

# [***Embattled Georgia DA Fani Willis and Trump trial judge hit the campaign trail***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C1M-6X21-JBSS-S008-00000-00&context=1516831)

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**Body**

(CNN) &#8212; In the high-stakes [*criminal case*](https://www.cnn.com/2024/05/08/politics/georgia-trump-fani-willis-appeal/index.html) against former President Donald Trump in Georgia, the defendant isn't the only one campaigning.

In an election year oddity, both the prosecutor, Fulton County District Attorney Fani Willis, and the judge presiding over the case, Fulton County Superior Court Judge Scott McAfee, are fighting to keep their seats.

"They probably a little nervous," Willis said with a nod to her team as she took the stage at a recent Democratic Party awards dinner. "They write all these speeches and then I say what I wanna say."

Such is the high-wire act for the district attorney and the judge as they juggle their campaigns with their court calendars. Even though both incumbents are favored to win, their upcoming elections add a layer of uncertainty to the election interference case against Trump and his remaining co-defendants.

The case is effectively at a standstill. It was sidetracked for months over whether Willis should be disqualified from the case after she had a romantic relationship with her lead prosecutor. She managed to stay on while he resigned. But now an appeals court said it will revisit the question of whether Willis should have been removed from the case.

A legal argument before the Supreme Court over whether Trump has immunity from prosecution also remains an issue in the Georgia case and may not be decided until this summer.

Willis is facing off in the Democratic primary against Christian Wise Smith, an attorney who failed to gain traction in his two previous bids for public office. And while the disqualification issue has been fodder for Willis' critics on the right, she remains the favorite among Democrat voters.

Wise Smith, meantime, has faced some skepticism from voters worried that if he ousts Willis it could endanger the Trump case.

McAfee is up against criminal defense attorney and talk radio host Robert Patillo in the nonpartisan judicial race. If Patillo prevails, he's expected to take over the cases on McAfee's docket, which could include the Trump election interference case.

Both races are on the Fulton County ballot May 21. Whoever prevails in the primary fight for district attorney is set to take on GOP attorney Courtney Kramer, who served in the Trump White House, in November. But she faces steep odds in deep blue Fulton County.

"I wasn't surprised to see candidates come out against both," said Michael J. Moore, former US attorney for the Middle District of Georgia, noting how politicized the Trump case has become. "That sometimes happens when they smell blood in the water."

Willis defiant on the campaign trail

Willis has sought to keep up a public presence in the community, as she wages her first reelection campaign since being elected in 2020. But at nearly every stop she's peppered with questions about the Trump case. And every remark is potential fodder for the defendants.

"Ain't no one above the law, either," Willis said at a recent campaign stop where she was endorsed by faith leaders. "I don't care how rich you are, how powerful you think you are, who your daddy is, what your political party might be, how much money you think you got and how evil your supporters are."

She added: "I will gladly leave this place knowing that I did God's work."

Despite Willis' defiant tone, she's dodged specific questions about the Trump case at public events and backed out of an April debate with Wise Smith, noting that she would be unable to talk about the highest-profile case on her plate.

The disqualification drama surrounding Willis hasn't spared Wise Smith from skepticism from some Democrats who believe Willis will most aggressively prosecute the Trump case.

"Some folks were worried that me jumping in the race, you know, might mean we lose that case," Wise Smith said in an interview with CNN. His counter: electing a prosecutor with less personal baggage would be beneficial to the case and the county.

But Wise Smith - who has campaigned on breaking the "school-to-prison pipeline" and tapping more community resources to drive down crime - has also raised concerns about the resources devoted to sprawling, high-profile cases, such as the election interference case.

"Would I drop the case? Let me say this, I think the case is in grave jeopardy right now," Wise Smith said of the Trump case. "I'm not dropping it if it's there when I get there, but we are going to look at the best way to go forward with it."

McAfee runs first campaign

McAfee, who was appointed to his job in December 2022 to fill a retirement vacancy, has also been hitting the trail for his first campaign, appearing at local rotary clubs, churches and marching in the local Inman Park festival parade.

In a rarity for a sitting judge, McAfee has also been granting interviews to local media. He offered one interviewer insight into his process of drafting the opinion he would eventually release declining to disqualify Willis from the case, as the judge insisted his rulings wouldn't be swayed by pressure from the campaign.

"I've had a rough draft in an outline before I ever heard a rumor that someone wanted to run for this position, so the result is not going to change because of ***politics***," McAfee told WSB radio in March.

His opponent, Patillo, is primarily running on criminal justice reform and has taken aim at the pace of cases, particularly given the violence and overcrowding at the local jail.

Patillo's suggested McAfee isn't moving aggressively enough on the Trump case and critiqued the way the judge handled the hearings on the Willis disqualification matter, suggesting some of the more explosive testimony shouldn't have played out in open court.

"In my courtroom and from my judicial philosophy, there would have a been a lot more things done in camera where we could have had these discussions behind closed doors," Patillo told CNN in an interview.

At a recent candidates' forum, McAfee spent the evening glad-handing and defending his record of moving cases along - without addressing the Trump case specifically.

"It's not as simple as just setting a trial date," McAfee said of docket management. "There's so many things that go into it pretrial and there's working in the case actively."

Willis, McAfee way ahead in fundraising

Both Willis and McAfee have outraised their opponents, according to the latest campaign finance reports. Willis has raised more than $550,000 compared to nearly $78,000 from Wise Smith.

McAfee has raised more than $325,000 for his reelection bid, including a $100,000 loan he provided for his campaign. Patillo has raised just shy of $12,000.

McAfee's coffers have been helped along by several players in the Trump case. Georgia Gov. Brian Kemp, a Republican, and former Gov. Roy Barnes, a Democrat, were the marquee guests at a recent fundraising event for McAfee. Kemp could wind up being a witness in the Trump case. And Barnes was already a witness in the Willis disqualification issue.

Ray Smith III, a Georgia lawyer and a defendant in the case, also donated to McAfee before Smith was indicted.

The donations aren't barred under ethics rules, but Patillo slammed them, saying "it creates the appearance of impropriety" and "it makes it seem like we're running a kangaroo court."

McAfee told CNN that his opponent is running to "raise his profile." He said Patillo's "comments about the recent fundraiser miss the point of bringing together two persons from both sides of the aisle, which is to show support from across the political spectrum. I believe it reflects a bi-partisan appreciation for fairness."

As for the $150 donation from Smith, McAfee said - and campaign filings confirm- he donated that contribution to the Boy Scouts.

"The politicking, it's kind of unseemly that they have to do it," Moore said of the increasingly acrimonious judicial race. "But that's just the nature of the beast down there."

This story has been updated with additional information.

By Sara Murray and Jason Morris, CNN

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