

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

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

**STATE'S RESPONSE TO DEFENDANT LATHAM'S MOTION
TO STRIKE ACT 160 (PERJURY) FROM THE INDICTMENT**

COMES NOW, the State of Georgia, by and through Fulton County District Attorney Fani T. Willis, and responds in opposition to Defendant Cathleen Alston Latham's Motion to Strike Act 160 (Perjury) from the Indictment. The Defendant's perfunctory pleading merely recites a block quote from the indictment alongside a block quote from a single case, *In re Loney*, 134 U.S. 372 (1890), with no meaningful analysis or application of law to fact. The motion barely, if at all, meets this Court's motion particularization requirements as set forth in its Standing Case Management

Order for Criminal Cases.¹ The Court should summarily deny the Defendant’s motion without a hearing.

Notwithstanding the facial insufficiency of the Defendant’s motion, it also fails as a matter of law. To the extent that *Loney*—a federal habeas corpus case—remains good substantive law at all 134 years after it was decided, its holding would only be relevant if the Defendant were actually charged with perjury in this case. But she is not charged with perjury here. She is charged with conspiring to violate the Georgia RICO Act, in violation of O.C.G.A. § 16-14-4(c), and her perjury is not alleged as an independent charge. *Loney* does not apply where a defendant is not charged with perjury, and the Defendant cites to no other authority that would authorize the Court to strike Act 160 from the indictment.

The Defendant’s motion to strike Act 160 from the indictment is unsupported, and it should be summarily denied without a hearing.

Respectfully submitted this 1st day of March 2024,

FANI T. WILLIS
District Attorney
Atlanta Judicial Circuit

F. McDonald Wakeford
Georgia Bar No. 414898
Chief Senior Assistant District Attorney
Fulton County District Attorney’s Office
136 Pryor Street SW, 3rd Floor
Atlanta, Georgia 30303
fmcdonald.wakeford@fultoncountyga.gov

/s/ John W. “Will” Wooten
John W. “Will” Wooten
Georgia Bar No. 410684

¹ “Particularization Required. Only those motions sufficiently particularized as to provide legal notice to the opposing parties will be considered by the Court. Generalized and omnibus motions are not to be filed, and if filed will be denied as vague, dilatory, and in violation of this order.” Amend. Stand. Case Mgmt. Order for Crim. Cases in Judge Scott McAfee’s Div., Aug. 24, 2023.

Deputy District Attorney
Fulton County District Attorney's Office
136 Pryor Street SW, 3rd Floor
Atlanta, Georgia 30303
will.wooten@fultoncountyga.gov

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this STATE'S RESPONSE TO DEFENDANT LATHAM'S MOTION TO STRIKE ACT 160 (PERJURY) FROM THE INDICTMENT upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This 1st day of March 2024,

FANI T. WILLIS
District Attorney
Atlanta Judicial Circuit

/s/ John W. "Will" Wooten

John W. “Will” Wooten
Georgia Bar No. 410684
Deputy District Attorney
Fulton County District Attorney’s Office
136 Pryor Street SW, 3rd Floor
Atlanta, Georgia 30303
will.wooten@fultoncountyga.gov