

FULTON COUNTY SUPERIOR COURT
STATE OF GEORGIA

STATE OF GEORGIA,

V.

SIDNEY KATHERINE POWELL
ET AL.,
DEFENDANTS.

CASE NO. 23SC188947

JUDGE MCAFEE

MS. POWELL'S SPECIAL DEMURRER

Upon filing a special demurrer, Ms. Powell is entitled to an indictment that is perfect in form and specifies the details of her alleged crime. *Kimbrough v. State*, 300 Ga. 878, 799 S.E.2d 229 (2017). This Indictment fails in every regard.¹

An indictment is subject to a special demurrer if it is not perfect in form, or if the accused is entitled to more information. *State v. Gamblin*, 251 Ga. App. 283, 553 S.E.2d 866 (2001). It is well established that the State should be required to descend to the particulars of the acts charged where the statutory elements of the offense include generic terms. *State v. Delaby*, 298 Ga.App. 723, 681 S.E.2d 645 (2009) (indictment alleged that defendant influenced a witness by using intimidation but was insufficient to apprise the defendant of the facts that the state would prove at trial); *State v. Jones*, 251 Ga. App. 192, 553 S.E.2d 631 (2001); *Scott v. State*, 207 Ga. App. 533, 428 S.E.2d 359 (1993); *England v. State*, 232 Ga. App. 842, 844 (1998). Pretrial, the Court should examine the indictment from the perspective that the

¹ Powell also joins the Special Demurrers of Mr. Chesbro and of Mr. Smith as to Count 1.

accused is innocent and is entitled to an indictment perfect in form and substance. *State v. Meeks*, 309 Ga. App. 855, 711 S.E. 2d 403 (2011). Indeed, Ms. Powell is innocent, and especially because of that, the Indictment fails to apprise her of the requisite facts to accurately allege her conduct is criminal—much less to enable her to prepare a defense to whatever attenuated or baseless allegations the State has planned.

I. The Charges and Background.

Ms. Powell is charged with a RICO conspiracy in Count 1; implicated in “predicate acts of racketeering” among Acts 142 through 155; and, assorted conspiracy charges based on those acts in Counts 32-37—all arising from unindicted SullivanStricklerLLC’s forensic team’s collection of data which was based on a written invitation from Coffee County, Georgia, officials to Trump campaign attorney Katherine Freiss and others.²

-
- Conspiracy to commit election fraud by “willfully tampering” with machines—Count 32;
 - Conspiracy to commit election fraud by causing possession of official ballots by a person not entrusted by an officer authorized by law—Count 33;
 - Conspiracy to commit computer theft “by using a computer with knowledge that such use was without authority”—Count 34;
 - Conspiracy to commit computer trespass by conspiring to use a computer “with knowledge that such use was without authority. . .” —Count 35;
 - Conspiracy to commit computer invasions of privacy “with intention of examining personal voter data with knowledge that such examination was without authority” —Count 36; and
 - Conspiracy to defraud the state by conspiring to commit theft of voter data under the control of Raffensperger—Count 37.

The Indictment fails to allege facts sufficient to allow Ms. Powell to prepare a defense on any of these counts. First, Ms. Powell did not work with her purported co-defendants on any criminal offense alleged in the Indictment. Specifically, she did not request that collection of data on January 7, 2023 from Coffee County. In fact, this collection was requested by another attorney or attorneys entirely unaffiliated with Ms. Powell, and not for Ms. Powell or her clients. Ms. Powell did not sign a contract for Coffee County or ask SullivanStricklerLLC to go to Coffee County. Moreover, regardless of Ms. Powell's lack of involvement in the Coffee County collection, the forensic imaging invited by and with the permission of Coffee County officials. There was no crime, and each of those Counts fails to provide Ms. Powell with sufficient facts as to how the State will show she committed one.

Second, the Indictment in Counts 32-37 fails to specify how and when authorization to the machines was denied, how the forensic imaging was done without authorization, and how Powell could possibly have known authorization was not provided.

Coffee County elections officials had complained about concerns with the Dominion Voting machines even before the November 2020 election. The election supervisor of Coffee County, Georgia had even made a video showing various issues with the election machines in Coffee County, Georgia.³ She even testified under oath in a deposition in *Curling* on November 11, 2022, that she gave permission to the forensic team to image the equipment, and she did so with the permission of the

³ These videos are publicly available on Youtube can be provided to the court.

Board of Supervisors for the County. Ex. A, 63-65. This was corroborated by multiple other witnesses. Exs. B, C, and D. Equally important is the fact that despite inexplicable repeated attempts by Bruce Brown, counsel for Coalition Plaintiffs in *Curling*, to get her to say otherwise, Ms. Hampton swore she never spoke with and does not know Sidney Powell. Ex. A, 116. Neither did any of the others who went to Coffee County speak to Ms. Powell about it. Exs B, C, E and F. Moreover, in the discovery produced by the State late on September 14, there is *Brady* evidence counsel has been requesting specifically for a month. A series of text messages with SullivanStrickler personnel both refer to an “invitation from Coffee County” received by Katherine Friess, an attorney working with Mr. Giuliani, on January 1, 2023 (while “with the Mayor” landing in DC), and the texts identify a “Coffee County Forensics” group of six people—including another attorney who was not Ms. Powell or anyone working with her. Ex. G. There is no evidence Ms. Powell had any involvement in requesting or planning the Coffee County trip, or that she even knew about it ahead of time, because there is no such evidence.

To allege Ms. Powell’s involvement in a RICO conspiracy, the State would need to identify how she participated in an agreement to commit those predicate acts when the evidence shows she was not involved.

II. The RICO Conspiracy Charge Fails to Specify Essential Elements.

The “enterprise” and the “pattern of racketeering activity” are separate elements of a RICO offense. “The ‘enterprise’ is not the ‘pattern of racketeering activity’; it is an entity separate and apart from the pattern of activity in which it

engages. The existence of an enterprise remains a separate element which must be proved by the Government.” *United States v. Turkette*, 452 U.S. 576, 583 (1981).

A fatal omission in the States allegations in Count 1 arises from the Georgia Supreme Court’s recognition that an essential element under § 16-14-4(b) “is a connection or nexus between the enterprise and the racketeering activity.” *Kimbrough*, 300 Ga. at 882 (citing *Dorsey v. State*, 279 Ga. 534, 540 (2005)); and *United States v. Welch*, 656 F.2d 1039, 1062 (5th Cir. Unit A Sept. 1981)). The Indictment here contains none.⁴

The “enterprise” must have some structure. *Boyle v. United States*, 556 U.S. 938 (2009). “From the terms of RICO, it is apparent that an association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.” *Id.* at 946 (citations omitted). Yet, this novel Indictment does not identify any structure for this purported enterprise involving multiple lawyers working on different matters for different clients—many with no communications between them—and as to Ms. Powell in particular, having been ostracized from all of them.

Furthermore, the Indictment must lay out a “pattern of racketeering activity” committed through predicate acts of racketeering. *H.J. Inc. v. Nw. Bell Tel. Co.*, 492

⁴ “[T]he sparse allegations of this indictment—which says *nothing at all* about the nature of the connection—are insufficient to enable the defendants to prepare for trial. Accordingly, the special demurrers ought to have been sustained, and the Court of Appeals erred when it affirmed the denial of the special demurrers.” *Kimbrough v. State*, 300 Ga. 878, 884, 799 S.E.2d 229, 234–35 (2017) (emphasis in original).

U.S. 229 (1989). “Likewise, proof that a defendant conspired to commit a RICO predicate offense—for example, arson—does not necessarily establish that the defendant participated in the affairs of an arson enterprise through a pattern of arson crimes.” *Boyle*, 556 U.S. at 949. “It is not the number of predicates but the relationship that they bear to each other or to some external organizing principle that renders them ‘ordered’ or ‘arranged.’” *H.J. Inc.*, 492 U.S. at 238. “To establish a RICO pattern, it must also be shown that the predicates themselves amount to, or that they otherwise constitute a threat of, *continuing* racketeering activity.” *Id.* at 240 (emphasis in original). This Indictment does not specify how there is a pattern to the purported acts of racketeering. It does not allege how it could possibly constitute a threat of “continuing racketeering activity” when its alleged purpose was related to overturning the 2020 election, and we are upon the 2024 one. No details allege how this “enterprise” could be criminal or how Ms. Powell agreed to commit two predicate acts.

The Fifth Circuit has held that the government must prove that a defendant committed the racketeering acts as alleged, that his or her position in the enterprise *facilitated* his commission of the racketeering acts, and the predicate acts had some effect on the enterprise. *United States v. Cauble*, 706 F.2d 1322, 1332-33 (5th Cir. 1983). The Fifth Circuit reasoned that “[t]he mere fact that a defendant works for a legitimate enterprise and commits racketeering acts while on the business premises does not establish that the affairs of the enterprise have been conducted through a pattern of racketeering activity.” *Cauble*, 706 F.2d at 1332. This Indictment does not

specify a true “pattern of racketeering activity”—much less how Ms. Powell knowingly and willfully joined “a pattern of racketeering activity.”

The Supreme Court held that *Reves*, that, “to ‘participate, directly or indirectly, in the conduct of such enterprise's affairs,’ one must have some part in directing those affairs.” *Id.* at 179, 113 S.Ct. 1163 (quoting § 1962(c)). It is not enough for a defendant to “carry on” or “participate in” an enterprise's affairs through a pattern of racketeering activity; instead, evidence that he operated, managed, or directed those affairs is required. *See id.*, at 177–179, 113 S.Ct. 1163. Accordingly, Ms. Powell is entitled to the specifics as to how she participated in directing the affairs of the “enterprise.”

The “true test of the sufficiency of the indictment is not whether it could have been made more definite and certain, but whether it contains the elements of the offense intended to be charged, and sufficiently apprises the defendant of what he must be prepared to meet, and, in case any other proceedings are taken against him for a similar offense, whether the record shows with accuracy to what extent he may plead a former acquittal or conviction.” *State v. Black*, 149 Ga.App. 389, 390 (1979), *citing Walker v. State*, 146 Ga.App. 237, 241 (1978) (internal quotations omitted); *Kimbrough* at 882–83 (citing O.C.G.A. § 16-14-3(3); *United States v. Elliott*, 571 F.2d 880, 903 (5th Cir. 1978); *United States v. Starrett*, 55 F.3d 1525, 1548 (11th Cir. 1995); *United States v. Carter*, 721 F.2d 1514, 1526–27 (11th Cir. 1984); and *Welch*, 656 F.2d at 1062).

Count 1 contains no description of the specific, alleged racketeering activity to support the count—it merely incorporates by reference all the alleged racketeering activity in Count 1. *See* Indictment at 13. Furthermore, the prosecution’s alleged racketeering acts in Count 1 merely state that defendants, who were alleged “a group of individuals associated in fact” committed alleged predicated crimes on various dates. *Id.* at 13–71. There was nothing unlawful about the association—even if there was an association.

The purported overt acts were perfectly lawful conduct—in many cases First Amendment protected speech or actions. Indeed, “Act 2”(sic) charged Powell and others with “false statements” made at a press conference at the RNC on November 19, 2020. That speech is protected by the First Amendment as political speech on an issue of national importance of interest to the world. *See Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 130 S. Ct. 876, 882, 175 L. Ed. 2d 753 (2010) (“Because speech is an essential mechanism of democracy—it is the means to hold officials accountable to the people—political speech must prevail against laws that would suppress it by design or inadvertence.”). RICO “does not criminalize constitutionally protected speech.” *Alexander v. United States*, 509 U.S. 544, 555 (1993). It must be stricken from the Indictment along with Act 90 –Powell’s alleged involvement meeting with the President on December 18, 2020.

Likewise, the indictment contains no allegations to show how she knowingly and willfully shared the criminal intent of any alleged co-conspirator, how any of the alleged racketeering acts are related to one another, and how Ms. Powell agreed to

further any *continuing endeavor* that would constitute a criminal offense or act of racketeering. *See Starrett*, 55 F.3d at 1543 (“[T]he government must prove that the predicate acts are related to each other and have continuity.”).

Significantly, the indictment furthermore lacks facts from which it could be concluded that the grand jury found probable cause for any of the allegations against Ms. Powell. These omissions are fatal to Count 1.

III. Counts 32-37 Are Defective.

These counts (and purported predicate acts) depend on allegations the District Attorney’s office should know by now to be false: that Ms. Powell requested SullivanStricklerLLC’s forensic team to go to Coffee County on January 7, 2021, to image the machines, and they did so without authority. First, Powell did not request SullivanStrickler to do anything in Coffee County. She never spoke with anyone involved. She was not involved in the planning and preparation of this matter. She was a part of no texts, calls, messages or any other communications regarding the work done in Coffee County. She did not sign a contract for any work to be done in Georgia—much less in Coffee County. The forensics team had full authority from the county officials to perform whatever tasks they performed. Ex. A, B, C, and D.

The allegations do not give Ms. Powell enough information to understand how the State could even persuade a grand jury to indict her on these counts—much less how she can prepare her defense to them.⁵ There are already serious questions of

⁵ Even if these counts, or their respective “acts,” had any validity, they amount to no more than one predicate act. *Stargate Software Intern., Inc. v. Rumph*, 224 Ga. App. 873, 878, 482 S.E.2d 498, 503 (1997) (multiple computer crimes). As in *Stargate*, here

grand jury abuse in this case. There are no circumstances in which a grand jury—in one day—could adequately consider the evidence as to 19 individuals charged in this complex 98-page indictment. The Indictment does not even come close to establishing what facts the grand jury considered when it determined probable cause existed to charge the accused with a crime. “Unless every essential element of a crime is stated in an indictment, it is impossible to ensure that the grand jury found probable cause to indict.” *Smith v. Hardrick*, 266 Ga. 54, 55 (1), 464 S.E.2d 198 (1995). There is every indication here the grand jury was the epitome of a “rubber stamp.”

A. Counts 32-37—All Conspiracy Charges—Each Depend on some Variation of the following purported facts:

“And Sidney Katherine Powell entered into a contract with SullivanStricklerLLC in Fulton County, Georgia, delivered a payment to SullivanStrickler LLC, and caused employees of SullivanStricklerLLC to travel from Fulton County, Georgia to Coffee County, Georgia” for the purpose of [assorted computer related crimes]

The State’s evidence, now provided to the defense in discovery, makes clear that another lawyer, not Ms. Powell and unaffiliated with Ms. Powell, requested the forensic review of Coffee County machines. Ex. G. It had nothing to do with Ms. Powell. In addition, there is sworn testimony that the Coffee County forensics on January 7, 2021, was for use either for the Georgia run-off election or for “a later

the computer trespass and related allegations are but one transaction. estate scheme); *Id.* Even if a defendant can be charged with two separate offenses under other Georgia criminal statutes, the Georgia RICO statute requires evidence of two separate transactions constituting a “pattern of racketeering activity.” *Raines v. State*, 219 Ga. App. 893, 894, 467 S.E.2d 217, 219 (1996).

movement.” Ex. H, 144. It had nothing to do with the alleged purpose of the RICO “enterprise” or Ms. Powell. Ms. Powell was not even briefed on it. *Id.* at 146.

Significantly, Counts 32-37 fail to specify what contract, executed by which parties, specifies work by Sullivan Strickler in Coffee County, Georgia. It does not allege when Powell signed a contract for Coffee County and where she did so. It does not specify when or how Powell contacted SullivanStrickler or took any other step to request their team travel to Coffee County—because the evidence shows she did not. It does not allege how, when, or by whom the Coffee County forensic effort on January 7, 2021, was intended to be or was used as part of the “enterprise” to overturn the 2020 election. It does not advise how access to the machines was unauthorized for SullivanStricklerLLC to image the machines, and by what means it was unauthorized. It ignores evidence that on January 1, 2021, “Katherine” [Friess who worked with Mr. Giuliani] received an invitation for the forensics to be done. Ex G.

B. The Dates of Ms. Powell’s Purported Conspiracies in Counts 32-37 Are December 1, 2020 through January 7, 2021—Well After the Election Was Over and She Had Long Been Disavowed by the Trump Group.

To the extent anyone on the outside perceived Ms. Powell had a role with the Trump campaign or represented the President, Mr. Giuliani and Ms. Ellis issued a press release on November 22, 2020, that eliminated any doubt. Ex. I. This is more reason the Indictment fails to allege how Ms. Powell could be part of its mega-RICO conspiracy, a “continuing pattern of racketeering” or any ongoing “enterprise” that posed a threat of racketeering. She had no signed engagement agreement with President Trump or his campaign. It is difficult to imagine how these counts

regarding an isolated incident after January 6 can be part of any long-standing RICO conspiracy to overturn the 2020 election, and no allegations explain that.

It is equally public knowledge, and Ms. Powell has already testified 6.5 hours under oath, that she had no substantive conversation with the President or any of his team after December 18, 2020, when she advised the President on Executive Order 13848 regarding cyber-security and foreign interference in the election.⁶ She was not even present for any discussion of the electors, the legislative hearings, or any other allegations in the Indictment.⁷ There is no allegation sufficient to identify how she agreed to a predicate act—even less, to two of them.

IV. ACT 159 is Deficient and Should be Stricken.

Allegations of two false statement to the January 6 Committee of Congress is not sufficiently stated to be anything but misleading and highly prejudicial. It does not state the question, provide the full answer or put it in any context, or provide any statement or allegations as to how it is false. It is completely insufficient to state a false statement charge. *Bronston v. United States*, 409 U.S. 352 (1973). It is insufficient to state an overt act, does not cite a statute violated, and it is not a

⁶ A copy of Ms. Powell's January 6th Congressional Investigation deposition transcript is available at the following link: <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000082296/pdf/GPO-J6-TRANSCRIPT-CTRL0000082296.pdf>

⁷ The Court should dismiss the entire RICO Count for the reasons specified in Ms. Powell's General Demurrer and Motion to Dismiss. It need not reach this Motion as to Count I if it does so.

predicate act under the Georgia RICO statute. It should be stricken from the Indictment.

Conclusion

For these reasons the Indictment against Ms. Powell must be dismissed.

/s/ Brian T. Rafferty
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Georgia Bar No. 311903

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**FULTON COUNTY SUPERIOR COURT
STATE OF GEORGIA**

STATE OF GEORGIA,

V.

SIDNEY KATHERINE POWELL
ET AL.,
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CASE No. 23SC188947

JUDGE MCAFEE

CERTIFICATE OF SERVICE

I hereby certify the above styled **SPECIAL DEMURER ON ALL COUNTS** has been served, this day, by electronic mail, upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This the 27th day of September, 2023.

/s/ Brian T. Rafferty
BRIAN T. RAFFERTY
Georgia Bar No. 311903
Counsel for Defendant

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Exhibit A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF EMILY MISTY HAMPTON

DATE: November 11, 2022

TIME: 10:49 a.m. to 6:07 p.m.

LOCATION: Courtyard by Marriott Warner Robins
589 Carl Vinson Parkway
Warner Robins, Georgia 31088

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

1 those equipments -- equipment from you?

2 A I take the Fifth.

3 Q I'm going to refer to what I just
4 described in my questions, and that is the copying
5 of the election equipment in Coffee County as
6 "SullivanStrickler's work."

7 Do you follow me?

8 A Okay.

9 Q Did you give SullivanStrickler
10 permission to do their work on January 7, 2021?

11 A I did not do anything without the
12 direction of the Board.

13 Q And who specifically on the Board
14 gave you the Authority to give SullivanStrickler
15 the permission to do their work?

16 A Eric.

17 Q Who else?

18 Is that Eric Chaney?

19 A Correct.

20 Q Anybody else on the Board?

21 MR. MILLER: Just tell him the truth.

22 THE WITNESS: Ernestine.

1 BY MR. BROWN:

2 Q Who else?

3 A Matthew.

4 Q Who else?

5 A I can't recall.

6 Q So those three, you told -- well,
7 describe for me the circumstances in which you
8 received authority from these three board members
9 to give authority to SullivanStrickler to come into
10 the election county offices and Coffee -- and copy
11 the election system?

12 A I don't understand your question.

13 Q Did you have a meeting to talk about
14 it? Did you text them? Did you call them? Did
15 you all meet there?

16 How did they convey to the authority
17 to allow SullivanStrickler to do their work on
18 January 7?

19 A I don't really recall.

20 Q Okay. If someone were to say to
21 doubt you and to say, "No, you did this all on your
22 own, you did not have the authority of the Board,"

1 what would you point to or is there any evidence
2 that you're aware of that these board members did
3 give you this authority or direction?

4 MR. MILLER: Object to form.

5 THE WITNESS: I don't remember the
6 actual way that Eric told me about it.

7 BY MR. BROWN:

8 Q Did -- did Eric -- did Ernestine tell
9 you directly or was this secondhand through Eric?

10 A Through Eric.

11 Q What about Matthew, did Matthew tell
12 you directly or was it through Eric?

13 A Through Eric.

14 Q And so Eric Chaney told you in effect
15 that these board members want you to allow someone
16 to come in and copy the election software, correct?

17 MR. MILLER: Object to form.

18 THE WITNESS: Yeah.

19 BY MR. BROWN:

20 Q And when in relation to January 7,
21 which is the day they got there, did Mr. Chaney
22 convey that to you?

1 A Authority was given, yes.

2 Q Okay. By the -- by Eric Chaney to
3 you and from you to the people who came to do the
4 work, correct?

5 A Correct, because I did as Eric, as a
6 board member, directed.

7 Q Okay. And what was your
8 understanding of the purpose of doing this work?

9 MR. MILLER: Object to form.

10 THE WITNESS: The purpose, is that
11 what you asked?

12 BY MR. BROWN:

13 Q Yes.

14 A To see why the scanner would not
15 function properly, I guess is the right technical
16 term.

17 Q And how was copying the entire
18 election management system going to achieve the
19 purpose of seeing why the scanner would not
20 function properly?

21 MR. MILLER: Object to form.

22 THE WITNESS: I do not know.

1 BY MR. BROWN:

2 Q Why didn't you just put in a service
3 order for the scanner?

4 MR. MILLER: Object to form.

5 THE WITNESS: Stating multiple times
6 that the scanner was not working properly.

7 BY MR. BROWN:

8 Q Okay. So because the State was not
9 responding to your request to get your equipment
10 fixed, Coffee County elected to allow a company to
11 come in and copy the software, correct?

12 MS. LAROSS: Objection as to form.

13 MR. MILLER: Concur.

14 THE WITNESS: I don't know how to
15 answer that one.

16 BY MR. BROWN:

17 Q "Yes" is good. "Yes" is good.

18 MR. MILLER: Now, you're not going
19 to -- it's a yes-or-no question.

20 THE WITNESS: Right.

21 Repeat the question.

22 MR. BROWN: Ms. Newland, if you could

1 repeat the question, please.

2 (The reporter read as requested.)

3 THE WITNESS: Coffee County wanted
4 help.

5 BY MR. BROWN:

6 Q Right. I need you to answer the
7 question. I understand they wanted help, and we
8 can get to that, but I need you to answer the
9 question.

10 And if this is that you -- you were
11 not getting the help that you needed from the
12 State, so you needed in a sense to -- to do it on
13 your own, right?

14 MS. LAROSS: Objection as to form.

15 MR. MILLER: If it's the correct
16 answer, then that's the correct answer.

17 THE WITNESS: Yes.

18 BY MR. BROWN:

19 Q And tell me what you did to try to
20 get help from the State -- or the Secretary of
21 State before deciding that you needed to try to get
22 help on your own.

1 did you testify in front of the grand jury?

2 A Yes.

3 Q Okay. When was that?

4 A Last month.

5 Q Okay. I need to ask this just for
6 formality, but -- I should have asked it at the
7 beginning, but are you under any medication that
8 would prevent you from testifying accurately today?

9 A No, sir.

10 Q Okay. I asked you if you knew that
11 Sidney Powell was paying for SullivanStrickler's
12 work, and I believe your response was you did not
13 know that one way or the other, correct?

14 A That's correct.

15 Q Did you -- did you have any idea of
16 who was paying for the work?

17 A No, sir.

18 Q Okay. We were talking about the
19 malfunctioning scanner at Coffee County that was at
20 issue. Was that the ICC scanner?

21 A I don't remember the technical terms
22 of them. I'm sorry.

1 Did he tell you that?

2 A No, sir.

3 Q Okay. How did you know to allow
4 Mr. Lenberg and Mr. Logan to have access to the
5 election equipment on the 17th and 18th?

6 A I don't know how to answer that. It
7 was a continuation, I guess. I mean, I -- that's
8 an assumption but ...

9 Q Well, who told you that they were
10 coming?

11 A I don't recall that.

12 Q Was it Sidney Powell?

13 A As I've stated before, I've never
14 spoken with Sidney Powell.

15 Q Was it Mr. Chaney?

16 A I don't recall.

17 Q Okay. So these two gentlemen showed
18 up, you don't recall -- you recall having been
19 given the direction to allow them to have access to
20 your equipment, you just simply can't remember
21 specifics. Is that right?

22 A Correct.

1 CERTIFICATE OF NOTARY PUBLIC

2 I, FELICIA A. NEWLAND, CSR, the officer before whom
3 the foregoing video-recorded deposition was taken,
4 do hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was taken
7 by me in stenotype and thereafter reduced to
8 typewriting under my direction; that said deposition
9 is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to,
11 nor employed by any of the parties to the action in
12 which this deposition was taken; and, further, that
13 I am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome
16 of this action.

17

18

19

FELICIA A. NEWLAND, CSR
Notary Public

21

22 My commission expires:
September 15, 2024

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

-----x
DONNA CURLING, et al., :
Plaintiffs, :
vs. : Civil Action No.
BRAD RAFFENSPERGER, et al., : 1:17-cv-02989-AT
Defendants. :

-----x

VIDEOTAPED VIRTUAL DEPOSITION OF
BLAKE EDWARD VOYLES
Atlanta, Georgia
Wednesday, November 16, 2022
9:52 a.m.

Job No: 5584994

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Reported by: Cappy Hallock, RPR, CRR

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1 BY MR. BROWN: 10:58:08

2 Q Mr. Voyles, in the November 3rd to 10:58:09

3 January 7 time frame -- November 3rd is the 10:58:11

4 election date, January 7 is the day that the 10:58:15

5 people came from Sullivan|Strickler and copied the 10:58:19

6 election equipment -- during that time frame did 10:58:24

7 you communicate with Sydney Powell? 10:58:26

8 A No, sir. 10:58:30

9 Q Did you communicate during that time 10:58:31

10 frame with Rudy Giuliani? 10:58:34

11 A No, sir. 10:58:37

12 Q Did you communicate at that time frame 10:58:37

13 with Dave Shaffer? 10:58:39

14 A No, sir. 10:58:43

15 Q Do you know David Shaffer? 10:58:44

16 A I do not know him. I know who he is. 10:58:46

17 He has held different positions, elected 10:58:49

18 positions, I think. And I believe he was chair of 10:58:51

19 the Republican party or some role in the 10:58:54

20 Republican party. 10:58:57

21 Q But you do not recall communicating 10:58:59

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1 coming to meet with Misty that day, and I don't 11:07:50

2 remember much other than that. 11:07:54

3 Q Did you know what the purpose of Scott 11:07:58

4 Hall's visit with Misty was going to be? 11:08:00

5 A To meet with her? I don't know the 11:08:04

6 exact intent or whatever from that, no. 11:08:06

7 Q Did you know that it was for the 11:08:11

8 purpose of copying the election equipment? 11:08:12

9 A I don't recall knowing that. 11:08:16

10 Q When did you first learn that the 11:08:19

11 election equipment had been copied on January 7? 11:08:22

12 A I guess I would assume I knew 11:08:31

13 something was going on when I was there. 11:08:34

14 Q And as a former member of the board 11:08:47

15 did you have any questions in your own mind about 11:08:52

16 whether it was appropriate or legal for them to be 11:08:59

17 there making copies of the election equipment? 11:09:02

18 Election software, sorry. 11:09:04

19 A Well, my assumption would be that they 11:09:09

20 were there with approval of the board members. I 11:09:16

21 mean, there was a board member there. There were 11:09:24

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1	employees there.	11:09:28
2	Q Did the -- the board member was Eric	11:09:34
3	Chaney; is that right?	11:09:38
4	A Yes, sir.	11:09:39
5	Q And Misty Hampton also was there,	11:09:41
6	correct?	11:09:44
7	A Yes, sir.	11:09:45
8	Q Were there other board members other	11:09:46
9	than Mr. Chaney there?	11:09:47
10	A I don't recall any. I really,	11:09:50
11	honestly I don't remember.	11:09:53
12	Q Do you recall any discussions with	11:10:00
13	Mr. Chaney about what Sullivan Strickler was doing	11:10:01
14	or the purpose of what they were doing?	11:10:05
15	A I don't recall any conversations.	11:10:08
16	Q Do you recall any conversations with	11:10:12
17	Ms. Hampton about the purpose of what they were	11:10:15
18	doing?	11:10:20
19	A I don't remember.	11:10:22
20	Q So looking back today you believe you	11:10:28
21	knew that they were copying the election software	11:10:30

1 pursuant to the -- some kind of authorization from 11:10:36
2 either the board or someone in authority, right? 11:10:41
3 A Would you repeat the question, please? 11:10:46
4 Q Well, let me just reframe. It was a 11:10:49
5 terrible question. 11:10:51
6 So to the best of your recollection 11:10:52
7 today, it was your understanding at the time that 11:10:55
8 the people from Sullivan|Strickler had 11:10:59
9 authorization from someone in authority at Coffee 11:11:03
10 County to do what they were doing? 11:11:07
11 A Yes. 11:11:11
12 Q And at the time did you think there 11:11:18
13 was anything inappropriate about the board or 11:11:20
14 Ms. Hampton giving Sullivan|Strickler the 11:11:26
15 authority to make copies of Coffee County's 11:11:30
16 election software? 11:11:35
17 A Could you repeat that, please? 11:11:40
18 Q At the time did you have any question 11:11:41
19 about whether it was appropriate for the board or 11:11:44
20 Ms. Hampton to give Sullivan|Strickler access to 11:11:48
21 the voting software? 11:11:55

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1	A	I don't remember what I was thinking	11:12:01
2		at that point in time.	11:12:02
3	MR. BROWN:	I'm going to mark as	11:12:20
4		Exhibit 9, Tab 7.	11:12:22
5		(Voyles Deposition Exhibit No. 9 was	11:12:30
6		marked for identification.)	11:12:30
7	MR. GRUBMAN:	All right, we got it.	11:12:51
8	BY MR. BROWN:		11:12:52
9	Q	Let me direct your attention to the	11:12:52
10		official election bulletin dated November 7, 2020	11:12:54
11		that appears on the first page of Exhibit 9.	11:13:00
12		Do you see that?	11:13:02
13	A	Yes.	11:13:09
14	Q	And you received a copy of this, I	11:13:10
15		take it, from Garland Favorito?	11:13:13
16	A	I don't remember how I got it.	11:13:18
17	Q	Do you see -- I understand you don't	11:13:20
18		remember. You see the e-mail there from Garland	11:13:22
19		Favorito to you, correct?	11:13:25
20	A	Yes, I do.	11:13:28
21	Q	And that is dated December 15; is that	11:13:29

1 UNITED STATES OF AMERICA)

2 STATE OF MARYLAND)

3
4 I, CAPPY HALLOCK, the reporter before
5 whom the foregoing deposition was taken, do hereby
6 certify that the witness whose testimony appears
7 in the foregoing deposition was sworn by me; that
8 said deposition is a true record of the testimony
9 given by said witness.

10 I further certify that I am neither
11 counsel for, related to, nor employed by any of
12 the parties to the action in which this deposition
13 was taken; and further that I am not a relative or
14 employee of any attorney or counsel employed by
15 the parties hereto, or financially or otherwise
16 interested in the outcome of this action.

17
18 

19 _____
20 Cappy Hallock, RPR, CRR

21 My Commission expires January 19, 2025

Exhibit C

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 Civil Action No. 1:17-cv-02989-AT
6

7 DONNA CURLING, et al.,

8 Plaintiffs,

9 vs.

10 BRAD RAFFENSPERGER, et al.,

11 Defendants.
12

13 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
14 JEFFREY E. LENBERG

15 DATE: November 21, 2022

16 TIME: 10:05 a.m. to 6:21 p.m. Eastern

17 LOCATION: Witness location
18

REPORTED BY: Felicia A. Newland, CSR

19
20 Veritext Legal Solutions

1250 Eye Street, N.W., Suite 350

21 Washington, D.C. 20005
22

1 Penrose?

2 A That's correct.

3 Q And who did you understand Jim
4 Penrose was or what his job was or what he was
5 doing?

6 A Well, my understanding was there was
7 a loose collection of people that came together
8 that were trying to understand what happened in the
9 election. And there were anomalies being reported
10 all over the country, many people filing affidavits
11 and so on.

12 And that they were a group of people,
13 obviously there were lawyers and others out looking
14 at stuff, but there were also some technical people
15 that kind of showed up, from all different walks,
16 different locations. And I was one of those that
17 somehow I got plugged in to just -- really just to
18 Jim. I didn't really get plugged into the group.
19 I was sort of on the side.

20 But in any case, my understanding
21 with Jim was loosely in -- in charge of this, what
22 I would call, kind of a ragtag group of people,

1 Q Were any attorneys there?

2 A Not that I know of. Again, I didn't
3 know everybody in the room, so I can't tell you for
4 sure.

5 Q Was Mike Flynn there?

6 A I believe he was.

7 Q Was Sidney Powell?

8 A I don't believe she was. Those two I
9 knew who they were from the media.

10 Q How about Stephanie Lambert?

11 A She was not there to my recollection.
12 I did not meet Stephanie until later, much later.

13 Q What about Charles Bundren?

14 A I still don't know who Charles
15 Bundren is.

16 Q How about Todd Sanders?

17 A I -- I don't know for sure.

18 Q You might have --

19 A I knew -- what's that?

20 Q He might have been there, you just
21 don't recall?

22 A He might have been there. I -- I

1 Q And you're saying, "I'm planning a
2 trip to met up with Misty in Coffee County.
3 Leaving tomorrow." Do you see that?

4 A I do, yeah.

5 Q And then in the next line, Mr. Logan
6 says, "For your interest, she's in that group
7 you're riding in."

8 A Uh-huh.

9 Q Do you know what that refers to?

10 A There was a Signal group that I -- I
11 don't know everybody that was on it, but at one
12 point in time there was a Signal group that Doug
13 and -- at least Doug and Misty and I were in, and I
14 don't know who else was.

15 Q Okay. So you -- so the record
16 reflects that the next day, on the 18th --

17 A Uh-huh.

18 Q -- you actually visited the Coffee
19 County Elections, correct?

20 A I believe that's correct.

21 Q And what is your understanding of the
22 authorization that you had to do what you were

1 doing in Coffee County?

2 A Well, my understanding is that
3 Ms. Hampton was the election supervisor for the
4 county and that she had full authority -- as long
5 as she kept everything under her chain of custody,
6 that she had full authority to test her machines or
7 get consultants to come in to help her look at what
8 her machines were doing that she was concerned
9 about.

10 And so as I already mentioned, there
11 had been a couple of major anomalies raised and as
12 a result, she was interested in having expert
13 consultants, like Doug Logan and I, come in and
14 help see if we could figure out possibly what the
15 anomaly might have been about.

16 Q So were you working for her or was
17 she your client, as it were?

18 A I don't know how to answer that.
19 It -- it was a volunteer thing. I did not -- you
20 know, they didn't pay me, no one paid me. Okay?
21 So to be there, I was volunteering as an expert
22 trying to help, trying to learn at the same time

1 about these systems and trying to understand so we
2 could figure out is there a real problem with the
3 machines or is there not. That's what we were
4 trying to determine at the time.

5 So it was my understanding that she
6 had full authority to be able to test her machines.
7 She runs logic and accuracy testing just like
8 everybody else does, so running an additional test
9 and allowing us to observe it did not seem to be
10 improper at all.

11 Q Now, the -- I'm not suggesting that
12 this was necessary, but I just need to ask you.
13 You didn't have like a court order allowing you to
14 do this, did you?

15 A There was no court order to do it.

16 Q And were you doing this pursuant to
17 any kind of engagement with a lawyer?

18 A I did not have any specific
19 engagement with a lawyer.

20 Q It was your understanding, I take it,
21 that -- that Misty's authorization was sufficient
22 for you to have permission to enter the Coffee

1 County Election's Office and work with her on the
2 election systems, correct?

3 A That's correct. In fact, I've done
4 that several places in the country. It's -- it's
5 not a problem. All election offices are in -- you
6 know, have a locked door to get into them. And I
7 have visited across the country with -- with
8 different election officials, never had any concern
9 about that. As long as they bring you in, right?
10 If they bring you in and they escort you so that
11 they have full chain of custody. Obviously, you're
12 on video and so on.

13 Q And did you have an understanding of
14 whether Misty had authority to give you that
15 authority?

16 A Please reword the question.

17 Q If you were -- she is employed by the
18 Coffee County Elections and by -- and reports to
19 the Coffee County Board of Elections, right?

20 A That's right.

21 Q You knew that, right?

22 A Yes, that's correct.

1 A In no substantive way did I talk to
2 him. I think it was "hi." That was it.

3 Q And who else was there when you met
4 Mr. Lindell?

5 A I don't recollect all of the people
6 that were there.

7 Q Do you recollect --

8 A Uh-huh.

9 Q Do you recollect anyone, sir?

10 A Well, Jim Penrose was there.

11 Q Uh-huh.

12 A He was briefing with me. Sidney
13 Powell was there. She also did some sort of
14 briefing. There were three senators, U.S.
15 senators. There were --

16 Q Do you remember who they were, sir?

17 A -- they were participating.

18 One was Ron Johnson, who was trying
19 to find out more about what was going on with
20 anomalies and systems. I believe one was a senator
21 from North Dakota. And the other one I'm not sure.
22 I don't remember who it was.

1 Q Did you speak with Sidney Powell when
2 you were there?

3 A Again, like Mike Lindell, I did for
4 maybe 30 seconds of "hi," kind of stuff. That was
5 it.

6 Q Was Jesse Binnall or anyone from
7 Binnall's firm at this D.C. meeting?

8 A I don't know.

9 Q Have you meet Mr. Binnall?

10 A I don't know that I've ever met him.
11 If I did, I -- I don't know. I just don't know
12 that I've ever met him.

13 Q Is it fair to say you do not know him
14 then, sir? Or do you know Mr. Binnall?

15 A I don't know him. I've heard of
16 him --

17 Q Uh-huh.

18 A -- but I -- I do not know him
19 personally.

20 Q Do you know Mr. Giuliani?

21 A I have never met Mr. Giuliani.

22 Q After you left the Coffee County

CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped videoconference deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR

Notary Public

My commission expires:

September 15, 2024

Exhibit D

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 Civil Action No. 1:17-cv-02989-AT
6

7 DONNA CURLING, et al.,

8 Plaintiffs,

9 vs.

10 BRAD RAFFENSPERGER, et al.,

11 Defendants.
12

13
14 VIDEOTAPED DEPOSITION OF DEAN M. FELICETTI

15 DATE: September 2, 2022

16 TIME: 9:12 a.m. to 4:28 p.m.

17 LOCATION: Witness location
18

REPORTED BY: Felicia A. Newland, CSR
19

20 Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
21 Washington, D.C. 20005
22

1 Q Who engaged SullivanStrickler to do
2 the work in Coffee County?

3 A Jim --

4 Q Penrose?

5 A Yes, Jim Penrose and Doug Logan.

6 Q When did they first reach out to
7 SullivanStrickler for the work, approximately?

8 A Early January for Coffee County.

9 Q What's the basis for that testimony?

10 A Can you repeat the question?

11 Q Sure.

12 What's -- what's the basis for your
13 understanding that Mr. Penrose and Mr. Logan
14 reached out to the firm, specifically for Coffee
15 County, in early January?

16 A By virtue of requests for other
17 services outside of Coffee County. The request
18 came in that pointed to Coffee County, I believe,
19 in early January.

20 Q Okay. And just so I understand, for
21 that testimony, are you relying on documents you
22 looked at or people you spoke with or both?

1 permissions to do what it's asking us to do.

2 A Right.

3 Q Okay. In addition to having that
4 sort of protection in the agreement, does
5 SullivanStrickler, as some standard practice, do
6 any sort of its own due diligence to say, "Let's
7 just make sure the customer does, in fact, have all
8 those rights and permissions"?

9 A No.

10 Q So the general practice of the firm
11 would be to trust that your customer is being
12 straight with you, that that customer has the right
13 to do what they're asking you to do?

14 A Yes.

15 Q Does the firm generally work for
16 lawyers?

17 A Yes, sir.

18 Q Is the idea of the firm that because
19 lawyers are officers of the court, the firm should
20 be able to rely on them for ensuring compliance
21 with these terms?

22 A Yes, sir.

1 Q With respect to Coffee County in
2 particular, did the firm get what it believed were
3 assurances from Coffee County election officials
4 that it was allowed to do the work that it was
5 doing?

6 A Assurance in that they pointed out
7 what needed to be imaged and identified what we
8 were to be collecting, yes.

9 Q And by "they," you're talking about
10 Coffee County election officials who were
11 on-site --

12 A People that were on-site, correct.
13 Yes, sir.

14 Q On-site in the elections office
15 during the copying?

16 A Yes, sir.

17 Q And it was the understanding of
18 SullivanStrickler that at least some of those
19 individuals giving that direction were election
20 officials for Coffee County?

21 A Yes, sir.

22 Q Is it your understanding now, with

1 what you've learned since, that the individuals who
2 engaged SullivanStrickler for the Coffee County
3 work, in fact, did not have the legal authority or
4 permissions to do what they asked you to do?

5 A No.

6 Q What is your understanding about
7 that?

8 A That the direction provided by us was
9 under a legal umbrella of a directing attorney.

10 Q Okay. And sorry, let me -- let me
11 try to break that down a little bit.

12 A Sure.

13 Q Is the view today of
14 SullivanStrickler that the work that it did did not
15 violate any laws? Is that fair?

16 A Yes, sir.

17 Q And that view is based, in part, on
18 the assurances received from the customer who
19 engaged the firm for that work and the direction
20 that the firm received on-site from election
21 officials in Coffee County. Is that fair?

22 A Yes, sir.

1 tabulate the votes in the state of Michigan.

2 Do you see that?

3 A Yes, sir.

4 Q So do I understand correctly that
5 this agreement with Ms. Powell was signed with
6 respect to forensic collection and analytics work
7 that was anticipated in Michigan?

8 A Yes, sir.

9 Q All right. How did it come to be
10 that the work done in Coffee County was done for
11 Ms. Powell instead of Mr. Binnall?

12 A As I understand it, the focus
13 shifted, I don't want to say from Michigan, but
14 maybe after Michigan, to Coffee County. And I
15 don't know why there are two different engagements,
16 one specifically for Jesse Binnall, versus this
17 one.

18 Q Okay. SullivanStrickler performed
19 forensic collection of data pursuant to the Binnall
20 agreement, right, in some jurisdiction?

21 A I don't know. I don't know what
22 happened in Nevada.

1 MR. CROSS: Exhibit 9.

2 THE WITNESS: He had a senior role in
3 oversight, to some extent.

4 BY MR. CROSS:

5 Q So you had said earlier, and we see
6 in the e-mails, that Jim Penrose and Doug Logan
7 were principal points of contact for Coffee County,
8 right?

9 A Yes, sir.

10 Q When did Mr. Hall, Scott Hall, become
11 involved with the Coffee County project?

12 A I believe -- I don't know. I know he
13 was there on-site that day.

14 Q Okay.

15 A Anything prior to that, I'm not fully
16 aware.

17 Q Do you know why he was involved?

18 A I don't.

19 Q All right. Let me hand you what's
20 been marked as Exhibit 9. And we're looking at
21 Tab 16.

22

CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR

Notary Public

My commission expires:

September 15, 2024

Exhibit E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,)
)
Plaintiffs,)
)
vs.) CIVIL ACTION NO.
)
BRAD RAFFENSPERGER, ET) 1:17-CV-2989-AT
AL,)
)
Defendants.)

VIDEOTAPED 30(b)(6) DEPOSITION OF ERIC B. CHANEY
(Taken by Plaintiffs)
August 15, 2022
10:20 a.m.

Reported by: Debra M. Druzisky, CCR-B-1848

1 Q. Mr. Chaney, the -- sorry, just to go back,
2 just to make sure I understand something, the
3 Coffee County elections supervisor, I think we
4 covered this before, but that person and their
5 assistant reports to the Coffee County board;
6 right?

7 A. Correct.

8 Q. So they take -- they take their direction
9 from the board members; is that fair?

10 MR. DELK: Object to the form.

11 You can answer.

12 THE WITNESS: Not from the board
13 members, the board.

14 BY MR. CROSS:

15 Q. From the board?

16 A. Yes.

17 Q. Okay. Do you know Lin Wood?

18 A. Not personally.

19 Q. But you -- you've heard of him?

20 A. Heard the name, yes.

21 Q. Have you ever met him?

22 A. I have not.

23 Q. Has he ever been in the Coffee County
24 election office to your knowledge?

25 A. Not to my knowledge.

1 Q. Do you know Stephanie Lambert?

2 A. I do not.

3 Q. Do you know if she's ever been in the
4 Coffee County election office?

5 A. I do not.

6 Q. Do you know Sidney Powell?

7 A. I've heard the name.

8 Q. Have you met her?

9 A. I have not.

10 Q. Do you understand that she represented the
11 Trump campaign in some election litigation?

12 A. Correct.

13 Q. Did you ever have any communications with
14 her?

15 A. I did not.

16 Q. Has she ever been in the Coffee County
17 election office?

18 A. Not to my knowledge.

19 Q. Do you know Patrick Byrne?

20 A. I do not.

21 Q. Ever communicated with him?

22 A. No, sir.

23 Q. Has he ever been in the Coffee County
24 election office?

25 A. Not to my knowledge.

1 equipment with permission from local
2 elections officials."

3 Do you see that?

4 A. I do.

5 Q. And you were one of the local elections
6 officials that gave permission for that; right?

7 MR. DELK: Object to the form.

8 THE WITNESS: Fifth Amendment.

9 BY MR. CROSS:

10 Q. Ms. Brown then goes on:

11 [As read] "The County's former
12 election supervisor Misty Hampton
13 (previously Martin) told me that Scott
14 Hall did visit her office with other
15 people after she reached to someone on
16 the 'federal level' seeking help"
17 investigating -- "seeking help
18 investigate the election."

19 Do you see that?

20 A. I do.

21 Q. She then goes on:

22 "She said she did not remember how
23 many people or who they were or when
24 they visited or what they did. She
25 said Eric Chaney was present with her

1 R E P O R T E R D I S C L O S U R E
2 DISTRICT COURT) DEPOSITION OF
3 NORTHERN DISTRICT) ERIC B. CHANEY
4 ATLANTA DIVISION)

5 Pursuant to Article 10.B of the Rules and
6 Regulations of the Board of Court Reporting of the
7 Judicial Council of Georgia, I make the following
8 disclosure:

9 I am a Georgia Certified Court Reporter.
10 I am here as a representative of Veritext Legal
11 Solutions.

12 Veritext Legal Solutions was contacted by
13 the offices of Morrison & Foerster to provide court
14 reporting services for this deposition. Veritext
15 Legal Solutions will not be taking this deposition
16 under any contract that is prohibited by O.C.G.A.
17 9-11-28 (c).

18 Veritext Legal Solutions has no contract
19 or agreement to provide court reporting services
20 with any party to the case, or any reporter or
21 reporting agency from whom a referral might have
22 been made to cover the deposition.

23 Veritext Legal Solutions will charge its
24 usual and customary rates to all parties in the
25 case, and a financial discount will not be given to
any party in this litigation.

Debra M. Druzisky
Georgia CCR-B-1848

Exhibit F

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 Civil Action No. 1:17-cv-02989-AT
6

7 DONNA CURLING, et al.,
8 Plaintiffs,
9 vs.
10 BRAD RAFFENSPERGER, et al.,
11 Defendants.
12

13
14 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
15 ALEX ANDREW CRUCE

16 DATE: November 22, 2022
17 TIME: 10:03 a.m. to 3:49 p.m. CDT
18 LOCATION: Witness location
19

REPORTED BY: Felicia A. Newland, CSR

20
21 Veritext Legal Solutions
22 1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

1 A I can't remember.

2 Q I'll come back to some of the names.

3 Did anybody take minutes or notes of
4 these meetings, to your knowledge?

5 A No, I didn't.

6 Q And then why did you stop having
7 these video meetings in May of 2022? It just sort
8 of petered out?

9 A Yeah.

10 Q I'm going to ask you, just since
11 we're on the topic of different people involved,
12 about a number of different names. With each --
13 with respect to each of these, I want to know if
14 you've met or communicated with them in any way,
15 that includes e-mail, video, anything at all. And
16 then we can -- a lot of these people may be an easy
17 no and then some of them I may come back to and
18 drill down a little bit.

19 Have you met or communicated with
20 Sidney Powell?

21 A No.

22 Q In video chat or anything?

1 recall that?

2 A Yes.

3 Q Have you -- have you met or had
4 communications with anybody who was working for or
5 with Sidney Powell?

6 A Yes.

7 Q Who?

8 A So leading up to January 6th or 7th,
9 I was -- I did a full audit of all of the
10 databases, so the Secretary of State, just
11 comparing the voter history files and state
12 absentee to -- along with the recount, some of the
13 batch files. And I was sending it to, I believe,
14 somebody that represented her. It was through a
15 person named Jack Magan, M-A-G-A-N.

16 Q And so you sent that data to Jack
17 Magan. And you had the understanding that he
18 worked for or with Sidney Powell. Is that right?

19 A With the people that represented her.

20 Q And who were those people?

21 A I don't recall. I'm pretty sure it
22 was one of the males, but I don't remember any of

1 their names.

2 Q And what other communications did you
3 have with Sidney Powell or her organization or
4 people who worked with her prior to going to Coffee
5 County?

6 A I don't -- I don't recall any.

7 Q How about after you went to Coffee
8 County?

9 A I don't recall anybody with Sidney
10 Powell.

11 Q When you were -- when you had these
12 video meetings with the group that we discussed,
13 how did you share documents with the group?

14 A E-mail.

15 Q Would you -- did you use Slack?

16 A Slack?

17 Q Yeah. It's a type of communication
18 program application.

19 A Not -- I didn't use it.

20 Q Do you recall meeting or
21 communicating with a man named Greg Freemyer?

22 A Greg Freemyer? That doesn't ring a

CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing video-recorded deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR

Notary Public

My commission expires:

September 15, 2024

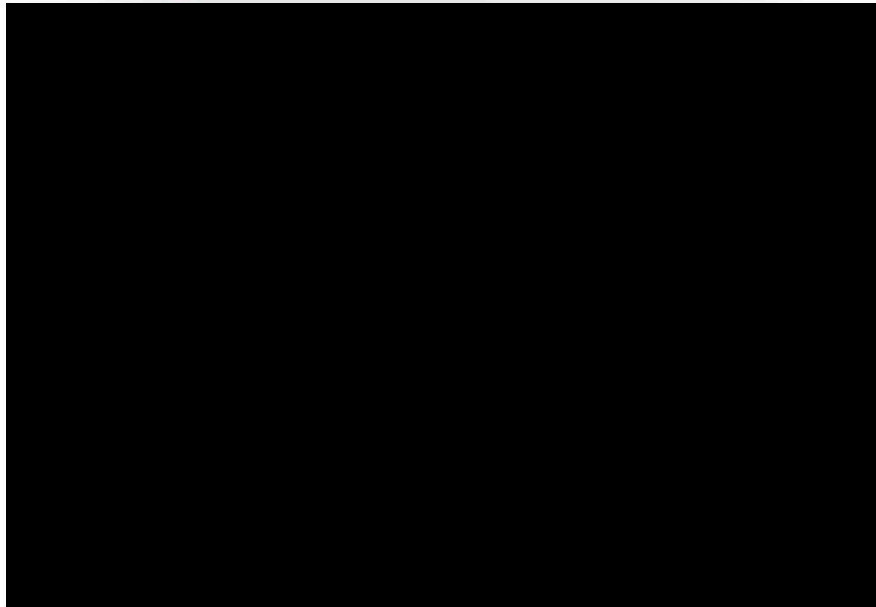
Exhibit G

1:29



SullivanStrickler

🕒 4w



Jan 1, 2021

Jennifer Jackson

Hi! Just handed back in DC with the Mayor. Huge things starting to come together!

Most immediately, we were just granted access -by written invitation! - to the Coffee County Systems. Yay! Putting details together now with Phil, Preston, Jovan etc. Want to give you a heads up for your team. Will be either Sat or Sun this



New Message



1:29



SullivanStrickler

4w



with Phil, Preston, Jovan

etc. Want Jan 1, 2021 a
heads up for your team. Will
be either Sat or Sun this
weekend. More soon! :))

This was from Katherine this
am, of course not the official
word but wanted to share as
a potential heads up

2:18 PM

JJ



New Message



1:29



SullivanStrickler

🕒 4w



Greg Freemyer

Would this be a 3? 4? 5?
person response team?

Should we reach out to
Penrose for potential
guidance?

GF

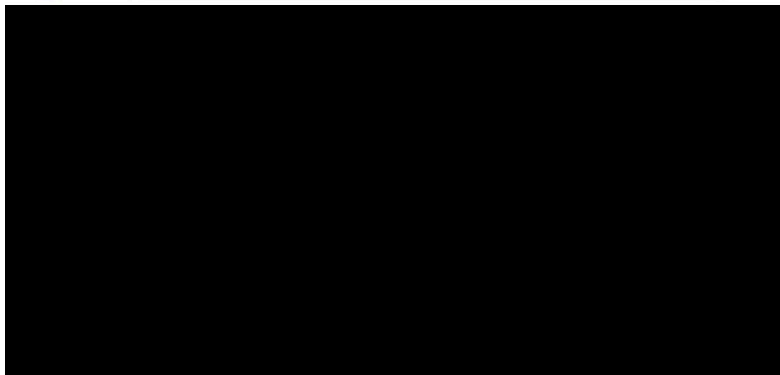
3 hrs from the vault 2:36 PM

Paul Maggio

Let's wait for the request. If
they need us, they will call

PM

2:37 PM



New Message



1:29



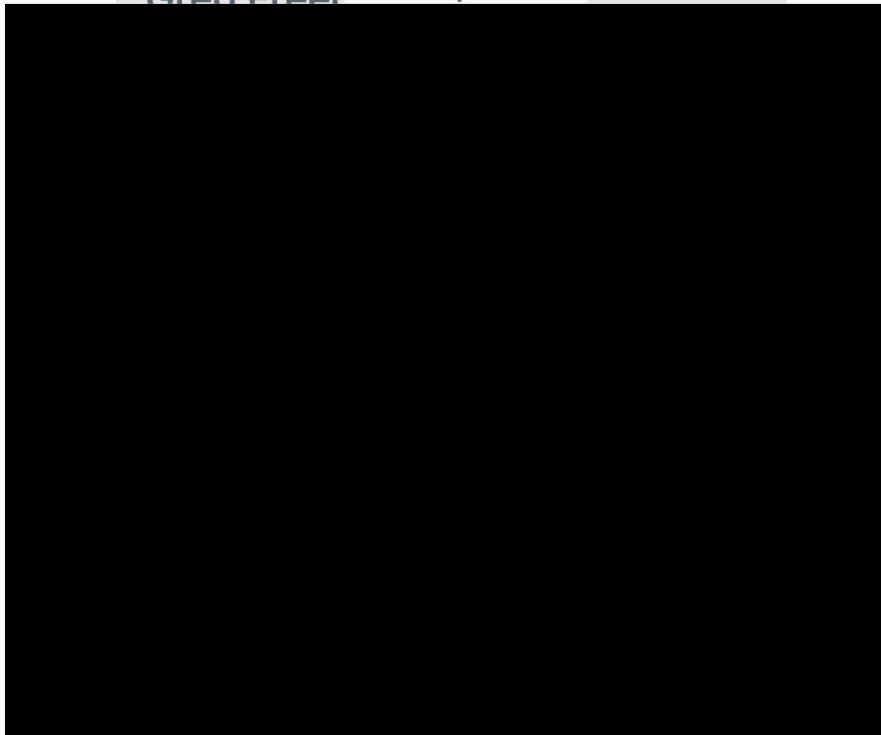
SullivanStrickler

4w



Greg Freemyer

Jan 1, 2021



Greg Freemyer

Todd just gave me a heads up about Coffee County- just said this weekend

GF

3:12 PM

Paul Maggio

PM

Ok 3:13 PM

Greg Freemyer

Todd says information is coming in slowly, so the team is leaning towards



New Message



1:29



SullivanStrickler

4w



PM

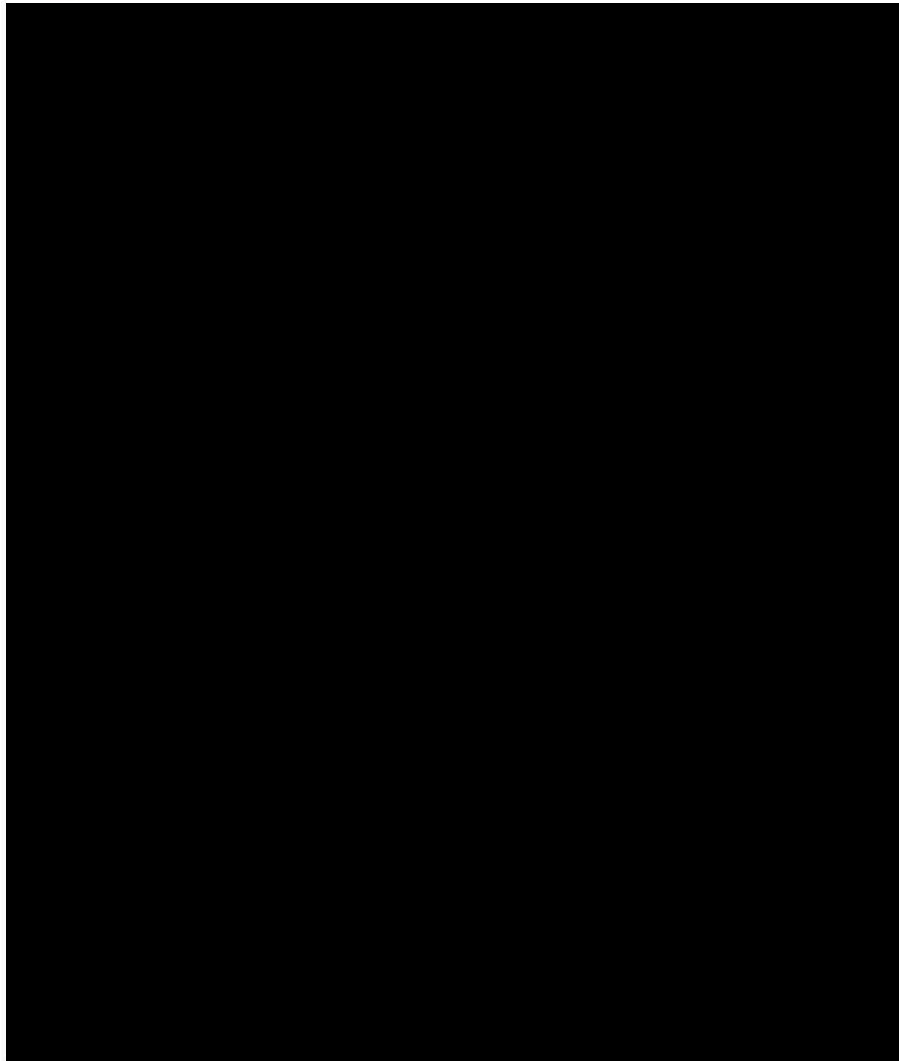
Ok 3:13 F Jan 1, 2021

Greg Freemyer

Todd says information is coming in slowly, so the team is leaning towards Sunday for the work.

GF

4:18 PM



New Message



1:30

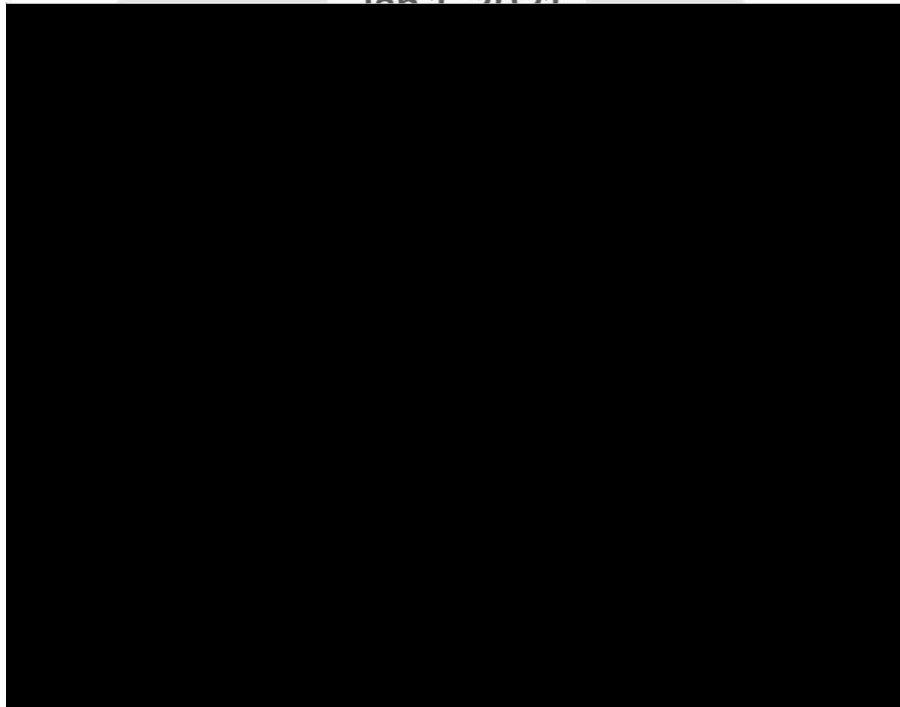


SullivanStrickler

4w



Jan 1, 2021



GF

Is anyone beside me in the Wicr Pro group Todd is posting to?

4:41 PM

Not I as expected 4:42 PM



Jennifer Jackson

JJ

Not in that group 4:45 PM



Greg Freemyer

I'll continue to forward what he is saying here

4:47 PM



New Message



1:30



SullivanStrickler

🕒 4w



Jan 1, 2021

Greg Freemyer

I'll continue to forward what he is saying here.

GF

4:47 PM

Jan 2, 2021

Greg Freemyer

Todd says tomorrow appears to be off the table. Legal process going slow

GF

12:46 PM

Jennifer Jackson

Who is Preston Halliburton? I got a strange email from this guy asking me to call him about the hearing on Monday????

JJ

1:11 PM

Preston was mentioned in the message from Katherine. Maybe she gave him your Email?

1:13 PM



New Message



1:30



SullivanStrickler

4w



the message from

Jan 2, 2021

Maybe she gave him your Email?

1:13 PM

Jennifer Jackson

Ok will call him now

1:13 PM

You're correct- he wants us for Monday in Fulton

1:30 PM

JJ



Greg Freemyer

Monday might be interesting.

Knoxville remote is real for 2 custodians.

I think Coffee County is maybe.

GF

And now Fulton.

2:02 PM

Paul Maggio

Nothing will happen in GA



New Message



1:30



SullivanStrickler

4w



GF

And now Fulton.

2:02 PM

Jan 2, 2021

Paul Maggio

Nothing will happen in GA until after the election on Tuesday. No judge is going to let those machines be touched before then.

PM

2:30 PM

Jennifer Jackson

This is getting more interesting. Just randomly learned that one of the DC attorneys coming on Monday is the cousin of my mentor. He's a partner at Nelson Mullins. Hope we get to meet him too.

JJ

7:36 PM

Greg Freemyer

Interesting- very good to see more mainstream litigators involved

I haven't talked to Preston vet. He let me know he is



New Message



1:30



SullivanStrickler

4w



litigators involved

Jan 2, 2021

I haven't talked to Preston yet. He let me know he is trying to organize a zoom call with the legal team and he wants me to join. That's all the detail I have.

7:39 PM

GF

Jennifer Jackson



8:03 PM

JJ

Jan 3, 2021

Greg Freemyer

Fyi: I emailed Preston yesterday afternoon. He said he wanted to have me join a legal team conf call either last night, or this morning.

Neither happened.



New Message



1:30



SullivanStrickler

4w



morning.

Jan 3, 2021

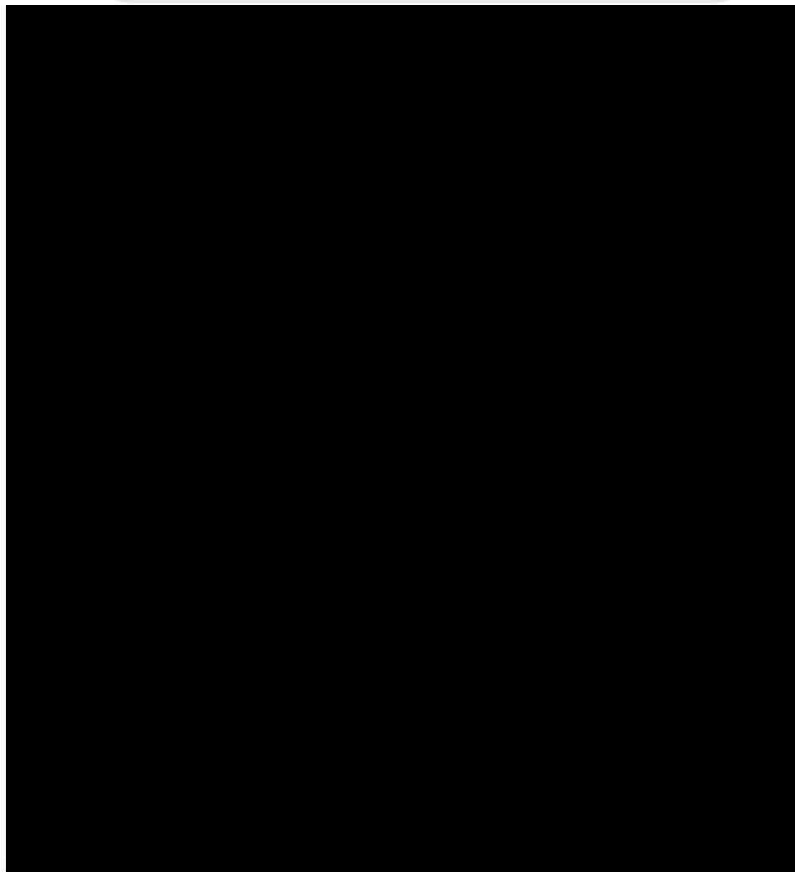
Neither happened.

I have clarity as to what the request is for tomorrow.

Maybe he just needs me to join a zoom hearing at some point?

"I have NO clarity ..."

1:06 PM



New Message

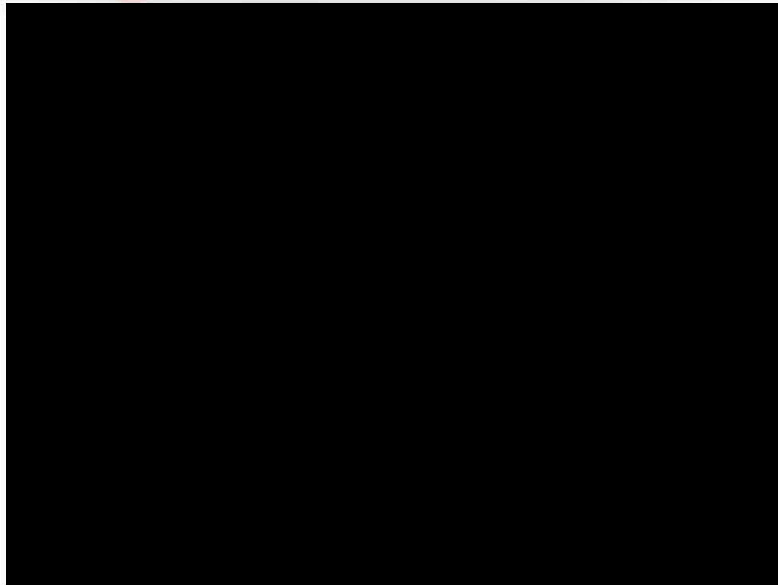


1:30



SullivanStrickler

🕒 4w



I just talked to the legal team. Coffee County is NOT in play for tomorrow. Fulton County may be, but it will be a smaller scale. Maybe Paul & I.

GF

5:42 PM



Jan 5, 2021

Greg Freemyer

All,

The Georgia Petition hearing to gain access to the paper mail-in ballots for Fulton County has been



New Message



1:31



SullivanStrickler

🕒 4w



Greg Freemver

All,

Jan 5, 2021

The Georgia Petition hearing to gain access to the paper mail-in ballots for Fulton County has been rescheduled for tomorrow at 4pm. They are hoping the inspection will be Thursday or Friday. I think Paul & I will be the only 2 people needed. That is unless we get access to a lot more thumb drives / compactflash than I expect.

Fulton has ~400 voting locations, so conceivably 800 thumbs and 800 compactflash! More likely is a couple dozen, which is something I can likely manage by myself.

Coffee County also won't



New Message



1:31



SullivanStrickler

4w



manage himself

Jan 5, 2021

Coffee County also won't happen until after the Wed hearing at the soonest. Todd said the Feds (FBI?) may have to do that one instead of us.

GF

9:12 AM

Jan 6, 2021

Jennifer Jackson

Who do we need in coffee county?

JJ

7:27 PM

Paul Maggio

Greg is going to Knoxville first thing in the AM. Karuna has 2 phones and web mail accounts scheduled

PM

7:29 PM

Jennifer Jackson

I'm aware, you me and Tamara?

JJ

7:29 PM

Paul Maggio

May be Jim, Jennifer and I



New Message



1:31



SullivanStrickler

4w



Jennifer Jackson

Jan 6, 2021

Who do we need in Coffee county?

JJ

7:27 PM

Paul Maggio

Greg is going to Knoxville first thing in the AM. Karuna has 2 phones and web mail accounts scheduled

PM

7:29 PM

Jennifer Jackson

I'm aware, you me and Tamara?

JJ

7:29 PM

Paul Maggio

May be Jim, Jennifer and I

PM

7:29 PM

Jennifer Jackson

Cool

JJ

Ready to roll

7:30 PM

Greg Freemyer

You should try to get a 2nd cellebrite dongle??

GF

7:31 PM



New Message





11:22 AM



Coffee_County_Forensics



Coffee_County_Forensics

6 members

Jan 6, 2021

Jim Penrose added you to the group.

Jim Penrose

@Scott Hall meet @Paul
Maggio from SullivanStricker

7:35 PM



New Message



FCDA00128479

11212022-000001



11:22 AM



Coffee_County_Forensics



Jim Penrose added you to the group.

Jan 6, 2021

Jim Penrose

@Scott Hall meet @Paul
Maggio from SullivanStricker

7:35 PM



Jim Penrose invited 1 person to the group.

Jim Penrose

@Paul Maggio will you be team
lead on this?

7:37 PM



Charles Bundren

We need cell numbers to
identify who they are for the
people at the elections HQ.

7:38 PM



Jim Penrose

PM

Paul Maggio

+1 404-234-3962



Send Message



New Message



FCDA00128480

11212022-000002



11:22 AM



Coffee_County_Forensics



18

Jim Penrose

Jan 6, 2021

PM

Paul Maggio

+1 404-234-3962



Send Message



Paul can you post the rest of the team

7:39 PM

+👤 Jim Nelson accepted an invitation to the group from Jim Penrose.

Paul Maggio

Calling everyone now

PM

I will lead

7:55 PM

Jim Penrose

Thanks Paul

7:56 PM

Paul Maggio

Names coming shortly

5 Total Paul Maggio (404)



New Message



FCDA00128481

11212022-000003



11:22 AM



Coffee_County_Forensics



Paul Maggio

Jan 6, 2021

Names coming shortly

5 Total - Paul Maggio (404)
234-3962

Jennifer Jackson
(404)775-8927

Karuna Naik 678-779-4821

Jim Nelson (678) 252-7813

Larisa Tulchinsky (678)
595-0233

Please provide address and
POC name and phone 8:36 PM

PM

Scott Hall
I will very shortly 8:42 PM

Paul please give me a call on
Signal

Scott G Hall 404-661-4102



New Message



FCDA00128482

11212022-000004



11:23 AM



Coffee_County_Forensics



Paul please give me a call on
Signal

Jan 6, 2021



Scott G Hall 404-661-4102

10:26 PM

Jan 7, 2021

Scott Hall

Important to text POC Before
coming in. I'm looking into
plane to fly down. How is team
going down?

12:21 AM

POC is Mitzi Martin Supervisor
of Elections

912-850-4823

1:20 AM



Second POC is Cathy Latham

+1 (912) 389-6085

1:25 AM

Paul Maggio

We are planning on driving
down. Leaving Atlanta around 8
AM

5:04 AM



New Message



FCDA00128483

11212022-000005



11:23 AM



Coffee_County_Forensics



down. Leaving Atlanta around 8 AM

Jan 7, 2021

5:04 AM

Scott, let me know when you are up. I will call you.

5:44 AM

The S2 team is about 30 minutes from Douglas Ga. @Scott Hall let us know when you land and where to meet.

PM

11:03 AM



Scott Hall
Just landed

11:08 AM

Paul Maggio
20 minutes out

Our vehicle is full. Cathy sent someone to pick you up.

11:12 AM

Collection is going well. No real issues at this point. Looking to be here until 6-7 PM this



New Message



FCDA00128484

11212022-000006



11:23 AM



Coffee_County_Forensics



Jan 7, 2021

Collection is going well. No real issues at this point. Looking to be here until 6-7 PM this evening.

PM

2:56 PM

Charles Bundren

C

Thanks 3:08 PM

Paul Maggio

We just finished up at Coffee County and are on our way back to Atlanta. Everything went well with no issues.

PM

7:47 PM

Charles Bundren

C

Thanks 7:51 PM

Scott Hall



8:05 PM

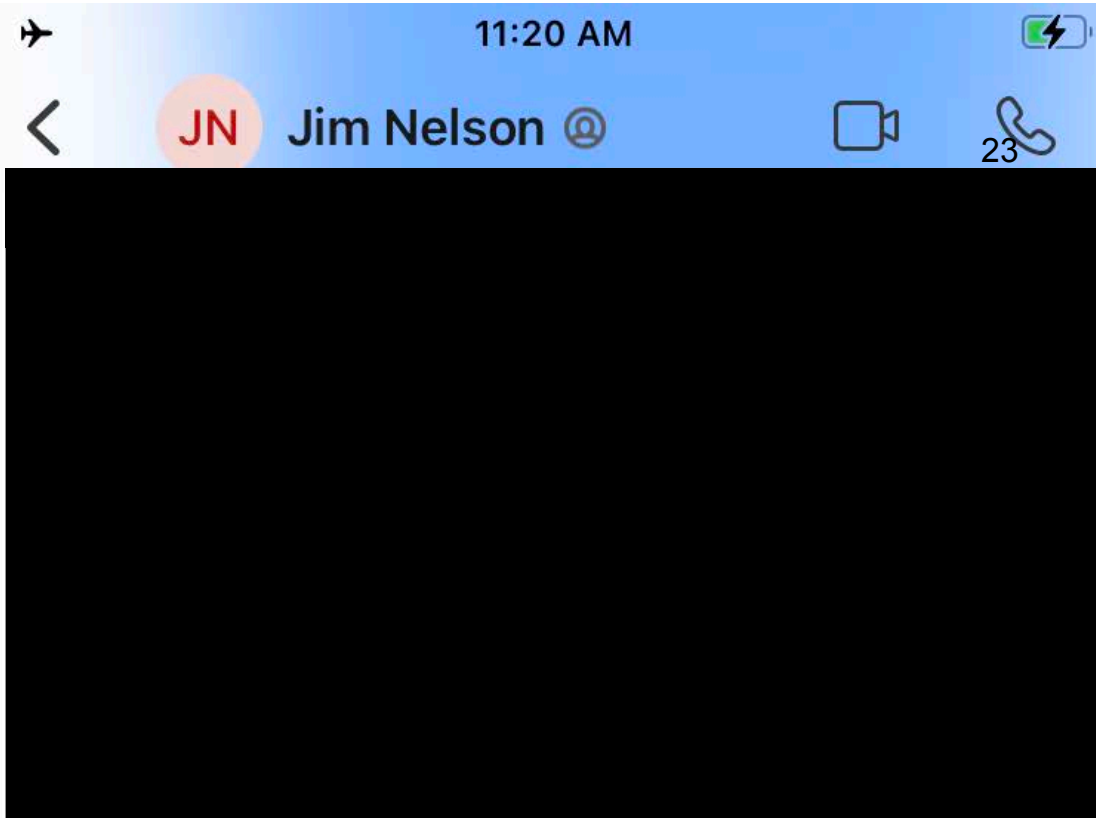


New Message



FCDA00128485

11212022-000007



Jan 7, 2021

 Missed call · Jan 7, 2021 2:27 PM

Call Back

Do you still need to talk?

Been busy 3:09 PM 

No I'm good. 3:10 PM

Great 3:10 PM 



New Message





3:29 PM



PM

Paul Maggio @

✓ Verified



24

Jan 6, 2021

do you want to talk about Coffee County?

FYI: I was just packing up the big Pelican to take to Knoxville!

7:37 PM ✓

Jan 9, 2021

We are not uploading/giving access to anyone until we are paid.

5:24 AM

I am communicating with Jim P one on one on Signal about getting paid before we release any data

1:01 PM

Thanks for keeping me in the loop

2:49 PM ✓

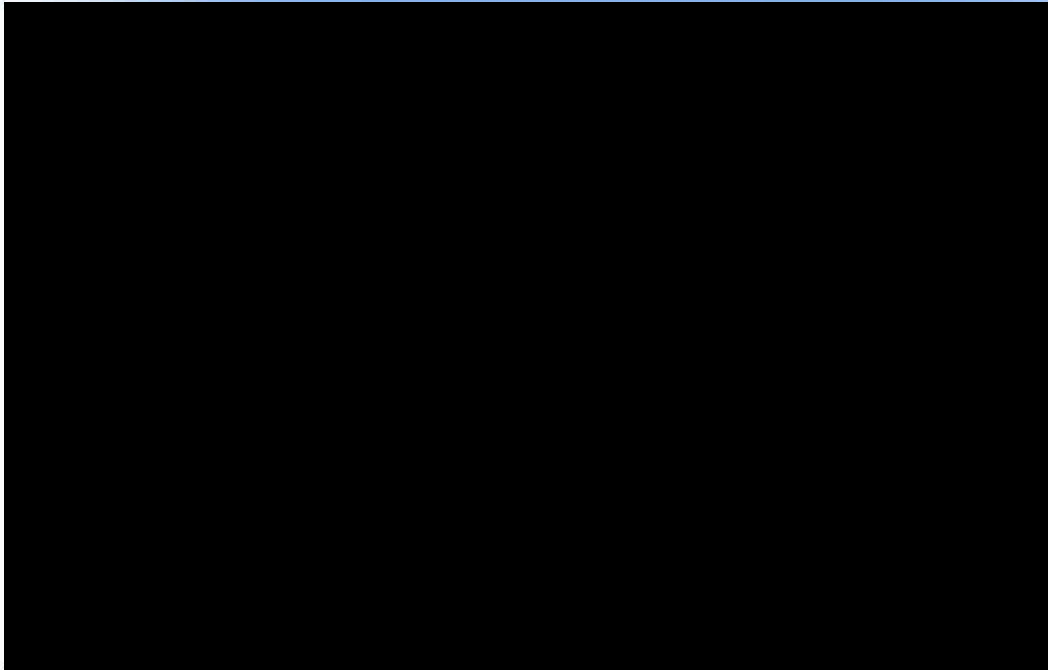
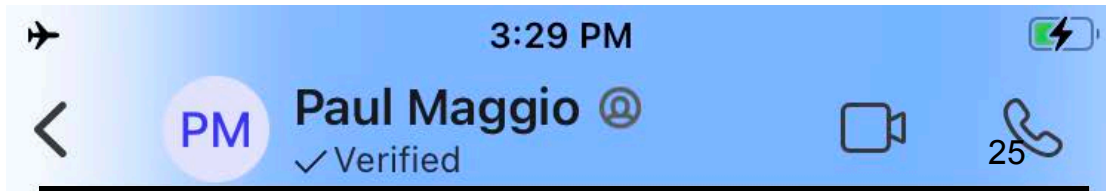
Greg, let's keep communications quiet for now. I am now negotiating directly with Sidney

5:44 PM



New Message





Sep 28, 2021

Was the contract with Sidney personally, or Defending the Republic?

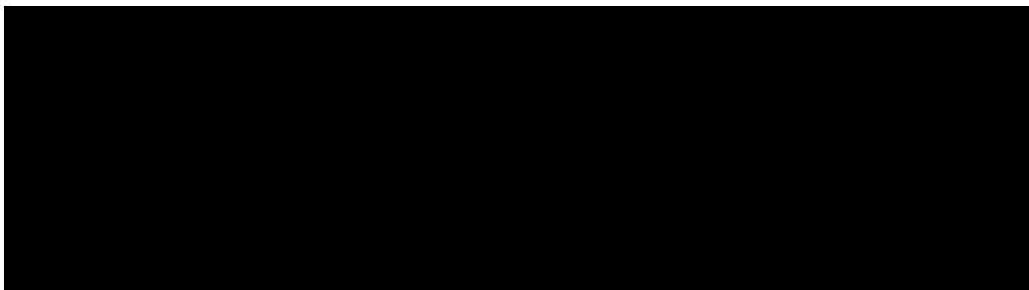
7:07 PM



Sep 29, 2021

Defending the Republic

6:02 AM



New Message



Exhibit H

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

CASE NO.: 1:17-cv-2989-AT

DONNA CURLING, et al.,
Plaintiffs,

vs.

BRAD RAFFENSPERGER, et
al.,

Defendants.

VIDEOCONFERENCE

VIDEOTAPED

DEPOSITION OF: DOUG LOGAN

DATE: FRIDAY, NOVEMBER 18, 2022

TIME: 9:02 A.M. - 3:54 P.M.

PLACE: VIA VIDEOCONFERENCING TECHNOLOGY

STENOGRAPHICALLY

REPORTED BY: JAZZMIN A. MUSRATI, RPR, CRR

Registered Professional Reporter

Certified Realtime Reporter

1 until Bruce recovers?

2 THE VIDEOGRAPHER: Yeah. No problem. I was
3 looking at that.

4 Off the record at 1:22 p.m.

5 (Whereupon, a break was taken from 1:22 p.m. to
6 1:28 p.m.)

7 THE VIDEOGRAPHER: All right. Back on the
8 record at 1:28 p.m.

9 BY MR. BROWN:

10 Q. Mr. Logan, we were talking about your Signal
11 messages on Exhibit 4. And if you look at the --
12 there's a thread name that's called Special_Report.

13 Do you see that?

14 A. Yeah.

15 Q. And what was the Special_Report?

16 A. That's the report that you have a copy of.

17 Q. That's the report that you were in the process of
18 preparing, correct?

19 A. Correct.

20 Q. And Mr. Penrose says to you, or to the others --
21 well, who was in the -- who was in the group for the
22 special report?

23 A. I'm not sure offhand. I believe -- I know that
24 it's obviously Jeff, myself, and Jim. I think those
25 were the only people, but I'm not positive.

1 Q. Okay. And it says, "Here's the plan. Let's keep
2 this close hold," I guess?

3 A. Okay.

4 Q. And then if you look at the entry at 13:18,
5 Mr. Penrose says, "If you can draft a report for review
6 on Friday morning with Charles Bundren, that would be
7 best. We only have until Saturday to decide if we're
8 going to use this report to try to decertify the Senate
9 run-off election, or if we hold it for a bigger movement
10 later."

11 Do you see that?

12 A. Yes, sir.

13 Q. Do you recall how your report would have been
14 used to decertify the Senate run-off election?

15 A. I don't think I ever knew that. So, no, I have
16 no idea.

17 Q. Was part of the -- was one of the purposes of --
18 of your being down there to get evidence to certify --
19 to decertify the Senate run-off election?

20 A. I don't recall that -- that being discussed at
21 any point in time. But as I said, in all of these
22 messages, I don't --

23 Q. I mean, was it possible that -- that your work
24 was going to be used for purposes that you did not
25 intend it to be used for or that you didn't know the

1 purpose of what you were doing?

2 A. I mean, that's always a possibility.

3 Q. But you didn't -- when you were down there -- or
4 before you went down there, the instructions weren't --
5 weren't something, like, look, there's a Senate run-off,
6 we've got to get evidence to decertify quickly?

7 A. No, absolutely not. It was, hey, Jeff is working
8 on something in Coffee County; can you meet with him?
9 It was really pretty light.

10 Q. The line here, though, is or "we hold it for a
11 bigger movement later."

12 Do you know what that is referring to?

13 A. I would -- I would assume a lawsuit, but I don't
14 know.

15 Q. Did you talk about other purposes of this
16 information, like for a -- specifically for a lawsuit or
17 some sort of challenge of any kind?

18 A. It was always my understanding this step was
19 being utilized as part of litigation, so...

20 Q. Do you --

21 A. I don't know -- I don't know what else to say. I
22 don't have a very clear memory of every conversation I
23 had. Like I've said, most of these messages, you know,
24 I'm reading them, but I'm not even remembering that they
25 happened, you know, type of thing.

1 Q. No, I under --

2 A. So I don't know how I can give any more
3 additional context than that.

4 Q. I appreciate that.

5 Then on -- a minute later he says, "I'm not going
6 to brief Sidney on these findings yet."

7 Do you see that?

8 A. Yes, sir.

9 Q. And that -- and that would have been Sidney
10 Powell?

11 A. That would be my understanding.

12 But I -- I was surprised by that because when
13 I -- when the audit happened and I reached out to Greg
14 and asked him, I was like who even signed the contract?
15 I remember being very surprised that it was Defending
16 the Republic. So any involvement she had was minimal in
17 this, at best. So I don't know if I knew or didn't know
18 she was involved in this at that time, obviously. I
19 must have known based on that message, but I don't
20 recall that.

21 Q. Okay. If you go down, this is still on
22 Special_Report, but it's one -- January 20th at 18:11.

23 A. Okay.

24 Q. Do you see where you say, "Also I'm making a
25 revisit plan to really nail all of this down"?

CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, Jazzmin A. Musrati, RPR, CRR, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of DOUG LOGAN; that a review of the transcript was requested; and that the foregoing transcript, Pages 1 through 229, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED: December 2, 2022.



Jazzmin A. Musrati, RPR, CRR
Registered Professional Reporter
Certified Realtime Reporter

Exhibit I



Post



Jenna Ellis

@JennaEllisEsq



- November 22, 2020 -

Trump Campaign Statement on Legal Team

“Sidney Powell is practicing law on her own. She is not a member of the Trump Legal Team. She is also not a lawyer for the President in his personal capacity.”

- Rudy Giuliani, Attorney for President Trump, and Jenna Ellis, Trump Campaign Senior Legal Adviser and Attorney for President Trump

4:23 PM · Nov 22, 2020

2,996 Reposts **5,526** Quotes **18.2K** Likes **306** Bookmarks