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## **Appeals Court Returns Counterfeit Ballot Case to Lower Court; VoterGA Seeks Recusal to Prevent Obstruction of Ballot Inspection**

**ATLANTA, GA, MAY 23, 2023** – On December 20, 2022, VoterGA Petitioners in a counterfeit ballot case won a [confirmation of standing](#) from the Georgia Supreme Court which forced the Court of Appeals to [remand their case](#) back to Superior Court where Petitioners could open discovery and proceed with the inspection of 2020 Fulton County mail-in ballots. Today, Petitioners, who expected Judge Brian Amero to resume the case, announced a [motion to recuse](#) newly assigned Judge Robert McBurney for bias.

The inspection was delayed for over two years after Judge Brian Amero's [false ruling](#) that Petitioners had no standing. Once Amero's ruling was overturned, he [transferred the case](#) to McBurney who accepted it in a surprise move that Petitioners claim will obstruct an inspection.

According to Petitioners, McBurney demonstrated a proven track record of notorious bias against election integrity advocates in his 2020 election cases. They presented a variety of examples showing extrajudicial biased remarks in McBurney's [dismissal](#) of a similar case brought by former Senator David Perdue. They also showed bias in McBurney's unprecedented release of private excerpts from the Special Grand Jury [report](#) investigation initiated by Fulton District Attorney Fani Willis. The release affected identifiable witnesses similarly situated to the Petitioners. McBurney was appointed to the bench in 2012 by Governor Nathan Deal after he led an investigation into Deal that was [mysteriously closed](#). As a federal prosecutor, McBurney signed a grand jury subpoena to collect evidence for the criminal investigation against Deal.

Petitioners have sought a ballot inspection because of [sworn affidavits](#) from senior Fulton poll managers stating they handled counterfeit ballots during a November 14, 2020, hand count audit. They also cite evidence of election law violations shown on the State Farm Arena video. The recent higher court decisions have paved the way for voters to finally determine the validity of the 2020 mail-in ballots as needed to implement safeguards that can prevent a reoccurrence of counterfeit ballots for the 2024 elections.

Petitioner Garland Favorito confirmed, *"We will do everything in our power legally to preserve the ballots, conduct an inspection and determine the validity of mail-in ballots in the 2020 election. Our goal is to ensure the Constitutional right of Georgia voters to have secure, transparent elections in the future. It is unfathomable how the lower courts of our judicial system have tried to block our discovery and protect those who may have been involved in criminal election fraud."*

In a related action, VoterGA also announced that non-Fulton County petitioners have filed a notice of intent to submit another [writ of certiorari](#) to the Georgia Supreme Court to appeal their exclusion from the case by the Court of Appeals. The Georgia Supreme Court [found](#) that citizens, residents, taxpayers and voters are community stakeholders who have standing to sue government officials and agencies who violate the law. The Petitioners will argue that they need not reside in Fulton since they are community stakeholders in a statewide election.

[VoterGA](#) is a non-partisan, 501(c)3 registered non-profit organization created by a coalition of citizens working to restore election integrity in Georgia. We advocate for independently verifiable, auditable, recount capable, transparent and tamper proof elections.