

Appeals court upholds dismissal of some charges against Trump, others in Georgia election case

By KATE BRUMBACK

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ATLANTA (AP) — A Georgia appeals court has upheld the dismissal of some of the charges against President-elect Donald Trump and others in the [Georgia 2020 election interference case](#), as the future of the case remains uncertain.

Fulton County Superior Court Judge Scott McAfee in March [quashed six counts in the indictment](#), including three against Trump, but he left in place other counts. Fulton County District Attorney Fani Willis appealed that ruling to the Georgia Court of Appeals, which on Friday upheld McAfee's ruling.

The indictment accused Trump and more than a dozen other people of participating in a wide-ranging scheme to illegally try to overturn Trump's narrow 2020 presidential election loss in Georgia. But the future of the case is up in the air — the Georgia Court of Appeals last month removed Willis from the case and even if that ruling is overturned, it seems unlikely that a criminal prosecution against Trump could proceed once he's inaugurated as president [for a second time on Monday](#).

Willis has asked the [Georgia Supreme Court to reverse](#) the ruling removing her and her office from the case. Trump's lawyers argued in a court filing Friday that the Georgia Supreme Court should not hear that appeal.

A spokesperson for Willis on Friday declined to comment on the Court of Appeals ruling.

The six dismissed counts charged the defendants with soliciting public officers to violate their oaths. One count stems from a [phone call Trump made](#) to Georgia Secretary of State Brad Raffensperger, a fellow Republican, on Jan. 2, 2021, in which Trump urged Raffensperger to "find 11,780 votes."

Another of the dismissed counts accused Trump of soliciting then-Georgia House Speaker David Ralston to violate his oath of office by calling a special session of the legislature to unlawfully appoint presidential electors.

McAfee said the counts did not allege sufficient detail regarding the nature of the violations. The Court of Appeals agreed, finding that "the indictment fails to include enough detail to sufficiently apprise the defendants of what they must be prepared to meet so that they can intelligently prepare their defenses."

The Georgia Court of Appeals last month ruled that Willis and her office could not continue to prosecute the case because of an "appearance of impropriety" created by a romantic relationship she had with [special prosecutor Nathan Wade](#), whom she had hired to lead the case.

Willis has asked the state Supreme Court to reverse that ruling, arguing in a court filing earlier this month the Court of Appeals was wrong to disqualify her "based solely upon an appearance of impropriety and absent a finding of an actual conflict of interest or forensic misconduct." Lawyers for Trump argued in a filing Friday that the lower appeals court got it right and that Willis' "disqualification is mandated because it is the only remedy that could purge the taint of impropriety."

If the state Supreme Court declines to take the appeal or upholds the Court of Appeals ruling, it will be up to the [Prosecuting Attorneys' Council of Georgia](#) to find another prosecutor to take over the case. That person could continue on the track that Willis has taken, decide to pursue only some charges or dismiss the case altogether.

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