

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

KENNETH JOHN CHESEBRO;  
SIDNEY KATHERINE POWELL, et al.  
Defendants.

CASE NO.

23SC188947

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**PETITION FOR CERTIFICATE OF NEED FOR TESTIMONY BEFORE  
CRIMINAL PROSECUTION PURSUANT TO THE UNIFORM ACT TO SECURE THE  
ATTENDANCE OF WITNESSES FROM WITHOUT THE STATE**

COMES NOW the State of Georgia, by and through Fani T. Willis, District Attorney, Atlanta Judicial Circuit, Fulton County, Georgia, and petitions this Honorable Court for a Certificate of Need for Testimony Before a Criminal Prosecution Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, pursuant to O.C.G.A. § 24-13-90 et seq., and in support thereof says as follows:

1. The above-styled matter is a criminal prosecution currently pending and specially set for trial beginning October 23, 2023 in the Superior Court of Fulton County, Georgia.
2. Defendant Kenneth John Chesebro is charged with one count of Violation of the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act, one count of Conspiracy to Commit Impersonating a Public Officer, two counts of Conspiracy to Commit Forgery in the First Degree, two counts of Conspiracy to Commit False Statements and Writings, and one count of Conspiracy to Commit Filing False Documents.
3. Defendant Sidney Katherine Powell is charged with one count of Violation of the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act, two counts of Conspiracy to Commit Election Fraud, one count of Conspiracy to Commit Computer

Theft, one count of Conspiracy to Commit Computer Trespass, one count of Conspiracy to Commit Computer Invasion of Privacy, and one count of Conspiracy to Defraud the State.

4. Arizona resident Greg Safsten is a necessary and material witness to the proof of the State's case. Specifically, Act 49 of Count 1 of the Indictment alleges that Defendant Kenneth John Chesebro e-mailed documents to Greg Safsten for use in Arizona by presidential election nominees for Donald John Trump in the 2020 presidential election despite Trump having lost the presidential election in Arizona. This act, as alleged, was an overt act that Chesebro committed to effect the objective of a criminal enterprise that operated in Fulton County, Georgia and elsewhere: to unlawfully change the outcome of the presidential election in favor of Donald Trump.
5. The State anticipates that Safsten will testify about his interactions with Chesebro as it relates to Chesebro's involvement in the scheme to have Trump presidential elector nominees convene and cast false Electoral College votes in Arizona on December 14, 2020. Safsten was one of the Trump presidential elector nominees in Arizona who signed false Electoral College votes which were then transmitted to the President of the United States Senate (the Vice President of the United States of America) with the intention that they be used to disrupt and delay the joint session of the United States Congress on January 6, 2021 with the ultimate purpose of unlawfully changing the outcome of the November 3, 2020 election.
6. On December 10, 2020, Kenneth Chesebro sent an e-mail to Greg Safsten which included a "draft Certificate suitable for Arizona," which was the draft

“CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM ARIZONA”

signed by Mr. Safsten and others.

7. On December 11, 2020, Kenneth Chesebro sent an e-mail to Mr. Safsten with specific instructions as to when the Trump presidential elector nominees needed to meet, what specific documents they needed to sign, and where and to whom the signed documents needed to be sent.
8. All of these e-mails were sent by Chesebro to Mr. Safsten *after* Arizona Governor Doug Ducey had signed a Certificate of Ascertainment on November 30, 2020 in which Governor Ducey certified that the “Democratic Party Presidential Electors” were the “duly elected Presidential Electors.” Notably, neither Greg Safsten nor any of Trump presidential elector nominees were certified by Governor Ducey as the “duly appointed Presidential Electors.”
9. The Certificate prepared by Mr. Chesebro and sent to Mr. Safsten, who then signed it with others on December 14, 2020, falsely represents that Greg Safsten and others were the “duly elected and qualified Electors for President and Vice President of the United States of America from the State of Arizona,” which was completely false as the Democratic/Biden electors had already been certified as the presidential electors representing Arizona.
10. Additionally, Greg Safsten filed a lawsuit against Arizona Governor Doug Ducey and Arizona Secretary of State Katie Hobbs on December 2, 2020 asking the United States District Court for the District of Arizona issue an order directing Governor Ducey and Secretary Hobbs to “de-certify the election results” and an “order enjoining Governor Ducey from transmitting the currently certified election results.”

The Court dismissed this case on December 9, 2020 – before the casting of the Electoral College Votes in Arizona on December 14, 2020. One of the attorneys representing Safsten in this matter was Defendant Sidney Katherine Powell.

11. Mr. Safsten, based on the information set forth above, is a necessary and material witness. He possesses unique knowledge concerning communications between himself and Kenneth Chesebro and Sidney Powell other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 2020 election in Arizona, Georgia, and elsewhere.
12. The testimony of Mr. Safsten will not be cumulative of any other evidence in this matter.
13. Mr. Safsten resides outside the jurisdiction of this Honorable Court and is therefore unable to be served with process to compel attendance and testimony.
14. Mr. Safsten currently resides in Gilbert, Maricopa County, Arizona.
15. Mr. Safsten will be required to be in attendance and testify before the trial in this matter commencing on October 23, 2023. It is not known at this time which specific date he will be called by the State as a witness as a jury has not yet been sworn and the presentation of evidence has not yet begun. The District Attorney reasonably anticipates that Mr. Safsten's testimony will not exceed one day.
16. The Office of the Fulton County District Attorney, in and for the State of Georgia, will pay all reasonable and necessary travel expenses and witness fees required to secure Mr. Safsten's attendance and testimony, in accordance with the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. *See O.C.G.A. §24-13-90 et seq.*

17. If Mr. Safsten comes into the State of Georgia pursuant to this request, directing him to attend and testify in this criminal prosecution, the laws of this State shall give him protection from arrest and from service of civil or criminal process, both within this State and in any other state through which he may be required to pass in the ordinary course of travel, for any matters which arose before his entrance into this State and other states.

18. Both Georgia and Arizona have adopted the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. *See* O.C.G.A. § 24-13-90 et seq.; Ariz. Rev. Stat. § 13-4091 et seq.

**WHEREFORE**, the State of Georgia, by and through Fani T. Willis, District Attorney, Atlanta Judicial Circuit, Fulton County, Georgia, prays that this Honorable Court issue a Certificate of Need for Testimony Before a Criminal Prosecution Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, pursuant to O.C.G.A. § 24-13-90 et seq., certifying to the proper authorities in the jurisdiction in which Greg Safsten is located that Greg Safsten is a necessary and material witness whose attendance and testimony is required for the above-referenced criminal prosecution, and the presence of Greg Safsten will be needed for the number of days specified above,

Respectfully submitted this the 3rd day of October, 2023,

**FANI T. WILLIS**  
**DISTRICT ATTORNEY**  
**ATLANTA JUDICIAL CIRCUIT**

/s/Grant Rood  
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