

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

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v.


RUDOLPH WILLIAM LOUIS GIULIANI

Indictment No.
23SC188947

**ORDER ON MOTION TO PERMIT AND REQUIRE
DISCUSSIONS WITH CO-DEFENDANTS**

The Defendant moves for an order not only permitting, but also compelling former co-defendants Ellis, Chesebro, Powell, and Hall to submit to interviews with defense counsel. (Doc. 74, 1/8/24). The law appears clear. Absent any condition of bond or sentencing indicating otherwise, the witness's preferences control. A witness cannot be compelled to submit to an interview. *Gulley v. State*, 271 Ga. 337, 347 (1999); *Rutledge v. State*, 245 Ga. 768, 770 (1980); *Emmett v. State*, 232 Ga. 110, 113 (1974). On the other hand, the Court does not interpret the special conditions of probation imposed against these co-defendants as inhibiting defense counsel's ability to request an interview in preparation for trial. The State may not deny access to a witness before trial and should instruct witnesses that although they are not required to speak with defense counsel there is nothing prohibiting their doing so. *Rutledge*, 245 Ga. at 770. The witness may also set preconditions before submitting to an interview. During a hearing on January 12, 2024, the State requested that they be allowed to attend and record any such interviews. But unless it is at the witness's request, the State does not have a right to be present. The motion is granted in part.

SO ORDERED, this 12th day of January, 2024.



Judge Scott McAfee
Fulton Superior Court
Atlanta Judicial Circuit