith, and should not be considered by the Court.

For the reasons set forth below, the Court must exclude Defendant Trump's inadmissible proposed Supplemental Exhibit 38 from consideration.

Respectfully submitted this 23rd day of February 2024,

FANI T. WILLIS
District Attorney
Atlanta Judicial Circuit

/s/ Adam Abbate
Adam Abbate
Georgia Bar No. 516126
Chief Deputy District Attorney
Fulton County District Attorney's Office
136 Pryor Street SW, 3rd Floor
Atlanta, Georgia 30303




Exhibit A.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILED IN OFFICE

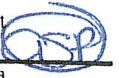
AUG 24 2023

IN RE: PROCEDURE FOR ALL
CRIMINAL CASES ASSIGNED
TO JUDGE MCAFEE'S DIVISION

JUDGE SCOTT MCAFEE

CHÉ ALEXANDER
Clerk of Superior Court

Fulton County, Georgia



2023-EX-000227

**AMENDED¹ STANDING CASE MANAGEMENT ORDER FOR
CRIMINAL CASES IN JUDGE SCOTT MCAFEE'S DIVISION**

For all criminal cases assigned to this division, the Court HEREBY ORDERS that the following deadlines, policies, and procedures govern. Absent express permission from the Court, no exceptions, extensions, or waivers to the requirements set forth herein are allowed.

COMMUNICATING WITH THE COURT

1. General. While the Court encourages counsel to communicate with Chambers, such communication shall be in writing and emailed to Litigation Manager Cheryl Vortice (cheryl.vortice@fultoncountyga.gov) with copies of such communication also provided to all counsel of record unless the matter is a proper *ex parte* filing.
2. Email. The Court, via the Litigation Manager, communicates with counsel via email whenever possible. At the entry of appearance of counsel, attorneys are required to provide an email address through the filing or by subsequently emailing Litigation Manager Cheryl Vortice. If you do not personally check your emails, you must arrange to have your emails forwarded to someone in your office who will be responsible for checking them and informing you of the messages/documents that have been sent. To avoid inappropriate *ex parte* communications, submit all questions, explanations, or discussions concerning your case by email, with a copy to opposing counsel. Appropriate *ex parte* communications are excepted from this rule. To prevent miscommunications and inappropriate *ex parte* communications, avoid telephoning chambers except in exceptional circumstances.

¹ This Order supersedes Standing Case Management Order for Criminal Cases in Judge Scott McAfee's Division, 2023-EX-000227 (Feb. 16, 2023).

PLEA AND ARRAIGNMENT

1. Appearance and Waiver. Each new case assigned to this division will be set for a Plea and Arraignment hearing date. Unless expressly excused by the Court, no later than 48 hours prior to the hearing date, counsel may file a Waiver of Arraignment personally signed by the defendant indicating that the defendant is entering a plea of Not Guilty and waiving formal arraignment. If properly waived, defendants are not required to appear at arraignment.
2. Bond Motions/Hearings: Motions for bond will not be heard at arraignment unless filed no later than 48 hours prior to the arraignment date. All bond motions must be filed with the Office of the Clerk of the Superior Court. Any bond motions filed prior to the docketing of the charging document (indictment/accusation) must be refiled or will be deemed withdrawn. Parties filing motions are required to deliver a courtesy copy to opposing counsel and to Litigation Manager Cheryl Vortice. The State shall provide notice to victims or other interested parties as required by law.
3. Scheduling Order. At the time of arraignment and entry of a Not Guilty plea (whether by waiver or announcement), the Court will enter a separate Case Specific Scheduling Order (“CSSO”) in each defendant’s case setting the specific deadlines for discovery and motions. Re-indicted cases are bound by the CSSO dates, notices, and published calendars for the originally indicted case absent good cause shown and further order of this Court.
4. Reciprocal Discovery: Any defendant opting into reciprocal discovery shall provide written notice to the prosecuting attorney at or prior to arraignment. O.C.G.A. 17-16-2(a).

DISCOVERY

1. General. The parties shall promptly and completely comply with the requirements of O.C.G.A. § 17-16-4 by the specific Discovery Date deadline as set forth in the separate CSSO entered in each defendant’s case. Any supplemental discovery must be supplemented as soon as practicable, but in any event no later than five business days after receipt of any additional information, documents, reports, or other matters which are subject to disclosure pursuant to applicable criminal discovery statutes.
2. Extensions. Any request for an extension of the Discovery Date deadline shall be submitted by written motion to the Court by the Discovery Date deadline.

Such motions must provide a detailed, fact-based explanation of the need for the extension including the amount of time needed to provide outstanding discovery, along with a proposed order for the Court's consideration. As with all motions, a courtesy copy of any motion for extension must be provided to Judge McAfee's Chambers via email to Litigation Manager Cheryl Vortice. Any outstanding forensic testing requested by either party must be brought to the Court's attention by way of a timely request for extension filed prior to the Discovery Deadline to prevent delays in the trial and other Court dates and deadlines.

3. Compelling Discovery. The parties are directed to comply with all discovery obligations. The parties are ordered not to file "form" motions seeking an order compelling the generalized disclosure of discoverable materials or the general exclusion of evidence. Any such non-specific "form" motions will not be considered by the Court. Should a party need to file a motion to compel discovery, the party shall itemize the articulable and case-specific instances in which the party believes the opposing party has failed to comply with discovery obligations. Such motion may be filed any time after the Discovery Date deadline has passed and no later than the Motions Due Date which is identified in the separate CSSO entered in each defendant's case. Complaints concerning untimely discovery will not be considered as a basis to delay trial unless the issue has been previously raised with the Court.
4. Experts. Any party seeking to rely on expert testimony at trial (or any evidentiary hearing) must provide written notice to the opposing party. This notice must include a meaningful summary of the expert's testimony as well as his or her qualifications to serve as an expert witness. The notice must be provided at least 14 days before the Final Plea/Trial Calendar Call and seven days before any evidentiary hearing requiring expert testimony.

CASE MANAGEMENT/PRETRIAL CONFERENCE

1. General. A Case Management/Pretrial Conference will be scheduled in the CSSO to take place at the close of the specific Discovery and Motions deadlines. All discovery and reciprocal discovery shall be completed prior to the Case Management/Pretrial Conference. Cases ready for the Final Plea/Trial Calendar Call and without filed pretrial motions may be removed from this calendar at the request of the parties by contacting Litigation Manager Cheryl Vortice. Defendants that are represented are not required to appear at the Case Management/Pretrial Conference.

2. Order to Confer in Advance. The Court hereby orders the parties to confer before the Case Management/Pretrial Conference to determine whether any outstanding motions or issues can be narrowed or resolved by agreement.
3. Discussion. Parties should be prepared to discuss the production and review of discovery (including whether the State can inform the Court and defense counsel that all discovery has been produced), evidentiary and other legal issues expected to be raised pretrial, probability of disposition of the case without trial, whether either party anticipates introducing any expert testimony, any logistical concerns (such as out-of-state witnesses) relating to the scheduling of trial, and any other matters requiring the Court's attention.

MOTIONS

1. General. The due date for all motions is the specific Motions Due Date deadline as set forth in the separate CSSO entered in each defendant's case. Motions filed after that date are untimely and will not be considered, absent a showing of just cause for the late filing. *Copeland v. State*, 272 Ga. 816, 817 (2000); USCR 31.1. All motions, proposed orders, and other submissions to the Court shall be printed or typed with not less than double-spacing between the lines, except in block quotations or footnotes. Margins shall be no less than one inch at the top, bottom, and sides. The type size shall not be smaller than 12-point Courier or Times New Roman font.
2. Application. The motion filing requirements and deadlines apply to all motions and notices, including but not limited to: immunity motions under O.C.G.A. § 26-3-24, demurrers, pleas in bar or abatement, State's notice of O.C.G.A. §§ 24-4-404(b), 24-4-413, and 24-4-414 evidence, State's notice of intention to use child hearsay, defendant's notice of intent to raise issues of incompetency, insanity, or mental illness, defendant's notice of intent to raise alibi defense, and defendant's notice of intent to introduce evidence of specific acts of violence by victim against third parties. These deadlines do not apply to motions *in limine* involving discrete evidentiary issues, the significance of which is not readily apparent until focused trial preparation. However, untimely motions improperly cast as motions *in limine* which are not true *in limine* motions, such as motions to suppress, to dismiss, or to sever defendants, will not be permitted after the Motions Due Date deadline absent a showing of just cause.
3. Filing, Courtesy, and Service Copies. All motions must be filed with the Office of the Clerk of the Superior Court. Parties filing motions are required to deliver

a courtesy copy to opposing counsel and to chambers via email to Litigation Manager Cheryl Vortice. The courtesy copies of motions must be received in Chambers the same day that the motions are filed in the Clerk's office.

Particularization Required. Only those motions sufficiently particularized as to provide legal notice to the opposing parties will be considered by the Court. Generalized and omnibus motions are not to be filed, and if filed will be denied as vague, dilatory, and in violation of this order. Motions must specify, with particularity, the item, statement, or event at issue and must be tailored to the facts of the case at hand. Each motion shall be limited to a single issue and filed separately. Thus, a general motion seeking to suppress all statements or all evidence is insufficient and will be denied. The motion must identify the specific statement or evidence that the movant is seeking to suppress, and must provide a theory of suppression.

4. Published Motions Hearing Calendar. The Court will publish a calendar for the Motions Hearing Date identified in the separate CSSO entered in each defendant's case, which will be held prior to the time set for the Final Plea/Trial Calendar Call. If no motions which require a hearing are timely filed, the case will not appear on the Motions Hearing Calendar.
5. Motions and Orders in Re-indicted Cases. If a case is re-indicted, all timely filed motions and all orders from the previously indicted case are adopted and effective in the newly indicted case unless the prior motion or order was addressed by the new indictment (*e.g.*, a demurrer to the original indictment).

FINAL PLEA AND TRIAL CALENDAR CALL

1. General. A Final Plea and Trial Calendar Call will be held on a date determined by the Court, which will typically occur at the Case Management/Pretrial Conference. The State will not be allowed to place the case on the Dead Docket or re-indict after the Final Plea Calendar absent good cause shown and further order of this Court. Reductions in charges will be handled by the Court on a case-by-case basis. Attorneys and defendants must appear at the Final Plea Calendar unless the case has been previously resolved. The Final Plea Date shall not be reset absent good cause shown and express order of this Court. If a party has announced "ready for trial" at a previous Trial Calendar Call, in-person appearance at any subsequent Trial Calendar Call may be waived upon approval by the Court.

2. Order to Confer in Advance. The Court hereby orders the parties to confer before the Final Plea Date to determine the State's offer and whether the defendant will enter a plea of guilty or move forward to trial.
3. Entering Guilty Pleas. Negotiated or non-negotiated pleas may be entered at any time prior to the Final Plea Date. The parties are directed to contact Litigation Manager Cheryl Vortice to schedule a date for entry of a plea prior to the Final Plea Hearing. The Final Plea Date is the last opportunity to present a non-negotiated plea which can then be withdrawn at the option of the defendant at the time of sentence pronouncement. This right of withdrawal must be exercised on the record in open Court and expires when the Court adjourns for that day. The Court will afford a defendant one opportunity to enter a non-negotiated plea up until the Final Plea date. If a non-negotiated plea has been withdrawn by the defendant, the defendant will not be allowed to withdraw a guilty plea at any point in the future.
4. Accountability Court Sentence Recommendations. A defendant must have been interviewed and accepted by the Accountability Court program (Drug Court, Behavioral Health Treatment Court, or Veteran's Court) prior to sentencing for the Court to consider the recommendation.
5. Continuance/Request for Status Conference. In the event a party intends to seek a continuance or has any other problem with going forward with trial on the assigned Final Plea and Trial Date due to incomplete production of discovery, incomplete witness information, client difficulties, a request for a psychological evaluation, or otherwise, that party must notify the court by written request for a continuance and/or a status conference at least seven days before the Final Plea/Trial Date absent good cause shown. The written request must specifically identify the grounds for the continuance, conference, or other problems with going forward with trial.

APPEARANCE AT ALL CALENDARS AND HEARINGS

1. Attorneys. No attorney shall appear in that capacity before the Court until the attorney has filed an entry of appearance that fully complies with U.S.C.R. 4.2 or a notice of substitution of counsel that fully complies with U.S.C.R. 4.3(3). Attorneys are required to appear at all published calendars and properly noticed court appearances unless a proper Leave of Absence in accordance with U.S.C.R. 16.1 or 16.2, or a proper conflict letter in accordance with U.S.C.R. 17.1, is timely filed, or the attorney is otherwise expressly excused by the

Court. Note that any Leave of Absence not filed or served pursuant to U.S.C.R. 16.1 or 16.2, or filed *prior to entry of appearance of counsel in the case at issue* and not *served upon chambers*, stands denied under U.S.C.R. 16.4. Note that unless U.S.C.R. 17.1 is followed in all its subsections, then the attorney shall not be deemed to have a conflict pursuant to U.S.C.R. 17.1(A).

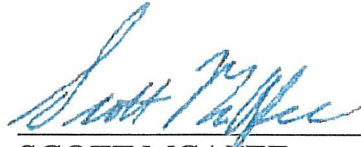
2. Defendants. Unless expressly excused by the Court, defendants must appear at all calendar calls and properly noticed court dates for his or her case even if his or her attorney has a properly filed conflict letter, leave of absence, or other expressly excused absence. Failure to report shall result in forfeiture of any bond which may have been set and issuance of a bench warrant for the arrest of the defendant.
3. Virtual Appearance. All calendars issued by the Court will specify whether the proceeding is “In-Person Only,” “Virtual Only,” or “Virtual and/or In-Person.” Counsel and parties may appear in any manner specified by the published calendar. The Court may authorize counsel and/or the parties to appear in a manner different than specified on the calendar, but only upon specific request and authorization by the Court. Witnesses may appear virtually if agreed by the parties and authorized by the Court. *See* U.S.C.R. 9.1-9.2. Video links provided for a hearing shall not be shared with anyone for any reason absent express permission from the Court.

MISCELLANEOUS

1. Withdrawal. If a defendant procures new counsel, it shall be the duty of the defendant’s previous attorney to provide all discovery to the new attorney as soon as practicable. Defendants must exercise their right to counsel of their choosing with reasonable diligence. Substitution of counsel shortly before trial will not be adequate grounds for a continuance. *See also* U.S.C.R. 4.3(3) (“substitution shall not delay any proceeding”).
2. Live-Streaming: To facilitate public access and open judicial proceedings, the Court may live-stream its proceedings and subsequently post recordings on its county-provided YouTube channel. Parties are directed to raise any concerns regarding this practice with the Court in advance of any hearing.²

² ~~Available at <https://www.youtube.com/@judgescottmcafee/streams>.~~

SO ORDERED, this 24th day of August, 2023.

A handwritten signature in blue ink, appearing to read "Scott McAfee", written over a horizontal line.

SCOTT MCAFEE
FULTON COUNTY SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

Exhibit B.



AT&T
11760 US HWY 1, SUITE 300
NORTH PALM BEACH FL 33408

[REDACTED]
(Fax)

CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS PURSUANT TO FEDERAL
RULES OF EVIDENCE 902(11) AND 902(13)

GLDC FILE NUMBER: 3857918

I, Keivandra Lang, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by AT&T, and my title is Legal Compliance Analyst. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of AT&T. I further state that:

a. All records attached to this certificate 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 those matters, they were kept in the ordinary course of the regularly conducted business activity of AT&T, and they were made by AT&T as a regular practice; and

b. Such records were generated by AT&T's electronic process or system that produces an accurate result, to wit:

1. The records were copied from electronic device(s), storage medium(s), or file(s) in the custody of AT&T in a manner to ensure that they are true duplicates of the original records; and

2. The process or system is regularly verified by AT&T, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Keivandra Lang

02-15-2024
Date

Exhibit C.

Willis, Fani

From: Willis, Fani
Sent: Tuesday, August 3, 2021 1:40 PM
To: [REDACTED]
Subject: RE: CASES PRESENTED

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Willis, Fani

From: Willis, Fani
Sent: Monday, August 23, 2021 5:45 PM
To: [REDACTED]
Subject: RE: December 17, 2021

Understood.

From: [REDACTED]
Sent: Monday, August 23, 2021 5:02 PM
To: Willis, Fani <[REDACTED]>; [REDACTED]
[REDACTED]
Subject: RE: December 17, 2021

[REDACTED]

[REDACTED]

[REDACTED]

From: Willis, Fani
Sent: Monday, August 23, 2021 12:36 PM
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: December 17, 2021
Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

Willis, Fani

From: Willis, Fani
Sent: Monday, August 23, 2021 5:57 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Importance: High

Greetings ALL:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

April 12, 2021

Monday

April 2021

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MONDAY		Daily Task List
12		Arrange by: Due Date
7 ^{AM}		
8		
9		
10		
11		
12 ^{PM}	<p>Meeting with Anti- Corruption HR Conference Room [REDACTED]</p> <p>CJIS Policy Board Meeting https://zoom.us/j/95702004337?pwd=c2Vj [REDACTED]</p>	
1	<p>Child Abuse Awareness and Prevention I [REDACTED]</p>	
2	<p>100 Day Celebration Assembly Hall Courtyard Willis, Fani</p> <p>Re: Celebrating 100 Days of Accomplishments! Fulton County Government Building-141 Pryor Street-Courtyard Area (Near the Assembly Hall) [REDACTED]</p> <p>fani.willis</p>	
3	<p>[REDACTED]</p> <p>HR Conference Room Willis, Fani</p>	
4		
5		
6		

Notes

April 20, 2021

Tuesday

April 2021

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

TUESDAY		Daily Task List
	20	Arrange by: Due Date
7 ^{AM}		
8		
9	Meeting w/ [REDACTED] HR Conference Room Willis, Fani	
10		
11		
12 ^{PM}		
1	Meeting with [REDACTED] Willis, Fani	
	RE: Odyssey Training- Beginner Session 7th Floor- Jury Room [REDACTED]	
	RE: Odyssey Training- Beginner Session 7th Floor- Jury Room [REDACTED]	
2		
3	RE: Odyssey Training- Proficient User Session 7th Floor- Jury Room [REDACTED]	
4		
5		
6		
		Notes

May 10, 2021

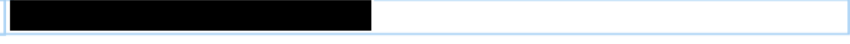








Monday

May 2021

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MONDAY		Daily Task List	
10		Arrange by: Due Date	
7 ^{AM}			
8			
9			
10			
11	Spa Killings Start at FCDA office Willis, Fani		
12 ^{PM}			
1			
2			
3	Meeting with  ; Willis, Fani		
4	FCDA/FCSO Evidence Space Project (6215 Industrial Blvd.) Via Zoom: https://zoom.us/j/91736350173 		
5			
6	<table border="1"> <tr> <td>FW: Spa Victims Zoom Meeting https://zoom.us/j/96726798270 </td> <td>Spa Massacre Victims Update DA conference room </td> </tr> </table>	FW: Spa Victims Zoom Meeting https://zoom.us/j/96726798270 	Spa Massacre Victims Update DA conference room 
FW: Spa Victims Zoom Meeting https://zoom.us/j/96726798270 	Spa Massacre Victims Update DA conference room 		
		Notes	

Willis, Fani

From: Willis, Fani
Sent: Wednesday, June 30, 2021 1:41 PM
To: [REDACTED]
Subject: FW: [REDACTED]
Attachments: [REDACTED]

From: [REDACTED]
Sent: Wednesday, June 30, 2021 1:10 PM
To: Willis, Fani <[REDACTED]@fultoncountyga.gov>
Cc: [REDACTED]
Subject: [REDACTED]

Good Afternoon District Attorney Willis,

[REDACTED]

[REDACTED]

[REDACTED]

Willis, Fani

From: Willis, Fani
Sent: Wednesday, November 17, 2021 4:44 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: leadership book final review - Can I see before you push send to printer

[REDACTED]
[REDACTED]

Fani T. Willis

Fani T. Willis
District Attorney
Atlanta Judicial Circuit
Fulton County, Georgia

Please note: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.



From: [REDACTED]
Sent: Wednesday, November 17, 2021 4:34 PM
To: Willis, Fani <[REDACTED]@fultoncountyga.gov>
Cc: [REDACTED]
Subject: Re: leadership book final review - Can I see before you push send to printer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: Willis, Fani

Sent: Wednesday, November 17, 2021 8:53 AM

To: [REDACTED]

Subject: [REDACTED]

When: Wednesday, November 17, 2021 4:30 PM-5:00 PM.

Where:

[REDACTED]

Willis, Fani

From: Willis, Fani
Sent: Wednesday, November 17, 2021 4:48 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: leadership book final review - Can I see before you push send to printer

[REDACTED] check all spellings.

Fani T. Willis

Fani T. Willis
District Attorney
Atlanta Judicial Circuit
Fulton County, Georgia

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From: [REDACTED]
Sent: Wednesday, November 17, 2021 4:46 PM
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: leadership book final review - Can I see before you push send to printer

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, November 17, 2021 4:34 PM
To: Willis, Fani <[REDACTED]@fultoncountyga.gov>
Cc: [REDACTED]

[REDACTED]
Subject: Re: leadership book final review - Can I see before you push send to printer

Madam,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Willis, Fani

Sent: Wednesday, November 17, 2021 8:53 AM

To: [REDACTED]

Subject: leadership book final review - Can I see before you push send to printer

When: Wednesday, November 17, 2021 4:30 PM-5:00 PM.

Where:

Let's order these books today.

Willis, Fani

From: Willis, Fani
Sent: Wednesday, November 17, 2021 5:51 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Assignments

Importance: High

Greetings Community Resource Specialist:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Fani T. Willis

Fani T. Willis
District Attorney
Atlanta Judicial Circuit
Fulton County, Georgia

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Willis, Fani

From: Willis, Fani
Sent: Wednesday, November 17, 2021 6:06 PM
To: [REDACTED]
Subject: FCDA Community Recognition Event
Attachments: Community Hero Event.jpg

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Yours in Service,



Willis, Fani

From: Willis, Fani
Sent: Wednesday, November 17, 2021 7:58 PM
To: [REDACTED]
Subject: Program Book

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Fani T. Willis



Fani T. Willis
District Attorney
Atlanta Judicial Circuit
Fulton County, Georgia

Please note: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

Willis, Fani

From: Willis, Fani
Sent: Thursday, October 7, 2021 3:29 PM
To: [REDACTED]
Subject: RE: Need the link to the m: drive

Thank you!

From: [REDACTED]
Sent: Thursday, October 7, 2021 1:30 PM
To: Willis, Fani <[REDACTED]@fultoncountyga.gov>; [REDACTED]
[REDACTED]
Subject: RE: Need the link to the m: drive

[REDACTED]

From: Willis, Fani
Sent: Thursday, October 07, 2021 1:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Need the link to the m: drive
Importance: High

[REDACTED]

From: [REDACTED]
Sent: Thursday, October 7, 2021 1:10 PM
To: [REDACTED]
Cc: [REDACTED]; Willis, Fani <[REDACTED]@fultoncountyga.gov>; [REDACTED]
Subject: RE: Need the link to the m: drive

I have placed the cases a excel spreadsheet for Porsche.
Thank you.

From: [REDACTED]
Sent: Thursday, October 7, 2021 1:06 PM
To: [REDACTED]
Cc: [REDACTED]; Willis, Fani <[REDACTED]@fultoncountyga.gov>; [REDACTED]

Willis, Fani

From: Willis, Fani
Sent: Thursday, October 7, 2021 7:18 PM
To: [REDACTED]
Subject: FW: [REDACTED]

[REDACTED]
Sent: Thursday, October 7, 2021 5:30 PM
To: Willis, Fani <[REDACTED]@fultoncountyga.gov>
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Willis, Fani <[REDACTED]@fultoncountyga.gov>
Sent: Thursday, October 7, 2021 3:02 PM

[REDACTED]

Importance: High

External email: Use caution when clicking on links and attachments from outside sources.

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Exhibit D.

LATEST IN US NEWS



Trump says he 'strongly' supports IVF, calls on Alabama...



Death of Texas teacher, 73, at hands of student allegedly covered...



Lax Ca require migran

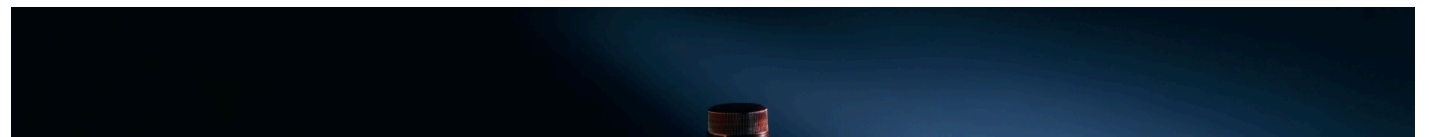
430

US NEWS

Nathan Wade's phone pinged at Fani Willis' home 35 times before they claim affair began: docs

By Jack Morphet and Priscilla DeGregory

Published Feb. 23, 2024, 3:18 p.m. ET



Nathan Wade's phone has been tracked to District Attorney Fani Willis' home late night in 2021, well before the pair **claim they were a couple**, according to a bombshell new court filing by attorneys for

Thank you for visiting. By continuing, you agree to our Terms of Use and Privacy Notice.

On 35 occasions Wade was in the vicinity of the condo Willis was subleasing from a friend in Hapeville, Georgia, “for an extended period of time” between April 1, 2021 and Nov. 30, 2021, according to Charles Mittelstadt, an investigator hired by Trump’s team.

Many of those visits were before Wade was hired by Willis to be special prosecutor of the Trump case in November 2021, and appear to contradict court testimony last week when he said he claimed he been at the condo no more than 10 times before he was hired.

The duo have told the court they didn’t strike up a romantic relationship until the spring of 2022, and broke up around a year later.

However, in the lead-up to Willis hiring Wade and also in the month after he signed his first contract with her office, he appeared to visit the condo twice in the middle of the night according to Middelstadt, who analyzed mountains of cell phone and geolocation data from Wade’s number.



On Sept. 11, 2021, Wade’s cell phone was placed around the Hapeville condo at 10:45 p.m. and stayed there until the wee hours of the morning the next day, leaving at 3:28 a.m. and soon after arriving at his own home, Mittelstadt claimed in an affidavit.

EXPLORE MORE

Exhibit E.

Re: 23SC188947

Steve Sadow [REDACTED]

Fri 2/23/2024 4:17 PM

[REDACTED]

📎 1 attachments (28 KB)

Mail Attachment.eml;

This Message Is From an External Sender

This message came from outside Fulton County Government. Use caution with links/attachments.

Report Suspicious

[REDACTED]

I inadvertently sent the unredacted cell phone records to Bill Rankin this morning. When I realized the error, I immediately contacted him and told him explicitly not to disclose them to anyone else and not to publish the cell phone numbers or any other protected information. Mr. Rankin indicated he understood and would not publish the cell phone numbers or address. It was my mistake alone.

Steve Sadow

[REDACTED] office
[REDACTED] cell

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Exhibit F.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

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

CASE NO.

23SC188947

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this STATE'S OBJECTION TO AND MOTION TO EXCLUDE DEFENDANT DONALD JOHN TRUMP'S PROPOSED SUPPLEMENTAL EXHIBIT 38 SUBMITTED IN VIOLATION OF O.C.G.A. § 24-7-702 ET SEQ., DAUBERT, AND THE COURT'S OWN STANDING CASE MANAGEMENT ORDER FOR CRIMINAL CASES upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This 23rd day of February 2024,

FANI T. WILLIS

District Attorney
Atlanta Judicial Circuit

/s/ Adam Abbate

Adam Abbate

Georgia Bar No. 516126

Chief Deputy District Attorney

Fulton County District Attorney's Office

136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303

[REDACTED]