

The Georgia Indictment of Former President Trump: A Snapshot

August 16, 2023

On August 14, 2023, a Georgia grand jury returned a multi-count [indictment](#) charging former President Donald Trump and others working on his behalf with engaging in an enterprise designed to overturn the outcome of the 2020 presidential election in violation of the state racketeering statute, among other things.

The statute, reminiscent in many ways of federal Racketeer Influenced and Corrupt Organization (RICO) provisions, [proscribes](#) conducting an enterprise's activities through a pattern of underlying (predicate) offenses. The [list](#) of predicate crimes in the state statute includes both violent and non-violent offenses, and defendants convicted of violating the statute [may](#) be imprisoned for between five and twenty years. Defendants may also be fined the greater of \$25,000 or three times the gain associated with the offense.

Mr. Trump is charged under thirteen of the [indictment](#)'s forty-one counts. The indictment alleges that he:

- Conspired and endeavored to conduct and participate in an enterprise through a pattern of predicate offenses in violation of the racketeering statute (count 1);
- Solicited the Speaker of the Georgia House of Representatives to call for a special legislative session for the unlawful appointment of presidential electors (count 5);
- Conspired to caused individuals to unlawfully present themselves as presidential electors (count 9);
- Conspired to make a false certification document regarding presidential electors (count 11);
- Conspired to make use of the false certification with knowledge of its falsity (count 13);
- Conspired to file the false certification of presidential electors in federal district court (count 15);
- Conspired to make a forged document submitted to federal and state officials purporting to fill an electoral college vacancy (count 17);
- Conspired to use the false document concerning filling an electoral college vacancy with knowledge of its falsity (count 19);

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- Filed a complaint in federal district court containing false statements relating to election fraud (count 27);
- Solicited the Georgia Secretary of State to unlawfully interfere with the certification of electors (count 28);
- Made one or more false statements relating to election fraud to Georgia officials (count 29);
- Solicited the Georgia Secretary of State to falsely decertify electors (count 38); and
- Falsely declared to the Georgia Secretary of State with respect to a matter within the Secretary’s jurisdiction that “the number of false and/or irregular votes is far greater than needed to change the Georgia election result” (count 39).

Mr. Trump was not named in the [indictment](#)’s other counts, which included allegations of harassing an election worker and tampering with election equipment.

In separate [cases](#), Mr. Trump has been indicted for several alleged federal crimes. Assuming Mr. Trump were to be convicted, the President could potentially [pardon](#) him for federal offenses (“offenses against the United States”), but not for state crimes. State officials would be responsible for considering clemency for any criminal convictions under state law.

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