Twitter Thread by Alan Feuer



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Good morning.
At 10 am there will be a hearing in Atlanta for Sidney Powell's "kraken" conspiracy lawsuit to overturn the Georgia elections. Just this morning, a judge in Michigan tossed a similar effort to overturn that state's results.
Here's a quick primer on the GA case.

In Powell's latest filing she says the vote in GA was "infected with fraud" on "multiple dimensions": absentee ballots illegally counted, nonresidents voted, data shows "anomalous" number of votes to Biden. She also claims Dominion voting machines were hacked by foreign powers.

As proof she offers the now-discredited video of the vote count in State Farm Arena & several "reports" by "experts"—including a former military intel officer codenamed Spider--who use "statistical analysis" to prove that Biden could not have gotten as many votes as he did.

Powell's plaintiffs are a group of would-be GOP presidential electors who want to vote for Trump. She claims they have standing in the case because, technically, they themselves are candidates for office.

Against this the state of GA and the Dems argue they do not have standing or a federal claim or viable proof.
"Much like the mythological 'kraken' monster…their claims of election fraud and malfeasance belong more to the kraken's realm of mythos than they do to reality."

Georgia, the defendants note, has certified its election results 3 times now: with a statewide risk-limiting audit, a hand recount and independent testing.

"The security of the state's electronic voting equipment was not compromised."

The case is anyhow moot at this point, defendants say. Even if it wasn't, the suit is untimely because of Powell's "inexcusable delay" in challenging the state's use of Dominion voting machines and its absentee ballot procedures after Trump lost.

This hearing will be the first at which Powell may have to put her actual proof of conspiracy to the test.
This weekend, the defendants dismantled it in a brutal motion to exclude her “expert” witnesses.
It’s too detailed to describe but here it is.
https://t.co/0z9soJ3Vtv

I'll be making periodic updates once the hearing starts.
Stay tuned.

We're coming to order in Atlanta.
Judge Timothy Batten, a GWB appointee, on the bench.
He tells the parties this hearing is being audiocast nationally so...be forewarned.

Judge Batten is now restating the plaintiff's claims and the defendant's response boiled down to: Why would Georgia's *Republican* officials help throw the election to Joe Biden?

Judge Batten says we'll start with the legal arguments and only if the suit survives those move on to the substance of the claims.
Legal problems include: standing, untimeliness, state claims not federal claims made.

Batten is now stating what Powell and crew want.
It's breathtaking:
Have a federal judge rule that "massive fraud" occurred, scrap the entire election in Georgia and effectively name Donald Trump the winner.

Joshua Belinfante speaks for the state of Georgia.
"This case simply does not belong in this court," he says.
Belinfante says the suit seeks "to substitute judicial fiat" for "the will of the people."

"Georgia laws are constitutional," Belinfante says. "Georgia elections are constitutional. Georgia machines are constitutional."

Belinfante notes it's not possible to give Powell what she wants: There's no authority anywhere for a federal judge to simply name a victor in an election.

Belinfante is now citing a litany of federal cases calling for dismissal here: a 3rd Crct appeals case, another Atlanta case from last month, the Michigan case decided this morning.
There is by now a growing body of case law that cuts against almost everything Powell has argued.

Amanda Callais up now for the Democratic Party which has intervened in the case.

She's repeating the lack of standing claim, the mootness claim, and the no federal-claim claim.

Now Callais is saying that the vote in Georgia has been counted and recounted multiple times.

"At this point," she says, "there is simply no question that Joe Biden has won Georgia's election."

Callais quotes the 3rd Circuit's recent slap down of the Trump campaign's effort to overturn the election in Pennsylvania.

"Voters not lawyers choose the president. Ballots not briefs decide elections."

Sidney Powell is up.

She says she's never seen a more completely pled case in her decades of practice.
Statistical analysis, video, etc.

Powell is not dealing AT ALL with the legal arguments at issue here. She's gone right into the heart of the voting machine conspiracy. It's hard to understand what exactly she is saying.

Judge Batten reins her back and tells her stop introducing evidence.
He asks her about federal/state claim issue.
Powell swears without explanation that she has raised federal claims.

Now Powell is back--again--to introducing evidence about the voting machines.

Judge Batten: You couldn't bring all these claims in state court? That's your position?
Powell: These are federal claims.

Batten: What about the 11th circuit's recent ruling that you can't de-certify?
Powell: Bush v Gore allows it.
Shrug emoji

Powell is going on again about her witnesses.
But this is not an evidentiary hearing.

Batten says you could have attacked the machines months ago.
Powell says she came forward with her claims as fast as possible.
She is saying this is a massive case with worldwide importance.
Frankly, she sounds crazy.

Now Powell, voice quavering, is citing absentee ballots now counted, ballots said to be "statistically anomalous."
She mentions the Fulton County video...
She is completely ignoring Judge Batten's schedule and is likely flirting with disaster.

Batten: How is this who case not moot? Even if you win, can Mr. Trump win the election?

As a practical matter, can Mr. Trump win the election evne if he wins Georgia? Batten asks.
Powell says yes, there's more fraud everywhere--everywhere!--in Senate seats, House seats, gubernatorial seats...
"This is nowhere near over," she says.

Powell is now going through her "expert" affidavits--again ignoring any matter of law.

Judge Batten is letting her go on.

It's hard to know exactly what this means but Powell just said something happened "in top secret at the English Street warehouse where all kinds of strange things were going on."

Powell is saying it's crucial to "de-certify and stop the vote."

Batten is back with the law.
He asks: How do your clients survive the motion to dismiss on standing?
Powell says electors have standing.

"That's a pretty glib response to what the 11th Circuit has held," Batten says.
Appeals courts, he adds, have made it clear they don't want federal court handling this issue. They want state courts doing it.

Powell has no idea what she's talking about.

"It's extremely important this court exercise its jurisdiction as a gatekeeper," she says.
Extreme importance felt by a litigant is not a legal argument as far as I can tell.

Fuzz on the line obscuring what Judge Batten is saying....

Powell is flirting with sanction.
She's back to the conspiracy theory evidence:
The military intelligence canard.
The "lie" about the water leak.
The "suitcase" votes....

"Something something unencrypted humanly something QR code," Sidney Powell.

Powell rests.
"Thanks you, ma'am," Judge Batten politely says.

NEW: Federal judge grants motion to dismiss Sidney Powell's Georgia "kraken" case following an hourlong hearing.

Judge Timothy Batten says that state courts need to hear these sorts of cases not federal courts.
Plaintiffs also do not have standing, Batten rules.

Batten also rules against Powell on untimeliness.
Powell could have questioned the use of Dominion voting machines in GA months ago, not three weeks after the election.

And...Judge Batten says he can't give Powell what she wants--de-certification of GA's already certified results.
"As if such a mechanism even exists and I find that it does not," he says.

Powell has now seen two of her kraken suits shot down today alone. Early this morning, a federal judge in Michigan denied an emergency request to overturn the election there too.

Hearing is adjourned. Out.