



KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

Via Email

January 12, 2025

The Honorable Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-001

Dear Attorney General Garland:

I am writing to request the Department of Justice disclose to my office its case file in Special Counsel's investigation and prosecution relating to the 2020 presidential election in Washington, D.C. (Election Case) as authorized by a recent order issued by the Maricopa County Superior Court. Early in my term as Arizona's Attorney General, my office sought access to Special Counsel's materials in its case. Then, Special Counsel was not ready or able to share any materials. Today, your office does not have an active case and is preparing to release Special Counsel's report in the Election Case. Given these changed circumstances, I am revisiting my office's earlier request.

For background, a statewide grand jury in Arizona indicted 18 individuals who it alleged engaged in a fraud scheme to overthrow our democracy in 2020. The grand jury's indictment included charges against both national and Arizona-based individuals, including Arizona's 11 fake electors. Today, my office has one of the only remaining cases that includes charges against national actors. I have held steadfast to prosecuting the grand jury's indictment because those who tried to subvert democracy in 2020 must be held accountable.

Undoubtedly, disclosing Special Counsel's file to my office will help ensure that those who should be held accountable are. But I am also Arizona's chief law enforcement officer and a minister of justice. I must be sure the rights of the defendants are protected as well, and I would welcome any exculpatory material that the Special Counsel possesses.

To that end, defendant Mark Meadows requested a certificate of need as authorized under Arizona Revised Statute § 13-4093(A) and Washington D.C.'s reciprocal statute, D.C. Code § 23-1501. Relevant here, Meadows listed three categories of information:

All discovery produced by the Special Counsel in *United States v. Trump*, No. 1:23-cr-00257-TSC (D.D.C.), including, but not limited to all statements, documents, materials and reports produced pursuant to Fed. R.

Crim. P. 16(a) and statements of witnesses produced pursuant to the *Jencks* Act, 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2.

Any and all official records, including, but not limited to any textual, audiovisual and electronic media, created or received by Mark R. Meadows, the 29th Chief of Staff to the President of the United States from March 31, 2020, to January 20, 2021, including, but not limited to emails, text messages, logs, calendars, internal schedules, notes and files.

Any and all materials possessed in the Special Counsel that are exculpatory to Mark R. Meadows relating to the charges in *United States v. Trump*, No. 1:23-cr-00257-TSC (D.D.C).

(See Exhibit 1, Attachment B.) The State did not object to Meadows' request for these documents, but noted that Arizona's Superior Court cannot compel disclosure from a federal agency. Nevertheless, the Superior Court granted Meadows' request and issued the attached order. (See Exhibit 2.)

I am unaware of all documents that Special Counsel disclosed in the Election Case, but from media reports, it appears the Office of Special Counsel has disclosed its report to defense counsel. And pleadings filed in the Election Case suggest Special Counsel has made substantial disclosures. To be sure that my office has all incriminating and exculpatory evidence possessed by Special Counsel, I am requesting you disclose to my office Special Counsel's entire file, including the final report in the Election Case to the extent allowable by law and consistent with the Superior Court's Order.

Nothing in Judge Cannon's orders prohibits disclosure of the underlying investigative file in the Election Case. Moreover, Federal Rule of Criminal Procedure 6(e)(3)(E)(iii)-(iv) gives you the authority to disclose grand jury information for use in Arizona's criminal case. At a minimum then, the Department of Justice can disclose its material in the Election Case, but as with your statement in recent pleadings, it is in the public interest to disclose Special Counsel's report as well. My Office will then disclose all exculpatory material and any other material that must be disclosed under Arizona Rule of Criminal Procedure 15.

For the reasons discussed above, the Maricopa County Superior Court's order should be fulfilled. In the alternative, consider this a request under the Freedom of Information Act. Disclosure will ensure justice is done consistent with the rule of law. Please respond **by Tuesday, January 14, at 5:00 p.m. EST**. After that, I will consider my request denied under FOIA.

Respectfully,



Kris Mayes
Arizona Attorney General

Exhibit 1



OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

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

Anne Chapman (#025965)
Lee Stein (#012368)
Kathleen E. Brody (#026331)
anne@mscclaw.com
lee@mscclaw.com
kathy@mscclaw.com
MITCHELL | STEIN | CAREY | CHAPMAN, PC
2600 North Central Avenue, Suite 1000
Phoenix, AZ 85004
Telephone: (602) 358-0290
Facsimile: (602) 358-0291

George J. Terwilliger III*
P.O. Box 74
Delaplane VA 20144
George@gjt3law.com
*Pro Hac Vice

Attorneys for Defendant Mark Meadows

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,) No. CR2024-006850-018
)
Plaintiff,) **DEFENDANT MARK MEADOWS'S**
) **PETITION FOR CERTIFICATE OF**
v.) **NEED TO SECURE PRODUCTION**
) **OF DOCUMENTS, PURSUANT TO**
MARK MEADOWS (18),) **THE UNIFORM ACT TO SECURE**
) **THE ATTENDANCE OF WITNESSES**
Defendant.) **FROM WITHOUT THE STATE,**
) **FROM THE DOJ AND THE**
) **NATIONAL ARCHIVES**
)
) (Honorable Bruce Cohen)
)
)
)

1 COMES NOW, Mark R. Meadows, and petitions this Honorable Court for a
2 Certificate of Need for production of documents, pursuant to A.R.S § 13-4091 et seq. In
3 support of his petition, Mr. Meadows shows the Court as follows:

4 1. On April 23, 2024, the Arizona Attorney General secured an indictment against
5 Mark Meadows, former Chief of Staff to the President of the United States and 17 others
6 regarding allegations of election interference in the 2020 presidential election. The
7 allegations against Mr. Meadows in the indictment all occurred during his tenure as
8 White House Chief of Staff and consist predominately of actions he took inside the West
9 Wing of the White House.

10 2. When Mr. Meadows and other members of the Executive Office of the
11 President left federal service on January 20, 2021, custody of their official records (notes,
12 files, texts, calendars, logs and all other documentary materials) was transferred to the
13 National Archives and Records Administration (NARA) pursuant to the Presidential
14 Records Act, 42 U.S.C. § 2201, et seq. (PRA). By law, access to these records is
15 extremely limited and specifically exempted from FOIA access, for years. If not for his
16 service as White House Chief of Staff, and the requirements of the PRA, Mr. Meadows
17 would still have his calendars, emails, and other documents from the time of the indicted
18 conduct. But it is precisely because Mr. Meadows served as a senior federal official in the
19 White House that he no longer has access to those and other relevant records.

20 3. In its investigation, the Arizona Attorney General's prosecution team: met
21 multiple times with former White House staff, downloaded documents and transcripts
22 selectively posted by the January 6 Committee on their public website, obtained publicly
23 available pleadings and deposition transcripts from various 2020 election-related civil
24 cases, and interviewed a lengthy list of witnesses to purportedly summarize interviews in
25 testimony before the State Grand Jury.

26 4. The Arizona Attorney General's prosecution team did not, however, subpoena
27 from NARA the official records of the witnesses they questioned or the individuals they
28 targeted relating to the very conduct that they've charged. Nor, upon information and

1 belief, did the Arizona Attorney General’s prosecution team seek any materials from the
2 U.S. Department of Justice, which investigated the same alleged conduct. Had they done
3 so, Mr. Meadows would have received those materials in discovery and could rely on
4 them in his defense.

5 5. The Arizona Attorney General’s Office’s failure to seek relevant and material
6 records from NARA is in notable contrast to the case brought by the Office of Special
7 Counsel Jack Smith in United States v. Trump, No. 1:23-cr-00257- TSC (D.D.C.). Upon
8 information and belief, the Office of Special Counsel sought and obtained access from
9 NARA to relevant and material documents, including those official records of Mr.
10 Meadows while serving as Chief of Staff. With these relevant and material documents in
11 their possession, the Special Counsel’s Office reached a very different decision about Mr.
12 Meadows and his conduct. That Office’s description of Mr. Meadows’ activities differs
13 dramatically from that of the Arizona Attorney General’s Office. Indeed, in a case
14 involving an exhaustive investigation by competent prosecutors who actually sought and
15 obtained access to the universe of relevant and material records, Mr. Meadows is
16 described in the federal indictment not as a defendant, nor as an un-indicted co-
17 conspirator, but instead simply as a witness.

18 6. Mr. Meadows has a constitutional right to seek and obtain those records for use
19 in his defense. The Due Process clauses of the Arizona and federal Constitutions afford
20 criminal defendants with the powers of compulsory process. Executive components
21 within the federal government namely, the U.S. Department of Justice through the Office
22 of the Special Counsel and NARA, have in their possession official records of Mr.
23 Meadows and other members of the Executive Office of the President, which are relevant
24 and material to Mr. Meadows’ immunity and other defenses. Counsel for Mr. Meadows
25 have previously made informal inquiries with these Executive Branch offices, who have
26 indicated they will not produce those records without a court order.

27 7. Arizona’s Uniform Act, A.R.S. § 13-4091 et seq., has been construed as
28 authorizing the issuance of a subpoena duces tecum – a subpoena only for documents.

1 *Johnson v. O'Connor*, 235 Ariz. 85, 90-91 ¶ 21 (App. 2014). In fact, most U.S. state
2 courts that have considered the question have concluded that the Uniform Act procedures
3 can be used to require a witness to provide documents through a subpoena duces tecum.
4 *See id.* (collecting cases from Alabama, Florida, Georgia, Maryland, Nevada, and New
5 York that conclude that courts have the power under the state's Uniform Act laws to
6 order the witness to produce relevant documents).

7 8. Under Arizona's Uniform Act, if a person is a material witness, a judge may
8 "issue a certificate under the seal of the court stating these facts and specifying the
9 number of days the witnesses will be required. This certificate shall be presented to a
10 judge of a court of record in the county in which the witness is found."

11 9. The custodians of the requested documents are found in Washington DC.
12 NARA's Archivist, Colleen Shogan, and any other NARA custodian of records may be
13 served at NARA's DC office, 700 Pennsylvania Avenue, NW, Washington, DC 20408.
14 DOJ's Special Counsel, Jack Smith, and any other DOJ custodian of records may be
15 served at the Special Counsel's Office, 950 Pennsylvania Avenue, NW, Washington, DC
16 20530. Like Arizona, the District of Columbia has its own Uniform Act statutes. *See D.C.*
17 *Code* §§ 23-1501 to 1504.

18 10. The specific documents sought are described in the attached Exhibits A
19 (NARA records) and B (DOJ records).

20 11. The acts of Mr. Meadows described in this indictment, as evidenced, and
21 corroborated in the official records he seeks, were the official acts of the Chief of Staff.
22 Mr. Meadows' actions after the 2020 election were performed so as to help in directing as
23 much of the President's focus as possible from extraneous matters to critical issues of
24 national and international import, and to closely engage with members of the Executive
25 Office of the President, President Biden's transition team, and others to accomplish the
26 transition from one administration to the next. And in any event, none of Mr. Meadows'
27 actions was taken in furtherance of an illegal conspiracy.

28

1 12. The NARA records sought in Attachment A include Mr. Meadows' official
2 records during his tenure as the former Chief of Staff and leader of the Executive Office
3 of the President, as well as communications after the 2020 Presidential election between
4 certain members of his team in the Executive Office of the President, certain call records
5 involving offices within Mr. Meadows' control as the Chief of Staff, and the schedules
6 and calendars of certain Executive officials after the 2020 Presidential Election. These
7 specific records identify, among other things, what Mr. Meadows was doing, what he was
8 directing his subordinates to do, when they were doing it, and why. The records which,
9 again, were not sought by the Arizona Attorney General, reveal that Mr. Meadows was
10 not conspiring to unlawfully change the outcome of the 2020 Presidential Election, and
11 that his intent was to perform his official acts as the Chief of Staff and head of the
12 Executive Office of the President. The records are therefore material and directly relevant
13 not only to Mr. Meadows' defense of immunity under the Supremacy Clause of the U.S.
14 Constitution, but also to his substantive defense against the State's conspiracy charge,
15 which turn in substantive part on the defendant's state of mind.

16 13. The DOJ documents sought in Attachment B relate to: (1) documents the
17 United States has produced in discovery United States v. Trump, No. 1:23-cr-00257-TSC
18 (D.D.C.); (2) official records of Mark Meadows obtained by the Special Counsel; and (3)
19 documents exculpatory to Mr. Meadows. The Special Counsel availed himself to a much
20 greater universe of relevant materials during its investigation of the very conduct charged
21 in Arizona. Based on their expansive investigation of relevant and material information,
22 the Special Counsel described Mr. Meadows in the federal indictment and other related
23 filings as a witness and has not brought any federal charges against him. The documents
24 showing Mr. Meadows' actual role and intent during the so-called conspiracy charged in
25 Arizona have been produced in discovery by the Special Counsel in United States v.
26 Trump, No. 1:23-cr-00257-TSC (D.D.C.), or are otherwise in the Special Counsel's
27 possession, custody or control.

1 14. Since the Arizona Attorney General did not seek the documents requested
2 from NARA and DOJ, the records sought will not be cumulative of any other evidence in
3 this matter.

4 15. To the extent that NARA and DOJ officials do not wish to testify in person
5 during a hearing or trial of this matter, such attendance would be obviated by a full
6 production of the records sought. In the event neither recipient elects to produce
7 documents in lieu of testimony, the testimony will not exceed one day.

8 16. If NARA and DOJ officials decline to produce documents in lieu of testimony,
9 Mr. Meadows will pay all reasonable and necessary travel expenses and witness fees
10 required to secure attendance in accordance with the Uniform Act.

11 17. If NARA and DOJ officials elect to come into the State of Arizona pursuant to
12 this petition, the laws of this State shall give both protection from arrest and from service
13 of civil process, both within this State and in any other state through which they may be
14 required to pass in the ordinary course of travel for any matters which arose before their
15 entrance into this State and other states.

16 Wherefore, so as to enable him to secure his Constitutional right to present a
17 complete defense, Mark Meadows prays that this Honorable Court issue a Certificate of
18 Need to Secure the Production of Documents under seal of this Court, pursuant to A.R.S.
19 § 13-4091 et seq., certifying to the proper authorities in the jurisdiction in which NARA
20 and DOJ officials are located stating that documents within the custody and control of
21 NARA and DOJ officials are material for the above-referenced criminal prosecution, and
22
23
24
25
26

27 //

28 //

1 the production of the documents set forth in Exhibit A and Exhibit B must be produced
2 by the same. A proposed Certificate of Need will be provided to the Court.

3 RESPECTFULLY SUBMITTED October 07, 2024.

4 MITCHELL | STEIN | CAREY | CHAPMAN, PC

5 By: /s/ Anne Chapman

6 Anne Chapman

7 Lee Stein

8 Kathleen E. Brody

9 George J. Terwilliger III*

* Pro Hac Vice

10 *Attorneys for Defendant Mark Meadows*

11
12 **ORIGINAL** of the foregoing **E-FILED**
13 October 07, 2024 with:

14 Clerk of the Superior Court
15 Arizona Superior Court

16 **COPY** of the foregoing **DELIVERED VIA E-FILING**
17 and **E-MAIL** October 07, 2024 to:

18 Nicholas Klingerman, Esq.
19 Assistant Attorney General
20 Arizona Attorney General's Office
21 2005 N. Central Avenue
22 Phoenix, AZ 85004

nicholas.klingerman@azag.gov

krista.wood@azag.gov

crmfraud@azag.gov

23 Attorneys for Plaintiff

24 /s/ PLMcClellan

Attachment A

National Archives and Records Administration (NARA) Documents

1.

Any and all official records, including, but not limited to, any textual, audiovisual and electronic media, created or received by Mark R. Meadows, the 29th Chief of Staff to the President of the United States, from March 31, 2020, to January 20, 2021, including, but not limited to, emails, text messages, logs, calendars, internal schedules, notes and files. Such official records will include, but not be limited to, records relating to: COVID relief, Operation Warp Speed, COVID testing, the allocation and distribution of COVID supplies, prescription drug cost relief, appropriations, the Afghanistan withdrawal, the Abraham Accords, the National Defense Authorization Act, and numerous national security decisions on worldwide topics and threats.

2.

Any and all official records from the Executive Office of the President from November 4, 2020, to January 20, 2021, relating to the transition of presidential administrations, including, but not limited to, emails, texts and other communications between the Executive Office of the President and President-Elect Biden's transition team. Among many documents covering a multitude of subjects, the records will include notes from the Chief of Staff's daily national security briefer,

related to instructions to brief President-Elect Biden and the Biden Transition Team members within secured settings.

3.

Phone logs of internal calls between the White House switchboard and the Chief of Staff's Office from November 4, 2020, to January 20, 2021.

4.

Phone logs between the White House Situation Room and the Chief of Staff's Office from November 4, 2020, to January 20, 2021.

5.

Phone logs from November 4, 2020, to January 20, 2021, between the Chief of Staff's Office and Air Force One, and between the Chief of Staff's Office and remote vehicle phones.

6.

Emails and text messages from November 4, 2020 to January 20, 2021 of the following officials within the Executive Office of the President: Chris Liddell (Deputy Chief of Staff), Cassidy Hutchinson (Executive Assistant to the Chief of Staff), Eliza Thurston (Special Assistant to the President), Anthony Ornato (Deputy Chief of Staff), Beau Harrison (Deputy Assistant to the President), Molly Michaels (Assistant to the President) and Michael Haidet (Deputy Assistant to the President for Presidential Scheduling).

7.

Air Force One's manifest from March 31, 2020, to January 20, 2021.

8.

Records relating to Air Force One's allocation of costs associated with official and non-official duties from March 31, 2020, to January 20, 2021.

9.

Calendars and internal schedules for the President of the United States, Vice President of the United States and National Security Advisor from November 4, 2020, to January 20, 2021.

10.

Detailed White House visitor logs from November 4, 2020, to January 20, 2021.

11.

Any and all emails and text messages between the Office of the Chief of Staff and the Department of Justice from November 4, 2020, to January 20, 2021.

12.

Any and all emails and text messages between the Office of the Chief of Staff and Christopher Miller (Acting Secretary of Defense) and/or Kashyap Patel (Chief of Staff to Acting Secretary of Defense) from November 4, 2020, to January 20, 2021.

Attachment B

U.S. Department of Justice Documents

1.

All discovery produced by the Special Counsel in *United States v. Trump*, No. 1:23-cr-00257-TSC (D.D.C.), including, but not limited to all statements, documents, materials and reports produced pursuant to Fed. R. Crim. P. 16(a) and statements of witnesses produced pursuant to the *Jencks* Act, 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2.

2.

Any and all official records, including, but not limited to any textual, audiovisual and electronic media, created or received by Mark R. Meadows, the 29th Chief of Staff to the President of the United States from March 31, 2020, to January 20, 2021, including, but not limited to emails, text messages, logs, calendars, internal schedules, notes and files.

3.

Any and all materials possessed in the Special Counsel that are exculpatory to Mark R. Meadows relating to the charges in *United States v. Trump*, No. 1:23-cr-00257-TSC (D.D.C.)

Exhibit 2



OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2024-006850-018 DT

01/08/2025

HONORABLE SAM J. MYERS

CLERK OF THE COURT
A. Rowe
Deputy

STATE OF ARIZONA

NICHOLAS KLINGERMAN

v.

MARK MEADOWS (018)

ANNE M CHAPMAN

JUDGE SAM MYERS
VICTIM WITNESS DIV-AG-CCC

MINUTE ENTRY

The Court has received Defendant Mark Meadows' Petition for Certificate of Need to Secure Production of Documents, Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, from the DOJ and the National Archives filed October 7, 2024; the State's Response filed November 1, 2024; and the Reply filed November 19, 2024. Oral argument was not requested.

The Court has considered the arguments presented and the authorities cited.

Good cause appearing,

IT IS ORDERED granting the motion.

IT IS FURTHER ORDERED that Defendant Meadows shall submit a proposed Certificate of Need to the Court not later than January 31, 2025.