

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

STATE OF GEORGIA,

v.

KENNETH CHESEBRO *et al.*,

Defendants.

Case No. 23SC188947

Judge McAfee

MOTION REQUESTING ADDITIONAL JURY STRIKES

COMES NOW, Kenneth Chesebro, by and through undersigned counsel, pursuant to O.C.G.A. §§15-12-165 and 17-8-4(b), and hereby requests five additional peremptory strikes. In support of his request, Mr. Chesebro shows this Honorable Court as follows:

Georgia law provides that “[e]very person accused of a felony may peremptorily challenge nine of the jurors impaneled to try him or her.” O.C.G.A. §15-12-165. For multi-Defendant criminal cases such as this one, Georgia law provides that “[i]n the event two or more defendants are tried jointly, the court, upon request of the defendants, shall allow an equal number of additional strikes to the defendants, not to exceed five each, as the court shall deem necessary, to the ends that justice may prevail.” O.C.G.A. § 17-8-4(b). *See also, Adams v. State*, 264 Ga. 71 (1994); *Willis v. State*, 258 Ga. 477 (1988).

In the case at bar, the ends of justice require that Mr. Chesebro receive additional strikes. While it may be accurate (as noted by the Court during the last hearing in this matter) that the defenses of Mr. Chesebro and Ms. Powell are not necessarily “antagonistic” to one another, that is mainly because the allegations against Mr. Chesebro and Ms. Powell, although joined together by a RICO charge, are

completely different from one another. Specifically, Mr. Chesebro is alleged to have been a part of the so-called “alternate elector plan,” whereas Ms. Powell is alleged to have been part of the so-called “Coffee County conspiracy.” There is absolutely no factual overlap between the two. The reality of this case mandates the need for more jury strikes.

Requiring two Defendants to share nine strikes (4.5 strikes each), is inadequate under the facts and circumstances of this case. To put this point into further perspective: The typical felony case in Fulton County starts with a pool of approximately 40 jurors. Nine strikes per defendant results in a nearly 25% strike rate. A typical murder case starts with approximately 60 jurors, resulting in a 15% strike rate. In the case at bar, with 450 jurors, Mr. Chesebro would be faced with a 1% strike rate (reduced to 0.5% when compared to the total of 900 jurors that received summonses in this case). Given the unprecedented nature of this case, that is simply not enough.

WHEREFORE, Defendant Chesebro requests a total of five additional strikes (with the comparable number of additional strikes for the State).¹

Respectfully submitted, this the 3rd day of October, 2023.

/s/ Scott R. Grubman
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¹ This would mean either 9 or 10 strikes per co-Defendant.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via the Fulton County e-filing system, a copy of the within and foregoing **Motion Requesting Additional Jury Strikes** upon all parties.

This the 3rd day of October, 2023.

/s/ Scott R. Grubman
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