

# [***Alina Habba Outlines Donald Trump's Move Against Fani Willis***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BNK-S4N1-DY68-107P-00000-00&context=1516831)

Newsweek.com

March 29, 2024 Friday 6:26 AM EST

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**Length:** 593 words

**Byline:** James Bickerton

**Highlight:** Habba argued Trump's comments around the 2020 presidential election in Georgia are protected by the First Amendment.

**Body**

Donald Trump lawyer [*Alina Habba*](https://www.newsweek.com/topic/alina-habba?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) has argued the former president's Georgia election interference case should be dismissed on the basis of his comments being protected by the First Amendment.

Trump faces 10 charges in Georgia over allegations he broke the law while attempting to overturn the 2020 presidential election result in the state. The former president has pled not guilty to all counts and denies any wrongdoing.

On Thursday, Trump's legal team urged presiding Fulton County Superior Court Judge Scott McAfee to dismiss the case arguing his actions constituted "core value political discourse" which is defended by the First Amendment.

Earlier this month Trump became the GOP's [*presumptive 2024 presidential nominee*](https://www.newsweek.com/donald-trump-has-suburban-problem-1882227?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), focusing attention on the slew of criminal and civil legal cases he is involved in. Trump is [*also facing criminal cases*](https://www.newsweek.com/donald-trump-indictment-georgia-election-fani-willis-1819577?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) over allegations he orchestrated the payment of hush money to a pornographic actress, mishandled classified documents and acted illegally in attempting to block [*Joe Biden*](https://www.newsweek.com/topic/joe-biden?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)'s 2020 victory on a nationwide basis. He insists the cases against him are politically motivated and has pled not guilty to all charges.

Speaking to [*Fox News*](https://www.newsweek.com/topic/fox-news?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) on Thursday, Habba explained why Trump's legal team thinks the Georgia case against him should be dismissed.

She said: "What they argued today was very simple. A president has a right to speak—a human being, an American. This country is based on the constitutional First Amendment rights to speech.

"He had that right and he did so. He has also a right as the executive branch to question and provide election integrity. God knows out country needs that right now...so that's why we're looking at this from a serious standpoint of constitutional violations."

A clip of Habba's remarks was shared on X, formerly [*Twitter*](https://www.newsweek.com/topic/twitter?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), by the 'Acyn' account which posts footage related to U.S. ***politics***, where it received over 77,000 views.

*Newsweek* contacted the office of Fulton County District Attorney [*Fani Willis*](https://www.newsweek.com/topic/fani-willis?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), who is prosecuting the case, by email at 3:50 a.m. ET on Friday. This article will be updated if they decide to comment.

Speaking in court on Thursday, Trump attorney Steve Sadow argued his client's comments questioning the 2020 election outcome in Georgia formed "core value political discourse" protected by the First Amendment regardless of whether they were factually correct.

He said: "There is nothing alleged factually against President Trump that is not political speech. Take out the political speech. No criminal charges."

[*Prosecutor Donald Wakeford*](https://www.newsweek.com/donald-trump-atlanta-georgia-indictment-fani-willis-free-speech-2020-election-1884710?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) took a different view, commenting: "What we have heard today is an attempt to rewrite the indictment, to take out parts that are inconvenient, and say, 'Well, it's all speech. It's all talking.' He was just a guy asking questions and not someone who was part of an overarching criminal conspiracy trying to overturn election results for an election he did not win.

"It's not that the defendant has been hauled into a courtroom because the prosecution doesn't like what he said...He's being prosecuted for lying to the government."

McAfee has not yet indicated when he will rule on the Trump legal team's motion to dismiss based on the First Amendment.

Earlier this month, McAfee ruled Willis [*could continue prosecuting the case*](https://www.newsweek.com/fani-willis-survives-ruling-donald-trump-celebrating-verdict-1879689?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)despite accusing her of a "tremendous lapse of judgment" over her relationship with Nathan Wade, who was a special prosecutor on the case.

McAfee said Willis could continue running the case provided Wade was removed, with the then special prosecutor resigning almost immediately after his ruling.

[*Link to Image*](https://d.newsweek.com/en/full/2369859/fani-willis-alina-habba.jpg)

**Graphic**

Fani Willis and Alina Habba

Joe Raedle/James Devaney/GETTY

Fulton County District Attorney Fani Willis speaking during a news conference on August 14, 2023 in Atlanta, Georgia (left) and Donald Trump lawyer Alina Habba talking to the media outside the New York State Supreme Court on December 07, 2023 in New York City (right). On Fox News Habba argued Trump's comments about the 2020 presidential election in Georgia are protected speech under the First Amendment.

**Load-Date:** March 29, 2024

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