

FILED IN OFFICE

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

AUG 28 2023

CHÉ ALEXANDER
Clerk of Superior Court
Fulton County, Georgia

IN RE 2 MAY 2022 SPECIAL PURPOSE
GRAND JURY

2022-EX-000024

SECOND ORDER RE: SPECIAL PURPOSE GRAND JURY'S FINAL REPORT

In December 2022, the special purpose grand jury requested by the District Attorney and authorized by a majority vote of the Superior Court to conduct a criminal investigation into possible attempts to disrupt the administration of the 2020 general election in Georgia submitted its final report to the undersigned, the judge appointed to supervise the special purpose grand jury's work. O.C.G.A. § 15-12-101(a). In issuing its final report, the special purpose grand jury recommended that its report be published. O.C.G.A. § 15-12-80.¹

On 17 January 2023, the undersigned convened a hearing on the question of whether the special purpose grand jury's final report should be made public. After considering the well-reasoned positions of both the District Attorney's Office and the media intervenors, the undersigned, in an Order dated 13 February 2023, concluded that much of the final report should not be disclosed until such time as the District Attorney completed her investigation.²

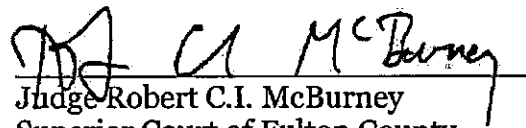
¹ As explained in the first order concerning publication of the special purpose grand jury's report, an O.C.G.A. § 15-12-80 "recommendation" is more than a mere suggestion or request: if a grand jury recommends publication, "the judge *shall* order the publication...." O.C.G.A. § 15-12-80 (emphasis added).

² Three parts of the report -- the introduction, the conclusion, and a section on the special purpose grand jury's concerns that some witnesses may have perjured themselves -- were "published" by way of adding them as an entry in the docket of this matter.

Much has changed since that February Order was entered. As anyone with an internet connection now knows, the District Attorney has indicted nineteen individuals for their alleged participation in a “racketeering enterprise” purportedly designed to interfere with the lawful administration of the 2020 general election in Georgia. This exceedingly public development eliminates the due process concerns that animated the February Order -- at least for any of the nineteen inditees who might have been named in the special purpose grand jury’s final report. Consequently, the undersigned now intends to release the remaining portions of that report, just as the special purpose grand jury requested and as the Code of Georgia requires.

Any concerned party that believes something less than everything should be published has until 6 September 2023 to file an objection to complete publication. If no objections are filed by 5:00pm on 6 September 2023, the remainder of the final report will be added to the docket of this matter at 10:00AM on Friday 8 September 2023. If objections are timely filed, they will be carefully considered and a new publication date will be announced.

SO ORDERED this 28th day of August 2023.


Judge Robert C.I. McBurney
Superior Court of Fulton County
Atlanta Judicial Circuit