

Act 105.

On or about the 30th day of December 2020, ROBERT DAVID CHEELEY committed the felony offense of FALSE STATEMENTS AND WRITINGS, in violation of O.C.G.A. § 16-10-20, in Fulton County, Georgia, by knowingly, willfully, and unlawfully making at least one of the following false statements and representations to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That poll watchers and media at State Farm Arena were told late in the evening of November 3, 2020, that the vote count was being suspended until the next morning and to go home because of "a major watermain break";
2. That Fulton County election workers at State Farm Arena "voted" the same ballots "over and over again" on November 3, 2020;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies. This was an act of racketeering activity under O.C.G.A. § 16-14-3(5)(A)(xxii) and an overt act in furtherance of the conspiracy.

Act 106.

On or about the 30th day of December 2020, DONALD JOHN TRUMP caused to be tweeted from the Twitter account @RealDonaldTrump, "We now have far more votes than needed to flip Georgia in the Presidential race. Massive VOTER FRAUD took place. Thank you to the Georgia Legislature for today's revealing meeting!" This was an overt act in furtherance of the conspiracy.

Act 107.

On or about the 31st day of December 2020, JENNA LYNN ELLIS wrote a memorandum titled "Memorandum Re: Constitutional Analysis of Vice President Authority for January 6, 2021 Electoral College Vote Count" to DONALD JOHN TRUMP. The memorandum outlined a strategy for disrupting and delaying the joint session of Congress on January 6, 2021, the day prescribed by law for counting votes cast by the duly elected and qualified presidential electors from Georgia and the other states, and stated, "the Vice President should therefore not open any of the votes" from six states, including Georgia, that were falsely characterized as having "electoral delegates in dispute." This was an overt act in furtherance of the conspiracy.

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Marcel A. Müller



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Table of Contents Ga Document 48

1. Understanding the eBook Ga Document 48
 - The Rise of Digital Reading Ga Document 48
 - Advantages of eBooks Over Traditional Books
2. Identifying Ga Document 48
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Ga Document 48
 - User-Friendly Interface
4. Exploring eBook Recommendations from Ga Document 48
 - Personalized Recommendations
 - Ga Document 48 User Reviews and Ratings
 - Ga Document 48 and Bestseller Lists
5. Accessing Ga Document 48 Free and Paid eBooks
 - Ga Document 48 Public Domain eBooks
 - Ga Document 48 eBook Subscription Services

- Ga Document 48 Budget-Friendly Options
- 6. Navigating Ga Document 48 eBook Formats
 - ePub, PDF, MOBI, and More
 - Ga Document 48 Compatibility with Devices
 - Ga Document 48 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Ga Document 48
 - Highlighting and Note-Taking Ga Document 48
 - Interactive Elements Ga Document 48
- 8. Staying Engaged with Ga Document 48
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Ga Document 48
- 9. Balancing eBooks and Physical Books Ga Document 48
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Ga Document 48
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Ga Document 48
 - Setting Reading Goals Ga Document 48
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Ga Document 48
 - Fact-Checking eBook Content of Ga Document 48
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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