

FULTON COUNTY SUPERIOR COURT
STATE OF GEORGIA

STATE OF GEORGIA,

V.

SIDNEY KATHERINE POWELL
ET AL.,
DEFENDANTS.

CASE No. 23SC188947

JUDGE MCAFEE

**MS. POWELL'S GENERAL DEMURRER
AND MOTION TO DISMISS COUNTS 32-37 AND RELATED ACTS**

Ms. Powell moves to dismiss Counts 1, 32-37 and Acts 142-155 of the Indictment against her, because, as a matter of law, the State cannot prove an essential element of each of the crimes charged in those counts. Counsel is aware of the troubling practice of the District Attorney's office not to file written responses. Given the importance and seriousness of the issues raised here, Ms. Powell requests that the Court order the State to file a written response. If the State fails to respond, the Court should deem all facts asserted in this filing to be true and dismiss Ms. Powell from this Indictment. Dismissal of these counts then requires dismissal of Count 1 for a failure of predicate acts.

As the State well knows, Coffee County officials authorized SullivanStricklerLLC to image the voting systems in the county on January 7, 2021.¹

¹ Ms. Powell has been asking the State to produce *Brady* evidence since August 30, 2023. Counsel for Ms. Powell believes the State is withholding a written letter of invitation sent by Election Supervisor Misty Hampton to an attorney who was working with the campaign. Ms. Powell's counsel also believes there are text messages and other documents, including grand jury testimony by Paul Maggio of SullivanStricklerLLC, that not only show authority was given, but also demonstrate

Both the Election Supervisor for the county and the Board authorized the review. In fact, the Election Supervisor sent an “invitation” to another lawyer (who was not working with Ms. Powell) to have the forensic imaging done. This means that no data was stolen, there was no fraud, and nothing was done without authorization. Because the State cannot prove an essential element of each offense, these Acts and Counts of the Indictment must be dismissed. *State v. Finkelstein*, 170 Ga.App. 608, 317 S.E.2d 648, 649 (1984).

A. The Essential Elements of the Charged Statutes Show the State’s Case Depends on the Forensic Collection Being Done Without Authorization.

Count 32: Conspiracy to Commit Election Fraud (OCGA §§ 21-2-603, 21-2-566).

- Ga. Code. Ann. § 21-2-603 states: “A person commits the offense of conspiracy to commit election fraud when he or she conspires or agrees with another to commit a violation of this chapter. This crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the violation of this chapter is consummated.”
- Ga. Code Ann. § 21-2-566 prohibits the **willful tampering** “with any electors list, voter’s certificate, numbered list of voters, ballot box, voting machine, direct recording electronic (DRE) equipment, electronic ballot marker, or tabulating machine.”

Count 33: Conspiracy to Commit Election Fraud (OCGA §§ 21-2-603, 21-2-574).

- Ga. Code. Ann. § 21-2-603 states: “A person commits the offense of conspiracy to commit election fraud when he or she conspires or agrees with another to commit a violation of this chapter. This crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the violation of this chapter is consummated.”

that Ms. Powell did not agree with anyone to access the Coffee County machines. She was simply **not** involved in arranging that transaction. Ms. Powell intends to file a motion to compel the production of *Brady* material.

- Ga. Code. Ann. § 21-2-574 states: “Any person, other than an officer charged by law with the care of ballots **or a person entrusted by any such officer** with the care of the same for a purpose required by law, who has in his or her possession outside the polling place any official ballot shall be guilty of a felony.”

Count 34: Conspiracy to Commit Computer Theft (OCGA §§ 16-4-8, 16-9-93(a).

- Ga. Code Ann. 16-4-8 states: “A person commits the offense of conspiracy to commit a crime when he together with one or more persons conspires to commit any crime and any one or more of such persons does any overt act to effect the object of the conspiracy.”

Count 35: Conspiracy to Commit Computer Trespass (OCGA §§ 16-4-8, 16-9-93(b)).²

- Ga. Code Ann. 16-9-93(b) prohibits the use of “a computer or computer network **with knowledge that such use is without authority** and with the intention of: (1) Deleting or in any way removing, either temporarily or permanently, any computer program or data from a computer or computer network; (2) Obstructing, interrupting, or in any way interfering with the use of a computer program or data; or (3) Altering, damaging, or in any way causing the malfunction of a computer, computer network, or computer program, regardless of how long the alteration, damage, or malfunction persists.”

Count 36: Conspiracy to Commit Computer Invasion of Privacy (OCGA §§ 16-4-8, 16-9-93(c)).

² In addition to knowledge that it was without authority, computer trespass under O.C.G.A. § 16-9-93(b), requires proof the Defendant “deleted, removed, obstructed, or altered the manner in which its computer or any computer program or file existed. ‘The plain language of the statute contemplates a temporary or permanent elimination of files or a temporary or permanent change of the file locations.’ *Vurv Tech. LLC v. Kenexa Corp.*, Mo. 1:08-cv-3442-WSD, 2009 WL 2171042, at 5 (N.D. Ga. July 20, 2009).” *Cellofoam N. Am. Inc. v. Kustes*, No. 1:19-CV-2159-MHC, 2021 WL 9274549, at *11 (N.D. Ga. Dec. 21, 2021). The State cannot prove this either. Accord, *Kinslow v. State*, 311 Ga. 768, 860 S.E.2d 444 (2021) (reversing conviction; no evidence defendant “hindered flow of data” under (b)(2)).

- Ga. Code Ann. 16-9-93(c) prohibits the use of “a computer or computer network with the intention of examining any employment, medical, salary, credit, or any other financial or personal data relating to any other person **with knowledge that such examination is without authority** shall be guilty of the crime of computer invasion of privacy.”

Count 37: Conspiracy to Defraud the State (OCGA § 16-10-21).

- Ga. Code Ann. § 16-10-21 states: “A person commits the offense of conspiracy to defraud the state when he conspires or agrees with another to commit **theft** of any property which belongs to the state or to any agency thereof or which is under the control or possession of a state officer or employee in his official capacity. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the theft is consummated.”

Each of these sections requires knowing and willful conduct—three specifically require *knowledge it was done without authority*. One only need common sense to know that when permission is given to engage in the conduct being prosecuted, there can be no crime. *Finkelstein*, 317 S.E.2d at 649 (damage to property).

B. Sworn Testimony Establishes Coffee County Officials Gave Authority for the Forensic Collection.

It is extremely troubling that this Indictment was drafted, presented to a grand jury, returned by the grand jury, and now prosecuted—by not only the District Attorney, but also by a “Special Prosecutor” no less—with these charges in it in light of clear Georgia law and the public position taken by the State and Secretary of State in federal court in the very election litigation that lead to the relentless assault on Ms. Powell. Coffee County officials had authority to request the review.

1. Under Georgia Law and By Admission of the Secretary of State, Coffee County Authorities Had Authority to Grant Access.

Georgia law is clear that the county officials are responsible for conducting elections and all aspects of maintaining the equipment. OCGA §21-2-70; GA Regs. 183-1-12-14.³ The State has conceded that only county officials have authority over the voting process and equipment. In the *Pearson v. Kemp* litigation in 2020 in federal district court (N.D. Ga), Case 1:20-cv-4809-TCB, counsel for the Georgia state defendants – including the Georgia Secretary of State, the Chair and members of the State Election Board, and the Governor of Georgia, admitted that *only* local election officials and local election boards have control and authority over election equipment, including voting machines.

In a November 29, 2020, motions hearing, counsel for the State defendants admitted that the voting machines which the *Pearson* plaintiffs requested to access were “not in the custody and control of the State Defendants.” Ex. A at p. 20. The State further elaborated to the judge that “You can order us every day this week; we cannot give you access to the [] County voting machines.” Ex. A at p. 20. The Court entered an order the same day, noting that, according to the Secretary of State, he has “no lawful authority over county election officials, citing *Jacobson v. Florida Secretary of State*, 974 F.3d 1236, 1256-58 (11th Cir. 2020).”⁴ This is an admission

³ The Regulation provides: “Each county shall be responsible for maintaining all components of the voting system, including electronic ballot markers, printers, ballot scanners, electronic poll books, computers, and software provided to such county by the Secretary of State or purchased by such county and shall either purchase a warranty/maintenance agreement for such equipment and software or shall assume the responsibility for repair, maintenance, and upkeep of all system components.”

⁴ *Pearson v. Kemp*, No. 1:20-cv-4809-TCB (N.D. Ga 2020), Dkt. 14 (Order Regarding Plaintiffs’ Emergency Motion for Temporary Injunctive Relief) Available at

by the Secretary of State, and the State cannot argue otherwise now. *New Hampshire v. Maine*, 532 U.S. 742, 750–51 (2001); *Southmark Corp. v. Trotter, Smith & Jacobs*, 442 S.E.2d 265, 267 (Ga. App. 1994) (“the primary purpose of the doctrine is not to protect the litigants, but to protect the integrity of the judiciary.”). To hold otherwise would allow the State to make a mockery of the judicial process, prosecute innocent people, and create a crime where it knows there was not one.

2. Sworn Testimony Shows Coffee County Officials Gave Authority.

The Indictment does not identify whose authority was required, how authority was denied, how the forensics were unauthorized, or how there was any knowing and willful wrongdoing by Ms. Powell. This is probably because Coffee County officials not only authorized the forensic work, but actually invited it. Ex. B, 68-69. Substantial sworn testimony by key Coffee County personnel collected by the parties in *Curling v. Raffensperger*, No. 1:17-cv-02989-AT, and counsel believes also provided to the grand jury, completely contradicts the State’s allegations here.⁵

https://storage.courtlistener.com/recap/gov.uscourts.gand.284055/gov.uscourts.gand.284055.14.0_6.pdf.

⁵ It remains a mystery why the litigants in *Curling* developed a sudden interest in Ms. Powell and Coffee County. The “Special Purpose Grand Jury” began in May 2022. By August, the *Curling* parties adopted an extremely aggressive deposition schedule, and Bruce Brown (Counsel for the Coalition for Good Governance) and David Cross (counsel for *Curling* plaintiffs) asked a remarkable number of usually leading questions about Sidney Powell. Below is a summary of the deposition schedule and number of times Ms. Powell’s name is brought up in each of the relevant depositions:

Cathleen Latham – August 8, 2022	(3 times)
Eric Cheney - August 15, 2022	(16 times)
SS Rep – Dean M. Felicetti - September 2, 2022	(72 times)
Misty Hampton - November 11, 2022	(10 times)

Misty Hampton, Election Supervisor for Coffee County, testified in *Curling* she gave SullivanStricklerLLC authority at the direction of the Board. Ex. B, 63-64. Computer expert Jeff Lenberg, formerly with nationally recognized Sandia Labs, testified that Misty Hampton was the Election Supervisor for the county, and she therefore had full authority to give access, inspect what was wrong, run tests, and try to determine the reasons for the anomalies she had observed. Ex. C, 91-92. Mr. Lenberg has done similar observations of equipment and saw no difference or reason to inquire about additional authority from Board Members. Ex. C, 93. Computer expert Doug Logan was surprised to hear about Coffee County. Jim Penrose asked him to go assist Jeff Lenberg, again done with the permission of Misty Hampton. Mr. Logan did not speak with Ms. Powell about Coffee County; he testified Jim Penrose told him another attorney was directing the review and it was for a “possible run-off challenge” or “a bigger movement later.” Ex. D 44-45, 117, 144-146.

Former Board member Ed Voyles in the Coffee County office on January 7, 2021, assumed SullivanStricklerLLC had permission/approval from the Board to make copies. Indeed, they likely received a written invitation. There were both Board Members and employees there while they worked. Ex. D, 71-72. In fact, the entire event was videotaped, and the video and audio have also been requested as *Brady*.

Ed Voyles - November 16, 2022

(2 times)

Doug Logan – November 18, 2022

(17 times)

Jeff Lenberg - November 21, 2022

(4 times)

Alex Cruce - November 22, 2022

(11 times)

SullivanStricklerLLC corporate representative Dean Felicetti testified that the firm was engaged by Jim Penrose and Doug Logan. He said he understood they had permission “under the legal umbrella of a directing attorney.” Ex. E, 48, 73. There are reports of text messages internal to SullivanStricklerLLC discussing being with “the Mayor” and receiving an invitation to go to Coffee County.⁶ Felicetti swore that SullivanStrickler did not violate any laws. Ex. E, 73. With repeated leading questions, and looking at a contract dated December 6, for Michigan and Arizona, Felicetti testified that Sidney Powell was the client, Jim Penrose engaged SullivanStricklerLLC for the work. Ex. E, 48, 75-77, 80. That contract did not mention Coffee County but was for Michigan. *Id.* at 80, 95-96. Board member Eric Cheney answered by invoking his Fifth Amendment privilege to all questions about permission being given for the forensic collection. Ex. F, 92.

No one actually involved or present for the Coffee County review had spoken to Ms. Powell about any of it. This included Jeffrey Lenberg, the computer expert who visited to assist after January 7th and only communicated with Jim Penrose (Ex. C, 25); and Election Supervisor Misty Hampton, who never spoke with Ms. Powell, and did not know whether Ms. Powell “hired” Sullivan Strickler or paid them. Ex. B, 108. Ed Voyles, a former Coffee County board member present on January 7th never spoke or communicated with Ms. Powell. Ex. D, 61. Board member Eric Cheney also

⁶ Olivia Land, *Trump blasts ‘phoney’ Georgia DA after report prosecutors have texts, emails linking him to voting system breach*, NY POST (Aug. 14, 2023, 12:15 PM EST), <https://nypost.com/2023/08/13/texts-and-emails-link-trump-team-to-georgia-voting-system-breach/>.

never met or communicated with Sidney Powell, and she has never been to Coffee County to his knowledge. Ex F, 83.

C. This Court has Authority and Must Dismiss These Counts Before Trial Because They Fail as a Matter of Law.

Georgia has long held that in criminal cases, the law is addressed to the Court. *Poole v. State*, 100 Ga.App. 380, 383(2), 111 S.E.2d 265 (1959). The “trial court is vested with latitude to handle, within its sound discretion pretrial matters . . . as well as the conduct of the trial in general.” *Finkelstein*, 170 Ga.App. at 608, quoting *State v. Tuzman*, 145 Ga.App. 481, 483, 243 S.E.2d 675, 678 (1978) (dismissing 30 counts on statute of limitations grounds after hearing).

The State has not pled facts to show and cannot prove an essential element of each of these offenses: that Ms. Powell knew they were done without authority, that anything was stolen, or there was any “fraud.” Thus, the evidence would be insufficient as a matter of law to establish the offenses charged. Where, as here, there is sworn testimony that the computer-related crimes alleged in Acts 142-155 and Counts 32-37 were authorized, the State cannot establish an essential element of any of the offenses. *Finkelstein*, 170 Ga.App. at 608, 317 S.E.2d at 649. Here, as in *Finkelstein*, where there was consent for the alleged illegal conduct, the charges must be dismissed. *Id.* There can be no theft when permission was given, no “willfulness” or “knowledge” that it was done without authorization as required in Counts 32-37 and Acts 142-155; no fraud as required in Counts 32, 33, and 37, and Acts 142-155.

D. Count 1 Must be Dismissed because all other Counts and Acts Fail.

Count 1 alleges Ms. Powell violated Georgia’s RICO (Racketeer Influenced and Corrupt Organizations) act, Ga. Code Ann. § 16-14-4(c), which states, in relevant part:

(b) It shall be unlawful for any person employed by or associated with any enterprise to conduct or participate in, directly or indirectly, such enterprise through a pattern of racketeering activity.

(c) It shall be unlawful for any person to conspire or endeavor to violate any of the provisions of subsection (a) or (b) of this Code section. A person violates this subsection when:

- (1) He or she together with one or more persons conspires to violate any of the provisions of subsection (a) or (b) of this Code section and any one or more of such persons commits any overt act to effect the object of the conspiracy; or
- (2) He or she endeavors to violate any of the provisions of subsection (a) or (b) of this Code section and commits any overt act to effect the object of the endeavor.

An essential element of a RICO “offense is a connection or nexus between the enterprise and the racketeering activity.” *Kimbrough v. State*, 300 Ga. 878, 882, 799 S.E.2d 229, 233 (2017). “Racketeering activity means to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit any crime which is chargeable by indictment under certain specified categories of laws.” *Dorsey v. State*, 279 Ga. 534, 539, 615 S.E.2d 512, 518 (2005) (quotation and citation omitted). “A predicate act may be any racketeering activity as defined in OCGA § 16–14–3(9). To prove a RICO violation, the State must show that the defendant committed two or more predicate criminal acts indictable under the RICO Act as part of an enterprise engaging in a pattern of racketeering activity.” *Jones v. State*, 252 Ga. App. 332, 333, 556 S.E.2d 238, 240 (2001).

The dismissal of Counts 32-37 and Acts 142-155 eliminates the ability of the State to show that Ms. Powell violated Georgia’s RICO statute. There are no predicate acts—no racketeering activity—and nothing that connects her knowingly and willfully with any purported enterprise without these Counts and Acts. Thus, the State lacks the “facts necessary to establish a violation” of Count 1, and it cannot withstand a general demurrer. *Jackson v. State*, 301 Ga. 137, 141, 800 S.E.2d 356, 360-61 (2017); *Stargate Software Int’l, Inc. v. Rumph*, 482 S.E.2d 498, 503 (Ga. Ct. App. 1997) (finding multiple computer crimes only one transaction and insufficient for RICO).

CONCLUSION

For these reasons, Counts 32-37 of the Indictment and Acts 142-155 must be dismissed as to Ms. Powell, and Count 1 must also be dismissed for lack of a relevant predicate act.

Respectfully submitted,

/s/ Brian T. Rafferty

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**FULTON COUNTY SUPERIOR COURT
STATE OF GEORGIA**

STATE OF GEORGIA,

v.

SIDNEY KATHERINE
POWELL ET AL.,
DEFENDANTS.

CASE No. 23SC188947

JUDGE MCAFEE

CERTIFICATE OF SERVICE

I hereby certify the above styled **GENERAL DEMURER AND MOTION TO DISMISS COUNTS 32-37 AND ACTS** has been served, this day, by electronic mail, upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This the 13th day of September, 2023.

/s/ Brian T. Rafferty
BRIAN T. RAFFERTY
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Index of Exhibits

Exhibit A – Excerpts from Hearing Transcript in *Pearson v. Kemp*

Exhibit B – Excerpts from the Deposition of Misty Hampton in *Curling v. Raffensperger*

Exhibit C – Excerpts from the Deposition of Jeff Lenberg in *Curling v. Raffensperger*

Exhibit D – Excerpts from the Deposition of Doug Logan in *Curling v. Raffensperger*

Exhibit E – Excerpts from the Deposition of Ed Voyles in *Curling v. Raffensperger*

Exhibit F – Excerpts from the Deposition of Dean Felicetti in *Curling v. Raffensperger*

Exhibit G – Excerpts from the Deposition of Eric Chaney in *Curling v. Raffensperger*

Exhibit A

United States District Court
Northern District Of Georgia
Atlanta Division

Coreco Jagan Pearson,)
et al.,)

Plaintiff,)

vs.)

Brian Kemp, et al.,)
Defendant.)

Civil Action
File No. 1:20-CV-4809-TCB

Atlanta, Georgia
Sunday November 29, 2020
7:45 p.m.

Transcript of Motions Hearing
Before The Honorable Timothy C. Batten, Sr.
United States District Judge

APPEARANCES:

FOR THE PLAINTIFFS:

Sidney Powell
L. Lin Wood, Jr.
Howard Kleinhendler
Harry MacDougald
Christine Dial Buckler
Attorneys at Law

FOR THE DEFENDANTS:

Russell David Willard
Charlene Swartz McGowan
Attorneys at Law

Lori Burgess, Official Court Reporter
(404) 215-1528

Proceedings recorded by mechanical stenography, transcript
produced by CAT.

1 doesn't sound very unreasonable to me. What is the response?
2 And again, we are laying aside for a moment whether or not
3 they have sued the right parties. We are not going to address
4 that yet. But let's assume that they did, and let's assume
5 that they do have standing, what is wrong with that proposal
6 that I have just suggested?

7 MR. WILLARD: Well Your Honor, I think you've hit
8 the nail on the head, and it is sort of impossible to set
9 aside *Jacobson*. There is no redressability here as to any of
10 these machines right now. They are not in the custody and
11 control of the State Defendants. You can order us every day
12 this week; we cannot give you access to the Hart County voting
13 machines. I cannot go in and tell the Hart County Elections
14 Superintendent to do squat in regards to discovery in a case
15 that they are not a party to. Second, if you are violating
16 trade secrets and security protocols, it doesn't matter if you
17 are doing it for one machine or the entirety of machines. If
18 Plaintiffs' experts are going to come in with a thumb drive
19 and stick it in and take their screwdrivers out and do
20 everything to these machines, we have no safeguards that we
21 can put in place, in this very compressed time frame that
22 Plaintiffs are wanting to have, where you prevent somebody
23 from sticking that thumb drive in their pocket and walking out
24 the door, or doing something else that is going to impact that
25 machine for future elections.

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF EMILY MISTY HAMPTON

DATE: November 11, 2022

TIME: 10:49 a.m. to 6:07 p.m.

LOCATION: Courtyard by Marriott Warner Robins
589 Carl Vinson Parkway
Warner Robins, Georgia 31088

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

1 those equipments -- equipment from you?

2 A I take the Fifth.

3 Q I'm going to refer to what I just
4 described in my questions, and that is the copying
5 of the election equipment in Coffee County as
6 "SullivanStrickler's work."

7 Do you follow me?

8 A Okay.

9 Q Did you give SullivanStrickler
10 permission to do their work on January 7, 2021?

11 A I did not do anything without the
12 direction of the Board.

13 Q And who specifically on the Board
14 gave you the Authority to give SullivanStrickler
15 the permission to do their work?

16 A Eric.

17 Q Who else?

18 Is that Eric Chaney?

19 A Correct.

20 Q Anybody else on the Board?

21 MR. MILLER: Just tell him the truth.

22 THE WITNESS: Ernestine.

1 BY MR. BROWN:

2 Q Who else?

3 A Matthew.

4 Q Who else?

5 A I can't recall.

6 Q So those three, you told -- well,
7 describe for me the circumstances in which you
8 received authority from these three board members
9 to give authority to SullivanStrickler to come into
10 the election county offices and Coffee -- and copy
11 the election system?

12 A I don't understand your question.

13 Q Did you have a meeting to talk about
14 it? Did you text them? Did you call them? Did
15 you all meet there?

16 How did they convey to the authority
17 to allow SullivanStrickler to do their work on
18 January 7?

19 A I don't really recall.

20 Q Okay. If someone were to say to
21 doubt you and to say, "No, you did this all on your
22 own, you did not have the authority of the Board,"

1 what would you point to or is there any evidence
2 that you're aware of that these board members did
3 give you this authority or direction?

4 MR. MILLER: Object to form.

5 THE WITNESS: I don't remember the
6 actual way that Eric told me about it.

7 BY MR. BROWN:

8 Q Did -- did Eric -- did Ernestine tell
9 you directly or was this secondhand through Eric?

10 A Through Eric.

11 Q What about Matthew, did Matthew tell
12 you directly or was it through Eric?

13 A Through Eric.

14 Q And so Eric Chaney told you in effect
15 that these board members want you to allow someone
16 to come in and copy the election software, correct?

17 MR. MILLER: Object to form.

18 THE WITNESS: Yeah.

19 BY MR. BROWN:

20 Q And when in relation to January 7,
21 which is the day they got there, did Mr. Chaney
22 convey that to you?

1 A Authority was given, yes.

2 Q Okay. By the -- by Eric Chaney to
3 you and from you to the people who came to do the
4 work, correct?

5 A Correct, because I did as Eric, as a
6 board member, directed.

7 Q Okay. And what was your
8 understanding of the purpose of doing this work?

9 MR. MILLER: Object to form.

10 THE WITNESS: The purpose, is that
11 what you asked?

12 BY MR. BROWN:

13 Q Yes.

14 A To see why the scanner would not
15 function properly, I guess is the right technical
16 term.

17 Q And how was copying the entire
18 election management system going to achieve the
19 purpose of seeing why the scanner would not
20 function properly?

21 MR. MILLER: Object to form.

22 THE WITNESS: I do not know.

1 BY MR. BROWN:

2 Q Why didn't you just put in a service
3 order for the scanner?

4 MR. MILLER: Object to form.

5 THE WITNESS: Stating multiple times
6 that the scanner was not working properly.

7 BY MR. BROWN:

8 Q Okay. So because the State was not
9 responding to your request to get your equipment
10 fixed, Coffee County elected to allow a company to
11 come in and copy the software, correct?

12 MS. LAROSS: Objection as to form.

13 MR. MILLER: Concur.

14 THE WITNESS: I don't know how to
15 answer that one.

16 BY MR. BROWN:

17 Q "Yes" is good. "Yes" is good.

18 MR. MILLER: Now, you're not going
19 to -- it's a yes-or-no question.

20 THE WITNESS: Right.

21 Repeat the question.

22 MR. BROWN: Ms. Newland, if you could

1 repeat the question, please.

2 (The reporter read as requested.)

3 THE WITNESS: Coffee County wanted
4 help.

5 BY MR. BROWN:

6 Q Right. I need you to answer the
7 question. I understand they wanted help, and we
8 can get to that, but I need you to answer the
9 question.

10 And if this is that you -- you were
11 not getting the help that you needed from the
12 State, so you needed in a sense to -- to do it on
13 your own, right?

14 MS. LAROSS: Objection as to form.

15 MR. MILLER: If it's the correct
16 answer, then that's the correct answer.

17 THE WITNESS: Yes.

18 BY MR. BROWN:

19 Q And tell me what you did to try to
20 get help from the State -- or the Secretary of
21 State before deciding that you needed to try to get
22 help on your own.

1 did you testify in front of the grand jury?

2 A Yes.

3 Q Okay. When was that?

4 A Last month.

5 Q Okay. I need to ask this just for
6 formality, but -- I should have asked it at the
7 beginning, but are you under any medication that
8 would prevent you from testifying accurately today?

9 A No, sir.

10 Q Okay. I asked you if you knew that
11 Sidney Powell was paying for SullivanStrickler's
12 work, and I believe your response was you did not
13 know that one way or the other, correct?

14 A That's correct.

15 Q Did you -- did you have any idea of
16 who was paying for the work?

17 A No, sir.

18 Q Okay. We were talking about the
19 malfunctioning scanner at Coffee County that was at
20 issue. Was that the ICC scanner?

21 A I don't remember the technical terms
22 of them. I'm sorry.

1 Did he tell you that?

2 A No, sir.

3 Q Okay. How did you know to allow
4 Mr. Lenberg and Mr. Logan to have access to the
5 election equipment on the 17th and 18th?

6 A I don't know how to answer that. It
7 was a continuation, I guess. I mean, I -- that's
8 an assumption but ...

9 Q Well, who told you that they were
10 coming?

11 A I don't recall that.

12 Q Was it Sidney Powell?

13 A As I've stated before, I've never
14 spoken with Sidney Powell.

15 Q Was it Mr. Chaney?

16 A I don't recall.

17 Q Okay. So these two gentlemen showed
18 up, you don't recall -- you recall having been
19 given the direction to allow them to have access to
20 your equipment, you just simply can't remember
21 specifics. Is that right?

22 A Correct.

1 CERTIFICATE OF NOTARY PUBLIC

2 I, FELICIA A. NEWLAND, CSR, the officer before whom
3 the foregoing video-recorded deposition was taken,
4 do hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was taken
7 by me in stenotype and thereafter reduced to
8 typewriting under my direction; that said deposition
9 is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to,
11 nor employed by any of the parties to the action in
12 which this deposition was taken; and, further, that
13 I am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome
16 of this action.

17

18

19

20

FELICIA A. NEWLAND, CSR
Notary Public

21

22 My commission expires:
September 15, 2024

Exhibit C

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 Civil Action No. 1:17-cv-02989-AT
6

7 DONNA CURLING, et al.,

8 Plaintiffs,

9 vs.

10 BRAD RAFFENSPERGER, et al.,

11 Defendants.
12

13 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
14 JEFFREY E. LENBERG

15 DATE: November 21, 2022

16 TIME: 10:05 a.m. to 6:21 p.m. Eastern

17 LOCATION: Witness location
18

REPORTED BY: Felicia A. Newland, CSR

19
20 Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
21 Washington, D.C. 20005
22

1 Penrose?

2 A That's correct.

3 Q And who did you understand Jim
4 Penrose was or what his job was or what he was
5 doing?

6 A Well, my understanding was there was
7 a loose collection of people that came together
8 that were trying to understand what happened in the
9 election. And there were anomalies being reported
10 all over the country, many people filing affidavits
11 and so on.

12 And that they were a group of people,
13 obviously there were lawyers and others out looking
14 at stuff, but there were also some technical people
15 that kind of showed up, from all different walks,
16 different locations. And I was one of those that
17 somehow I got plugged in to just -- really just to
18 Jim. I didn't really get plugged into the group.
19 I was sort of on the side.

20 But in any case, my understanding
21 with Jim was loosely in -- in charge of this, what
22 I would call, kind of a ragtag group of people,

1 Q Were any attorneys there?

2 A Not that I know of. Again, I didn't
3 know everybody in the room, so I can't tell you for
4 sure.

5 Q Was Mike Flynn there?

6 A I believe he was.

7 Q Was Sidney Powell?

8 A I don't believe she was. Those two I
9 knew who they were from the media.

10 Q How about Stephanie Lambert?

11 A She was not there to my recollection.
12 I did not meet Stephanie until later, much later.

13 Q What about Charles Bundren?

14 A I still don't know who Charles
15 Bundren is.

16 Q How about Todd Sanders?

17 A I -- I don't know for sure.

18 Q You might have --

19 A I knew -- what's that?

20 Q He might have been there, you just
21 don't recall?

22 A He might have been there. I -- I

1 Q And you're saying, "I'm planning a
2 trip to met up with Misty in Coffee County.
3 Leaving tomorrow." Do you see that?

4 A I do, yeah.

5 Q And then in the next line, Mr. Logan
6 says, "For your interest, she's in that group
7 you're riding in."

8 A Uh-huh.

9 Q Do you know what that refers to?

10 A There was a Signal group that I -- I
11 don't know everybody that was on it, but at one
12 point in time there was a Signal group that Doug
13 and -- at least Doug and Misty and I were in, and I
14 don't know who else was.

15 Q Okay. So you -- so the record
16 reflects that the next day, on the 18th --

17 A Uh-huh.

18 Q -- you actually visited the Coffee
19 County Elections, correct?

20 A I believe that's correct.

21 Q And what is your understanding of the
22 authorization that you had to do what you were

1 doing in Coffee County?

2 A Well, my understanding is that
3 Ms. Hampton was the election supervisor for the
4 county and that she had full authority -- as long
5 as she kept everything under her chain of custody,
6 that she had full authority to test her machines or
7 get consultants to come in to help her look at what
8 her machines were doing that she was concerned
9 about.

10 And so as I already mentioned, there
11 had been a couple of major anomalies raised and as
12 a result, she was interested in having expert
13 consultants, like Doug Logan and I, come in and
14 help see if we could figure out possibly what the
15 anomaly might have been about.

16 Q So were you working for her or was
17 she your client, as it were?

18 A I don't know how to answer that.
19 It -- it was a volunteer thing. I did not -- you
20 know, they didn't pay me, no one paid me. Okay?
21 So to be there, I was volunteering as an expert
22 trying to help, trying to learn at the same time

1 about these systems and trying to understand so we
2 could figure out is there a real problem with the
3 machines or is there not. That's what we were
4 trying to determine at the time.

5 So it was my understanding that she
6 had full authority to be able to test her machines.
7 She runs logic and accuracy testing just like
8 everybody else does, so running an additional test
9 and allowing us to observe it did not seem to be
10 improper at all.

11 Q Now, the -- I'm not suggesting that
12 this was necessary, but I just need to ask you.
13 You didn't have like a court order allowing you to
14 do this, did you?

15 A There was no court order to do it.

16 Q And were you doing this pursuant to
17 any kind of engagement with a lawyer?

18 A I did not have any specific
19 engagement with a lawyer.

20 Q It was your understanding, I take it,
21 that -- that Misty's authorization was sufficient
22 for you to have permission to enter the Coffee

1 County Election's Office and work with her on the
2 election systems, correct?

3 A That's correct. In fact, I've done
4 that several places in the country. It's -- it's
5 not a problem. All election offices are in -- you
6 know, have a locked door to get into them. And I
7 have visited across the country with -- with
8 different election officials, never had any concern
9 about that. As long as they bring you in, right?
10 If they bring you in and they escort you so that
11 they have full chain of custody. Obviously, you're
12 on video and so on.

13 Q And did you have an understanding of
14 whether Misty had authority to give you that
15 authority?

16 A Please reword the question.

17 Q If you were -- she is employed by the
18 Coffee County Elections and by -- and reports to
19 the Coffee County Board of Elections, right?

20 A That's right.

21 Q You knew that, right?

22 A Yes, that's correct.

1 A In no substantive way did I talk to
2 him. I think it was "hi." That was it.

3 Q And who else was there when you met
4 Mr. Lindell?

5 A I don't recollect all of the people
6 that were there.

7 Q Do you recollect --

8 A Uh-huh.

9 Q Do you recollect anyone, sir?

10 A Well, Jim Penrose was there.

11 Q Uh-huh.

12 A He was briefing with me. Sidney
13 Powell was there. She also did some sort of
14 briefing. There were three senators, U.S.
15 senators. There were --

16 Q Do you remember who they were, sir?

17 A -- they were participating.

18 One was Ron Johnson, who was trying
19 to find out more about what was going on with
20 anomalies and systems. I believe one was a senator
21 from North Dakota. And the other one I'm not sure.
22 I don't remember who it was.

1 Q Did you speak with Sidney Powell when
2 you were there?

3 A Again, like Mike Lindell, I did for
4 maybe 30 seconds of "hi," kind of stuff. That was
5 it.

6 Q Was Jesse Binnall or anyone from
7 Binnall's firm at this D.C. meeting?

8 A I don't know.

9 Q Have you meet Mr. Binnall?

10 A I don't know that I've ever met him.
11 If I did, I -- I don't know. I just don't know
12 that I've ever met him.

13 Q Is it fair to say you do not know him
14 then, sir? Or do you know Mr. Binnall?

15 A I don't know him. I've heard of
16 him --

17 Q Uh-huh.

18 A -- but I -- I do not know him
19 personally.

20 Q Do you know Mr. Giuliani?

21 A I have never met Mr. Giuliani.

22 Q After you left the Coffee County

CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped videoconference deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR

Notary Public

My commission expires:

September 15, 2024

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASE NO.: 1:17-cv-2989-AT

DONNA CURLING, et al.,
Plaintiffs,

vs.

BRAD RAFFENSPERGER, et
al.,

Defendants.

VIDEOCONFERENCE

VIDEOTAPED

DEPOSITION OF: DOUG LOGAN

DATE: FRIDAY, NOVEMBER 18, 2022

TIME: 9:02 A.M. - 3:54 P.M.

PLACE: VIA VIDEOCONFERENCING TECHNOLOGY

STENOGRAPHICALLY

REPORTED BY: JAZZMIN A. MUSRATI, RPR, CRR
Registered Professional Reporter
Certified Realtime Reporter

1 But when they -- when Matt DePerno got
2 permission -- got the court to be able to collect the
3 forensics images, they were able to send someone to do
4 that collection because they had that relationship
5 established. I don't know exactly what happened behind
6 the scenes. Quite frankly, most of those discussions
7 happened with Jim Penrose and others; it was not
8 directly with me.

9 Q. Was it your understanding that Sidney Powell or
10 her organization was funding the work of
11 SullivanStrickler for Mr. DePerno?

12 A. Correct. That's my understanding. The Defending
13 the Republic's goal was to -- to fund operations like
14 that across the country for whatever needed to be done
15 for the legal thing. So as far as I know, she had no
16 involvement in the case in Antrim, Michigan. But she
17 assisted in that manner to -- to help with the
18 timeliness, to help with what was happening.

19 Q. And then before we get to Georgia, was anything
20 done with respect to Arizona when you were at Tomotley?

21 A. Nothing was done in Arizona. Well, I mean, we
22 got reports from patriots across the country, going
23 through information related to that stuff. But, no,
24 nothing really directly with that.

25 But, again, I would say what is -- what is the

1 he was involved in Election Integrity work in Georgia,
2 the probability is high I had a phone call with him at
3 some point.

4 Q. But you don't -- you don't recall?

5 A. No. He's not in my contacts. Yeah.

6 Q. I want to explore one sort of piece of this. In
7 the time period prior to you actually physically going
8 to Coffee County, say December 1st -- I mean,
9 January 1st, after you left Tomotley, to when you went
10 to Coffee County. Are you with me?

11 A. Uh-huh.

12 Q. And before you left Tomotley, you had not
13 received any information about any specific plan to do
14 any work in Georgia, correct?

15 A. I did not have any specific plans of any work
16 that was going to happen in the future. Obviously I
17 talked about the things, you know, that we had -- we had
18 tried to do in Georgia prior.

19 Q. And then at some point, mid January, I guess,
20 Penrose called you and said, we got some data out of
21 Georgia; is that right?

22 A. Correct.

23 Q. And were you involved in any way in planning or
24 facilitating the trip that SullivanStrickler took to
25 Georgia in the first or second week of January?

1 A. No, sir.

2 Q. Did you know it was happening at the time?

3 A. I don't believe I knew about it at the time.

4 Q. And then shortly thereafter, we'll get to the
5 documents, but shortly thereafter, Penrose told you, and
6 you obtained access to the data on -- on
7 SullivanStrickler's ShareFile, correct?

8 A. Yeah. When Jim called me up to tell me about it,
9 I recall being very surprised that -- that it had even
10 happened, so...

11 Q. And before going to Georgia, did you speak to
12 anyone else about going to Georgia in mid January, other
13 than Jim Penrose?

14 A. Yeah, Jeff Lenberg.

15 Q. Who else?

16 A. I don't remember exactly where in the time line I
17 talked with Charles Bundren, but I think one of the
18 times was before I went there.

19 Q. And Bundren -- was Bundren your attorney at that
20 time?

21 A. He was the attorney that -- yeah, that we were
22 doing work under. Jim told me he was engaged
23 specifically, you know, for this stuff, and he was the
24 main attorney on this work.

25 Q. And I just need to ask it again: You were not

1 aware at the time who -- who his client was?

2 A. I probably was aware at the time. I do not
3 recall.

4 Q. Do you know who it might have been, like it might
5 have been one of several?

6 A. It would be my assumption, but this is
7 speculation, that it was the County itself.

8 Q. Did you ever speak with any of the attorneys on
9 the ground for the County?

10 A. No, sir. I do not believe so.

11 Q. Had you ever spoken with a gentleman named Tony
12 Rowell, R-O-W-E-L-L? Do you remember that?

13 A. No.

14 Q. Prior to your visit, or even during your visit,
15 did you speak with any Georgia officials or Georgia
16 people that you can remember other than Misty Hampton?

17 A. No, sir. I mean, there's a possibility for that
18 on my phone calls I had conversations with -- with
19 someone who might have been. I don't really recall
20 directly. But nothing specific to the Coffee County
21 work or anything being done at Coffee. The only people
22 I talked with about that is -- was Jim and Jeff and
23 possibly Charles Bundren, as far as I recall.

24 Q. And then what -- what was your prior relationship
25 with Jeff Lenberg? How -- how did that connection get

1 happened, I believe -- you know, I think the date of
2 that message was when I was in Coffee County.

3 Q. I will get to that in a second.

4 For the record, did you ever hear that anybody --
5 anybody was paying Misty Hampton for her to get access
6 to anybody?

7 A. No. I have never heard anything even suggested.

8 Q. Were you required to sign any kind of
9 confidentiality agreement with respect to any of the
10 Coffee County data that you obtained?

11 A. I -- I believe -- I'm not sure, is the short
12 answer. I could not find any agreements that
13 specifically highlighted things in that. But I do
14 believe that -- like, for example, I know that I have a
15 confidentiality agreement with Stephanie Lambert. I
16 might have signed one with Defending the Republic at one
17 point in time. And, unfortunately, if I did, it was on
18 the email address that I don't have access to, and I
19 don't have a copy of it. But I'm not -- honestly not
20 possibly sure.

21 Q. This -- this visit was done under
22 Mr. Bundren's -- for Mr. Bundren, or your understanding
23 that he was the attorney involved in this one?

24 A. Yeah, he definitely did not have me sign
25 anything.

1 Q. Okay. And it says, "Here's the plan. Let's keep
2 this close hold," I guess?

3 A. Okay.

4 Q. And then if you look at the entry at 13:18,
5 Mr. Penrose says, "If you can draft a report for review
6 on Friday morning with Charles Bundren, that would be
7 best. We only have until Saturday to decide if we're
8 going to use this report to try to decertify the Senate
9 run-off election, or if we hold it for a bigger movement
10 later."

11 Do you see that?

12 A. Yes, sir.

13 Q. Do you recall how your report would have been
14 used to decertify the Senate run-off election?

15 A. I don't think I ever knew that. So, no, I have
16 no idea.

17 Q. Was part of the -- was one of the purposes of --
18 of your being down there to get evidence to certify --
19 to decertify the Senate run-off election?

20 A. I don't recall that -- that being discussed at
21 any point in time. But as I said, in all of these
22 messages, I don't --

23 Q. I mean, was it possible that -- that your work
24 was going to be used for purposes that you did not
25 intend it to be used for or that you didn't know the

1 purpose of what you were doing?

2 A. I mean, that's always a possibility.

3 Q. But you didn't -- when you were down there -- or
4 before you went down there, the instructions weren't --
5 weren't something, like, look, there's a Senate run-off,
6 we've got to get evidence to decertify quickly?

7 A. No, absolutely not. It was, hey, Jeff is working
8 on something in Coffee County; can you meet with him?
9 It was really pretty light.

10 Q. The line here, though, is or "we hold it for a
11 bigger movement later."

12 Do you know what that is referring to?

13 A. I would -- I would assume a lawsuit, but I don't
14 know.

15 Q. Did you talk about other purposes of this
16 information, like for a -- specifically for a lawsuit or
17 some sort of challenge of any kind?

18 A. It was always my understanding this step was
19 being utilized as part of litigation, so...

20 Q. Do you --

21 A. I don't know -- I don't know what else to say. I
22 don't have a very clear memory of every conversation I
23 had. Like I've said, most of these messages, you know,
24 I'm reading them, but I'm not even remembering that they
25 happened, you know, type of thing.

1 Q. No, I under --

2 A. So I don't know how I can give any more
3 additional context than that.

4 Q. I appreciate that.

5 Then on -- a minute later he says, "I'm not going
6 to brief Sidney on these findings yet."

7 Do you see that?

8 A. Yes, sir.

9 Q. And that -- and that would have been Sidney
10 Powell?

11 A. That would be my understanding.

12 But I -- I was surprised by that because when
13 I -- when the audit happened and I reached out to Greg
14 and asked him, I was like who even signed the contract?
15 I remember being very surprised that it was Defending
16 the Republic. So any involvement she had was minimal in
17 this, at best. So I don't know if I knew or didn't know
18 she was involved in this at that time, obviously. I
19 must have known based on that message, but I don't
20 recall that.

21 Q. Okay. If you go down, this is still on
22 Special_Report, but it's one -- January 20th at 18:11.

23 A. Okay.

24 Q. Do you see where you say, "Also I'm making a
25 revisit plan to really nail all of this down"?

CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, Jazzmin A. Musrati, RPR, CRR, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of DOUG LOGAN; that a review of the transcript was requested; and that the foregoing transcript, Pages 1 through 229, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED: December 2, 2022.



Jazzmin A. Musrati, RPR, CRR
Registered Professional Reporter
Certified Realtime Reporter

Exhibit E

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

-----x
DONNA CURLING, et al., :
Plaintiffs, :
vs. : Civil Action No.
BRAD RAFFENSPERGER, et al., : 1:17-cv-02989-AT
Defendants. :

-----x

VIDEOTAPED VIRTUAL DEPOSITION OF
BLAKE EDWARD VOYLES

Atlanta, Georgia

Wednesday, November 16, 2022

9:52 a.m.

Job No: 5584994

Pages 1 - 196

Reported by: Cappy Hallock, RPR, CRR

Page 61

1 BY MR. BROWN: 10:58:08

2 Q Mr. Voyles, in the November 3rd to 10:58:09

3 January 7 time frame -- November 3rd is the 10:58:11

4 election date, January 7 is the day that the 10:58:15

5 people came from Sullivan|Strickler and copied the 10:58:19

6 election equipment -- during that time frame did 10:58:24

7 you communicate with Sydney Powell? 10:58:26

8 A No, sir. 10:58:30

9 Q Did you communicate during that time 10:58:31

10 frame with Rudy Giuliani? 10:58:34

11 A No, sir. 10:58:37

12 Q Did you communicate at that time frame 10:58:37

13 with Dave Shaffer? 10:58:39

14 A No, sir. 10:58:43

15 Q Do you know David Shaffer? 10:58:44

16 A I do not know him. I know who he is. 10:58:46

17 He has held different positions, elected 10:58:49

18 positions, I think. And I believe he was chair of 10:58:51

19 the Republican party or some role in the 10:58:54

20 Republican party. 10:58:57

21 Q But you do not recall communicating 10:58:59

1 coming to meet with Misty that day, and I don't 11:07:50

2 remember much other than that. 11:07:54

3 Q Did you know what the purpose of Scott 11:07:58

4 Hall's visit with Misty was going to be? 11:08:00

5 A To meet with her? I don't know the 11:08:04

6 exact intent or whatever from that, no. 11:08:06

7 Q Did you know that it was for the 11:08:11

8 purpose of copying the election equipment? 11:08:12

9 A I don't recall knowing that. 11:08:16

10 Q When did you first learn that the 11:08:19

11 election equipment had been copied on January 7? 11:08:22

12 A I guess I would assume I knew 11:08:31

13 something was going on when I was there. 11:08:34

14 Q And as a former member of the board 11:08:47

15 did you have any questions in your own mind about 11:08:52

16 whether it was appropriate or legal for them to be 11:08:59

17 there making copies of the election equipment? 11:09:02

18 Election software, sorry. 11:09:04

19 A Well, my assumption would be that they 11:09:09

20 were there with approval of the board members. I 11:09:16

21 mean, there was a board member there. There were 11:09:24

Page 72

1 employees there. 11:09:28

2 Q Did the -- the board member was Eric 11:09:34

3 Chaney; is that right? 11:09:38

4 A Yes, sir. 11:09:39

5 Q And Misty Hampton also was there, 11:09:41

6 correct? 11:09:44

7 A Yes, sir. 11:09:45

8 Q Were there other board members other 11:09:46

9 than Mr. Chaney there? 11:09:47

10 A I don't recall any. I really, 11:09:50

11 honestly I don't remember. 11:09:53

12 Q Do you recall any discussions with 11:10:00

13 Mr. Chaney about what Sullivan|Strickler was doing 11:10:01

14 or the purpose of what they were doing? 11:10:05

15 A I don't recall any conversations. 11:10:08

16 Q Do you recall any conversations with 11:10:12

17 Ms. Hampton about the purpose of what they were 11:10:15

18 doing? 11:10:20

19 A I don't remember. 11:10:22

20 Q So looking back today you believe you 11:10:28

21 knew that they were copying the election software 11:10:30

1 pursuant to the -- some kind of authorization from 11:10:36

2 either the board or someone in authority, right? 11:10:41

3 A Would you repeat the question, please? 11:10:46

4 Q Well, let me just reframe. It was a 11:10:49

5 terrible question. 11:10:51

6 So to the best of your recollection 11:10:52

7 today, it was your understanding at the time that 11:10:55

8 the people from Sullivan|Strickler had 11:10:59

9 authorization from someone in authority at Coffee 11:11:03

10 County to do what they were doing? 11:11:07

11 A Yes. 11:11:11

12 Q And at the time did you think there 11:11:18

13 was anything inappropriate about the board or 11:11:20

14 Ms. Hampton giving Sullivan|Strickler the 11:11:26

15 authority to make copies of Coffee County's 11:11:30

16 election software? 11:11:35

17 A Could you repeat that, please? 11:11:40

18 Q At the time did you have any question 11:11:41

19 about whether it was appropriate for the board or 11:11:44

20 Ms. Hampton to give Sullivan|Strickler access to 11:11:48

21 the voting software? 11:11:55

1 A I don't remember what I was thinking 11:12:01
2 at that point in time. 11:12:02

3 MR. BROWN: I'm going to mark as 11:12:20
4 Exhibit 9, Tab 7. 11:12:22

5 (Voyles Deposition Exhibit No. 9 was 11:12:30
6 marked for identification.) 11:12:30

7 MR. GRUBMAN: All right, we got it. 11:12:51

8 BY MR. BROWN: 11:12:52

9 Q Let me direct your attention to the 11:12:52
10 official election bulletin dated November 7, 2020 11:12:54
11 that appears on the first page of Exhibit 9. 11:13:00

12 Do you see that? 11:13:02

13 A Yes. 11:13:09

14 Q And you received a copy of this, I 11:13:10
15 take it, from Garland Favorito? 11:13:13

16 A I don't remember how I got it. 11:13:18

17 Q Do you see -- I understand you don't 11:13:20
18 remember. You see the e-mail there from Garland 11:13:22
19 Favorito to you, correct? 11:13:25

20 A Yes, I do. 11:13:28

21 Q And that is dated December 15; is that 11:13:29

1 UNITED STATES OF AMERICA)

2 STATE OF MARYLAND)

3
4 I, CAPPY HALLOCK, the reporter before
5 whom the foregoing deposition was taken, do hereby
6 certify that the witness whose testimony appears
7 in the foregoing deposition was sworn by me; that
8 said deposition is a true record of the testimony
9 given by said witness.

10 I further certify that I am neither
11 counsel for, related to, nor employed by any of
12 the parties to the action in which this deposition
13 was taken; and further that I am not a relative or
14 employee of any attorney or counsel employed by
15 the parties hereto, or financially or otherwise
16 interested in the outcome of this action.

17
18 

19 _____
20 Cappy Hallock, RPR, CRR

21 My Commission expires January 19, 2025

Exhibit F

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 Civil Action No. 1:17-cv-02989-AT
6

7 DONNA CURLING, et al.,

8 Plaintiffs,

9 vs.

10 BRAD RAFFENSPERGER, et al.,

11 Defendants.
12

13
14 VIDEOTAPED DEPOSITION OF DEAN M. FELICETTI

15 DATE: September 2, 2022

16 TIME: 9:12 a.m. to 4:28 p.m.

17 LOCATION: Witness location
18

REPORTED BY: Felicia A. Newland, CSR

19
20 Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
21 Washington, D.C. 20005
22

1 Q Who engaged SullivanStrickler to do
2 the work in Coffee County?

3 A Jim --

4 Q Penrose?

5 A Yes, Jim Penrose and Doug Logan.

6 Q When did they first reach out to
7 SullivanStrickler for the work, approximately?

8 A Early January for Coffee County.

9 Q What's the basis for that testimony?

10 A Can you repeat the question?

11 Q Sure.

12 What's -- what's the basis for your
13 understanding that Mr. Penrose and Mr. Logan
14 reached out to the firm, specifically for Coffee
15 County, in early January?

16 A By virtue of requests for other
17 services outside of Coffee County. The request
18 came in that pointed to Coffee County, I believe,
19 in early January.

20 Q Okay. And just so I understand, for
21 that testimony, are you relying on documents you
22 looked at or people you spoke with or both?

1 Q With respect to Coffee County in
2 particular, did the firm get what it believed were
3 assurances from Coffee County election officials
4 that it was allowed to do the work that it was
5 doing?

6 A Assurance in that they pointed out
7 what needed to be imaged and identified what we
8 were to be collecting, yes.

9 Q And by "they," you're talking about
10 Coffee County election officials who were
11 on-site --

12 A People that were on-site, correct.
13 Yes, sir.

14 Q On-site in the elections office
15 during the copying?

16 A Yes, sir.

17 Q And it was the understanding of
18 SullivanStrickler that at least some of those
19 individuals giving that direction were election
20 officials for Coffee County?

21 A Yes, sir.

22 Q Is it your understanding now, with

1 what you've learned since, that the individuals who
2 engaged SullivanStrickler for the Coffee County
3 work, in fact, did not have the legal authority or
4 permissions to do what they asked you to do?

5 A No.

6 Q What is your understanding about
7 that?

8 A That the direction provided by us was
9 under a legal umbrella of a directing attorney.

10 Q Okay. And sorry, let me -- let me
11 try to break that down a little bit.

12 A Sure.

13 Q Is the view today of
14 SullivanStrickler that the work that it did did not
15 violate any laws? Is that fair?

16 A Yes, sir.

17 Q And that view is based, in part, on
18 the assurances received from the customer who
19 engaged the firm for that work and the direction
20 that the firm received on-site from election
21 officials in Coffee County. Is that fair?

22 A Yes, sir.

1 Q Do you have any understanding
2 today -- let's -- let's put aside for a moment the
3 election officials.

4 A Sure.

5 Q Do you have any understanding today
6 that the customer that engaged SullivanStrickler to
7 do the work in Coffee County, that that customer
8 actually did not have the legal rights or
9 permissions to ask SullivanStrickler to do the work
10 it did in Coffee County?

11 A No, sir.

12 Q That's not something you've heard
13 before today?

14 A No.

15 Q Okay. And do I understand correctly
16 that even though the Binnall Agreement specifically
17 discusses the Georgia work, the work that was done
18 in Coffee County was done pursuant to a separate
19 agreement?

20 If you don't know, that's fine.

21 A I believe so, yes, sir.

22 Q Okay. And that's based on

1 discussions with Mr. Maggio and others?

2 A Yes.

3 Q The work that was done in Coffee
4 County, was that done -- was the customer for that
5 work Sidney Powell?

6 A Sidney Powell paid the bills.

7 Q What's your understanding of who the
8 customer was for the purpose of the engagement
9 agreement for the Coffee County work?

10 A Sidney Powell. Very good.

11 Q So is it SullivanStrickler's
12 understanding still today that Sidney Powell had
13 all of the necessary legal rights and permissions
14 for the work that she engaged SullivanStrickler to
15 do in Coffee County?

16 A Yes, sir.

17 Q What is the basis for that
18 understanding?

19 A Borrowed license at the time -- no,
20 see, I don't -- I don't know.

21 Q That's okay.

22 A Yeah, sorry.

1 Q No, that's okay.

2 If you -- sticking to the
3 agreement --

4 A Yeah.

5 Q -- turn to the page that has -- it's
6 two pages later.

7 A Sure.

8 Q -- heading 12, "Indemnification of
9 Company."

10 A Yep.

11 Q Is this another standard provision in
12 your agreements generally?

13 A Yes, sir.

14 Q And the idea here is that if
15 SullivanStrickler incurs any kind of cost with
16 respect to liability claims, for example, arising
17 out of the work, the customer will indemnify and
18 hold SullivanStrickler harmless for that?

19 A Yes, sir.

20 Q Has SullivanStrickler raised any
21 indemnification claim with respect to the Coffee
22 County work with the customer that retained the

1 firm for that?

2 A I don't know.

3 Q Again, your understanding is the
4 customer for that work was Sidney Powell?

5 A Yes, sir.

6 Q I promised you a break.

7 A I appreciate that.

8 VIDEOGRAPHER: The time is 10:22 a.m.
9 We are off video record.

10 (Recess from 10:22 a.m. to 10:34 a.m.)

11 VIDEOGRAPHER: The time is 10:34 a.m.
12 We are back on video record.

13 BY MR. CROSS:

14 Q You asked earlier that we come back
15 to the question about CompactFlash drives that
16 Ms. Naik copied. Have you recalled what was on
17 those? If not, we can come back to it later.

18 A We are going to have to come back to
19 it later.

20 Q That's fine.

21 A Yeah.

22 Q That's fine.

1 tabulate the votes in the state of Michigan.

2 Do you see that?

3 A Yes, sir.

4 Q So do I understand correctly that
5 this agreement with Ms. Powell was signed with
6 respect to forensic collection and analytics work
7 that was anticipated in Michigan?

8 A Yes, sir.

9 Q All right. How did it come to be
10 that the work done in Coffee County was done for
11 Ms. Powell instead of Mr. Binnall?

12 A As I understand it, the focus
13 shifted, I don't want to say from Michigan, but
14 maybe after Michigan, to Coffee County. And I
15 don't know why there are two different engagements,
16 one specifically for Jesse Binnall, versus this
17 one.

18 Q Okay. SullivanStrickler performed
19 forensic collection of data pursuant to the Binnall
20 agreement, right, in some jurisdiction?

21 A I don't know. I don't know what
22 happened in Nevada.

1 Q Okay. Thank you.

2 And then Mr. Penrose responds on
3 December 6th, "Here is the signed engagement letter
4 from Sidney Powell, Defending the Republic. Please
5 send the invoice to Sidney and I'll get them paid."

6 Do you see that?

7 A Yes, sir.

8 Q Do you know what happened between the
9 proposed engagement agreement for Jim Penrose for
10 Michigan and getting an engagement letter signed by
11 Sidney Powell for Michigan? How that change was
12 made?

13 A I don't know.

14 Q Is the engagement letter that's
15 referenced here -- is it your understanding with
16 Ms. Powell -- that that's the one that we looked at
17 earlier?

18 A Can you rephrase that --

19 Q Yes.

20 A -- starting with the engagement
21 letter?

22 Q Yes, sorry. Let me ask a better

1 question.

2 A Yeah.

3 Q So here where Mr. Penrose indicates
4 that he's sending back a signed engagement letter
5 from Sidney Powell, is that, to your understanding,
6 the Sidney Powell Agreement that we looked at
7 earlier from December 6, 2020?

8 A Yes, sir.

9 Q Okay. And then Mr. Penrose goes on
10 in his e-mail, "Please do not communicate about any
11 additional forensics work in Arizona to the other
12 legal teams. Keep that in confidential channels
13 with me, Sidney, and Doug."

14 Do you see that?

15 A Yes, sir.

16 Q Do you understand "Doug" there refers
17 to Doug Logan?

18 A I do.

19 Q And Doug Logan is copied on the
20 e-mail here. Do you see that?

21 A I do, yes, sir.

22 Q Do you have any understanding as to

1 CERTIFICATE OF NOTARY PUBLIC

2 I, FELICIA A. NEWLAND, CSR, the officer before whom
3 the foregoing videotaped deposition was taken, do
4 hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was taken
7 by me in stenotype and thereafter reduced to
8 typewriting under my direction; that said deposition
9 is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to,
11 nor employed by any of the parties to the action in
12 which this deposition was taken; and, further, that
13 I am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome
16 of this action.

17
18 
19

20 FELICIA A. NEWLAND, CSR

Notary Public

21 My commission expires:

22 September 15, 2024

Exhibit G

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,)
)
Plaintiffs,)
)
vs.) CIVIL ACTION NO.
)
BRAD RAFFENSPERGER, ET) 1:17-CV-2989-AT
AL,)
)
Defendants.)

VIDEOTAPED 30(b)(6) DEPOSITION OF ERIC B. CHANEY
(Taken by Plaintiffs)
August 15, 2022
10:20 a.m.

Reported by: Debra M. Druzisky, CCR-B-1848

1 Q. Mr. Chaney, the -- sorry, just to go back,
2 just to make sure I understand something, the
3 Coffee County elections supervisor, I think we
4 covered this before, but that person and their
5 assistant reports to the Coffee County board;
6 right?

7 A. Correct.

8 Q. So they take -- they take their direction
9 from the board members; is that fair?

10 MR. DELK: Object to the form.

11 You can answer.

12 THE WITNESS: Not from the board
13 members, the board.

14 BY MR. CROSS:

15 Q. From the board?

16 A. Yes.

17 Q. Okay. Do you know Lin Wood?

18 A. Not personally.

19 Q. But you -- you've heard of him?

20 A. Heard the name, yes.

21 Q. Have you ever met him?

22 A. I have not.

23 Q. Has he ever been in the Coffee County
24 election office to your knowledge?

25 A. Not to my knowledge.

1 Q. Do you know Stephanie Lambert?

2 A. I do not.

3 Q. Do you know if she's ever been in the
4 Coffee County election office?

5 A. I do not.

6 Q. Do you know Sidney Powell?

7 A. I've heard the name.

8 Q. Have you met her?

9 A. I have not.

10 Q. Do you understand that she represented the
11 Trump campaign in some election litigation?

12 A. Correct.

13 Q. Did you ever have any communications with
14 her?

15 A. I did not.

16 Q. Has she ever been in the Coffee County
17 election office?

18 A. Not to my knowledge.

19 Q. Do you know Patrick Byrne?

20 A. I do not.

21 Q. Ever communicated with him?

22 A. No, sir.

23 Q. Has he ever been in the Coffee County
24 election office?

25 A. Not to my knowledge.

1 equipment with permission from local
2 elections officials."

3 Do you see that?

4 A. I do.

5 Q. And you were one of the local elections
6 officials that gave permission for that; right?

7 MR. DELK: Object to the form.

8 THE WITNESS: Fifth Amendment.

9 BY MR. CROSS:

10 Q. Ms. Brown then goes on:

11 [As read] "The County's former
12 election supervisor Misty Hampton
13 (previously Martin) told me that Scott
14 Hall did visit her office with other
15 people after she reached to someone on
16 the 'federal level' seeking help"
17 investigating -- "seeking help
18 investigate the election."

19 Do you see that?

20 A. I do.

21 Q. She then goes on:

22 "She said she did not remember how
23 many people or who they were or when
24 they visited or what they did. She
25 said Eric Chaney was present with her

1 R E P O R T E R D I S C L O S U R E
2 DISTRICT COURT) DEPOSITION OF
3 NORTHERN DISTRICT) ERIC B. CHANEY
4 ATLANTA DIVISION)

5 Pursuant to Article 10.B of the Rules and
6 Regulations of the Board of Court Reporting of the
7 Judicial Council of Georgia, I make the following
8 disclosure:

9 I am a Georgia Certified Court Reporter.
10 I am here as a representative of Veritext Legal
11 Solutions.

12 Veritext Legal Solutions was contacted by
13 the offices of Morrison & Foerster to provide court
14 reporting services for this deposition. Veritext
15 Legal Solutions will not be taking this deposition
16 under any contract that is prohibited by O.C.G.A.
17 9-11-28 (c).

18 Veritext Legal Solutions has no contract
19 or agreement to provide court reporting services
20 with any party to the case, or any reporter or
21 reporting agency from whom a referral might have
22 been made to cover the deposition.

23 Veritext Legal Solutions will charge its
24 usual and customary rates to all parties in the
25 case, and a financial discount will not be given to
any party in this litigation.

Debra M. Druzisky
Georgia CCR-B-1848