

Why the Fulton County DA's office should be disqualified



by Gary Fouse

I watched parts of the closing arguments in the Fulton County case in which the defense attorneys in the Trump et al matter are asking for DA Fani Willis and lead prosecutor Nathan Wade to be removed from prosecuting the case due to conflicts of interest related to their personal romantic affair and their questionable testimonies before Judge Scott McAfee. Without going into all the sordid details which have been discussed in detail by the various networks and commentators, there was one point that was briefly mentioned by one of the defense attorneys, Harry MacDougald, that merits further discussion.

MacDougald made the point today that not only did Willis and Wade testify falsely about when their affairs began (before or

after Wade was hired by Willis to lead the prosecution), but the other attorneys from the Fulton County DA's office participating in the hearings basically sat there in silence. In other words, MacDougald made the point that the entire Fulton County DA's office is now complicit in perjury and misconduct.

During my 25-year career with US Customs and DEA, I had numerous occasions as the lead investigating agent to work with the assistant. US attorney prosecuting the case in terms of preparing the case for court. That included sitting at the counsel table with the prosecutor during the court sessions.

I recall on two such occasions being in a prosecutor's office while he was interviewing a witness who was going to testify. One thing we always did in these pre-trial interviews was to stress to the witness that he/she must tell the truth, the whole truth, and nothing but the truth. Do not embellish, do not leave anything out, and answer the questions from both attorneys truthfully even if the truthful answer may score a point for the other side. The last thing any prosecutor wants is for one of his witnesses to commit perjury.

On two such occasions, I recall the witnesses giving the prosecutors in question the impression that he (the witness) was feeling the prosecutor out as to what he (the prosecutor) wanted the witness to say in response to a specific question. On both occasions, the prosecutors, in no uncertain terms, told the witness that if he said anything false on the witness stand, he (the prosecutor) would halt the questioning and inform the judge that the witness was not telling the truth; further, that he would prosecute the witness for perjury. In both instances, I felt that the prosecutor was overreacting and may have misinterpreted what the witness was saying, but the point was made.

It is the duty of a prosecutor to immediately inform the court when he/she feels that his/her witness is not testifying

truthfully.

That brings us back to Fani Willis, Nathan Wade, and Terrence Bradley, Wade's former divorce lawyer. Having watched all three of their testimonies, it is my opinion that they were simply not credible. Furthermore, I feel strongly that Judge MacAfee doesn't believe them either. That is not due to anything the judge said rather he appears to be too intelligent to buy it.

Yet, Willis' deputies participating in the hearing sat there and listened to their testimonies, which I am sure they discussed with them prior to their actual testimony. Keep in mind, these are not the defense attorneys in this case. They are the **prosecutors**. In practice, a defense attorney representing a client he knows in his heart is guilty can put that client on the stand and ask him point blank: "Sir, did you murder your wife?"

"No Sir, I did not."

A prosecutor cannot play that game and get away with it for obvious reasons.

To summarize, in my view, these three witnesses lied under oath to the court. They are not just any witnesses. They are the County DA, the lead prosecutor, and his former divorce attorney. These are officers of the court, and (in my opinion) they committed perjury. How can any self-respecting prosecutor in the Fulton County DA's office be a party to this?

There is more than enough that has been presented to the court to lead Judge McAfee to disqualify not only Willis and Wade from the case but the entire Fulton County DA's office. This entire office has been corrupted by the actions of Willis and Wade. Either the case should be dismissed entirely or moved to another jurisdiction in Georgia. What a miscarriage of justice it would be for Willis and Wade (or anyone in that office) to prosecute this case in the face of what we have seen. How

could this be called justice?