

IN DISMISSING GEORGIA RICO CASE, PETER SKANDALAKIS FABRICATES JACK SMITH CONCLUSION

I am not surprised that Peter Skandalakis asked to dismiss the Georgia prosecution against Donald Trump. The fault for its dismissal lies primarily with Fani Willis for giving him the opportunity to dismiss it.

But Skandalakis' dismissal is dishonest in many places and outright false in one case: notably, in his claim that Jack Smith concluded that he could not prosecute the case after SCOTUS interfered.

The strongest and most prosecutable case against those seeking to overturn the 2020 Presidential election results and prevent the certification of those votes was the one investigated and indicted by Special Counsel Jack Smith. Although Special Counsel JackSmith's federal case encompassed evidence from multiple states, he ultimately concluded the federal case could not be prosecuted because of the U. S. Supreme Court's decision in Trump v. United States and the re-election of President Donald J. Trump.

Special Counsel Jack Smith wrote in his report, "Conversely, a select few of Mr. Trump's agents and elector nominees had insight into the ultimate plan to use the fraudulent elector certificates to disrupt the congressional certification on January 6 and willingly assisted.... In each of the targeted states, Mr. Trump and his co-conspirators successfully organized enough elector nominees and

substitutes to gather on December 14, cast fraudulent electoral votes on his behalf, and send them to Washington, D.C., for the congressional certification.”²⁸

The criminal conduct alleged in the Atlanta Judicial Circuit’s prosecution was conceived in Washington, D.C., not the State of Georgia. The federal government is the appropriate venue for this prosecution, not the State of Georgia. Indeed, if Special Counsel Jack Smith, with all the resources of the federal government at his disposal, after reviewing the evidence in this case and considering the U.S. Supreme Court’s decision in *Trump v. United States*, along with the years of litigation such a case would inevitably entail, concluded that prosecution would be fruitless, then I too find that, despite the available evidence, pursuing the prosecution of all those involved in *State of Georgia v. Donald Trump, et al.* on essentially federal grounds would be equally unproductive.

The evidence had nothing to do with Smith’s decision to drop the case when Trump was reelected. Indeed, before the election he had laid out how he still planned to do so, as he laid out in his immunity brief.

This motion provides a comprehensive account of the defendant’s private criminal conduct; sets forth the legal framework created by Trump for resolving immunity claims; applies that framework to establish that none of the defendant’s charged conduct is immunized because it either was unofficial or any presumptive immunity is rebutted; and requests the relief the Government seeks, which is, at bottom, this: that the Court determine that the defendant must stand trial for his private crimes as would

any other citizen.

This was a cowardly and partisan dodge by Skandalakis, one that sacrifices the integrity of Georgia's democracy.