

FULTON COUNTY SUPERIOR COURT
STATE OF GEORGIA

STATE OF GEORGIA,

V.

SIDNEY KATHERINE POWELL
ET AL.,
DEFENDANTS.

CASE No. 23SC188947

JUDGE MCAFEE

**REPLY IN SUPPORT OF MS. POWELL’S MOTION TO PRODUCE *BRADY*
MATERIAL AND TO DISMISS COUNTS 1-37 FOR PROSECUTORIAL
MISCONDUCT AND *NAPUE* VIOLATIONS**

In further support of Ms. Powell’s Motion to Dismiss for Prosecutorial Misconduct, additional information has come to light that supports the truth that: (i) Coffee County officials authorized the forensic collection by SullivanStrickler; (ii) Ms. Powell was not involved; and (iii) the State did little to no independent investigation on these matters prior to indicting Ms. Powell for a crime she did not commit, continues to fail to produce exculpatory evidence, violated *Napue* before the grand jury, and had no probable cause to indict Ms. Powell.

ARGUMENTS AND AUTHORITIES

1. The District Attorney Still Has Not Produced All *Brady* Material it is Constitutionally Obligated to Provide to Ms. Powell.

A) *Brady* and Discovery Obligations are Not Synonymous.

The State does not understand its *Brady* obligations. Despite the State’s representations that it has “fully complied with its discovery obligations under *Brady*,” the government **does not satisfy** its *Brady* obligations by simply handing

over terabytes of discovery—no matter how many there are.¹ As this Court well knows, discovery obligations and *Brady* obligations are not synonymous. In a persistent effort to obtain the information it is constitutionally entitled to, Defense counsel has contacted the State multiple times regarding the exculpatory evidence pertaining to Ms. Powell—through a letter, a follow up email, and ultimately the *Brady* motion which is the subject of this reply. In these communications, defense counsel provided granular and specific demands which recite exactly what the evidence shows.

Despite these multiple requests for this information, the State did not reply until it filed its 4-page Reply to Ms. Powell’s *Brady* motion today. Instead, the State has simply dumped countless “bytes” of information on the defense, while falsely claiming it did not have specific items Ms. Powell requested.²

Ms. Powell is still entitled to—and has not yet received—multiple documents she has long requested. These documents include, but are not limited to, the grand jury testimony of Scott Hall, which the defense expects also exonerates Ms. Powell, and the grand jury testimony of every witness who was asked about Ms. Powell or mentions Ms. Powell’s name in his or her testimony. The State may not provide partial responses or select only the testimony it wants to produce. As the Supreme

¹ In fact, the government has turned over some discovery, but not all of it. The State has represented that it has 8 terabytes of discovery—the defense has received a mere fraction of this.

² See Powell’s General Demurrer and Motion to Dismiss Counts 1, and 32-37 for Prosecutorial Misconduct and *Napue* Violations, Exhibit B.

Court has recognized, anything less than a full production is insufficient. An incomplete response could “represent[] to the defense that the evidence does not exist” and cause it “to make pretrial and trial decisions on the basis of this assumption.” *United States v. Bagley*, 473 U.S. 667, 682-83 (1985).

Any answer to any question to any witness about Sidney Powell is likely to be exculpatory as to Sidney Powell because she was not involved in Coffee County—much less this purported “conspiracy” to violate RICO—which itself is a conspiracy. Thus, any witness who was asked if he or she knows Sidney Powell, met Sidney Powell, or had any dealings with Sidney Powell and replied “NO” or limited his or her answer to unrelated situations has provided exculpatory evidence that must be produced to Ms. Powell. This testimony is especially important given this ridiculous indictment that alleges a conspiracy to commit racketeering against multiple lawyers for doing what lawyers have done for decades: challenge an election. *Moss v. Bush*, 104 Ohio St.3d 597, 2004-Ohio-6792.

The Special Purpose Grand Jury transcript of Misty Hampton—the Election Supervisor of Coffee County—provided just two nights ago proves that she never spoke with Ms. Powell. (See Screenshot of Misty Hampton Special Grand Jury Testimony at 45:3-4 below).

Q	OKAY. HAVE YOU EVER COMMUNICATED WITH SIDNEY POWELL?
A	NOT THAT I'M AWARE OF.

The government also disclosed the Georgia Bureau of Investigation Report of Investigation just two nights ago, which also reveals that the State has been in

possession of Ms. Hampton’s thousands of emails for weeks now—yet those have still not been produced to the defense. The simple fact that there are no emails between Ms. Powell and Ms. Hampton is *Brady* evidence to which Ms. Powell has long been entitled—and it further undermines the validity of the indictment. Those emails, however, will likely disclose correspondence with the lawyers—entirely unrelated or unaffiliated with Ms. Powell—who were working on matters related to Coffee County and communicating with Ms. Hampton. All that information is *Brady* also.

Furthermore, the Georgia Bureau of Investigations (GBI) report provided to the defense only last night refers to a statement by the Chief Operating Officer for the Georgia Secretary of State, Gabe Sterling, that the GBI had conducted a previous investigation into the events at Coffee County and determined the event in Coffee County was “unfounded.” (See Screenshot of GBI Report at page 109 below). That previous GBI investigative report is also *Brady* and must be produced to Ms. Powell.

STERLING at first advised he was not familiar with the event that occurred at Coffee County. STERLING later advised during the deposition that he was familiar; however, the investigation determined that the event was unfounded. Not long after this deposition, MARKS remembers the Secretary of State’s office began inquiring into this

B) The GBI Report Was in the State’s Possession Prior to the Indictment, and the State Has Been Keeping it from the Defense and the Grand Jury.

The State either does not understand *Brady* or does not follow the law. It has been investigating this matter for more than a year, apparently through the GBI and other law enforcement agencies, collaboration with the *Curling* plaintiffs, and a Special Purpose grand jury. Remarkably, it has claimed it did not have possession of

these materials—but that does not suffice to meet a *Brady* demand. *Brady*'s mandate is central to due process and crucial to ensure that prosecutors fulfill their obligation to seek justice rather than convictions. The rule of *Brady* does so “[b]y requiring the prosecutor to assist the defense in making its case,” and in that respect “the *Brady* rule represents a limited departure from a pure adversary model.” *Bagley*, 473 U.S. at 675 n.6. Most fundamentally, *Brady* is enforced “to ensure that a miscarriage of justice does not occur.” *Id.* at 675. With its mantra of “compliance,” the State tries to avoid addressing the facts, its misconduct, and the law. But the government is bound to see that “justice shall be done.” *United States v. Berger*, 295 U.S. 78, 88 (1935). Evidence must be produced that is “favorable to the accused, either because it is exculpatory, or because it is impeaching.” *Turner v. United States*, 582 U.S. 313, 323 (2017).

The State’s reply to Ms. Powell’s *Brady* motion demonstrates one or both of two things (1) complete and utter ignorance to the facts relevant to this indictment; or (2) deception by the part of the State when it comes to the information within the GBI report. The State asserts it has produced all exculpatory information “in its possession,” and apparently, it seeks to limit what is in its possession by not taking it from the GBI or reviewing it when it does. But, the State has the duty *to search for Brady evidence*. Leaving evidence with the GBI does not protect the State from producing it. The GBI is the State too.

“A *Brady* claim can rest upon a “demonstrat[ion] that the prosecution wilfully or inadvertently suppressed evidence favorable to the accused, either because it is exculpatory or impeaching. [Cit.]” [Young v. State, 290 Ga. 441, 443(2), 721 S.E.2d 839 (Ga.

2012)], supra (Emphasis supplied.) Further, Brady's disclosure requirement even encompasses evidence "known only to police investigators and not to the prosecutor." [Cit.] In order to comply with Brady, therefore, "the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in this case, including the police." [Cit.]

Jones v. Medlin, 302 Ga. 555, 559–60, 807 S.E.2d 849, 853–54 (2017); *Strickler v. Greene*, 527 U.S. 263, 280, (1999). See also *Danforth v. Chapman*, 297 Ga. 29, 29 (2) (2015); *Schofield v. Palmer*, 279 Ga. 848, 850–52, (2005); *Kyles v. Whitley*, 514 U.S. 419, 437-439 (1995); *Head v. Stripling*, 277 Ga. 403, 407-408 (2003).

The State turned over the 380-page GBI report (citing innumerable exhibits) just last night—despite its possession of the evidence and information contained in that report since August 3, 2023, *prior* to the issuance of the indictment against Ms. Powell. *Brady*, in whatever form, must be disclosed; it is no excuse to not turn it over because "the report was not finished." *U.S. v. Rodriguez*, 496 F. 3d 221, 226 (2nd Cir. 2007)("The obligation to disclose information covered by the *Brady* and *Giglio* rules exists without regard to whether the information has been recorded in tangible form.") Defense counsel has had less than 48 hours with this report, and in this short period of time, has found documents which not only demonstrate what happened in Coffee County, Georgia, but also exonerate Ms. Powell writ large. Below are some examples of the very documents the defense unearthed from the GBI report.

- **Pages 277-279:** A chronology of the exchange between Coffee County officials and attorneys entirely unrelated to Ms. Powell regarding an Open Records Request and Letter of Authorization to review the Coffee County Machines. Ex. A
- **Page 346-349:** A summary demonstrating that of the 3,029 emails the GBI reviewed as part of its investigation, it identified 7 emails—each of which show that machine access was authorized. Ex. B.

- **Page 347:** Within this summary, an email from Misty Hayes to Preston Haliburton, CC'ing Ernestine Thomas Clark who was Chairman of Coffee County Board of Elections and Registration. Ex. B, page 2, record 5.

As defense counsel has advised the State and this Court, Ms. Powell had no role in planning or carrying out the events in Coffee County in January 2021, and as to those who did, there was no crime because access was authorized by Coffee County officials. The state's contention that it is "aware of its *Brady* obligations" is patently false and the information found within the GBI report in the past 48 hours proves it. No one in the DA's office seems to have asked for any of the various law enforcement materials from GBI until after the defense filed its motion. If they did, they would have been told by the GBI that the GBI had those documents—and more—showing that Misty Hampton welcomed inspection in Coffee County.

No doubt then, none of the exculpatory documents within the GBI report were presented to the grand jury—including the letter of invitation provided on Coffee County Elections letterhead authorizing access to the voting machines—or Misty Martin's email responding to attorney Preston Haliburton—because the State claimed it did not have them. By the State's own email to defense counsel on September 14, 2023 and September 18, 2023—and false representations to this Court—it did not know about the letter.³ In truth, its own agents had the letter well before the Indictment. This is an egregious violation of the State's *Brady* obligations, reflects the prosecutors' cavalier disregard of their constitutional and ethical responsibilities, and evinces a *Napue* violation in the grand jury.

³ *Supra* n. 2.

C) “Go Fish” Does Not Meet the State’s *Brady* Obligations.

The burden is on the State to produce *Brady* material. It cannot hide it in a massive, late production of documents—all of which still have not been produced. “At the same time, the Government cannot hide *Brady* material as an exculpatory needle in a haystack of discovery materials.” *United States v. Thomas*, 981 F. Supp. 2d 229, 239 (S.D.N.Y 2013).⁴ It could produce all but ten documents ever written in human history and not meet its *Brady* requirement if it fails to produce those ten. “A rule . . . declaring ‘prosecutor may hide, defendant may seek’ is not tenable in a system constitutionally bound to accord defendants due process.” *Banks v. Dretke*, 540 U.S. 668, 696 (2004).

In this case, it has become painfully apparent the prosecution does not even know what it has. An ADA interviewing Scott Hall recently—the audio recording which defense counsel just received earlier this week—is overheard admitting: “We are still trying to figure things out.” This is not a satisfactory way to obtain an indictment, threaten a person’s life and liberty, or proceed with a prosecution in two weeks against anyone—much less a person who was not even participating in the prosecution’s already highly-creative notion of a “crime.” *Brady* also requires production of raw notes of prosecutors or agents—anyone who holds exculpatory or

⁴ See *United States v. Skilling*, 554 F.3d 529, 577 (5th Cir.2009), aff’d in part and vacated in part on other grounds, 561 U.S. 358, 130 S.Ct. 2896, 177 L.Ed.2d 619 (2010); see also *United States v. Hsia*, 24 F.Supp.2d 14, 29–30 (D.D.C.1998)(“The Government cannot meet its *Brady* obligations by providing ...600,000 documents and then claiming that [the defendant] should have been able to find the exculpatory information[.]”).

impeaching evidence, and the State must review all notes or produce them to the defense—or at a minimum, to the Court for *in camera* review. Any conflict in notes of interviews of important witnesses must be disclosed. *Turner v. United States*, 582 U.S. 313, 322 (2017).

At this point, the state cannot be trusted to make the determination of what is exculpatory or even to review raw notes. It hasn't reviewed materials it has had for months if not years. It effectively concedes that anything that constitutes exculpatory evidence must be turned over to a defendant in discovery, citing *Waldrip v. Head*, 279 Ga. 826, 827 (2005), but it invokes a blanket work-product claim to avoid review. Paying only lipservice to that crucial constitutional right does not meet its obligations.

2. Information Only Recently Produced Confirms Coffee County Officials Requested and Invited the Forensic Collection and Assistance, and Ms. Powell Was Not the Lawyer Who Requested or Controlled the Work.

Scott Hall has now provided three hours of statements in proffer to the District Attorney. Mr. Hall repeatedly stated (at least three times) that Cathy Latham called him on January 6, 2021, told him that all the Coffee County Elections Commissioners were present, and told him that Coffee County wanted to invite experts to come to the Elections office to look at the ballots and machines. According to the Elections Officials in Coffee County, the voting machines had not been working properly in Coffee County, they could not reconcile the vote counts, and they were not getting the assistance they needed from the state or otherwise. Mr. Hall received the call on January 6, 2021 while he was at a law office in Alpharetta. The lawyers at the office

were in a hearing on another case regarding the election, and Mr. Hall connected them with Ms. Latham. *See* Production IV, Hall audio. This is consistent with Doug Logan's testimony and the signal messages in the Coffee County group with attorney Charles Bundren on January 6 and 7, 2021—the day before and during the Coffee County visit.

The State has long possessed Signal messages between the members of the Coffee County Forensic group chat—promptly provided to the State in some of Marilyn Marks 2400+ pages of documents from the *Curling* litigation. However, the State apparently did not contact most of these people at all to investigate the facts surrounding the events at Coffee County; nor were the phone records of these individuals obtained by the State. This includes Misty Martin, Charles Bundren, Jim Penrose, Paul Maggio, and Greg Freemeyer. Much of the GBI report itself is simply summaries of information provided by Marilyn Marks through her prolific *Curling* litigation. There is no evidence that SullivanStrickler gave Ms. Powell access to the Coffee County data. She is not reflected in the company's logs nor is there any testimony that SullivanStrickler provided data to Ms. Powell. There is likewise no testimony that Ms. Powell gave SullivanStrickler direction or instruction to image the data from Coffee County.

It is more apparent by the day that the State failed to conduct an independent investigation of what happened in Coffee County. One of the most recent productions from the State has revealed an open records act request by attorney Preston Haliburton to Misty Hampton. Ex. C. The production demonstrates that Misty

Hampton answered this request in the following manner and copied the Chair of the County Board:

Get [Outlook](#) for iOS
From: Misty Hampton
Sent: Thursday, December 31, 2020 5:20:18 PM
To: Preston Haliburton <prestonhaliburton@icloud.com>
Cc: Ernestine Thomas-Clark <etclark@windstream.net>; Ernestine Thomas-Clark <etclark@windstream.net>
Subject: RE: Open Records:

We have received your open record request, and I will be speaking with my board, and per the Ga law I do not see any problem assisting you with anything yall need accordance to Ga. Law. Yall are welcome in our office anytime. Coffee County is willing to work with anyone with accordance to the Georgia law.

Misty Martin
Election Supervisor
Coffee County Board of Elections
224 West Ashley St
Douglas, Ga. 31533
912-384-7018 - Office
912-393-7181 - Direct
misty.hampton@coffeecounty-ga.gov

Ex. D.

Despite evidence that Jim Penrose put Ms. Powell's name on the only contract—for *Michigan*—and arranged for SullivanStrickler to go to Coffee County for someone else, the State dropped the ball on the investigation at large. The State sought Jim Penrose's phone records from one provider, but when informed it was not his provider, it failed to seek the same records from the real provider. The State did not interview Mr. Penrose. If it had, the defense has reason to believe he would have told them the Coffee County project was not requested by Ms. Powell or for her.

According to the 300 plus page GBI report previously ignored by the prosecutors, investigators made only one attempt to speak with Katherine Freiss by phone, and they apparently did not interview her. It is unknown if they obtained *all* her phone records, but what they did obtain long ago shows hundreds of calls with Mr. Haliburton during late December through early January. Ms. Friess' records also

show many connections with an apparent “burner phone” in Maryland where Mr. Penrose lives.⁵

There was no interview of Mr. Bundren nor were his phone records collected despite his presence in the signal message group for Coffee County, Doug Logan’s testimony that the project was conducted for him, text messages where Jim Penrose instructed a report be done for him, and more.

Despite all this evidence, Mr. Wade very carefully elicited testimony from Paul Maggio to create the impression that Ms. Powell “confirmed” that he should go to Coffee County on January 7, 2021, and proceed with the forensic collection. (See Screenshot of Maggio Special Grand Jury Testimony at 10:2-8 below).

<p>Q. And then you confirmed that Coffee County would be within the scope of your agreement --</p> <p>A. Yes.</p> <p>Q. -- with Sidney Powell?</p> <p>A. Yes, sir.</p>
--

The State is charged with knowing the evidence in its possession or that of its agents and affiliates. *Giglio v. United States*, 405 U.S. 150 (1972). The presentation of this case to the grand jury was misleading and this indictment could have been obtained only by presenting misleading testimony and failing to produce exculpatory evidence.

CONCLUSION

⁵ The defense does not expect the State to contest this but has the phone records available for the Court for its review.

In short, the grand jury did not have probable cause to indict Ms. Powell. The indictment which necessarily depends on misleading or false testimony deliberately presented by the State to the grand jury must be dismissed. *Napue v. Illinois*, 360 U.S. 264 (1959).

Dated this 5th Day of October 2023.

Respectfully submitted,

/s/ Brian T. Rafferty
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CERTIFICATE OF SERVICE

I hereby certify the above styled **REPLY IN FURTHER SUPPORT OF MS. POWELL'S MOTION TO PRODUCE *BRADY* MATERIAL AND TO DISMISS COUNTS 1-37 FOR PROSECUTORIAL MISCONDUCT AND *NAPUE* VIOLATIONS** has been served, this day, by electronic mail. These documents have been served by the Fulton County electronic filing system upon all parties.

Dated this 5th day of October 2023.

/s/ Brian T. Rafferty
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Exhibit A

**GEORGIA BUREAU OF INVESTIGATION
OFFICE OF SPECIAL INVESTIGATIONS
INVESTIGATIVE SUMMARY**

46-0001-42-23

On Thursday, August 3, 2023, Special Agent CHRIS BALDWIN began reviewing data that had been downloaded from the Coffee County Elections and Registration Office Desktop PC by GBI Digital Forensic Investigator GARRETT MORTON. The data included historical work emails for the subject in this current computer trespass investigation, MISTY HAYES (misty.hampton@coffeecounty-ga.gov).

During the search, SA BALDWIN located an email sent to HAYES from PRESTON HALIBURTON (Atlanta-based attorney, prestonhaliburton@icloud.com) on December 31, 2020 at approximately 8:19 p.m. The email had an Open Records Request attached to it. Below is a list of what was being requested by HALIBURTON:

- "- All original, paper absentee mail-in ballots as well as the scanned/electronic copies that were counted towards the 2020 Presidential Election vote totals which were scanned; and
- All original, paper absentee mail-in ballots as well as the scanned/electronic copies for the 2020 Presidential Election that were discarded or otherwise not counted for the 2020 Presidential Election.
- The originals of the spoiled absentee mail-in ballots"

HAYES responded to HALIBURTON (and CC'd ERNESTINE THOMAS-CLARK, [REDACTED]), via email, on December 31, 2020, at approximately 10:20 p.m. Below is a copy of that response:

"We have received your open record request, and I will be speaking with my board, and

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per the Ga law I do not see any problem assisting you with anything yall need accordance to Ga. Law. Yall are welcome in our office anytime. Coffee County is willing to work with anyone with accordance to the Georgia law."

SA BALDWIN believed that the excerpt "Yall are welcome in our office anytime" could be the "written invitation" referred to by KATHERINE FRIESS (previously documented in this case file). FRIESS was an Election Integrity Attorney for President DONALD TRUMP from November 2020 to January of 2021. FRIESS forwarded the information to JENNIFER JACKSON, a member of the SullivanStrickler team who were in Coffee County, Georgia on January 7, 2021. JACKSON then shared that FRIESS message with the other members of SullivanStrickler (PAUL MAGGIO, GREG FREEMYER, and KARUNA NAIK) in a group chat. Below is a copy of the text message JACKSON sent to the group, which included the forwarded message from FRIESS:

"Hi! Just handed [sic] back in DC with the Mayor. Huge things starting to come together! Most immediately, we were just granted access -by written invitation! - to the Coffee County Systems [sic]. Yay! Putting details together now with Phil, Preston, Jovan etc. Want to give you a heads up for your team. Will be either Sat or Sun this weekend. More soon! :)). This was from Katherine this am, of course not the official word but wanted to share as a potential heads up."

The message was shared by JACKSON to her team on January 1, 2021, at approximately 2:18 p.m., the day after HAYES sent that email response to HALIBURTON. This message was located by SA BALDWIN in a batch of group chat messages that had been provided to him by MARILYN MARKS. The messages appear to have been given to MARKS by KARUNA NAIK during the discovery phase of

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the Curling v. Raffensperger federal lawsuit.

On January 2, 2021, at approximately 1:11 p.m., JACKSON wrote to the group chat "Who is Preston Haliburton? I got a strange email from this guy asking me to call him about the hearing on Monday????". NAIK then replied at 1:13 p.m. the same date, "Preston was mentioned in the message from Katherine. Maybe she gave him your Email?". JACKSON replied back at 1:30 p.m. the same date, "You're correct- he wants us for Monday in Fulton".

Copies of the ORR, HAYES email response to HALIBURTON, and the SullivanStrickler group chat messages have been attached to this summary.

Investigative act concluded.

ATTACHMENTS

E-MAIL(S) HALIBURTON ORR to HAYES	(Attachments)
E-MAIL(S) HAYES Email to HALIBURTON	(Attachments)
COPY OF LETTER(S) SullivanStrickler Group Chat Messages	(Attachments)

Exhibit B

**GEORGIA BUREAU OF INVESTIGATION
OFFICE OF SPECIAL INVESTIGATIONS
INVESTIGATIVE SUMMARY**

46-0001-42-23

On Thursday, August 3, 2023, at approximately 1:36 p.m., Special Agent CHRIS BALDWIN received from Special Agent in Charge BRIAN WHIDBY a thumb drive which contained data downloaded from a Desktop PC belonging to the Coffee County Election and Registration Office. The Desktop PC was used by MISTY HAYES, the subject in this computer trespass investigation, at the CCERO in 2021 when the incident occurred. The Desktop PC was previously taken into evidence by Special Agent MICHAEL PEARSON and handed over custody to Digital Forensic Investigator GARRETT MORTON with the GBI Cyber Unit.

During MORTON'S examination of the PC, he discovered there were emails/communications from MISTY HAYES stored on it. MORTON downloaded the data so that SA BALDWIN could review the files for evidentiary value. SA BALDWIN reviewed the data and learned the following information:

The thumb drive consisted of one (1) data folder (41-0046-39-23_CC57146.E01). The folder contained 616,678 files. Most notably, those files included 213,092 iOS (Apple) iMessages, 1,470 iOS call logs, 1,999 Apple contacts, 5,609 social networking files (Instagram, Tinder, Life360, and Pinterest), 4,552 documents, and 10,477 Outlook emails.

The iOS iMessages, call logs, contacts, and social networking files appeared to have been downloaded to the PC when it was connected to the iPhone on June 25, 2019. That would have been 1.5 years prior to the incident being investigated.

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Of the 4,552 documents, 1,986 were created between November 1, 2020 and March 1, 2021. SA BALDWIN discovered one (1) Microsoft Word Document filename "BOARD%20MINUTES%20-%20January%2012((Autorecovered-308699603345371840)).asd", listed as "Record 1" under the Microsoft Word Documents sub-header on the Axiom Report. The document was the Coffee County Board of Elections and Registration Monthly Board Meeting Minutes for February 2, 2021. SA BALDWIN had previously seen the February agenda document, but not the actual minutes from the meeting. A copy of that Word Document has been attached to this summary.

Of the 10,477 Outlook emails, 3,029 were created between November 1, 2020 and March 1, 2021. Of those 3,029 emails, 3,010 were associated with the email account misty.Hampton@coffeecounty-ga.gov.ost. The other 19 emails were associated with the email account misty.hayes0405@icloud.com.ost. It should be noted that ".ost" is the extension for a Microsoft Outlook data file. The emails primarily consisted of HAYES working on Open Records Requests or conducting elections.

SA BALDWIN found seven (7) emails of particular interest. Those emails were listed as "Record 1" through "Record 7" under the Outlook Emails sub-header on the Axiom Report. Below is a description of the seven (7) Outlook Email Records (in chronological order):

Record 1

Email from PRESTON HALIBURTON ([REDACTED]) to MISTY HAMPTON "HAYES" (misty.hampton@coffeecounty-ga.gov) on December 31, 2020 at approximately 8:19 p.m. Attached was an Open Records Request Word Document

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titled "FILE_8668.docx" ("Record 1" under the Email Attachments sub-header on the Axiom Report). A copy of that Word Document has been attached to this summary.

Record 5

Email from HAYES to HALIBURTON, and CC'd ERNESTINE THOMAS-CLARK ([REDACTED]) on December 31, 2020 at approximately 10:20 p.m. HAYES informed HALIBURTON of the receipt of his ORR. In the email, HAYES stated "Y'all are welcome in our office anytime. Coffee County is willing to work with anyone with accordance to the Georgia law". That email occurred one (1) week prior to the initial computer trespass incident.

Record 2/3

Record 3 was where HAYES forwarded her original response to the HALIBURTON ORR to another HALIBURTON email ([REDACTED]) on January 1, 2021 at approximately 12:51 a.m. Record 2 was an email from Microsoft to HAYES advising her that the email address "[REDACTED]" did not exist.

Record 6

Email from HAYES to a third HALIBURTON email ([REDACTED]) on January 1, 2021 at approximately 2:05 a.m. Attached to the email was a Word Document with an official response to HALIBURTON'S ORR on Coffee County Government letterhead. In that email, HAYES included her personal phone number (912-850-4823) whereas the previous communications only included her work phone numbers. The attached Word Document was titled "Letter NOT Certifying Recount.docx" and has been attached to this summary.

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Record 7

Email from HAYES to ERIC CHANEY ([REDACTED]) and ED VOYLES ([REDACTED]) on January 2, 2021 at 1:21 a.m. The email was a forward of an original email from DAVID GREENWALT, Southeast Election Director of KNOWINK. KNOWINK has developed election poll pads and election management software. In the email, GREENWALT was addressing the "patently false assertions" that there was "unauthorized access to our systems". SA BALDWIN found this to be particularly notable due to the fact that HAYES, CHANEY, and VOYLES would be present at the CCERO five (5) days later while third-parties accessed those same machines.

Record 4

Email from WESLEY VICKERS, Coffee County Manager, to HAYES, THOMAS-CLARK ([REDACTED]), and WENDELL STONE ([REDACTED]) on January 4, 2021 at 8:31 p.m. The email stated that the board of commissioners "appointed WENDELL (STONE) and MATTHEW(MCCULLOUGH) to the board this morning. They also appointed ANDY THOMAS to take MR. PEAVY'S spot". This confirmed what C.T. PEAVY had told SA BALDWIN during their interview, that PEAVY was no longer on the Board of Elections when the computer trespass incident occurred.

A copy of the Magnet Axiom Report has been attached to this summary.

Investigative act concluded.

ATTACHMENTS

COPY OF NOTE(S) CCBOE 2/2/2021 Meeting Minutes

[\(Attachments\)](#)

OTHER Magnet Axiom Reports

[\(Attachments\)](#)

E-MAIL(S) Attachments

[\(Attachments\)](#)

EVIDENCE

DELL OPTIPLEX 3060 MICRO DESKTOP COMPUTER;

[CC57146-8E2D52A9-Evidence.pdf](#)

THUMB DRIVE CONTAINING DATA FROM COFFEE COUNTY

[BB61195-Evidence.pdf](#)

SPECIAL AGENT CHRISTOPHER BALDWIN: 8/4/2023

cb: 8/4/2023



Exhibit C

Email Attachments

Record 1

Tags	Evidence
File Name	FILE_8668.docx
Artifact	Outlook Emails
Artifact ID	1165474
Subject	Open Records:
File Extension	.docx
File Size (Bytes)	44085
Created Date/Time - UTC+00:00 (M/d/yyyy)	12/31/2020 8:19:56 PM
Modified Date/Time - UTC+00:00 (M/d/yyyy)	12/31/2020 8:19:56 PM
MD5 Hash	1b6e8e3fe016e15687f6531b05ef72b0
SHA1 Hash	f0cac8d8533a55e013414e05dd0d6772deb61fe7
To Address(es)	Misty Hampton <misty.hampton@coffeecounty-ga.gov>
From Address	Preston Haliburton [REDACTED] >
Email Timestamp Date/Time - UTC+00:00 (M/d/yyyy)	12/31/2020 8:19:08 PM
Attachment	[Binary data]
Source	<ul style="list-style-type: none"> 41-0046-39-23_CC57146.E01 - Partition 3 (Microsoft NTFS, 117.99 GB) OS\Users\misty.hampton\AppData\Local\Microsoft\Outlook\misty.hampton@coffeecounty-ga.gov.ost
Location	<ul style="list-style-type: none"> File Offset 329474048 n/a
Evidence number	<ul style="list-style-type: none"> 41-0046-39-23_CC57146.E01
Item ID	1165491

Outlook Emails

Record 1

Tags	Evidence
Sender Name	Preston Haliburton <[REDACTED]>
Recipients	Misty Hampton <misty.hampton@coffeecounty-ga.gov>
Subject	Open Records:
Created Date/Time - UTC+00:00 (M/d/yyyy)	12/31/2020 8:19:56 PM
Submitted Date/Time - UTC+00:00 (M/d/yyyy)	12/31/2020 8:19:08 PM
Delivered Date/Time - UTC+00:00 (M/d/yyyy)	12/31/2020 8:19:56 PM
Body	<p>Sent from my iPhone</p>
Folder Name	misty.hampton@coffeecounty-ga.gov.ost -> Inbox
Attachments	FILE_8668.docx

Headers

Received: from MN2PR09MB5753.namprd09.prod.outlook.com (2603:10b6:208:218::13) by SA0PR09MB7340.namprd09.prod.outlook.com with HTTPS; Thu, 31 Dec 2020 20:19:56 +0000

Received: from BN6PR09CA0024.namprd09.prod.outlook.com (2603:10b6:405::34) by MN2PR09MB5753.namprd09.prod.outlook.com (2603:10b6:208:218::13) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.3721.19; Thu, 31 Dec 2020 20:19:55 +0000

Received: from DM3GCC02FT004.eop-gcc02.prod.protection.outlook.com (2a01:111:f400:7d04::204) by BN6PR09CA0024.outlook.office365.com (2603:10b6:405::34) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.3721.19 via Frontend Transport; Thu, 31 Dec 2020 20:19:55 +0000

Authentication-Results: spf=softfail (sender IP is 69.40.10.45) smtp.mailfrom=icloud.com; coffeecounty-ga.gov; dkim=pass (signature was verified) header.d=icloud.com; coffeecounty-ga.gov; dmarc=pass action=none header.from=icloud.com; compauth=pass reason=100

Received-SPF: SoftFail (protection.outlook.com: domain of transitioning icloud.com discourages use of 69.40.10.45 as permitted sender)

Received: from spam.sgcce-inc.com (69.40.10.45) by DM3GCC02FT004.mail.protection.outlook.com (10.97.8.158) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.3721.20 via Frontend Transport; Thu, 31 Dec 2020 20:19:54 +0000

X-ASG-Debug-ID: 1609445983-153ac55efd49ff0001-km5bXB

Received: from st43p00im-ztfb10061701.me.com (st43p00im-ztfb10061701.me.com [17.58.63.172]) by spam.sgcce-inc.com with ESMTSP id 6wF9wn2pQyZojWkM (version=TLSv1.2 cipher=ECDHE-RSA-AES128-GCM-SHA256 bits=128 verify=NO) for <misty.hampton@coffeecounty-ga.gov>; Thu, 31 Dec 2020 15:19:43 -0500 (EST)

X-Barracuda-Envelope-From: prestonhaliburton@icloud.com

X-Barracuda-Effective-Source-IP: st43p00im-ztfb10061701.me.com[17.58.63.172]

X-Barracuda-Apparent-Source-IP: 17.58.63.172

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=icloud.com; s=1a1hai; t=1609445982; bh=zxlee+efMcUbr0QU97e/q1a+U7Ysn+aZRKqgyfQuT/0=; h=Content-Type:From:Mime-Version:Date:Subject:Message-Id:To; b=FDbxhrTt1I7LdEGlyI9HvK5iYjIOEVavILFACQox5Kn1kclBZ+ZdE0GISBvC34849

Hv7W1ym48cXZ9Lmz0JrTe+khIDOPU0rQPDCtOsvohE+SWd2Hv+F5zX+kMf4MNxBfC

/KmbO5snXSEA+KDKV0TbJ30JpuiNXyETV3p4vv+tU/cKuAXLad15//qSInt8K956Pu

tVIBge5sOgppkiyJQzmEexRUOLPSPqcx6V4dbMi86Dgl1d2KzaPscV2q+P2Kivz+aP

OTw0gPJda+Q50jwc2drWhUgHGSvA/M5mqlZOzRPrkJKk8DQ1WuReVuiCnhcTzBwVm

EifL860K+DNVw==

Received: from [100.64.176.144] (163.sub-174-218-135.myvzw.com [174.218.135.163]) by st43p00im-ztfb10061701.me.com (Postfix) with ESMTPSA id 3633DAC0769 for <misty.hampton@coffeecounty-ga.gov>; Thu, 31 Dec 2020 20:19:10 +0000 (UTC)

Content-Type: multipart/alternative; boundary=Apple-Mail-DF5F7137-C4EA-4AF7-AE20-27FDCE55E F75

Content-Transfer-Encoding: 7bit

From: Preston Haliburton <[REDACTED]>

Mime-Version: 1.0 (1.0)

Date: Thu, 31 Dec 2020 15:19:08 -0500

Headers	<p>Subject: Open Records: Message-Id: <E28AA4AD-CCE1-43E7-B254-176020066AD1@icloud.com> X-ASG-Orig-Subj: Open Records: To: misty.hampton@coffeecounty-ga.gov X-Mailer: iPhone Mail (17G68) X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10434:6.0.343,18.0.737 definitions=2020-12-31_11:2020-12-31,2020-12-31 signatures=0 X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 suspectscore=0 malwarescore=0 phishscore=0 bulkscore=0 spamscore=0 clxscore=1011 mxscore=0 mxlogscore=999 adultscore=0 classifier=spam adjust=0 reason=mx scancount=1 engine=8.0.1-2006250000 definitions=main-2012310122 X-Barracuda-Connect: st43p00im-ztfb10061701.me.com[17.58.63.172] X-Barracuda-Start-Time: 1609445983 X-Barracuda-URL: https://spam.sgcce-inc.com:443/cgi-mod/mark.cgi X-Barracuda-License: Expired X-Barracuda-BRTS-Status: 1 X-Virus-Scanned: by bsmtpd at sgcce-inc.com X-Barracuda-Scan-Msg-Size: 407 Return-Path: prestonhaliburton@icloud.com X-MS-Exchange-Organization-ExpirationStartTime: 31 Dec 2020 20:19:54.8813 (UTC) X-MS-Exchange-Organization-ExpirationStartTimeReason: OriginalSubmit X-MS-Exchange-Organization-ExpirationInterval: 1:00:00:00.0000000 X-MS-Exchange-Organization-ExpirationIntervalReason: OriginalSubmit X-MS-Exchange-Organization-Network-Message-Id: 7ab0237a-e82e-464c-4d67-08d8adc96fcf X-EOPAttributedMessage: 0 X-EOPTenantAttributedMessage: b078ab68-6595-48cb-b760-3272606da07d:0 X-MS-Exchange-Organization-MessageDirectionality: Incoming X-MS-PublicTrafficType: Email X-MS-Exchange-Organization-AuthSource: DM3GCC02FT004.eop-gcc02.prod.protection.outlook.com X-MS-Exchange-Organization-AuthAs: Anonymous X-MS-Office365-Filtering-Correlation-Id: 7ab0237a-e82e-464c-4d67-08d8adc96fcf X-MS-TrafficTypeDiagnostic: MN2PR09MB5753: X-MS-Oob-TLC-OOBClassifiers: OLM:9508; X-MS-Exchange-Organization-SCL: 1 X-Microsoft-Antispam: BCL:0; X-Forefront-Antispam-Report: CIP:69.40.10.45;CTRY:US;LANG:en;SCL:1;SRV:;IPV:NLI;SFV:NSPM;H:spam.sgcce-inc.com;PTR:spam .sgcce-inc.com;CAT:NONE;SFS:(6266002)(6966003)(10290500003)(5660300002)(33656002)(19618925 003)(58800400005)(36756003)(1096003)(3480700007)(82202003)(564344004)(356005)(26005)(95600 4)(2616005)(4743002)(22186003)(336012)(86362001)(7116003)(6916009)(7596003)(8676002)(67060 04)(7636003)(43540500002);DIR:INB; X-MS-Exchange-CrossTenant-OriginalArrivalTime: 31 Dec 2020 20:19:54.7194 (UTC) X-MS-Exchange-CrossTenant-Network-Message-Id: 7ab0237a-e82e-464c-4d67-08d8adc96fcf X-MS-Exchange-CrossTenant-Id: b078ab68-6595-48cb-b760-3272606da07d X-MS-Exchange-CrossTenant-AuthSource:</p>
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Headers	DM3GCC02FT004.eop-gcc02.prod.protection.outlook.com X-MS-Exchange-CrossTenant-AuthAs: Anonymous X-MS-Exchange-CrossTenant-FromEntityHeader: Internet X-MS-Exchange-Transport-CrossTenantHeadersStamped: MN2PR09MB5753 X-MS-Exchange-Transport-EndToEndLatency: 00:00:01.6483666 X-MS-Exchange-Processed-By-BccFoldering: 15.20.3700.031 X-Microsoft-Antispam-Mailbox-Delivery: ucf:0;jmr:0;auth:0;dest:1;ENG:(20160514016)(750128)(520011016)(944506458)(944626604); X-Microsoft-Antispam-Message-Info: =?us-ascii?Q?X1MONCKJyfq80jg8+vo7257s+zFOs/KKU4quAzOBXGcHcEnSM0F8zWdGrzC?= =?us-ascii?Q?QIUicWbo4r7AU7Nlv0TWTkXBeNjeybQRHkaLD89yM9Fpae42psdxn/Z2iy6?= =?us-ascii?Q?7Gje89s181hO7BAANwBpFwWz1rx93d56XU7+35W1h7XV2Z/GGHU9WhjOcj7s?= =?us-ascii?Q?DJBj4M4oUy+XP2cwl3+eEmiisvLe3e0RD9nLHA7yg9gUmQLw2a61PJ6v0CIF?= =?us-ascii?Q?pw1N9JnwP4hZa1d9TP1NDyJpVfUhzDknKlY7crWRabYpbxiuhW6vX9haS9G?= =?us-ascii?Q?/DeZscmLtkcqD18+y7KtfkDCvOz+qxziJmzedWI2b3CuXuH5UJvJnNJdM4V?= =?us-ascii?Q?1ES01+y9OUHQJ/3qcqVjT+hCLMj6YsB8zDc0LxPxyQD8YXdf/7fjtckyDW?= =?us-ascii?Q?/e8/YOhsfgf2z/tsKS23yiccNtcsQxlGwvyUL97xecPSYZk/MfqaNaMgzH6t?= =?us-ascii?Q?FhzE+UxH4TU1OwwbeNixwMwNkZ9yJ6lkekiMxlmwD3Z7vdV5qr4+r3A0mjdl?= =?us-ascii?Q?wn3HokvSv2A/K5cLrTa3AZef5thvFczya811D/ZH8FNwxVvCPAwLXFDqSjJ?= =?us-ascii?Q?0W53kYnKx3P622SP/bmqSASoo/otug4skFTqceK31jG00LHM9EaC7O5PZ+i?= =?us-ascii?Q?MqF6VVHgsVUeSG2f+J1gXuBgwS9P52fUDIT0xmqqZ1LLuJvPYYqgI92kLpLc?= =?us-ascii?Q?eFZLYeeXpc1tJhOvHD/MGE/UJH6soencqCGX4JaWInStfL9Z7qHvhYSD7zs?= =?us-ascii?Q?AWNOgzh3V9Aleb7w9beX/VGOBUaQmZcT6wles/KrRzXoguGrskJkx77W8Aau?= =?us-ascii?Q?omHIBcn310j9xnczU9YCFebStnonl+2kzQkvMzYfsrUL4bGi6H/yv/QSmHo?= =?us-ascii?Q?IVu8gFV7JVEUrYTYZ9/Tr3uFFJs4lQSI8e3gnjEPPrnoYrfN3alnoGcdPgY?= =?us-ascii?Q?G8qE8xbrMxXg3CYzoA0kr/7scFKhZk+HzTJKJRBs3pUg+oV6jdXNQMV6pjqr?= =?us-ascii?Q?IdkuseG6CKqeAXDBIVozQVsARfiC2ldjwiHO/v5pCndWIC+bf3/0qABUjPmy?= =?us-ascii?Q?4TabQ4MqSWyMeyKfu9qmqsgzY0vvht0lYa3Gmhcxv3/MX6gedHoEQMPavKX9?= =?us-ascii?Q?W7J/NBaFGj+VULKiKpwxYc7PscJVEI20LqK4p3rMt6uqaF9WovJQ074a4zB?= =?us-ascii?Q?YC/csixr2K1lMnxpN15qn7vleG/JUZ1ghZl5u0+Lor7Jl2UzlkLQ6jboZEbu?= =?us-ascii?Q?SkvM++MfmzcfC2NqcBHQ33mSlinhoblineFg/hyWklhw2CQMwalaAIDCdUeT?= =?us-ascii?Q?bCJ81LV9Fz54Z6O+33q6rtfNpQEtEiNSnHAHU006lLjaw=3D=3D?= Priority Normal Importance Normal Sensitivity Normal Source <ul style="list-style-type: none"> 41-0046-39-23_CC57146.E01 - Partition 3 (Microsoft NTFS, 117.99 GB) OS\Users\misty.hampton\AppData\Local\Microsoft\Outlook\misty.hampton@coffeecounty-ga.gov.ost Location <ul style="list-style-type: none"> n/a File Offset 329474048 Evidence number <ul style="list-style-type: none"> 41-0046-39-23_CC57146.E01 Recovery method <ul style="list-style-type: none"> Parsing Item ID 1165474
---------	--

Record 2

Tags	Evidence
Sender Name	Microsoft Outlook
Recipients	mprestonhaliburton@gmail.com <[REDACTED]>
Subject	Undeliverable: Fwd: Open Records:
Sender Exchange Account	/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109E0C3FBAFF
Created Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:42 AM
Submitted Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:42 AM
Delivered Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:43 AM

Exhibit D

Outlook Emails

Sensitivity	Normal
Source	<ul style="list-style-type: none"> 41-0046-39-23_CC57146.E01 - Partition 3 (Microsoft NTFS, 117.99 GB) OS\Users\misty.hampton\AppData\Local\Microsoft\Outlook\misty.hampton@coffeecounty-ga.gov.ost
Location	<ul style="list-style-type: none"> n/a
Evidence number	<ul style="list-style-type: none"> 41-0046-39-23_CC57146.E01
Recovery method	<ul style="list-style-type: none"> Parsing
Item ID	1165484

Record 3

Tags	Evidence
Sender Name	Misty Hampton
Recipients	mprestonhaliburton@gmail.com <[REDACTED]>
Subject	Fwd: Open Records:
Sender Exchange Account	/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F06378D423F14A958BBB90DB4A1E2363-MISTY HAMPT
Created Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:42 AM
Submitted Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:40 AM
Delivered Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:40 AM
Last Modified Date/Time - UTC+00:00 (M/d/yyyy)	1/1/2021 12:51:42 AM
Body	<p>Get Outlook for iOS</p> <p>From: Misty Hampton Sent: Thursday, December 31, 2020 5:20:18 PM To: Preston Haliburton <[REDACTED]> Cc: Ernestine Thomas-Clark <[REDACTED]>; Ernestine Thomas-Clark <[REDACTED]> Subject: RE: Open Records:</p> <p>We have received your open record request, and I will be speaking with my board, and per the Ga law I do not see any problem assisting you with anything yall need accordance to Ga. Law. Yall are welcome in our office anytime. Coffee County is willing to work with anyone with accordance to the Georgia law.</p> <p>Misty Martin Election Supervisor Coffee County Board of Elections 224 West Ashley St Douglas, Ga. 31533 912-384-7018 - Office 912-393-7181 - Direct misty.hampton@coffeecounty-ga.gov</p> <hr/> <p>From: Preston Haliburton <prestonhaliburton@icloud.com> Sent: Thursday, December 31, 2020 3:19 PM To: Misty Hampton <misty.hampton@coffeecounty-ga.gov> Subject: Open Records:</p> <p>Sent from my iPhone</p>
Folder Name	misty.hampton@coffeecounty-ga.gov.ost -> Inbox

Headers	
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Outlook Emails

Recovery method	• Parsing
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