

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

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v.

DONALD JOHN TRUMP,
RUDOLPH WILLIAM LOUIS GIULIANI,
JOHN CHARLES EASTMAN,
MARK RANDALL MEADOWS,
KENNETH JOHN CHESEBRO,
JEFFREY BOSSERT CLARK,
JENNA LYNN ELLIS,
RAY STALLINGS SMITH III,
ROBERT DAVID CHEELEY,
MICHAEL A. ROMAN,
DAVID JAMES SHAFER,
SHAWN MICAH TRESHER STILL,
STEPHEN CLIFFGARD LEE,
HARRISON WILLIAM PRESCOTT FLOYD,
TREVIAN C. KUTTI,
SIDNEY KATHERINE POWELL,
CATHLEEN ALSTON LATHAM,
SCOTT GRAHAM HALL,
MISTY HAMPTON a/k/a EMILY MISTY HAYES
Defendants.

CASE NO.

23SC188947

MOTION TO QUASH DEFENDANT MICHAEL ROMAN
PROPOSED WITNESS: ROBIN BRYANT YEARTI

COMES NOW, Robin Bryant Yeart, by and through counsel, and requests that his honorable court quashes the subpoena she received to testify as a witness in this trial against Defendant Michael Roman and his codefendants. In support of her motion, Robin Bryant Yeart shows the following.

Defendant Michael Roman, by and through his counsel, Ashleigh B. Merchant, served Robin Bryant Yeart (“Yeart”) with a subpoena on January 25, 2024. The subpoena is very vague and was blindly sent to Ms. Yeart in an attempt by this Defendant to make her a witness in this

case, of which she has absolutely no interest. In fact, Ms. Yearti does not know the Defendant or his Counsel; moreover, Ms. Yearti is not an attorney, nor is she an employee within the Fulton County District Attorney's office, or any law office. Ms. Yearti is a private citizen, who does not have any relevant information to assist with the prosecution or defense of the case against Defendant Roman or his remaining codefendants. Furthermore, by Attorney Merchant's own admission, she has never spoken with Ms. Yearti, nor has Defendant Roman. Thus, any information sought from Ms. Yearti is irrelevant to the case and is nothing more than a "witch hunt" for information that may assist Defendant Roman and counsel in their pursuit to discredit the prosecution of this case. Therefore, given the lack of relevancy and the harassment endured by Ms. Yearti, this subpoena must be quashed.

Georgia courts have held that a motion to quash is properly granted where it serves to prevent a criminal defendant from using a subpoena duces tecum as an instrument of general discovery against a third party; "it is the tool to stop the defendant using a subpoena to search through the [third party's] records in hopes of obtaining information which might possibly impeach [a witness's] credibility." *Gregg v. State*, 331 Ga. App. 833, 834-35 (2015) (internal punctuation and quotation marks omitted; quoting *Plante v. State*, 203 Ga. App. 33, 34 (1992)). Furthermore, *In re Frost*, 366 Ga. App. 45, 50 (2022) ("the broadly-worded subpoena did not, however, provide the specificity required to show the relevance of the documents sought, or that this was something other than a fishing expedition into records held by a third party"); *see generally In re Frost*, 366 Ga. App. 45 (2022) (finding reversible error in trial court's order disseminating victim's privileged mental health records to criminal defendant for potential impeachment purposes).

Defendant Roman has done nothing more than cast a wide net, in which he's now including Ms. Yearti, to find information that may support allegations he has made about the District

Attorney and her staff. As such, it is a clear misuse of the subpoena power, and because Defendant Roman cannot establish the necessity of the testimony of Ms. Yearti. Therefore, the subpoena should be quashed.

Respectfully submitted this 8th day of February 2024,

/s/ Durante B. Partridge
Durate Partridge, Esq.
Attorney for Defendant
Georgia Bar No. 811063

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