

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.	:	

**PRESIDENT TRUMP’S INITIAL REPLY TO STATE’S SUPPLEMENTAL  
POST-HEARING BRIEF CONCERNING DISQUALIFICATION OF AN  
ELECTED DISTRICT ATTORNEY**

President Trump’s initial reply to the State’s supplemental brief addresses only the argument on forensic misconduct. In footnote one on page two of its brief, the State maintains:

that the evidence presented does not even come close to establishing that the District Attorney’s statements “were part of a calculated plan evincing a design to prejudice the defendant[s] in the minds of” potential jurors, the standard required for a finding of forensic misconduct. *Williams v. State*, 258 Ga. 305, 315 (1988). No prosecutor in Georgia has ever been disqualified from prosecuting any case on grounds of forensic misconduct, and this case should not be the first.

But *Williams* does not set that as the sole test or the standard for all types of forensic misconduct. What *Williams* actually says is:

One 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. See *Vermont v. Hohman*, supra. In 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.

258 Ga. at 315 (internal citation omitted).

Our case implicates far more appalling and unforgivable types of forensic misconduct – deliberately stoking racial and religious prejudice against defense counsel and the defendants, testifying under oath untruthfully, and committing fraud upon the tribunal – in the prosecution of the defendants. It involves (1) elected district attorney Willis wantonly playing both the “race and religion card” in her extrajudicial MLK holiday “church speech,” in a calculated plan to prejudice defense counsel and the defendants in the minds of potential Fulton County jurors, and (2) elected district attorney Willis and her then lover she hired, special assistant district attorney Wade, testifying falsely in a hearing before the Court on a material factual issue – whether their “personal relationship” began before Wade was hired.

While the State claims that no prosecutor has ever been disqualified in Georgia for forensic misconduct, no prosecutor in Georgia, elected or otherwise, has engaged in misconduct like Willis and Wade have here. Elected district attorney/constitutional officer notwithstanding, the remedy must fit the misconduct. This Court must not permit Willis and Wade to continue to prosecute this case where they have flouted and violated Georgia Rules of Professional Conduct 3.3(a)(1) and 3.8(g). To do otherwise will be viewed by the public and within the criminal justice

system as an open license for prosecutors to engage in flagrant and egregious misconduct without repercussion or appropriate sanctions by the very court before which the misconduct occurred. Dismissal and disqualification are the appropriate remedies here.

Respectfully submitted,

/s/ Steven H. Sadow

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### **CERTIFICATE OF SERVICE**

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

This 5<sup>th</sup> day of March, 2024.

/s/Steven H. Sadow

STEVEN H. SADOW