

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)	
)	
v.)	CASE NO. 23SC188947
)	
ROBERT DAVID CHEELEY, et al.,)	JUDGE S. MCAFEE
)	
Defendant.)	

**DEFENDANT CHEELEY’S MOTION TO ADOPT
DEFENDANT KENNETH CHESEBORO’S MOTION TO DISMISS
INDICTMENT FOR FAILURE TO COMPLY WITH
SPECIAL PROSECUTOR’S OATH REQUIREMENT**

COMES NOW, defendant Robert David Cheeley, by and through counsel, and files this Motion to Adopt Defendant Kenneth Cheseboro’s Motion to Dismiss Indictment for Failure to Comply With Special Prosecutor’s Oath Requirement (Motion to Dismiss Indictment), moving the Court to permit Mr. Cheeley to adopt Defendant Kenneth Chesebro’s Motion to Dismiss Indictment filed October 4, 2023, and any and all arguments and relief sought in Defendant Cheseboro’s Motion to Dismiss Indictment.

When there are two or more defendants, an objection and argument by one will not preserve any error for other defendants unless the other defendants expressly adopt the former's objections and argument. *See Dalton v. State*, 237 Ga. App. 217 (1999); *Williams v. State*, 233 Ga. App. 217 (1998). Accordingly, Mr. Cheeley

requests that the Court permit Mr. Cheeley to adopt Defendant Kenneth Chesebro's Motion to Dismiss Indictment.

Based upon the grounds set forth herein, Defendant Cheeley requests that the Court grant his Motion to Adopt Defendant Kenneth Chesebro's Motion to Dismiss Indictment and allow Defendant to adopt Defendant Kenneth Chesebro's Motion to Dismiss Indictment for Failure to Comply With Special Prosecutor's Oath Requirement and all arguments and relief requested therein, and to allow Mr. Cheeley's counsel to participate in any further briefing or hearings on that motion before this Court.

Respectfully submitted, this 5th day of October, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was prepared using 14-point Times New Roman font, and that a true and correct copy of the foregoing was served electronically on all counsel of record via the ODYSSEY EFILE GA case management system.

This 5th day of October, 2023.

/s/ Richard A. Rice, Jr.
Richard A. Rice, Jr.