

Twitter Thread by Jonathan Casey



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This thread will debunk "the judges didn't look at evidence" nonsense that has been going around.

Over and over again, judges have gone out of their way to listen to the evidence and dismantle it, enjoy the carnage!

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Bowyer v. Ducey (Sidney Powell's case in Arizona)

"Plaintiffs have not moved the
needle for their fraud theory from conceivable to plausible"

This is a great opinion to start with. The Judge completely dismantles the nonsense brought before her.

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<https://t.co/F2vIUhM2G>

7 Advancing several different theories, Plaintiffs allege that Arizona's Secretary of
8 State and Governor conspired with various domestic and international actors to manipulate
9 Arizona's 2020 General Election results allowing Joseph Biden to defeat Donald Trump in
10 the presidential race. The allegations they put forth to support their claims of fraud fail in
11 their particularity and plausibility. Plaintiffs append over three hundred pages of
12 attachments, which are only impressive for their volume. The various affidavits and expert
13 reports are largely based on anonymous witnesses, hearsay, and irrelevant analysis of
14 unrelated elections. Because the Complaint is grounded in these fraud allegations, the
15 Complaint shall be dismissed. *Vess*, 317 F.3d at 1107 ("When an entire complaint, or an
16 entire claim within a complaint, is grounded in fraud and its allegations fail to satisfy the
17 heightened pleadings requirements of Rule 9(b), a district court may dismiss the complaint
18 or claim.").

King vs. Whitmer (Michigan, Sidney Powell case)

"Nothing but speculation and conjecture"

This is a good one to show people who think affidavits are good evidence. Notice how the affidavits don't actually say they saw fraud happen in Detroit.

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<https://t.co/NZAqivWkL>

With nothing but speculation and conjecture that votes for President Trump were destroyed, discarded or switched to votes for Vice President Biden, Plaintiffs' equal protection claim fails.¹¹ See *Wood*, 2020 WL 7094866 (quoting *Bognet*, 2020 WL 6686120, at *12) ("'[N]o single voter is specifically disadvantaged' if a vote is counted improperly, even if the error might have a 'mathematical impact on the final tally and thus on the proportional effect of every vote.'").

Trump v. Benson (Michigan)

"hearsay within hearsay"

Another good one to show people who think affidavits are absolute proof.

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<https://t.co/17GeGhImHF>

B. CONNARN AFFIDAVIT

Plaintiffs have submitted what they refer to as “supplemental evidence” in support of their request for relief. The evidence consists of: (1) an affidavit from Jessica Connarn, a designated poll watcher; and (2) a photograph of a handwritten yellow sticky note. In her affidavit, Connarn avers that, when she was working as a poll watcher, she was contacted by an unnamed poll worker who was allegedly “being told by other hired poll workers at her table to change the date the ballot was received when entering ballots into the computer.” She avers that this unnamed poll worker later handed her a sticky note that says “entered receive date as 11/2/20 on 11/4/20.” Plaintiffs contend that this documentary evidence confirms that some unnamed persons engaged in

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fraudulent activity in order to count invalid absent voter ballots that were received after election day.

This “supplemental evidence” is inadmissible as hearsay. The assertion that Connarn was informed by an unknown individual what “other hired poll workers at her table” had been told is inadmissible hearsay within hearsay, and plaintiffs have provided no hearsay exception for either level of hearsay that would warrant consideration of the evidence. See MRE 801(c). The note—which is vague and equivocal—is likewise hearsay. And again, plaintiffs have not presented an argument as to why the Court could consider the same, given the general prohibitions against hearsay evidence. See *Ykimoff v Foote Mem Hosp*, 285 Mich App 80, 105; 776 NW2d 114 (2009). Moreover, even overlooking the evidentiary issues, the Court notes that there are still no allegations implicating the Secretary of State’s general supervisory control over the conduct of elections. Rather, any alleged action would have been taken by some unknown individual at a polling location.

"mere speculation"

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<https://t.co/ekqYEqiIL9>

By contrast, plaintiffs do not offer any affidavits or specific eyewitness evidence to substantiate their assertions. Plaintiffs merely assert in their verified complaint "Hundreds or thousands of ballots were duplicated solely by Democratic party inspectors and then counted." **Plaintiffs' allegation is mere speculation.**

Plaintiffs' pleadings do not set forth a cause of action. They seek discovery in hopes of finding facts to establish a cause of action. Since there is no cause of action, the injunctive relief remedy is unavailable. *Terlecki v Stewart*, 278 Mich. App. 644; 754 NW2d 899 (2008).

Law v. Whitmer (Nevada case backed by the Trump Campaign)

Literally the last four pages just show the utter lack of evidence of fraud of any kind. No point in highlighting everything!

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13 C. Contestants did not prove that that "the election board or any member
14 thereof was guilty of malfeasance."
15 157. Contestants evidence does not establish by clear and convincing proof, or under
16 any standard of evidence, that "the election board or any member thereof was guilty of
17 malfeasance." NRS 293.410(2)(a).
18 158. Under Nevada law, "malfeasance . . . constitute[s] an act of commission as
19 distinguished from an act of omission." *Jones v. Eighth Jud. Dist. Ct.*, 67 Nev. 404, 408, 219 P.2d
20 1055, 1057 (1950).
21 159. "Omissions to act are not acts of malfeasance in office, but constitute nonfeasance.
22 A distinct difference is recognized between the two. Conduct invoking one charge will not be
23 sufficient to justify the other." *Buckingham v. Fifth Jud. Dist. Ct.*, 60 Nev. 129, 136, 102 P.2d 632,
24 635 (1940).
25 160. Malfeasance requires, at the very least, an allegation of knowledge that the act was
26 wrongful, if not a greater level of nefarious intent. See *Jones*, 67 Nev. at 415-18, 219 P.2d at 1060-
27 62 (finding that complaint sufficiently alleged malfeasance by alleging knowledge and agreeing
28

Constantio v. Detroit

This is another good one showing that the people being accused of fraud sign affidavits too. And they are far more trustworthy than rumors and innuendo. If the accusers had just shown up to training!

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<https://t.co/Ci4ESGIN45>

Plaintiffs rely on numerous affidavits from election challengers who paint a picture of sinister fraudulent activities occurring both openly in the TCF Center and under the cloak of darkness. The challengers' conclusions are decidedly contradicted by the highly-respected former State Elections Director Christopher Thomas who spent hours and hours at the TCF Center November 3rd and 4th explaining processes to challengers and resolving disputes. Mr. Thomas' account of the November 3rd and 4th events at the TCF Center is consistent with the affidavits of challengers David Jaffe, Donna MacKenzie and Jeffrey Zimmerman, as well as former Detroit City Election Official, now contractor, Daniel Baxter and City of Detroit Corporation Counsel Lawrence Garcia.

Arizona Republican Party v. Fontes

"A theory for which no evidence exists"

"the real issue" was not fraud, but "the outcome of the election"

Damn.

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<https://t.co/5aTdtXbcrv>

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

Ward v. Jackson (Arizona)

"the challenge fails to present any evidence of misconduct [or] illegal votes"

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<https://t.co/w16Cmnga9G>

The Court concludes, unanimously, that the trial judge did not abuse his discretion in denying the request to continue the hearing and permit additional inspection of the ballots. The November 9, 2020 hand count audit revealed no discrepancies in the tabulation of votes and the statistically negligible error presented in this case falls far short of warranting relief under A.R.S. § 16-672. Because the challenge fails to present any evidence of "misconduct," "illegal votes" or that the Biden Electors "did not in fact receive the highest number of votes for office," let alone establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results, the Court need not decide if the challenge was in fact authorized under A.R.S. § 16-672 or if the federal "safe harbor" deadline applies to this contest. Therefore,

I will definitely add to this thread as I come across new cases. Please feel free to suggest them!

Also, I will probably do a thread that goes over the courts finding that the States did NOT break their own election laws, so let me know if you will find that useful!