

House Resolution 872

By: Representative Byrd of the 20th

A RESOLUTION

1 Voting impeachment charges against Fani T. Willis, district attorney for the Atlanta Judicial
2 Circuit; and for other purposes.

3 WHEREAS, on January 1, 2021, Fani T. Willis took office as the district attorney for the
4 Atlanta Judicial Circuit; and

5 WHEREAS, pursuant to Code Section 15-18-2, all district attorneys in Georgia are required
6 to take the following oath of office: "I do swear that I will faithfully and impartially and
7 without fear, favor, or affection discharge my duties as district attorney and will take only
8 my lawful compensation. So help me God."; and

9 WHEREAS, pursuant to Code Section 45-3-1, all public officers are required to "swear that
10 he or she is not the holder of any unaccounted for public money due this state or any political
11 subdivision or authority thereof"; and

12 WHEREAS, Fani T. Willis, district attorney for the Atlanta Judicial Circuit, knowingly and
13 willfully initiated an internal Fulton County investigation, a special grand jury investigation,
14 and a regular grand jury investigation into the 2020 federal election dealing with a substitute
15 list of presidential electors despite the fact that Georgia law, the federal Electoral Count Act,

16 Article VI of the United States Constitution, and the 12th Amendment of the United States
17 Constitution prohibit her from having jurisdiction into such election matters; and

18 WHEREAS, Fani T. Willis, district attorney for the Atlanta Judicial Circuit, knowingly and
19 willfully withheld evidence of fraud, errors, and irregularities in the 2020 election from the
20 Fulton County special grand jury causing them to reach a false conclusion stating "no
21 widespread fraud took place in the Georgia 2020 presidential election that could result in
22 overturning that election", thus leading them to recommend indictment of 19 individuals who
23 acted lawfully in a manner adverse to district attorney Willis' political interests during a
24 legal 2020 federal election challenge; and

25 WHEREAS, on August 14, 2023, Fani T. Willis, district attorney for the Atlanta Judicial
26 Circuit, initiated a wrongful criminal prosecution against Donald John Trump, Rudolph
27 William Louis Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John
28 Chesebro, Jeffrey Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith III, Robert David
29 Cheeley, Michael A. Roman, David James Shafer, Shawn Micha Tresher Still, Stephen
30 Cliffgard Lee, Harrison William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell,
31 Cathleen Alston Latham, Scott Graham Hall, and Misty Hampton, a.k.a. Emily Misty Hayes,
32 for lawful activities performed during a legal 2020 federal election challenge for which she
33 lacked jurisdiction;

34 WHEREAS, in all counts of the individual indictments where the evidence consists only of
35 statements made, and where no malice or malicious intent is shown or specific words and
36 phrases were used to clearly indicate an intent to violate a specific law in those statements,
37 her bringing those counts violated Section 1, Clause 2 of the 14th Amendment of the United
38 States Constitution as applying the protections of the 1st Amendment of the United States

39 Constitution to the states, and are thus prosecutable under 18 U.S.C. Sections 241 and 242;
40 and

41 WHEREAS, on August 14, 2023, Fani T. Willis, district attorney for the Atlanta Judicial
42 Circuit, initiated a criminal prosecution against Donald John Trump, Rudolph William Louis
43 Giuliani, John Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey
44 Bossert Clark, Jenna Lynn Ellis, Ray Stallings Smith III, Robert David Cheeley, Michael A.
45 Roman, David James Shafer, Shawn Micha Tresher Still, Stephen Cliffgard Lee, Harrison
46 William Prescott Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham,
47 Scott Graham Hall, and Misty Hampton, a.k.a. Emily Misty Hayes, alleging, among other
48 charges, that each of the named individuals had violated subsection (c) of Code
49 Section 16-14-4, Georgia's Racketeer Influence and Corrupt Organizations (RICO) Act; and

50 WHEREAS, the acts of malfeasance, tyrannical partiality, and oppression committed by
51 Fani T. Willis, district attorney of the Atlanta Judicial Circuit, under the color of her office
52 in the wrongful indictment of Donald John Trump, Rudolph William Louis Giuliani, John
53 Charles Eastman, Mark Randall Meadows, Kenneth John Chesebro, Jeffrey Bossert Clark,
54 Jenna Lynn Ellis, Ray Stallings Smith III, Robert David Cheeley, Michael A. Roman, David
55 James Shafer, Shawn Micha Tresher Still, Stephen Cliffgard Lee, Harrison William Prescott
56 Floyd, Trevian C. Kutti, Sidney Katherine Powell, Cathleen Alston Latham, Scott Graham
57 Hall, and Misty Hampton, a.k.a. Emily Misty Hayes, constitute the severest case of gross
58 abuse of discretion as applied under paragraph (4) of Code Section 15-18-6 and of
59 prosecutorial misconduct under Code Section 45-11-4; and

60 WHEREAS, Code Section 45-11-4 provides in subsection (b): "A public officer may be
61 charged under this Code section for: (1) Malpractice, misfeasance, or malfeasance in office,

62 or (2) Using oppression or tyrannical partiality in the administration or under the color of his
63 or her office"; and

64 WHEREAS, Code Section 16-10-1 provides: "Any public officer who willfully and
65 intentionally violates the terms of his oath as prescribed by law shall, upon conviction
66 thereof, be punished by imprisonment for not less than one nor more than five years."; and

67 WHEREAS, Fani T. Willis, district attorney for the Atlanta Judicial Circuit, engaged in an
68 inappropriate relationship with special prosecutor Nathan Wade; and

69 WHEREAS, Fani T. Willis, district attorney for the Atlanta Judicial Circuit, has authorized
70 her office to compensate Nathan Wade with nearly \$700,000.00; and

71 WHEREAS, as a result of Fani T. Willis' inappropriate relationship with Nathan Wade, she
72 has financially benefitted; and

73 WHEREAS, Fani T. Willis, district attorney for the Atlanta Judicial Circuit, has committed
74 honest services fraud under 18 U.S.C. Section 1346; and

75 WHEREAS, the impeachment charges enumerated in this resolution show that the
76 prosecutorial misconduct of Fani T. Willis, district attorney for the Atlanta Judicial Circuit,
77 is not conducive to the interest and prosperity of this state and constitutes a violation of her
78 oath of office, violations of Georgia criminal law, and violations of Section 1 Clause 2 of
79 the 14th Amendment of the United States Constitution, a claim against which the State of
80 Georgia has no immunity; and

81 WHEREAS, Article III, Section VII, Paragraph I of the Georgia Constitution provides a
82 remedy when executive or judicial officers violate their oaths of office or commit other
83 offenses against the people of Georgia: "The House of Representatives shall have the sole
84 power to vote impeachment charges against any executive or judicial officer of this state or
85 any member of the General Assembly."

86 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
87 this body votes the following impeachment charges against Fani T. Willis, district attorney
88 for the Atlanta Judicial Circuit, and presents the same to the Senate of the State of Georgia:

89 (1) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

90 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
91 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
92 as district attorney." The prosecution of Donald John Trump on RICO and other charges
93 for the purpose of advancing District Attorney Willis' political career grossly violates this
94 oath; and

95 (2) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

96 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
97 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
98 as district attorney." The prosecution of Rudolph William Louis Giuliani on RICO and
99 other charges for the purpose of advancing District Attorney Willis' political career
100 grossly violates this oath; and

101 (3) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

102 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
103 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
104 as district attorney." The prosecution of John Charles Eastman on RICO and other
105 charges for the purpose of advancing District Attorney Willis' political career grossly
106 violates this oath; and

107 (4) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

108 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
109 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
110 as district attorney." The prosecution of Mark Randall Meadows on RICO and other
111 charges for the purpose of advancing District Attorney Willis' political career grossly
112 violates this oath; and

113 (5) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

114 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
115 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
116 as district attorney." The prosecution of Kenneth John Chesebro on RICO and other
117 charges for the purpose of advancing District Attorney Willis' political career grossly
118 violates this oath; and

119 (6) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

120 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
121 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
122 as district attorney." The prosecution of Jeffrey Bossert Clark on RICO and other charges
123 for the purpose of advancing District Attorney Willis' political career grossly violates this
124 oath; and

125 (7) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

126 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
127 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
128 as district attorney." The prosecution of Jenna Lynn Ellis on RICO and other charges for
129 the purpose of advancing District Attorney Willis' political career grossly violates this
130 oath; and

131 (8) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

132 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
133 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties

134 as district attorney." The prosecution of Ray Stallings Smith III on RICO and other
135 charges for the purpose of advancing District Attorney Willis' political career grossly
136 violates this oath; and

137 (9) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

138 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
139 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
140 as district attorney." The prosecution of Robert David Cheeley on RICO and other
141 charges for the purpose of advancing District Attorney Willis' political career grossly
142 violates this oath; and

143 (10) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

144 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
145 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
146 as district attorney." The prosecution of Michael A. Roman on RICO and other charges
147 for the purpose of advancing District Attorney Willis' political career grossly violates this
148 oath; and

149 (11) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

150 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
151 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
152 as district attorney." The prosecution of David James Shafer on RICO and other charges
153 for the purpose of advancing District Attorney Willis' political career grossly violates this
154 oath; and

155 (12) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

156 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
157 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
158 as district attorney." The prosecution of Shawn Micha Tresher Still on RICO and other
159 charges for the purpose of advancing District Attorney Willis' political career grossly
160 violates this oath; and

161 (13) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

162 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
163 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
164 as district attorney." The prosecution of Stephen Cliffgard Lee on RICO and other
165 charges for the purpose of advancing District Attorney Willis' political career grossly
166 violates this oath; and

167 (14) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

168 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
169 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
170 as district attorney." The prosecution of Harrison William Prescott Floyd on RICO and
171 other charges for the purpose of advancing District Attorney Willis' political career
172 grossly violates this oath; and

173 (15) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

174 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
175 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
176 as district attorney." The prosecution of Trevian C. Kutti on RICO and other charges for
177 the purpose of advancing District Attorney Willis' political career grossly violates this
178 oath; and

179 (16) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

180 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
181 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
182 as district attorney." The prosecution of Sidney Katherine Powell on RICO and other
183 charges for the purpose of advancing District Attorney Willis' political career grossly
184 violates this oath; and

185 (17) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

186 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
187 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties

188 as district attorney." The prosecution of Cathleen Alston Latham on RICO and other
189 charges for the purpose of advancing District Attorney Willis' political career grossly
190 violates this oath; and

191 (18) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

192 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
193 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
194 as district attorney." The prosecution of Scott Graham Hall on RICO and other charges
195 for the purpose of advancing District Attorney Willis' political career grossly violates this
196 oath; and

197 (19) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

198 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
199 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
200 as district attorney." The prosecution of Misty Hampton, a.k.a. Emily Misty Hayes, on
201 RICO and other charges for the purpose of advancing District Attorney Willis' political
202 career grossly violates this oath.

203 (20) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.

204 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
205 to "faithfully and impartially and without fear, favor, or affection discharge [her] duties
206 as district attorney." The prosecutions of all the Defendants above was accomplished by
207 prosecutorial vindictiveness in the withholding material evidence from the special
208 purpose grand jury and the grand jury involved in these matters.

209 (21) FALSE SWEARING BY A CANDIDATE Code Section 16-10-1.

210 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of
211 candidacy and upon being elected that she was not the holder of any unaccounted for
212 public money due this state", while owing the State late fees stemming from her
213 candidacy for public office. This act alone makes her ineligible to hold her office under
214 the Article II, Section II, Paragraph III of the Constitution of the State of Georgia.

215 (22) VIOLATION OF OATH BY PUBLIC OFFICER Code Section 16-10-1.
216 Fani T. Willis, district attorney for the Atlanta Judicial Circuit, swore in her oath of office
217 to take "only my lawful compensation" yet has profited from an inappropriate and
218 unethical relationship with a special prosecutor for her office, to the tune of nearly
219 \$700,000.00.

220 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is instructed
221 to transmit to the Senate a copy of this resolution containing the impeachment charges voted
222 by the House of Representatives and that the Senate is requested to make provisions for the
223 trial of Fani T. Willis, district attorney for the Atlanta Judicial Circuit, on said charges
224 pursuant to Article III, Section VII, Paragraph II of the Georgia Constitution.