



Written by [R. Cort Kirkwood](#) on March 13, 2024

## In Georgia, Judge Dismisses Six Election Interference Charges Against Trump; Willis Case in Danger

A Fulton County, Georgia, judge [has dismissed](#) six counts of the politically motivated indictment against former President Donald Trump, former White House chief of staff Mark Meadows, former Trump aide Rudy Giuliani, and three other defendants for interfering in Georgia's 2020 presidential election.

Judge Scott McAfee said county prosecutor Fani Willis didn't define the defendants' crimes.

The men still face myriad other charges, including a violation of the state's Racketeering Influenced and Corrupt Organizations (RICO) Act, which is usually used to prosecute mobsters.

Be that as it may, Willis faces troubles of her own that could derail the case. She is accused of a conflict of interest and self-dealing in hiring a lover as lead prosecutor.



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### The Dismissed Counts

Willis has charged Trump and his co-defendants of election interference and conspiring to overturn Georgia's 2020 election results.

The [original indictment alleged](#) that 19 defendants committed 41 felonies, including the RICO violation that absurdly claims that Trump ran a corrupt organization akin to the Mafia.

The counts that McAfee dismissed — 2, 5, 6, 23, 28, and 38 — alleged that the defendants committed four crimes. Counts 2, 5, 6, and 23 accused Trump, Giuliani, and other defendants of soliciting the speaker of the Georgia House of Representatives and House and Senate members to violate their oaths of office and unlawfully appoint presidential electors.

Count 28 alleged that Trump and Meadows solicited the Georgia secretary of state to violate his oath by rigging election returns. Count 38 alleged that Trump asked the secretary to violate his oath by decertifying the election.

The defendants challenged the charges with a special demurrer. Demurrers permit defendants to fight an indictment by arguing that it trespasses the Constitution's due process clause of the [Sixth Amendment](#), which requires that a defendant "be informed of the nature and cause of the accusation."

The special demurrer argued that the counts did not specify the underlying crimes the defendants committed.

McAfee rejected the defendants' argument that the charges did not specify the oaths the officials took



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because “alternative oaths” are unavailable.

But the judge agreed that merely accusing them of soliciting officials to violate their oaths is not enough to warrant the charges. Citing precedent, the judge wrote that “a naked charge of solicitation cannot survive unless accompanied by additional elements establishing the solicited felony.”

“The Court’s concern is less that the State has failed to allege sufficient conduct of the Defendants — in fact it has alleged an abundance,” [he wrote](#):

However, the lack of detail concerning an essential legal element is, in the undersigned’s opinion, fatal. As written, these six counts contain all the essential elements of the crimes but fail to allege sufficient detail regarding the nature of their commission, i.e., the underlying felony solicited.... They do not give the Defendants enough information to prepare their defenses intelligently, as the Defendants could have violated the Constitutions and thus the statute in dozens, if not hundreds, of distinct ways.... Under the standards articulated by our appellate courts, the special demurrer must be granted, and Counts 2, 5, 6, 23, 28, and 38 quashed.”

### **Willis in Trouble**

The dismissal was a setback for Willis, whose case against Trump and the other defendants is in danger.

One defendant, Michael Roman, [says that Willis](#) must be removed from the case because of a blatant conflict of interest. A former federal prosecutor under President Barack Obama agrees.

To help prosecute the case, Willis, a Trump-hating fanatical leftist, hired three special prosecutors. Roman argues that Willis did not have the authority to appoint special prosecutors.

But more problematic is that Willis hired her boyfriend, Nathan Wade, as the lead prosecutor, Roman argues.

“The district attorney and the special prosecutor have been engaged in an improper, clandestine personal relationship during the pendency of this case,” the [filing alleges](#), “which has resulted in the special prosecutor, and, in turn, the district attorney, profiting significantly from this prosecution at the expense of the taxpayers.”

The filing accuses Willis of self-dealing because she and Wade “have traveled personally together to such places as Napa Valley, Florida and the Caribbean and the special prosecutor has purchased tickets for both of them to travel on both the Norwegian and Royal Caribbean cruise lines,” the filing alleges.

Willis’ office has paid Wade almost \$1 million.

The two claim their affair is over.

McAfee is the judge who heard the case Roman mounted against Willis. If he disqualifies Willis from the Trump prosecution, his decision will disqualify the whole office.

The case would then go to the “Prosecuting Attorneys’ Council of Georgia Executive Director Pete Skandalakis,” [CBS News reported](#).

“Council spokesperson Tracy Walston said Skandalakis would have a few options,” the network reported:



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“The executive director can appoint a district attorney, a solicitor-general, a retired prosecuting attorney, an attorney employed by the Department of Law, designate an attorney from the Prosecuting Attorneys’ Council, or appoint a competent attorney to act as district attorney pro tempore in place of the district attorney,” she said.

A prosecutor from another county could take over the case, CBS reported. Or the judge could punt the matter to the state bar association or an ethics panel.

If McAfee disqualifies Willis, his trial would likely [be delayed](#) until after this year’s presidential election.

The daughter of a former Black Panther who [shacked up](#) with communist terrorist Angela Davis, Willis falsely claimed that Roman’s accusations are racially motivated.

Also bad for Willis was news that a key operative on her staff [is a White House plant](#), which might be election interference itself.



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