

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

**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 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. Wayne County, Michigan resident Ronna McDaniel is a necessary and material witness to the proof of the State's case, specifically as to Kenneth Chesebro's culpability.
5. Ronna McDaniel served as Chairperson of the Republican National Committee (RNC) in the weeks following the November 3, 2020 presidential election.
6. As set forth in the indictment, Kenneth Chesebro, along with co-defendants Donald Trump, John Eastman, and others, are being charged with unlawfully conspiring to cause certain individuals to falsely hold themselves out as the duly elected and qualified presidential electors in Georgia and elsewhere for the November 3, 2020 presidential election.
7. Within a few days of December 14, 2020, Ronna McDaniel received a phone call from Donald Trump. John Eastman was also on the phone call and was introduced to Ronna McDaniel by Donald Trump. John Eastman told Ronna McDaniel the importance of the RNC helping the campaign gather "contingent" electors for the November 3, 2020 presidential election.
8. On December 14, 2020, Ronna McDaniel forwarded an e-mail titled "RE: Elector's Recap – Final" to Molly Michael, Executive Assistant to the President. The e-mail contained, in part, a list of the "Six Contested States," including Georgia, and the electoral votes that had been cast for Donald Trump in each of these states. On the same day, Molly Michael responded to this e-mail and stated to Ronna McDaniel, "It's in front of him!"

9. Ronna McDaniel will provide evidence to the jury of Kenneth Chesebro's involvement in the conspiracy, including, without limitation, as it relates to communication between co-defendants Donald Trump and John Eastman regarding the conspiracy to cause certain individuals to falsely hold themselves out as the duly elected and qualified presidential electors for the November 3, 2020 presidential election.
10. The facts and allegations described above form the basis for Act 44 of Count 1 as well as Counts 9, 11, 13, 15, 17, 19 of this indictment.
11. Ronna McDaniel, based on the information set forth above, is a necessary and material witness. She possesses unique knowledge concerning communications between herself and Donald Trump as well as communications between herself and John Eastman in the conspiracy to cause certain individuals to falsely hold themselves out as the duly elected and qualified presidential electors for the November 3, 2020 presidential election.
12. The testimony of Ronna McDaniel will not be cumulative of any other evidence in this matter.
13. Ronna McDaniel resides outside the jurisdiction of this Honorable Court and is therefore unable to be served with process to compel attendance and testimony.
14. Ronna McDaniel currently resides in Wayne County, Michigan.
15. Ronna McDaniel 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 Ronna McDaniel'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 Ronna McDaniel'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 Ronna McDaniel comes into the State of Georgia pursuant to this request, directing her to attend and testify in this criminal prosecution, the laws of this State shall give her protection from arrest and from service of civil or criminal process, both within this State and in any other state through which she may be required to pass in the ordinary course of travel, for any matters which arose before her entrance into this State and other states.
18. Both Georgia and Michigan 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.; MCLS § 767.91 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 Criminal Prosecution, pursuant to O.C.G.A. § 24-13-90 et seq., certifying to the proper authorities in the jurisdiction in which Ronna McDaniel is located that Ronna McDaniel is a necessary and material witness whose attendance and testimony is required for the above-referenced criminal prosecution, and the presence of Ronna McDaniel will be needed for the number of days specified above,

Respectfully submitted this the 9th day of October, 2023,

FANI T. WILLIS
DISTRICT ATTORNEY

ATLANTA JUDICIAL CIRCUIT

/s/Grant Rood

Grant Rood

GA Bar No. 955552

Deputy District Attorney

Atlanta Judicial Circuit

136 Pryor Street Southwest

Third Floor

Atlanta, Georgia 30303