

Trump lawyer wields cellphone evidence in Georgia case

Bart Jansen and Josh Meyer
USA TODAY

Donald Trump's lawyer submitted evidence Friday that a prosecutor in his Georgia election interference case visited Fulton County District Attorney Fani Willis dozens of times before their acknowledged romantic relationship began, but it was unclear if the information would help remove the prosecutors from the case.

The filing by Trump lawyer Steve Sadow, which was based on special prosecutor Nathan Wade's cellphone data, suggested he was in the vicinity of where Willis was staying 35 times from April through November 2021. Two of the occasions were late at night. Willis and Wade also exchanged thousands of calls and text messages that year, the filing said.

In a response filed with the court late Friday, Willis' team said Trump's lawyers are trying to introduce inadmissible evidence and that even if the judge were to consider it, "the phone records simply do not prove anything relevant."

Andrew Evans, Wade's personal lawyer on the disqualification issue, was not immediately available for comment.

Fulton County Superior Judge Scott McAffee is considering whether to disqualify Willis and Wade from the case because of their relationship. Removing the prosecutors would potentially delay a trial until after the November election, a Trump goal in four criminal cases he faces.

McAffee set final arguments in the disqualification hearing for March 1.

Anthony Michael Kreis, a law professor at Georgia State University, told USA TODAY that the cellphone evidence is almost certainly not the smoking gun that the defense may portray it to be. Cellphone data is often faulty and leads to false convictions or accusations of crimes, Kreis said.

"The question would be, does Judge McAffee want to reopen the evidentiary hearing and allow for all that?" Kreis said. "Or does he want to basically say that's enough, and say it's not admitted into evidence but weigh it accordingly?"

Sadow has offered to have his cellphone expert testify at the judge's convenience.

Trump and his remaining 14 co-defendants are charged with a racketeering conspiracy to try to steal the 2020 election. Each has pleaded not guilty. Four initial co-defendants have pleaded guilty and are cooperating with the prosecution.

Willis and Wade each testified under oath that the romance ran from spring 2022 to summer 2023 – after she hired him Nov. 1, 2021, to work on the Trump case. The prosecutors each testified that Willis repaid Wade in cash for trips to Belize, Aruba and California.

But Trump and other defendants have argued that Willis hired her romantic partner and benefited through travel from government payments to him. A former friend and colleague of Willis' in the district attorney's office, Robin Yearti, who temporarily rented her condo to Willis, testified the relationship began in 2019.

Sadow and Merchant accused Wade of lying under oath about when his relationship with Willis began, and thus committing perjury. They have submitted the cellphone data to bolster their argument and they are also seeking access to texts belonging to Wade's divorce lawyer, Terence Bradley.

Willis and Wade have testified he visited her at the condo occasionally while they knew each other professionally but before the romantic relationship began.

Kreis said the possibility of Willis or Wade being brought up on perjury charges is virtually nonexistent, because it's hard to prove someone lied knowingly and people often have trouble remembering details such as meetings.

"That's never gonna happen," Kreis said. "It's hard to bring perjury charges no matter what. ... I think people overestimate the ability to memorize or to recall fairly mundane things."

Sadow's filing featured a sworn statement from private investigator Charles Mittelstadt, who studied Wade's certified cellphone data from AT&T with a program called CellHawk. In conjunction with Sadow and Merchant, Mittelstadt served a subpoena on AT&T on Feb. 9 for the history of voice calls, texts and location data for the phone, and he received the records Feb. 15.



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