

# Background: Fulton County, Georgia, charges against Trump and 18 others for 2020 presidential election interference, explained

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## KEY TAKEAWAYS

- On August 14, 2023, a grand jury convened by District Attorney Fani Willis in Fulton County, Georgia, [indicted](#) former President Donald Trump and 18 of his allies on violations of 16 Georgia statutes. These charges include violations of Georgia’s Racketeer Influenced and Corrupt Organizations Act, or [RICO](#).
- All 19 defendants have [surrendered](#) at the Fulton County jail and [entered](#) a not guilty plea.
- Defendants Sidney Powell and Kenneth Chesebro exercised their speedy trial rights and their trials were [set](#) for October 23, 2023, in Fulton County Court. In the days leading up to trial, both pled guilty and were sentenced for their offenses. Jenna Ellis also pled guilty and was sentenced for her offenses. Several defendants have filed various pre-trial motions (regarding removal, discovery, and dismissal).
- The 98-page indictment laying out 161 actions in furtherance of the conspiracy tells a clear story: **Donald Trump and his allies attempted to undermine the will of the American people** in an effort to overturn the 2020 presidential election.
- **Long after recounts and litigation confirmed that he lost the election, Trump and his allies pressured Georgia officials** to overturn the election results to keep Trump in power.

## DETAILS ON THE FULTON COUNTY ELECTION INTERFERENCE INDICTMENTS

The [98-page indictment](#) in Fulton County, Georgia lays out charges against [19 individuals](#), including Trump, for violations of 16 Georgia statutes. These charges include violations of Georgia’s Racketeer Influenced and Corrupt Organizations Act, or [RICO](#) law, which allows prosecutors to jointly charge a group of people acting in concert when their crimes were in support of a common objective. In this instance, that objective was overturning the results of the 2020 presidential election in Georgia, and the individuals charged are referred to as a “criminal organization” in the indictment.

Other charges included in the indictment are:

- making false statements and writings;
- solicitation of violation of oath of public officer;
- impersonating a public officer and conspiring to impersonate;
- forgery and conspiracy to commit forgery;
- filing false documents;
- criminal attempt to influence witnesses;
- conspiracy to commit election fraud;
- conspiracy to commit computer theft and computer trespass;
- conspiracy to commit computer invasion of privacy;
- conspiracy to defraud the state; and
- perjury.

The [indictment](#) spells out 161 separate acts that prosecutors say were taken to further the alleged criminal conspiracy, including:

- Phone calls that Trump and his allies made to Georgia officials, including Governor Brian Kemp, Attorney General Chris Carr, Secretary of State Brad Raffensperger, and House Speaker David Ralston, to pressure them to overturn the election results.
- Recruitment of a slate of false Georgia electors who tried to cast Electoral College votes for Trump on December 14, 2020, after and even though Joe Biden had been certified the winner of Georgia's presidential election.
- Solicitation of Department of Justice attorneys to investigate unfounded claims of fraud in the states' 2020 presidential election contests.
- Solicitation of Vice President Mike Pence to reject the real slate of electors for Joe Biden during the congressional joint session on January 6, 2021.
- False testimony that Trump allies gave to Georgia legislative committees to convince legislators to support a false slate of presidential electors for Trump.
- False statements that Fulton County election worker Ruby Freeman committed fraud, including switching thousands of votes, statements that led to harassment and threats against Freeman.
- Accessing sensitive Georgia elections data, including voting systems and personal voter information, in Coffee County in search of fraud evidence to try to overturn the election.
- Similar acts by the co-conspirators that took place outside of Georgia, including to recruit false electors in other states, all as part of the effort to overturn the election results.

[The 19 charged individuals are:](#) *(in alphabetical order after Trump, with affiliation during the relevant time period)*

1. Donald Trump (U.S. president)
2. Robert Cheeley (Trump attorney)
3. Kenneth Chesebro (Trump attorney)
4. Jeffrey Clark (assistant U.S. Attorney General)
5. Stephen Lee (pastor)
6. John Eastman (Trump attorney)
7. Jenna Ellis (Trump attorney)
8. Harrison Floyd (director of Black Voices for Trump)
9. Rudolph Giuliani (attorney to Trump and former Mayor of New York City)
10. Scott Hall (Atlanta bail bondsman)
11. Misty Hampton (former Coffee County elections director)
12. Trevian Kutti (publicist)
13. Cathleen Latham (false Trump elector and former Coffee County Republican Party chair)
14. Mark Meadows (White House Chief of Staff)
15. Michael Roman (Trump campaign staffer)
16. Sidney Powell (Trump attorney)
17. David Shafer (Trump false elector and former state Republican Party chair)
18. Shawn Still (Trump false elector and now Georgia state senator)
19. Ray Smith III (Trump attorney)

The indictment also describes [30 unnamed](#) and unindicted co-conspirators, underlining the sprawling nature of the alleged conspiracy.

## PRE-TRIAL LITIGATION AND PROCEEDINGS FOR THE FULTON COUNTY INDICTMENTS

### Removal

- Meadows and Clark have [appealed](#) the federal District Court's [rejection](#) of their motions to remove their cases to federal court. At the December 15 hearing before a three-judge panel of the 11th Circuit Court of Appeals, each judge [expressed](#) significant concerns about allowing former federal officials like Meadows to remove their case. In pointed questioning, Chief Judge Pryor emphasized his view that the court did not have the power to allow former officers like Meadows to remove their case if Congress chose not to allow them to do so. On December 18, the panel [held](#) that the federal remove statute does not allow former officers to remove their cases to federal court. The panel also concluded that even if the statute did apply to former officers,

"participation in an alleged conspiracy to overturn a presidential election was not related to [Meadows'] official duties."

- The federal district court [rejected](#) the motions to remove the cases of the false electors Latham, Still, and Shafer and they have appealed.

### Dismissal

- [Trump](#), [Meadows](#), [Chesebro](#), and [Powell](#) filed motions to dismiss.
- On March 13, Judge McAfee [quashed](#) six counts in the indictment, including three against Trump, finding that there was a lack of specificity in the indictment regarding the charges for soliciting public officers to violate their oaths of office.

### Disqualification

- On January 8, 2024, defendant [Mike Roman](#) [filed](#) a motion to disqualify DA Willis and dismiss the indictment alleging that DA Willis had a conflict of interest because of her romantic relationship with the special prosecutor on the case, Nathan Wade. [Trump](#) and other defendants subsequently filed their own motions to disqualify and dismiss the charges.
- On March 15, Judge McAfee [ruled](#) on these motions, finding DA Willis should not be disqualified from prosecuting the racketeering case against Trump and his co-defendants so long as Wade departed the case. His ruling followed significant briefing on this issue, including amicus briefs [filed](#) by States United, and three days of evidentiary hearings. Wade [resigned](#) later that day, following the ruling.

### Speedy Trial & Trial Dates

- The court granted Chesebro and Powell's respective motions requesting a speedy trial and [set](#) their trial dates for October 23, 2023. Both defendants pled guilty prior to trial.
- The court has [yet to set](#) the trial date for the other defendants; DA Willis has requested a March 2024 trial date.

### Discovery

- Judge McAfee [ruled](#) that attorneys for Chesebro and Powell can question grand jury members who voluntarily agree to speak with them, so long as their deliberations are not disclosed. Judge McAfee noted that he will oversee the interviews and determine which questions are asked.
- Judge McAfee also [rejected](#) Chesebro's motions to exclude his emails and memorandum on the grounds of attorney-client privilege.
- The judge will set trial dates for the remaining defendants.

### Plea Negotiations

- Scott Hall [pled guilty](#) to five counts of conspiracy to commit intentional interference with the performance of election duties. As part of his plea deal, he agreed to serve five years on probation, one for each count, refrain from polling activities while on probation, pay a \$5,000 fine, write a [letter](#) of apology to the citizens of Georgia, perform 200 hours of community service, cooperate with DA Willis' office, and not communicate with the other victims, witnesses, or co-defendants in this case.
- Sidney Powell [pled guilty](#) on October 19, 2023, the day before jury selection was set to begin in her trial. Powell pled guilty to six misdemeanor counts to commit intentional interference with performance of election duties (O.C.G.A. 16-4-8- and 21-2-597) arising out of a plot to unlawfully obtain access to voting machines in Coffee County, Georgia. Under the terms of the plea agreement, Powell is subject to six years on probation (12 months for each count), a fine of \$6,000, and restitution of \$2,700. She is further required to write a [letter](#) of apology for her actions and to testify truthfully against her co-defendants.
- Kenneth Chesebro [pled guilty](#) on October 20, 2023, the day that jury selection was scheduled to commence in his trial. Chesebro pled guilty to one felony count of conspiracy to commit filing false documents (O.C.G.A. 16-4-8 & 16-10-20.1(b)(1)). Under the terms of the plea agreement, Chesebro will serve five years of probation, pay \$5,000 in restitution, serve 100 hours of community service, must write an apology [letter](#) to the citizens of Georgia, and testify truthfully against his co-defendants.
- Jenna Ellis [pled guilty](#) on October 24, 2023. She pled guilty to one felony of making false statements and writings, concealment of facts, and fraudulent documents (O.C.G.A. 16-10-20). Under the terms of the plea deal, she will serve five years on probation, perform 100 hours of community service, pay \$5,000 in restitution, write an apology [letter](#) to the citizens of Georgia, provide evidence and documents, refrain from posting about the case on social media, and testify truthfully against her co-defendants.

## Special Commissions

- Governor Kemp appointed a three-member commission to review false elector Shawn Still's indictment in Fulton County and determined he should [not be suspended](#) from his role as a sitting Georgia state senator while the case is pending. The commission consisted of Georgia State Senate Majority Leader Steve Gooch, Georgia House Majority Leader Chuck Efration, and Georgia Attorney General Carr.
- Eight Georgia Senate Republicans [filed](#) a complaint against DA Fani Willis, alleging that she "improperly cherry-picked cases," to the newly constituted Prosecuting Attorneys Qualification Commission asking that they "conduct an immediate and thorough investigation" into certain allegations.

## WHAT'S NEXT

- The judge will set trial dates for the remaining 16 defendants.
- The removal litigation for Meadows, Clark, and the false electors will proceed through the appellate courts.

## PATHWAY TO THE FULTON COUNTY, GEORGIA, INDICTMENTS

- **Special Grand Jury (SGJ) convened:** In May 2022, DA Willis empaneled a SGJ to investigate interference in Georgia's 2020 presidential election contest. Twenty-three members of the public served on the SGJ, where they heard testimony from an array of witnesses (including but not limited to, Trump's staff, advisors, and attorneys, Georgia state officials and their staff, Georgia legislators, federal legislators, local election workers, members of the press, and a documentary filmmaker).
  - For more in-depth SGJ coverage, visit States United's [backgrounder](#).
- **SGJ releases report:** The SGJ concluded its work in early 2023, and [sections of its report](#) were released. These excerpts revealed that the SGJ had heard evidence from or about 75 individuals. It also revealed that the SGJ concluded there was no widespread fraud in Georgia's 2020 presidential election, and that certain SGJ witnesses may have perjured themselves. In its report, the SGJ made recommendations on whom to indict and under what charges. Those sections of the report were kept under seal while the case was presented to a regular grand jury, which had the power to indict.
- **SGJ litigation:** States United filed amicus briefs in litigation surrounding the SGJ's subpoenas to U.S. Senator [Lindsey Graham](#) of South Carolina, former White House Chief of Staff [Mark Meadows](#), and former National Security Advisor [Michael Flynn](#), who were all trying to avoid testifying. States United also filed an [amicus brief](#) opposing Trump's motion to disqualify DA Willis and to quash the SGJ report.
  - For more litigation history, visit States United's SGJ [backgrounder](#).
- **Grand jury convened:** In August 2023, DA Willis [empaneled a grand jury](#), which heard additional testimony from [witnesses](#). On August 14, 2023, the grand jury returned the indictment against [19 individuals](#) including Trump.

## OVERVIEW OF INTERFERENCE IN GEORGIA'S 2020 PRESIDENTIAL ELECTION

- Pressure campaign on Georgia officials to overturn the election results
  - **Secretary of State:** On January 2, 2021, Trump [called](#) Georgia Secretary of State Brad Raffensperger and made false claims about Georgia's election procedures. Most notably, Trump asked Raffensperger to "find 11,780 votes" in his favor, one vote more than the margin of victory for Biden, and even stated that Raffensperger could be subject to criminal liability for his role in administering the elections.
    - U.S. Senator Graham also [placed a call](#) to Raffensperger.
    - Trump also [called](#) Frances Watson, the chief investigator for the secretary of state's office, on December 23, 2020, where he pushed false claims of election fraud in Georgia.
  - **Governor:** Trump placed [calls](#) to Georgia Governor Kemp on December 5, 2020, to pressure him regarding Georgia's election results.
  - **Attorney General:** Trump placed a [call](#) to Georgia Attorney General Carr on December 8, 2020, to pressure him regarding Georgia's election results.

- **Georgia Legislature:**
  - Trump placed a [call](#) to Georgia House Speaker David Ralston on December 7, 2020, asking Ralston to call a special legislative session in an effort to overturn Georgia’s 2020 election results.
  - Trump’s campaign [called](#) nearly 120 Republican Georgia [legislators](#) to ask whether they would support a slate of presidential electors for Trump.
- **False electors:** Trump’s campaign, attorneys, and allies [organized](#) slates of false electors in seven states that were critical to the outcome of the 2020 presidential contest. In Georgia, [16 individuals](#) signed on to a [false elector slate](#), incorrectly stating Trump had won Georgia, in an attempt to overturn the state’s election results, which had been [certified for Biden](#).
- **Breach of voting systems:** Sidney Powell, a lawyer advising Trump, hired a company called SullivanStrickler to [scour voting systems](#) in Georgia and other states for evidence of election fraud or miscounts. A [small delegation](#) traveled to [Coffee County, Georgia](#), where they unlawfully accessed and [scanned](#) the county’s presidential election ballots and voting machines.

## RESOURCES

- States United Democracy Center: [The Georgia Indictment: Charges & Defendants](#)
- States United Democracy Center: [The January 6 Hearings: Georgia Spotlight](#)
- States United Democracy Center: Fulton County investigation amicus briefs
  - U.S. Senator [Lindsey Graham](#) of South Carolina
  - Former White House Chief of Staff [Mark Meadows](#)
  - Former National Security Advisor [Michael Flynn](#)
  - [Opposition to Trump's motion](#) to disqualify DA Willis and quash SGJ report
- States United Democracy Center: [Backgrounder on U.S. Department of Justice Election Interference Charges](#)
- States United Democracy Center: [Countering Lies About the 2020 Presidential Election](#)
- States United Democracy Center: [Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress](#)
- Just Security: [What to Expect When You’re Expecting a Georgia Indictment of Trump](#)
- The Brookings Institution: [Fulton County, Georgia’s Trump Investigation \(2022\)](#)
- The Brookings Institution: [Fulton County, Georgia’s Trump Investigation \(2021\)](#)
- American Oversight: [Copies of the Seven False Electoral College Slates](#)

## KEY NEWS COVERAGE

- The Atlanta Journal-Constitution: [Trump, 18 others indicted for trying to overthrow 2020 Georgia election](#)
- The Atlanta Journal-Constitution: [Trump indictment: Breaking down the ‘criminal enterprise’](#)
- The Atlanta Journal-Constitution: [Meet the 34-year-old judge who will oversee Trump prosecution in Georgia](#)
- The Atlanta Journal-Constitution: [Fulton sheriff investigating online threats to grand jurors after Trump indictment](#)
- The Atlanta Journal-Constitution: [Emails show Sidney Powell’s ties to copying Georgia election data](#)
- Georgia Public Broadcasting: [Legal experts present and future break down Trump’s Fulton County indictment](#)
- Georgia Public Broadcasting: [Indicted Georgia senator’s fate begins with Gov. Brian Kemp](#)
- The New York Times: [Trump and Allies in Georgia Face RICO Charges. Here’s What That Means](#)
- The Washington Post: [Trump charged in Georgia 2020 election probe, his fourth indictment](#)
- The Washington Post: [Weary of harassment, Black female election probe workers in Ga. welcome Trump charges](#)
- The Washington Post: [The phone calls from Trump’s team at the core of the Georgia indictment](#)
- WABE: [Fulton grand jury indicts Trump over 2020 election interference in Georgia](#)
- The New York Times: [The Key Players in Trump’s Plot to Upend the Election, Mapped](#)
- The New York Times: [Two Months in Georgia: How Trump Tried to Overturn the Vote](#)
- The Washington Post: [How Donald Trump tried to undo his loss in Georgia in 2020](#)