IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA, Plaintiff, v. MARLON KAUTZ, ADELE MACLEAN, and SAVANNAH PATTERSON, Defendants.	)	CASE NO.: 23SC189192

MOTION TO DISQUALIFY THE ATTORNEY GENERAL'S OFFICE FROM ANY FURTHER PROSECUTION OF THIS CASE AND TO DISQUALIFY THE ATLANTA POLICE / HOMELAND SECURITY UNIT FROM ANY FURTHER PARTICIPATION IN THIS CASE AND FOR FURTHER RELIEF INCLUDING DISMISSAL OF THE INDICTMENT

On May 31, 2023, the Atlanta Police, accompanied by other law enforcement agencies executed a search warrant at the home of Marlon Kautz, Savannah Patterson, and Adele MacLean. Numerous computers, phones and other digital devices and storage devices were seized. Because all three of the defendants had retained counsel at the time, counsel advised the current Assistant Attorney General ("AAG"), who is still the lead attorney in the case, that there is likely to be a considerable amount of attorney-client privileged material, stored emails, and text messages in the devices. For that reason, counsel advised the Assistant Attorney General that he should employ a filter team to ensure that privileged material is not reviewed by any prosecutorial agents, including lawyers, police, investigators, paralegals, or any other employee involved in any way in

this case (Exhibit 1, June 14, 2023 emails to and from John Fowler, Esq.; Exhibit 2, June 22, 2023 Letter to John Fowler renewing request to establish a filter team before reviewing emails).

Counsel also asked to participate in preparing a filter team protocol to ensure that no problem would arise in the future about the protection of privileged material.

Approximately 10 months later, the AAG advised counsel that the AG's office had downloaded all the information from the seized devices but would not review any of the material (or share any of the downloaded material with any other defense counsel, or any law enforcement officer or investigator), until a filter team scrubbed the material. Counsel agreed with the AAG's decision and once again suggested that he be permitted to participate in establishing the protocol for the filter team.

Unbeknownst to counsel, the Attorney General's Office and its agents, as well as the Atlanta Police Department, had already secured all the emails from Adele MacLean's Gmail account and Savannah Patterson's email account by means of search warrants issued to Google. Included in the material sent by Google were detailed memoranda prepared by counsel for all three defendants, and communications from the defendants to counsel, all of which were privileged and clearly not open to inspection by the Assistant Attorneys General, their staff, or the Atlanta Police Investigators. (Exhibit 3, response from Google complying with search warrant and producing, unredacted, all emails from both Ms. Patterson's and Ms. MacLean's Gmail accounts).[1] Moreover, these privileged

[1] The prosecution has not provided a copy of the Google search warrant to the defense.

communications were then distributed as part of the discovery to all the defense teams in the case.

The search warrant to Google was apparently issued on July 7, 2023, less than three weeks after the AG's office agreed that a filter team was appropriate and necessary when reviewing defendants' emails from the seized devices. Yet, no filter team was initiated, no effort was made to protect the attorney-client privilege, and the search warrant itself did not provide for the use of a filter team, despite the AG's awareness of the need to have a filter team in place. Nor was the Superior Court Judge who signed the search warrant (Judge Dunaway) advised of the need for a filter team or the certainty that the evidence he was authorizing the prosecutors to obtain would contain privileged communications.

The search warrant apparently also required Google to provide to the AG and the prosecution team the "private papers" of the defendants that Georgia law expressly provides may *not* be the subject of a search warrant or even a plain view seizure. *See* OCGA § 17-5-21(b) and § 17-5-21(a)(5); *Brogdon v. State*, 287 Ga. 528 (2010).

The privileged communications should never have been distributed to 60 other sets of lawyers; 61 other defendants; or however many other people in the AG's Office, the Atlanta Police Department, the GBI, or any other law enforcement agency or member of the prosecution team have been provided access to the emails.

Yet that is exactly what the AAG did. The AG's office allowed the Atlanta Police to review all the emails – which they did – and the AG's office sent all the emails to every attorney in the case (there are currently approximately 80 attorneys in the case from

numerous states), all of whom have received the discovery and made the discovery available to all their clients.

There is no way to put the genie back in the bottle. These memoranda document counsel's advice about the activities of the Atlanta Solidarity Defense Fund, the strategy for defending against any prosecution or seizure of money, as well as a review of the activities of the Atlanta Solidarity Fund.

And it is not just the communications from the attorney for these three defendants that was included in the AAG's utterly indefensible decision to share these privileged materials with the police, other law enforcement agencies, and within the AG's office. Other lawyers who represented the defendants previously (or at the same time as present counsel), also communicated with Mr. Kautz, Ms. Patterson, and Ms. MacLean.

Counsel also know that Gmail accounts of *other* defendants were secured via search warrants, were reviewed by the prosecutors, and then shared with *all* defense counsel for all defendants, as well as numerous law enforcement agencies.

This was not an inadvertent, one-time disclosure. The police department investigators meticulously reviewed all the emails and apparently were not the slightest bit concerned about the obviously privileged material they were reviewing, including documents that included the warning label, "Attorney-Client Communication." The investigators prepared detailed files that highlighted many of the emails. This process proved that they were carefully reading through all the emails, and therefore must have reviewed the emails that were written to, or from, the three defendants with their attorneys.

At no time did the AG's office alert undersigned counsel that it was unnecessary to establish a filter team, because they already had reviewed all the emails, as did the police department, and just to make sure there was absolutely no confidentiality left to any of these communications, the AG's office then distributed the no-longer-confidential material to 60 sets of lawyers to share with their clients and their investigators and anybody else who was interested in reading what the defendants and their attorneys discussed.

This brazen violation of the attorney-client privilege, the Sixth Amendment, and the Due Process Clause of the United States Constitutions, and the Georgia Constitutional right to counsel in all cases (Ga. Const. Art I, § 1, ¶ XIV), deserves a remedy and punishment that fits the offense.

The defense urges the Court to grant the following relief:

1. Dismiss the Indictment against Marlon Kautz, Savannah Patterson, and Adele MacLean.
2. Remove the present Assistant Attorneys General from any further participation in the prosecution of this case beginning *instanter.*
3. Order the current Assistant Attorneys General to have no discussions whatsoever with any other member of the Attorney General's Office, or any law enforcement officer about the contents of this Motion so that further encroachment of the attorney client privilege is not perpetrated by the prosecutors.
4. Remove from the prosecution team all law enforcement officers from any law enforcement agency who had any contact with the discovery in the case, including all members of the Atlanta Police Homeland Security Unit that scoured the emails

that were then added to the specific discovery folder that included hundreds of the clients' emails.

5. Conduct a hearing at which the aforementioned Assistant Attorneys General and their staff and law enforcement agents will appear as witnesses and will *not* be permitted to appear as counsel for the prosecution.
6. Order the Attorney General's Office to immediately document every member of the office and every member of any law enforcement agency that has received the discovery in this case.

MEMORANDUM OF LAW

For obvious reasons, this motion requires the immediate attention of the Court.

For reasons that should have been obvious to the prosecution, none of the emails secured through the issuance of search warrants to all the defendants' email accounts should have been reviewed without ensuring that attorney-client communications were removed. It should have been obvious to the prosecution – and, in fact the prosecutors acknowledged – that the emails should not have been reviewed by any member of the prosecution team in the police department, and under no circumstances should the emails have been distributed to literally hundreds of people without ensuring that a filter team carefully reviewed the communications *before* the emails were shared with *anybody*.

That is why counsel for the defense, within a day or two of the seizure of the computers in the house explicitly warned the AAG to set up a filter team to prevent the breach of the attorney client privilege. And the Assistant AG acknowledged this necessity

and agreed that a filter team would be needed. (Exhibits 1 and 2; emails and correspondence, dated June 14 and 22, 2023).

The prosecutors, however, did nothing to prevent the disclosure. Instead, they shared the information with the police who then reviewed all the emails. They then shared the emails with all the defense attorneys in the case, who then shared the emails with all their clients, staff, and experts. Perhaps the Assistant Attorneys General will inform us at a hearing who else has been provided this information.

As noted above, the prosecutorial misconduct is not even limited to these three defendants, though this motion focuses on these three defendants. It is believed by undersigned counsel that the emails secured via search warrants for numerous other defendants also contain privileged material that was shared with the police and all the other lawyers and defendants.

The remedy must satisfy the need to completely purge the taint and to address the intentional misconduct, even if a finding of "intentional" is based on the utter inexcusable recklessness of the conduct in sharing the emails – after being warned not to – with the police and scores of other people whose review of the material cannot possibly be controlled or erased.

In *Shillinger v. Haworth*, 70 F.3d 1132 (10th Cir. 1995), the appellate court announced the following rule:

> we hold that when the state becomes privy to confidential communications because of its purposeful intrusion into the attorney-client relationship and lacks a legitimate justification for doing so, a prejudicial effect on the reliability of the trial process must be

> presumed. In adopting this rule, we conclude that no other standard can adequately deter this sort of misconduct. Id. at 1142.

The Georgia Supreme Court has adopted *Shillinger* as the Sixth Amendment analysis for intentional prosecutorial intrusions of attorney-client communications in Georgia. *See Howard v. State*, 279 Ga. 166, 170(3)(a) (2005) ("We agree with the reasoning in *Shillinger v. Haworth*, 70 F.3d 1132 (10th Cir.1995), when that court addressed the issue of the appropriate Sixth Amendment standards governing an intrusion by the prosecution into the defendant's communications with his attorney").

The Court in *Howard* expressly endorsed *Shillinger*'s *per se* prejudicial effect from a Sixth Amendment violation. 279 Ga. at 170 (3) (a) (". . . a prejudicial effect on the reliability of the trial process must be presumed"). Thus, the three defendants in this case shoulder no burden to show harm. *See Shillinger*, 70 F.3d at 1142 ("Our holding subsumes the state's argument that harmless error analysis should apply to this sort of Sixth Amendment violation because our per se rule recognizes that such intentional and groundless prosecutorial intrusions are never harmless because they necessarily render a trial fundamentally unfair.") (citation omitted); *see also Strickland*, 466 U.S. at 692 ("prejudice in these circumstances is so likely that case-by-case inquiry into prejudice is not worth the cost.").

Alternatively, should this Court deviate from *Howard* (and the defendants question whether this court has the authority to reject the Supreme Court's holding), the State would bear the burden to show harmlessness beyond a reasonable doubt. *See e.g.*, *Chapman v. California*, 386 U.S. 18, 24 (87 S.Ct. 824, 17 LE2d 705) (1967) ("Before

a federal constitutional error can be held harmless, the court must be able to declare a belief that it was harmless beyond a reasonable doubt."); *see also State v. Hightower*, 236 Ga. 58, 61 (222 SE2d 333) (1976) (placing burden on the prosecution). For almost all other non-structural Sixth Amendment violations, the Georgia Supreme Court imposes a heightened burden upon the State to show harmlessness from the constitutional transgression beyond a reasonable doubt. *See Mangum v. State*, 274 Ga. 573, 577(2) (555 SE2d 451) (2001) (same for Confrontation Clause violation); *see also Lowery v. State*, 262 Ga. 68, 74 (4) (b) (i) (646 SE2d 67) (2007) (same for right to counsel). The prosecution cannot meet that heavy burden in this case.

There is undeniable, documented proof in this case that:

1. The defense expressly cautioned the prosecution about the existence of extensive privileged communications between counsel and all three defendants (and additional communications with other lawyers) that were included in the defendants' emails that were obtained by the prosecution.
2. The prosecution acknowledged in writing that they were aware that privileged information would be present in the emails.
3. The prosecution assured counsel that steps would be taken to establish a filter team to avoid any improper review of privileged material.
4. The prosecution did not establish a filter team.
5. The prosecution obtained the privileged communications via a search warrant issued less than three weeks after acknowledging the need for a filter team if emails of the defendants were obtained.

6. The prosecution provided all the emails, including the privileged communications to the police investigators.
7. The police investigators reviewed all the emails.
8. The prosecution sent all the defendants' emails to 60 defense teams in this case.
9. The defense teams all received the privileged communications, and presumably shared the discovery with their clients.
10. There is no way to eliminate the prejudice – or to prevent the further dissemination of the information – given the breadth of the disclosures.
11. The emails of other defendants that were seized by means of search warrants also contained privileged communications, none of which were scrubbed by a filter team, and all of which have been shared with all 60 defense teams.
12. Counsel believes that several of the other defendants' emails were also provided to the police investigators for review, including their privileged communications with their respective attorneys.

CONCLUSION

For the foregoing reasons, the defendants urge the Court to set this matter down on an emergency basis for an evidentiary hearing and to grant the following relief:

1. Dismiss the Indictment against Marlon Kautz, Savannah Patterson, and Adele McLean;
2. Remove the present Assistant Attorneys General from any further participation in the prosecution of this case beginning *instanter*.

3. Order the current Assistant Attorneys General to have no discussions whatsoever with any other member of the Attorney General's Office, or any law enforcement officer about the contents of this Motion.
4. Remove from the prosecution team all law enforcement officers from any law enforcement agency who had any contact with the discovery in the case, including all members of the Atlanta Police Homeland Security Unit that scoured the emails that were then added to the specific discovery folders that included hundreds of the clients' emails.
5. Conduct a hearing at which the aforementioned Assistant Attorneys General and their staff and law enforcement agents will appear as witnesses and will *not* be permitted to appear as counsel for the prosecution. All inquiries to the foregoing individuals should be conducted with the witnesses testifying under oath.
6. Order the Attorney General's Office to immediately document every member of the office and every member of any law enforcement agency that has received the discovery in this case and to make each and every recipient available at an evidentiary hearing.
7. Order the Attorney General to disclose who directed the Atlanta Police / HSU division to review all the emails and prepare a report; who in the AG's office has reviewed the report; and who at any other law enforcement agency has reviewed the report; and who were the actual officers at the Atlanta Police / HSU who prepared the report.

8. The same information should be provided with regard to the Savannah Patterson emails and the corresponding Atlanta Police / HSU Report.

RESPECTFULLY SUBMITTED,

GARLAND, SAMUEL & LOEB, PC

/s *Donald Samuel*
Donald Samuel, Ga Bar #624475
Counsel for Marlon Kautz

/s *Joel McDurmon*
Joel McDurmon, Ga Bar #902163
Counsel for Adele MacLean

/s *Kristen Novay*
Kristen Novay Ga. Bar #742762
Counsel for Savannah Patterson

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kwn@gsllaw.com
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EXHIBIT 1

Subject: RE: Warrants
Date: Wednesday, June 14, 2023 at 3:42:44 PM Eastern Daylight Time
From: John Fowler
To: Don Samuel, Peter K. Johnson

Hi Don -

At this time, we are not in a position to hand out copies of the warrant. Of course, if and when discovery is appropriate, we will obviously turn it over.

As for the filter team, we will get one. Before we start the process of that, though, we are determining the scope of which items will be searched and what can/will be pulled on the electronic searches. As soon as we know the scope, we'll let you know and start the filter team process.

John

John Fowler
Deputy Attorney General
Office of the Attorney General Chris Carr
Prosecution Division
(404) 458-4235
mailto:jfowler@law.ga.gov
Georgia Department of Law
1 Martin Luther King, Jr. Drive, SW
Atlanta, Georgia 30334

-----Original Message-----
From: Don Samuel <dfs@gsllaw.com>
Sent: Wednesday, June 14, 2023 8:52 AM
To: John Fowler <JFowler@LAW.GA.GOV>; Peter K. Johnson <pkjohnson@dekalbcountyga.gov>
Subject: Warrants

Have you given any thought to my request to see the search warrant and supporting affidavit?

What about the necessity for a filter team? Nobody has asked me for names that should be used by the filter team. Which makes me think there is no filter team. You previously told me there would be a filter team. Please confirm and let me know the protocol it is using (or who I can contact).

Also, there are some items we would like to have returned, such as birth certificate and other items that are presumably not within the scope of any search warrant and not subject to plain view.

Don Samuel
Garland, Samuel & Loeb
DFS@gsllaw.com

EXHIBIT 2

Garland, Samuel & Loeb, P.C.
TRIAL ATTORNEYS

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Telephone (404) 262-2225
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Edward T. M. Garland
Donald F. Samuel
Robin N. Loeb
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Amanda Clark Palmer
Kristen W. Novay
David E. Tuszynski, Of Counsel
Hunter T. Hillin, Of Counsel
Clint Rucker, Of Counsel

Reuben A. Garland (1903-1982)

June 22, 2023

John Fowler, Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334

Pete Johnson, Assistant District Attorney, Dekalb County
Lance Cross, Assistant District Attorney, Dekalb County
DeKalb County Courthouse
Suite 4210
556 North McDonough Street
Decatur, Georgia 30030

Re: Marlon Kautz, Adele MacLean, Savannah Patterson

Gentlemen:

I continue to believe that the State has erred in accusing my clients of money laundering and charities fraud based on a $48,000 transfer to Siskiyou. The Network for Strong Communities (NfSC) did wire the money to Siskiyou and there it has remained since the day it was transferred. I have spoken to a representative from Siskiyou and it was confirmed to me that the money was received and remains in the Siskiyou bank account to this day. Siskiyou never transferred the funds to the NfSC after the money was received in May of this year. Siskiyou plans to use the money it currently has for legitimate purposes, including promoting legal protests and compensating protestors for legitimate expenses incurred during their protest activities. The NfSC and my clients have no role in any of those expenditures, including operationally, or planning, or decision-making about any expenditures.

I renew my request that you explain the basis in the warrants that the money was "returned" thus evidencing concealment money laundering. I believe that the government has the obligation to the court, the defense, and the community to correct errors when they are discovered. There is no such thing as "let bygones be bygones"

when the false information is being used to justify the issuance of the arrest warrants that the issuing judge presumably assumed was based on accurate information that was provided to her not only for the arrest of my clients, but also the seizure of their property. (Because you have not agreed to provide the search warrant affidavit to the defense, we do not know if the same erroneous allegations were made in the search warrant affidavit; if the same erroneous allegation was made, it should promptly be corrected with the court and counsel for the defendants). What justification could there be for hiding this information – or the correction of inaccurate information – from both the court and the defense?

I also want to renew, yet again, my request that a filter team be created to ensure that no attorney-client privilege material is reviewed by any member of the prosecution team, including prosecutors or law enforcement officers. You have assured me that this will be done, but as of now, there is nobody I can contact to alert the filter team to the various lawyers whose privileged communications should be filtered.

When you are able to discuss the return of certain items that were seized, I would like to meet and review what you are willing to return. There are several "buckets" of items that could be returned: (1) items that should not have been seized because they do not fit within the "to be seized" clause of the warrant and do not qualify as plain view seizures; (2) items that can easily be copied and returned (either originals or copies) that may or may not be within the four corners of the "to be seized" clause; (3) computers. I recognize that computers, cell phones and other digital hardware may be a complicated issue, but I hope we can devise an acceptable means of protecting the integrity of the evidence, while at the same time not depriving my clients of any access to personal and business documents.

I also want to bring to your attention my plan to ask the Magistrate to clarify or modify the bond conditions for all three of my clients:

1. The restriction on communicating through social media can be interpreted broadly (and improperly) to exclude any statements made by my clients to friends, colleagues, etc., who then repeat what one of them says in a social media post. For example, if Marlon were to speak to twenty people at a meeting of like-minded individuals about some subject matter, and one of those twenty people then repeats what Marlon said on a social media platform, I believe (and I have advised my clients) that this is not a violation of the bond

condition. I think the bond condition should be more carefully crafted to reflect this understanding.

2. There is a provision in the bond order that my clients may not provide support "in any form" for illegal activities in the forest or Cop City location. *Knowingly* supporting, or *intentionally* supporting, or *purposely* supporting illegal activity is a proper subject of a bond condition. But there must be that kind of qualification, otherwise the "supporter" could be held responsible for various improper ways in which somebody else uses one of my clients' "support." Just by way of example (not that this would ever happen with one of my clients), if a gun dealer sells a gun to a purchaser and the purchaser then uses the gun to rob a bank, one could easily say that the gun dealer "supported" the illegal activity. To avoid that inappropriate conclusion, the bond condition in our case should be limited to a prohibition on knowingly and intentionally supporting illegal activity. And this is particularly important to my clients because the Magistrate recognized that the First Amendment does limit the type of bond restrictions that would be appropriate or legal. The Magistrate surely would not enter an order that forbids peaceful protesting, or speaking at a protest, or urging others to peacefully protest. Yet, those activities could be viewed as "supporting" illegal activity if a protestor thereafter commits any offense – including a misdemeanor, or even a county ordinance violation.

Your response to these issues would be appreciated.

Sincerely,

Donald F. Samuel, Esq.

DFS/hh

EXHIBIT 3

Google LLC
1600 Amphitheatre Parkway

USLawEnforcement@google.com
Mountain View, California 94043
www.google.com

08/03/23

Detective Ronald Sluss
City of Atlanta Law Department
226 Peachtree Street SW
Atlanta, GA 30303

Re: Search Warrant dated July 07, 2023 (Google Ref. No. 37608639)
230211445

Dear Detective Sluss:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the Google account(s), *EMILYKMURPHY3@GMAIL.COM, DELLDOT@GMAIL.COM, IVAN090999@GMAIL.COM, BEANSNSQUASH@GMAIL.COM, S.GUPTA137@GMAIL.COM, NADJAMAE@GMAIL.COM, AMACLEAN94@GMAIL.COM, SAVVYPATTERSON@GMAIL.COM*, as specified in the Search Warrant. We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

Regarding your attached legal request, after a diligent search and reasonable inquiry, we have found no records for any Google account-holder(s) identified as {*brooke.cortemanche@gmail.com*}, as specified in your request. Therefore, we do not have documents responsive to your request.

To the extent that you have requested data related to the Google Chat service, and the target account participated in a Chat Room owned and controlled by a Google Workspace customer, included in the production is information sufficient to identify (a) the Workspace customer domain that owns and controls the Chat Room and records associated with the same; (b)

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the Workspace-owned Chat Room in which the target account participated; and (c) the date the target account joined the Workspace-owned Chat Room. [1]

To the extent that the Google account(s) targeted in the legal request have associated Google Pay profile(s), the production will include the target's Google Pay Customer Information, Billing information, and Transactions for Payments made to Google, if requested in your legal process. If you wish to obtain stored value accounts and events, or additional Sensitive Personally Identifiable Information (SPII) that Google may store, please email uslawenforcement@google.com with (a) the Google Reference Number, (b) the target account(s) for which additional records are requested, (c) the specific additional data points you are requesting, and (d) the language in the legal process that you believe entitles you to such records. We will review your request promptly and provide you with any responsive information.

For a Google Custodian of Records, we will require a subpoena and confirmation from you of the time and date of the appearance, the scope of testimony, any Google Reference Number(s) associated with the case, and the travel for the appearance at least one week in advance in order to identify, make the appropriate plans for, and prepare a custodian for trial

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Regards,

Jodie Bourgault
Google Legal Investigations Support

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[1] See the UserInfo.zip file, where [obfuscated_customer_id] indicates if a Chat Room is owned and controlled by a Workspace customer, and the domain of the [inviter_user] identifies the Workspace customer. If you wish to obtain Chat records associated with the target account that are owned and controlled by the Workspace customer, please use the information provided in this production to either request that information directly from the Workspace customer, *see Seeking Enterprise Customer Data Held by Cloud Service Providers*, U.S. Dep't of Justice (Dec. 2017), https://www.justice.gov/criminal-ccips/file/1017511/download, or to obtain appropriate legal process that identifies the Workspace-owned Chat Room and the Workspace customer domain for those records.

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Mountain View, California 94043
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CERTIFICATE OF AUTHENTICITY

I hereby certify:

1. I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.

2. I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.

3. Google provides Internet-based services.

4. Attached is a true and correct copy of records pertaining to the Google account-holder(s) identified with account(s) *EMILYKMURPHY3@GMAIL.COM, DELLDOT@GMAIL.COM, IVAN090999@GMAIL.COM, BEANSNSQUASH@GMAIL.COM, S.GUPTA137@GMAIL.COM, NADJAMAE@GMAIL.COM, AMACLEAN94@GMAIL.COM, SAVVYPATTERSON@GMAIL.COM,* with Google Ref. No. 37608639 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Search Warrant.

5. The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.

6. The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.

7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

___/s_Jodie Bourgault_____ Date: 08/03/23
(Signature of Records Custodian)

Jodie Bourgault
(Name of Records Custodian)

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	
Plaintiff,	)	
	)	CASE NO.:
v.	)	
	)	23SC189192
MARLON KAUTZ,	)	
ADELE MACLEAN, and	)	
SAVANNAH PATTERSON,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed this MOTIONS TO DISMISS AND OTHER RELIEF ON BEHALF OF MARLON KAUTZ, ADELE MACLEAN, AND SAVANNAH PATTERSON using the ODYSSEY eFileGA system which will automatically send email notification of such filing to all attorneys and parties of record.

This, the 24th day of June, 2024.

RESPECTFULLY SUBMITTED,

GARLAND, SAMUEL & LOEB, P.C.

/s/ *Donald F. Samuel*
DONALD F. SAMUEL, ESQ.
Georgia Bar No. 624475
Attorney for Defendants

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