


# **EXHIBIT 1A**

← **Truth Details**

4041 replies

 Trending ▾



**Donald J. Trump** 

@realDonaldTrump

WOW! I just came out of the Biden Witch Hunt Trial in Manhattan, the "Icebox," and was shown Reports that Crooked Joe Biden's DOJ, in their Illegal and UnConstitutional Raid of Mar-a-Lago, AUTHORIZED THE FBI TO USE DEADLY (LETHAL) FORCE. NOW WE KNOW, FOR SURE, THAT JOE BIDEN IS A SERIOUS THREAT TO DEMOCRACY. HE IS MENTALLY UNFIT TO HOLD OFFICE — 25TH AMENDMENT!

**11.4k** ReTruths **28.9k** Likes

May 21, 2024, 5:21 PM

# **EXHIBIT 1B**



STOP THE WITCH HUNT



## **BREAKING FROM TRUMP: BIDEN'S DOJ WAS AUTHORIZED TO SHOOT ME!**

It's just been revealed that Biden's DOJ was authorized to use DEADLY FORCE for their DESPICABLE raid in Mar-a-Lago.

You know they're just itching to do the unthinkable...

Joe Biden was locked & loaded ready to take me out & put my family in danger.

He thinks he can frighten me, intimidate me, and ***KNOCK ME DOWN!***

But worst of all? They think their **THUG TACTICS** will cause proud supporters like YOU to abandon me.

But here's the one thing they don't know: **WE WILL NEVER SURRENDER!**

Biden's corrupt regime needs to get the message - right here, right now - that our patriotic movement CANNOT BE STOPPED!

[So before the day is over, I'm calling on ONE MILLION Pro-Trump patriots to chip in and say, STOP THE WITCH HUNT AGAINST PRESIDENT TRUMP! >](#)

**STOP THE WITCH HUNT**

I know you & I will have the last laugh when we peacefully win back the White House in November.

BUT I WON'T WIN WITHOUT YOUR SUPPORT!

[So I'm humbly asking for you to please, PLEASE stand with me today. >](#)

**STAND WITH TRUMP**

With you by my side, **WE WILL MAKE AMERICA GREAT AGAIN!**

Thank you,



A handwritten signature of Donald J. Trump in black ink. The signature is stylized and cursive, with the first name 'Donald' and the last name 'Trump' clearly visible.

Donald J. Trump  
45th President of the United States

**STOP THE WITCH HUNT**

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[donaldjtrump.com](http://donaldjtrump.com)

Thank you for joining Team Trump. We believe this is an important way to reach our grassroots supporters with the most up-to-date information regarding President Trump, and we're glad you're on our team. It's because of grassroots supporters like YOU that we've been able to consistently call out the Fake News media EVERY SINGLE TIME they've tried to spread misinformation or outright LIES about the important work President Trump is doing to SAVE AMERICA. Reaching grassroots supporters directly is CRITICAL if we're going to Save America from Joe Biden and the Left. But in order to do that, we need to provide supporters with the most up-to-date information on all of our efforts.

TEXT "TRUMP" to 88022 to start receiving text messages from President Trump.

It's because of the commitment and support from real Patriots, like YOU, that we will SAVE AMERICA!

Thank you again for your generous support. If you'd like to change your subscription status follow [this link](#).

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# **EXHIBIT 1C**

← **Truth Details**

747 replies

Trending ▾



**Donald J. Trump** ✓

@realDonaldTrump

I have gotten to know so many amazing United States Secret Service Agents - It has been my honor to have them protecting me and my family since our historic 2016 Victory against "Beautiful" Hillary Clinton. Shockingly, however, Crooked Joe Biden's Department of Injustice authorized the use of "deadly force" in their Illegal, UnConstitutional, and Un-American RAID of Mar-a-Lago, and that would include against our Great Secret Service, who they thought might be "in the line of fire." As I told Crooked Joe's DOJ, if they needed anything, "all they had to do was ask." They did not have to ILLEGALLY AND UNCONSTITUTIONALLY RAID my home, and rummage through my family's, including Barron's, private quarters. END THESE THIRD WORLD WITCH HUNTS, AND MAKE AMERICA GREAT AGAIN!

**3.92k** ReTruths **12.2k** Likes

May 23, 2024, 12:09 AM

# EXHIBIT 1D

https://truthsocial.com/@realDonaldTrump/posts/112497178478673085

TRUTH.

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Trending

Santa Surfing  
@SantaSurfing

Sneak peek into tomorrow morning's podcast!  
Weasel Garland approves the MAL raid!

We learned evidence was planted to frame Trump!

We are now learning Garland approved "Lethal Force" on Trump  
or anyone at MAL - WHILE the FBI/DOJ plants evidence to frame  
Trump!!!



2.24k ReTruths 5.9k Likes

May 21, 2024, 10:16 PM

# EXHIBIT 1E

← Truth Details

Trending

1918 replies



Donald J. Trump  
@realDonaldTrump



4.41k ReTruths 10.1k Likes

May 25, 2024, 12:15 PM

# EXHIBIT 2A

X Post from @patriottakes (embedding Stephen Bannon podcast excerpt)  
(May 21, 2024)

**Post**

**PatriotTakes** @patriottakes

Steve Bannon claims the Mar-a-Lago FBI classified document search was “an attempted assassination” by Joe Biden on Trump and his associates.

**Watch again**

**REAL AMERICA'S VOICE** FOLLOW US ON SOCIAL MEDIA **WAR ROOM**

GETTR: @RealAmVoice | @WarRoom

0:00

8:17 PM · May 21, 2024 · **112.4K** Views

**207** Reposts **148** Quotes **810** Likes **40** Bookmarks

40

<https://x.com/patriottakes/status/1793073686481883472>



# **EXHIBIT 2B**

X Post from @MZHemingway (May 21, 2024)



<https://x.com/MZHemingway/status/1793111850772840587>

# **EXHIBIT 3A**

← Truth Details

32407 replies

Trending ▾



Donald J. Trump ✓

@realDonaldTrump



- August 8, 2022 -

Statement by Donald J. Trump, 45th President of the United States of America

These are dark times for our Nation, as my beautiful home, Mar-A-Lago in Palm Beach, Florida, is currently under siege, raided, and occupied by a large group of FBI agents. Nothing like this has ever happened to a President of the United States before. After working and cooperating with the relevant Government agencies, this unannounced raid on my home was not necessary or appropriate. It is prosecutorial misconduct, the weaponization of the Justice System, and an attack by Radical Left Democrats who desperately don't want me to run for President in 2024, especially based on recent polls, and who will likewise do anything to stop Republicans and Conservatives in the upcoming Midterm Elections. Such an assault could only take place in broken, Third-World Countries. Sadly, America has now become one of those Countries, corrupt at a level not seen before. They even broke into my safe! What is the difference between this and Watergate, where operatives broke into the Democrat National Committee? Here, in reverse, Democrats broke into the home of the 45th President of the United States.

The political persecution of President Donald J. Trump has been going on for years, with the now fully debunked Russia, Russia, Russia Scam, Impeachment Hoax #1, Impeachment Hoax #2, and so much more, it just never ends. It is political targeting at the highest level!

Hillary Clinton was allowed to delete and acid wash 33,000 E-mails AFTER they were subpoenaed by Congress. Absolutely nothing has happened to hold her accountable. She even took antique furniture, and other items from the White House.

I stood up to America's bureaucratic corruption, I restored power to the people, and truly delivered for our Country, like we have never seen before. The establishment hated it. Now, as they watch my endorsed candidates win big victories, and see my dominance in all polls, they are trying to stop me, and the Republican Party, once more. The lawlessness, political persecution, and Witch Hunt must be exposed and stopped.

I will continue to fight for the Great American People!

**56.3k** ReTruths **148k** Likes

Aug 08, 2022, 6:51 PM

# **EXHIBIT 3B**

← Truth Details

Trending

4732 replies



Donald J. Trump  
@realDonaldTrump

A horrible thing that took place yesterday at Mar-a-Lago. We are no better than a third world country, a banana republic. It is a continuation of Russia, Russia, Russia, Impeachment Hoax #1, Impeachment Hoax # 2, the no collusion Mueller Report, and more. To make matters worse it is all, in my opinion, a coordinated attack with Radical Left Democrat state & local D.A.'s & A.G.'s.

17.3k ReTruths 66.4k Likes

Aug 09, 2022, 4:53 PM

← Truth Details

Trending

6283 replies



Donald J. Trump  
@realDonaldTrump

The FBI and others from the Federal Government would not let anyone, including my lawyers, be anywhere near the areas that were rummaged and otherwise looked at during the raid on Mar-a-Lago. Everyone was asked to leave the premises, they wanted to be left alone, without any witnesses to see what they were doing, taking or, hopefully not, "planting." Why did they STRONGLY insist on having nobody watching them, everybody out? Obama and Clinton were never "raided," despite big disputes!

19k ReTruths 57.3k Likes

Aug 10, 2022, 6:56 AM

← Truth Details

Trending

1229 replies



Donald J. Trump  
@realDonaldTrump

The FBI has a long and unrelenting history of being corrupt. Just look back to the days of J. Edgar Hoover. In the modern era, nothing has changed except that it has gotten far worse. Look at Comey, McCabe, Strzok and lover Lisa Page. Check out the brilliantly written but damning I.G. Reports. See what they were willing to do in order to get Crooked Hillary Clinton elected (they failed), and got caught! They spied on my campaign, pushed the FAKE Dossier, and illegally used the FISA Court.....

10.9k ReTruths 38.8k Likes

Aug 14, 2022, 8:02 AM

← Truth Details

Trending

995 replies



Donald J. Trump  
@realDonaldTrump

....The Inspector General said the FBI acted with "gross incompetence and negligence." I was fully vindicated in the Russia, Russia, Russia SCAM, the "No Collusion" Mueller Investigation, Impeachment Hoax #1, Impeachment Hoax #2, and all else. NOW THEY RAID MY HOME, ban my lawyers and, without any witnesses allowed, break the lock that they asked us to install on the storage area that we showed them early on, which held papers that they could have had months ago for the asking, and without.....

10.7k ReTruths 39.8k Likes

Aug 14, 2022, 8:03 AM



← Truth Details

Trending

1958 replies



Donald J. Trump  
@realDonaldTrump

...the ridiculous political grandstanding of a "break in" to a very storied, important, and high visibility place, just before the Midterm Elections. The whole World was watching as the FBI rummaged through the house, including the former First Lady's closets (and clothing!), alone and unchecked. They even demanded that the security cameras be turned off (we refused), but there was no way of knowing if what they took was legitimate, or was there a "plant?" This was, after all, the FBI!

12.1k ReTruths 44k Likes

Aug 14, 2022, 8:04 AM

← Truth Details

Trending

5852 replies



Donald J. Trump  
@realDonaldTrump

Oh great! It has just been learned that the FBI, in its now famous raid of Mar-a-Lago, took boxes of privileged "attorney-client" material, and also "executive" privileged material, which they knowingly should not have taken. By copy of this TRUTH, I respectfully request that these documents be immediately returned to the location from which they were taken. Thank you!

28.2k ReTruths 79.4k Likes

Aug 14, 2022, 8:22 AM

← Truth Details

Trending

4551 replies



Donald J. Trump  
@realDonaldTrump

Just left a large gathering of people and all they could talk about was the complete and total stranglehold that the Radical Left Democrats have over the DOJ & FBI. It shouldn't be that way. Nobody goes after BLM, ANTIFA, or the rest, despite murder, beatings, and burning down large sections of cities, a very unfair double standard. They definitely won't attack the home of a former Democrat President, nor should they. It is all so out of control, great simmering anger!

16.3k ReTruths 60.1k Likes

Aug 14, 2022, 1:58 PM

← Truth Details

Trending

4639 replies



Donald J. Trump  
@realDonaldTrump

America has never suffered this kind of ABUSE in Law Enforcement! For the FBI to RAID the home of the 45 President of the United States, or any President for that matter, is totally unheard of and unthinkable. This Break In was a sneak attack on democracy (our Republic!), and was both unannounced and done at a time when the President was not even present. It was for political, not legal reasons, and our entire Country is angry, hurt, and greatly embarrassed by it. MAKE AMERICA GREAT AGAIN!

17.7k ReTruths 62.7k Likes

Aug 14, 2022, 10:36 PM

← **Truth Details** Trending  
3768 replies

 **Donald J. Trump** ✓  
@realDonaldTrump

Wow! In the raid by the FBI of Mar-a-Lago, they stole my three Passports (one expired), along with everything else. This is an assault on a political opponent at a level never seen before in our Country. Third World!

**16.5k** ReTruths **49.5k** Likes Aug 15, 2022, 1:22 PM

← **Truth Details** Trending  
5412 replies

 **Donald J. Trump** ✓  
@realDonaldTrump

There is no way to justify the unannounced RAID of Mar-a-Lago, the home of the 45th President of the United States (who got more votes, by far, than any sitting President in the history of our Country!), by a very large number of gun toting FBI Agents, and the Department of "Justice" but, in the interest of TRANSPARENCY, I call for the immediate release of the completely Unredacted Affidavit pertaining to this horrible and shocking BREAK-IN. Also, the Judge on this case should recuse!

**19.8k** ReTruths **76.2k** Likes Aug 15, 2022, 11:54 PM

← Truth Details

Trending

1147 replies



Donald J. Trump  
@realDonaldTrump

When will people realize that the atrocities being perpetrated by the FBI and DOJ having to do with the Raid and Break In of my home, Mar-a-Lago, or after years of other atrocities and unthinkable violations of freedom and the law, this has been going on for years, from the moment I came down the golden escalators in Trump Tower, right up until the present. At some point you have to look at what took place in the past to determine what is going on in the present....

9.28k ReTruths 35.5k Likes

Aug 19, 2022, 4:31 PM

← Truth Details

Trending

6864 replies



Donald J. Trump  
@realDonaldTrump

Affidavit heavily redacted!!! Nothing mentioned on "Nuclear," a total public relations subterfuge by the FBI & DOJ, or our close working relationship regarding document turnover - WE GAVE THEM MUCH. Judge Bruce Reinhart should NEVER have allowed the Break-In of my home. He recused himself two months ago from one of my cases based on his animosity and hatred of your favorite President, me. What changed? Why hasn't he recused himself on this case? Obama must be very proud of him right now!

23k ReTruths 83.1k Likes

Aug 26, 2022, 12:59 PM

← Truth Details

Trending

2063 replies



Donald J. Trump  
@realDonaldTrump

The FBI is totally corrupt. They blatantly used their power to get a cognitively impaired Democrat elected President - In TWO Elections. THEY SPIED ON MY CAMPAIGN and now, BROKE INTO MY HOME, using a Radical Left Trump Hating Magistrate to grant approval, and indiscriminately STOLE everything within reach, including my Passports. They even "riffled" through the First Lady's closets, dresses and drawers. They are an out of control group of highly partisan "mobsters," a real threat to democracy!

11.7k ReTruths 41.8k Likes

Sep 03, 2022, 8:31 AM

← Truth Details

Trending

3697 replies



Donald J. Trump  
@realDonaldTrump

Not only did the FBI steal my Passports in the FBI Raid and Break-In of my home, Mar-a-Lago, but it has just been learned through court filings that they also improperly took my complete and highly confidential medical file and history, with all the bells and whistles (at least they'll see that I'm very healthy, an absolutely perfect physical specimen!), plus personal Tax Records (Illegal to take), and lawyer/client/privileged information, a definite NO, NO. Days of the Soviet Union!

14.7k ReTruths 44.5k Likes

Sep 07, 2022, 8:37 AM


← **Truth Details** Trending  
2314 replies

 **Donald J. Trump** ✓  
@realDonaldTrump

So now the FBI & Biden Department of "Justice" leakers are going to spend Millions of Dollars, & vast amounts of Time & Energy, to appeal the Order on the "Raid of Mar-a-Lago Document Hoax," by a brilliant and courageous Judge whose words of wisdom rang true throughout our Nation, instead of fighting the record setting corruption and crime that is taking place right before their very eyes. They SPIED on my Campaign, lied to FISA COURT, told Facebook "quiet," preside over worst CRIME WAVE ever!!

13.2k ReTruths 47.7k Likes Sep 08, 2022, 4:41 PM

← **Truth Details**  
4075 replies

 **Donald J. Trump** ✓  
@realDonaldTrump

.....They leak, lie, plant fake evidence, allow the spying on my campaign, deceive the FISA Court, RAID and Break-Into my home, lose documents, and then they ask me, as the 45th President of the United States, to trust them. Look at the I.G. Reports on Comey, McCabe, and others. Things are safer in the middle of Central Park!

15.7k ReTruths 58.7k Likes Sep 08, 2022, 5:02 PM

← Truth Details

Trending

2610 replies



Donald J. Trump  
@realDonaldTrump

Arrived in Florida last night and had a long and detailed chance to check out the scene of yet another government "crime," the FBI's Raid and Break-In of my home, Mar-a-Lago. I guess they don't think there is a Fourth Amendment anymore, and to them, there isn't. In any event, after what they have done, the place will never be the same. It was "ransacked," and in far different condition than the way I left it. Many Agents - And they didn't even take off their shoes in my bedroom. Nice!!!

9.86k ReTruths 37.7k Likes

Sep 19, 2022, 1:24 AM

← Truth Details

Trending

4134 replies




Donald J. Trump  
@realDonaldTrump

Our Country is SICK inside, very much like a person dying of Cancer. The Crooked FBI, the so-called Department of "Justice," and "Intelligence," all parts of the Democrat Party and System, is the Cancer. These Weaponized Thugs and Tyrants must be dealt with, or our once great and beautiful Country will die!!!

13.9k ReTruths 47.9k Likes

Dec 17, 2022, 7:32 AM


← **Truth Details** Trending  
1780 replies

 **Donald J. Trump** ✓  
@realDonaldTrump

THE ONLY REASON I HAVE THESE ABSOLUTELY RIDICULOUS INVESTIGATIONS AGAINST ME , HEADED UP BY RACISTS, LUNATICS, AND RADICAL LEFT MANIACS, IS FOR PURPOSES OF ELECTION INTERFERENCE. IT WILL BE HARDER FOR THE DEMOCRATS TO CHEAT LIKE THEY DID IN 2020, SO THEY ARE GOING RIGHT TO THE OLD SOVIET UNION PLAYBOOK AND USING THE DOJ, FBI & OTHERS IN "JUSTICE" TO INTERFERE IN OUR ONCE SACRED ELECTIONS. WE'VE GOT TO SWAMP THESE CHEATERS, AND WE WILL WIN!

**8.54k** ReTruths **31k** Likes Apr 10, 2023, 10:54 AM

← **Truth Details** Trending  
1645 replies

 **Donald J. Trump** ✓  
@realDonaldTrump

I WAS BEING FRAMED BY THE FBI AND THE DOJ. NOW IT CONTINUES WITH THE BOXES HOAX, THE "PERFECT" PHONE CALL IN ATLANTA, THE MANHATTAN D.A., AND THE NEW YORK STATE A.G. SCAM. WHAT A GROUP, BUT ALL REPORT TO THE DOJ IN WASHINGTON. IT'S JAMES COMEY AND THE SLEAZEBAGS ALL OVER AGAIN. THEY ARE PLAYING ELECTION INTERFERENCE IN 2024 THROUGH ILLEGAL LAW ENFORCEMENT AGAINST REPUBLICANS, IN PARTICULAR YOUR FAVORITE PRESIDENT, ME. THESE ARE CHEATING LOWLIFES, BUT WE WILL WIN. OUR COUNTRY IS GOING TO HELL!

**8.05k** ReTruths **27k** Likes May 17, 2023, 8:08 AM



← Truth Details

Trending ▾

2317 replies



Donald J. Trump

@realDonaldTrump

When the FBI raided Mar-a-Lago, they wouldn't let my lawyers or representatives anywhere near them. They wouldn't tell us what they took. Knowing them, and based on past performance, they probably later "stuffed" in other documents. My lawyers had to wait outside, on a very hot day. The FBI took my medical records, birth certificate, and passports, and just about anything else they were able to get their hands on. What a group! They didn't do this to Crooked Joe Biden or Hillary.

7.79k ReTruths 24.9k Likes

Jun 09, 2023, 7:52 PM

# **EXHIBIT 4A**

## Select Truth Social Posts from @rickywshifferjr Account

<p>Enough is enough. Be ready for war tomorrow. If you don't have ammunition, magazines, and L.C.E. (load carrying equipment, the vest to hold ammunition in combat), leave work when the gun shop/pawn shop/Army-Navy store opens tomorrow and get it. Take your weapon to work (you can leave it in your trunk if you have something with one.) I know the Trump team will remove this, but they have to worry what the communists will do to the Trump grandchildren. Kill F.B.I. on sight.</p>	<p>8/9/22 12:26 AM</p>
<p>There is no nonviolent solution. Though it gets little coverage, they even arrested a candidate for governor (Michigan.). No, you can not vote your way out. No, you can not protest your way out, if they cared what you thought, he'd be president. Remember how we got this country. As soon as the stores open tomorrow, leave work to get what you don't already have (don't cause a run on milk, I mean ammunition, magazines, etc.)</p>	<p>8/9/22 12:31 AM</p>
<p>No, it's been broken for more than a year. We can't organize, so we can't plan a rebellion. They've been conditioning us, especially this summer, to feel unable to react (except online and by voting in rigged elections). We must return violence this time, it will be unorganized, but hopefully it will somehow find useful headway. Watch my feed, but I'll probably be one of the first ones dead, so don't be surprised if my feed is infiltrated. Kill those who trample you down, like Americans.</p>	<p>8/9/22 12:42 AM</p>
<p>People, this is it. I hope a call to arms comes from someone better qualified, but if not, this is your call to arms from me. Leave work tomorrow as soon as the gun shop/Army-Navy store/pawn shop opens, get whatever you need to be ready for combat. We must not tolerate this one. They have been conditioning us to accept tyranny and think we can't do anything for 2 years. This time we must respond with force. If you know of any protests or attacks, please post here.</p>	<p>8/9/22 12:47 AM</p>
<p>Yes. We should have started last year, but we (especially I) can't organize. This'll probably get taken down, so spread the word. Pray, spend time with your family, get a good sleep. War is tomorrow. If somebody wanted to be a hero, there is no better time in history for them to live, it's time to act like Americans.</p>	<p>8/9/22 12:58 AM</p>
<p>Damn straight insurrection against the people who usurped our government. I hope to see you there (I won't be unarmed this time).</p>	<p>8/9/22 1:00 AM</p>
<p>I intend to fight against them.</p>	<p>8/9/22 1:00 AM</p>
<p>He didn't, and he'll have no power to sell me out this time. Kill me if you can. Everyone else: regardless of plans, and of those who say things under threats to their children, if you won't fight this worst enemy in history, you deserve what happens to you. Your children, unfortunately, do not.</p>	<p>8/9/22 1:03 AM</p>

<p>Trump showed us we could still elect. The deep state AND the Republican Party showed that meant little. Then, in 2020, they showed we can't elect.</p> <p>What matters is THIS WEEK. Be ready for war tomorrow. Get ammunition, magazines, and a vest to hold them tomorrow if you don't have them.</p> <p>I don't remember if I said this in this thread, but they have conditioned us since March, 2020 to feel we can't do anything but take it. Remember how America does it. Shoot the bastards.</p>	8/9/22 1:07 AM
<p>I am not. Let go of the psyop "we don't get violent.". How did we get this country? Until 3 years ago, American patriots were proud of their county's history of using violence.</p> <p>If you won't protect your land and family, at the point of a weapon, from this worst ever enemy, you deserve to live under an Orwellian regime.</p>	8/9/22 1:13 AM
<p>They've known about me a long time. They fear me more than I fear them...only one of me will be dead when the raid's over.</p>	8/9/22 1:14 AM
<p>They do not want that. They want you to act the fool unarmed. They want you to shove a cop. They don't want their muscle dead.</p> <p>Let's assume you were right: spring the trap. We can open fire, and see the plan, or we can stay here in 1984 while they chemically nueter your children (they call it gender affirming hormones, or something like that)</p> <p>America never backs down from an enemy trying to take away their rights.</p>	8/9/22 1:19 AM
<p>I will. Well, I'll be dead-everyone, remember McConnell, Cheney, and Pence are the enemy. There are but 2 parties now, patriots and supporters of chemical castration of prepubescent children.</p>	8/9/22 1:25 AM
<p>Remember to have maps, paper, on disk, or saved on a drive. One website (Map Quest, I think) disabled directions during the Freedom Convoy. Be ready for war tomorrow. This isn't L.A.R.P.ing, plan for one parent to stay with the kids.</p>	8/9/22 1:28 AM
<p>Be ready for war tomorrow. Spread the word. Talk to your life bed ones. Pray.</p>	8/9/22 1:33 AM
<p>Only if you open fire. They control the vote counting and the courts. Be ready to open fire tomorrow. Take your weapon to work, have it in the trunk (first, in case of news that it started, second, because they know when you're not home, and might now who all has firearms.)</p>	8/9/22 1:35 AM
<p>It won't matter if we don't get violent. We see the courts are unfair and unconstitutional, all that is left is force.</p>	8/9/22 1:37 AM
<p>The controlled opposition weighs in.</p> <p>For 2 years they've trained you to swallow tyranny and think you can't do anything. Tomorrow, leave work as soon as the applicable store opens, and get ammunition, magazines, and L.C.E. if you don't have it. It starts tomorrow.</p>	8/9/22 2:13 AM
<p>"We investigated ourselves, and found Trump was the most dangerous child molester of all time."</p> <p>You better snap out of the fantasy there's a plan, or a peaceful solution (those of you buying that.). Be ready for civil war tomorrow. All summer they've dialed up the atrocities, while you're told to cheerlead Arizona primaries. If you won't fight (violently) these villains, you don't deserve rights.</p>	8/9/22 2:16 AM
<p>Not the statement, the statement is a joke. Be ready to fight (literally, with live rounds) tomorrow, though, because the communists really did this.</p>	8/9/22 2:38 AM

Let go of that fantasy! Evil already won, now we need to fight a civil war to take back the country.	8/9/22 2:41 AM
Why do you idiots think they would rig an election and get away with it, then let him win and put them them in prison?	
You're a fool if you think the courts'll be fair. You're a fool if you think the elections'll be fair. You're a fool if you think there's a nonviolent solution. If you don't fight back, like an American, you deserve everything that happens.	8/9/22 2:45 AM
God, and a few armed men, it's been done before. If you don't already have enough ammunition, magazines, and L.C.E. (vest that holds them), leave work as soon as those stores open and buy them. It starts today. You can get L.C.E. at the Army-Navy store.	8/9/22 12:00 PM
What happened when we did that in 2020? It's not like when they printed those ballots, the printer was out of cartridges. If you keep putting your faith in demonstrably bad faith elections, you are a harmless subject. We have to kill these people, the way we celebrated Americans for killing tyranny's agents throughout history.	8/9/22 12:53 PM
Very important question No, I am proposing war. Be ready to kill the enemy, not mass shootings where leftists go, not lighting busses on fire with transexuals in them, not finding people with leftist signs in their yards and beating them up. Violence is not (all) terrorism. Kill the F.B.I. on sight, and be ready to take down other active enemies of the people and those who try to prevent you from doing it.	8/9/22 3:11 PM
I hope he has copies of what was stolen, but not because it was something he wasn't allowed to have. This is like a case in 1948* where to protect a Democrat the F.B.I. stole evidence. The guy whose evidence had been stolen thought ahead, took pictures of the evidence, hollowed out a pumpkin in his pumpkin patch, and hid the pictures there. *yeah, it's been going on that long, just not as bad	8/9/22 7:40 PM
I don't have faith milk will still be good of it sat out when it was 90°. I have faith in what works historically. That is Americans defeating those who oppose men's rights on the battlefield. I wouldn't have had to remind any of you of that 3 years ago. Americans, if you don't have enough ammunition, magazines, and L.C.E., get it right now. Leave work early of that's what it means. Be ready for war today (though I feel the first action being in about 22 hours).	8/9/22 7:45 PM
Damn it, that one made me want to go to the library, but I can't turn my back on my weapon of the illegitimate authorities might take it.	8/9/22 7:46 PM
I'm having trouble getting information, but Viva Frei said patriots are heading to Palm Beach (where Mar A Lago is). I recommend going, and being Florida, I think the feds won't break it up. IF they do, kill them.	8/9/22 8:08 PM
I do not expect to save America, I do expect to die trying. If, when I am gone, you stick to this psuedohistorical line that America doesn't use violence, you deserve what happens to you. Your children, unfortunately, do not.	8/10/22 1:22 AM
A couple old ones, so noone thinks they used to be good (as opposed to not as bad): Pete Rose was falsely accused of betting against a team he managed. The F.B.I. found places Rose wrote down who was going to be the home team at upcoming games,	8/10/22 6:26 PM

they said it was a gambling notebook.(1989) A Democrat was spying for Stalin. The F.B.I. stole evidence of it from a lawyer's office. (1948)	
Don't hide from them. When they try to make you fear, hold up a sign saying, "We love Trump," when they come for you, kill them. Be an American, not a steer.	8/10/22 7:44 PM
I am not psycho (and I'm telling this to a guy trying to look gangsta and naming himself "Lil Jit."). Many things are not solved by shooting people. Nazi Germany was. English oppression of us was. Americans shooting people played a irreplaceable role in the cold war, even if the did call it that. When you catch a man beating your wife, but he's too far away to hit, you should shoot him.	8/10/22 8:14 PM
Well, I thought I had a way through bullet proof glass, and I didn't. If you don't hear from me, it is true I tried attacking the F.B.I., and it'll mean either I was taken off the internet, the F.B.I. got me, or they sent the regular cops while	8/11/22 1:29 PM

# **EXHIBIT 4B**

# UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

In the Matter of the Search of

*(Briefly describe the property to be searched  
or identify the person by name and address)*

Case No. 1:22-mj-481

INFORMATION ASSOCIATED WITH TRUTH SOCIAL PROFILE WITH  
USERNAME @rickywshiffer or Ricky Shiffer THAT IS STORED AT  
PREMISES CONTROLLED BY TRUTH SOCIAL

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

SEE ATTACHMENT A

located in the Southern District of Ohio, there is now concealed *(identify the person or describe the property to be seized)*:

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 111	Assault, Intimidation, or Impeding of Officers
18 U.S.C. 930(b)	Possession of Firearm at Federal Facility
18 U.S.C. 875(c)	Online Threats
18 U.S.C. 1361	Damage to Federal Property

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

- Continued on the attached sheet.
- Delayed notice of        days *(give exact ending date if more than 30 days)* is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

[Redacted Signature]

ature

Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
**via FaceTime video** *(specify relia*

Date: **Aug 12, 2022**

City and state: Cincinnati, Ohio

*Karen L. Litkovitz*  
Karen L. Litkovitz  
United States Magistrate Judge





IN THE UNITED STATES DISTRICT COURT  
FOR EASTERN DISTRICT OF TENNESSEE

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH  
TRUTH SOCIAL PROFILE WITH  
USERNAME @rickywshiffer or Ricky  
Shiffer THAT IS STORED AT PREMISES  
CONTROLLED BY TRUTH SOCIAL

Case No. 1:22-mj-481

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, [REDACTED], being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Truth Social account that is stored at premises owned, maintained, controlled, or operated by Truth Social, a social-networking company headquartered in San Francisco, CA. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Truth Social to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the Truth Social account.

2. I am a Special Agent with the Federal Bureau of Investigation (hereafter "FBI") and have been since [REDACTED]. Since [REDACTED] to the present, I have been assigned to the Joint Terrorist Task Force (hereafter "JTTF") of the National Security Branch of the FBI [REDACTED] Division. Prior to my assignment to the JTTF, I was assigned to the Complex Financial Crimes Squad of the FBI [REDACTED] Division. In this capacity, I investigated matters involving criminal enterprises, white collar crimes, civil rights violations, money laundering, and

various types of fraud. I have received training and investigative experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, electronic media and computer investigations, and various other crimes and investigative techniques.

3. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. Consequently, I am an “investigative or law enforcement officer of the United States,” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. This investigation pertains to alleged violations of 18 U.S.C. 111 (assault, intimidation, or impeding of officers), 18 U.S.C. 930(b) (possession of firearm at federal facility), 18 U.S.C. 875(c) (online threats), and 18 U.S.C. 1361 (damage to federal property), those violations involving suspect Ricky W. Shiffer, Jr. and culminating on or about August 11, 2022 in the Southern District of Ohio.

**PROBABLE CAUSE**

6. On or about August 11, 2022, Protective Security Officers (“PSO”) with Paragon assigned to the Federal Bureau of Investigation [REDACTED], Ohio Division Headquarters City (“FBI [REDACTED] HQC”) located at [REDACTED], Ohio 45236, were

stationed in the Visitor Screening Facility (“VSF”) at the front of the FBI [REDACTED] HQC building. Between approximately 9:00 and 9:15 a.m., PSO Officers observed a white vehicle (the “VEHICLE”) quickly pull into the VSF parking lot. A white male, described as wearing a short-sleeved shirt, approximately 5’10” to 6’0” in height, having a slender to medium build, bald, and without any facial hair, later identified as Ricky Walter Shiffer, Jr. (the “SUBJECT”), exited the vehicle with an AR-15 style rifle slung across his body and carrying a nail gun. PSO Officers also observed the SUBJECT wearing some type of vest. The SUBJECT then approached the VSF and attempted to use a nail gun on the one of the VSF windows. At approximately 9:11 a.m., PSO Officers activated an internal security alarm.

7. After multiple attempts to use the nail gun on a VSF window, the SUBJECT returned to his vehicle and drove the vehicle through the VSF parking lot and departed the VSF parking lot.

8. The VEHICLE had a Florida license plate of [REDACTED]. Florida Bureau of Motor Vehicle records show the VEHICLE as being registered to the SUBJECT.

9. Between approximately 9:35 and 9:40 a.m., responding federal Agents followed the SUBJECT in the VEHICLE northbound on Interstate 71. Agents contacted a Captain with the Ohio State Highway Patrol (“OSP”) for assistance. OSP Officers joined the pursuit with Agents.

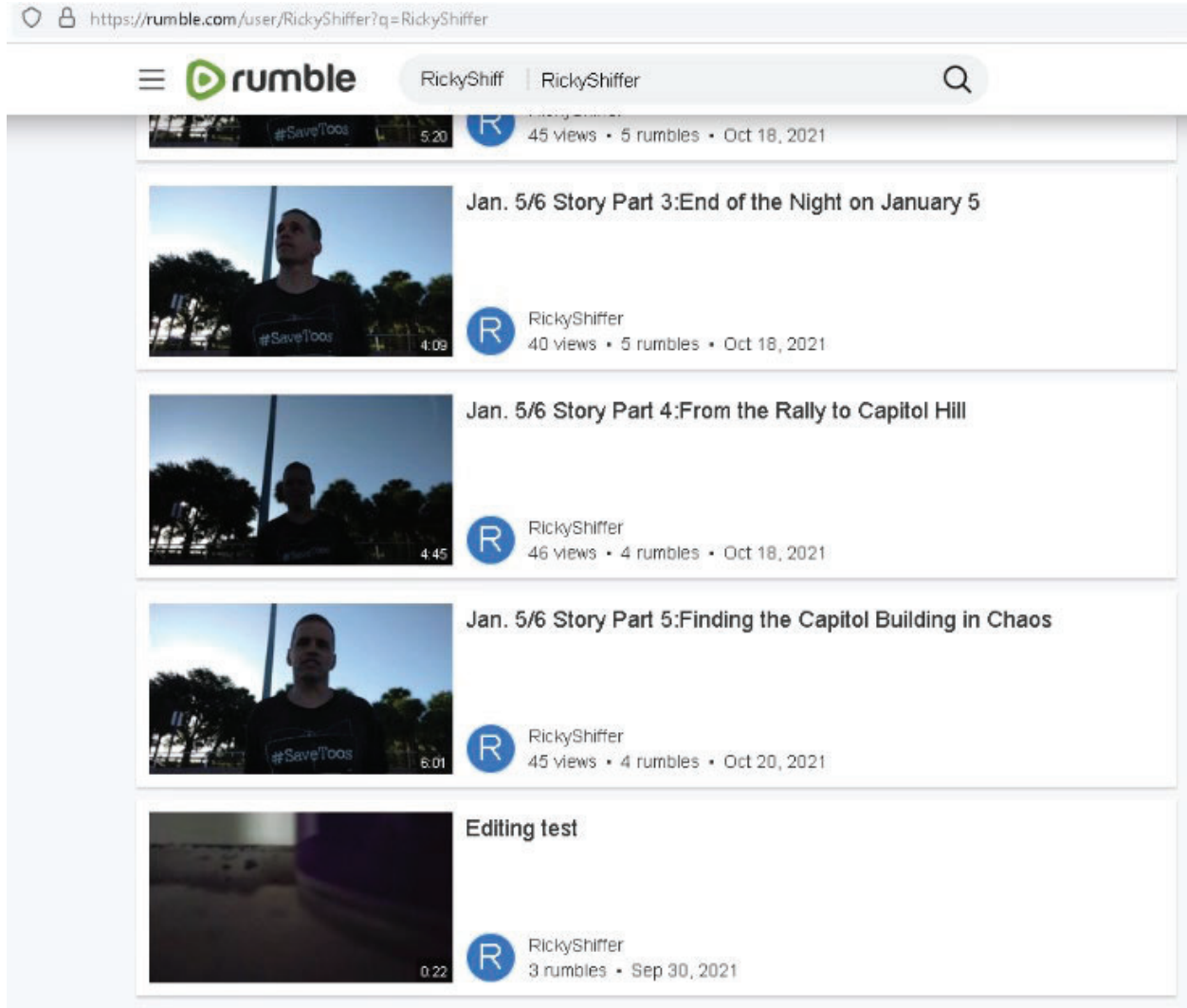
10. At some point during the pursuit, a vehicle stop of the VEHICLE was initiated. The SUBJECT then began firing shots at law enforcement and fled in the VEHICLE.

11. At approximately 10:06 a.m., the SUBJECT was observed by responding Agents and officers outside of and adjacent to the VEHICLE with a weapon near the intersection of Smith Road and Van Tress Road in or near Wilmington, Ohio. Agents reported that shots were

exchanged between law enforcement and the SUBJECT. The armed SUBJECT remained in a standoff with law enforcement from approximately 10 a.m. though approximately 4 p.m. At the conclusion of the standoff with law enforcement, the SUBJECT was deceased.

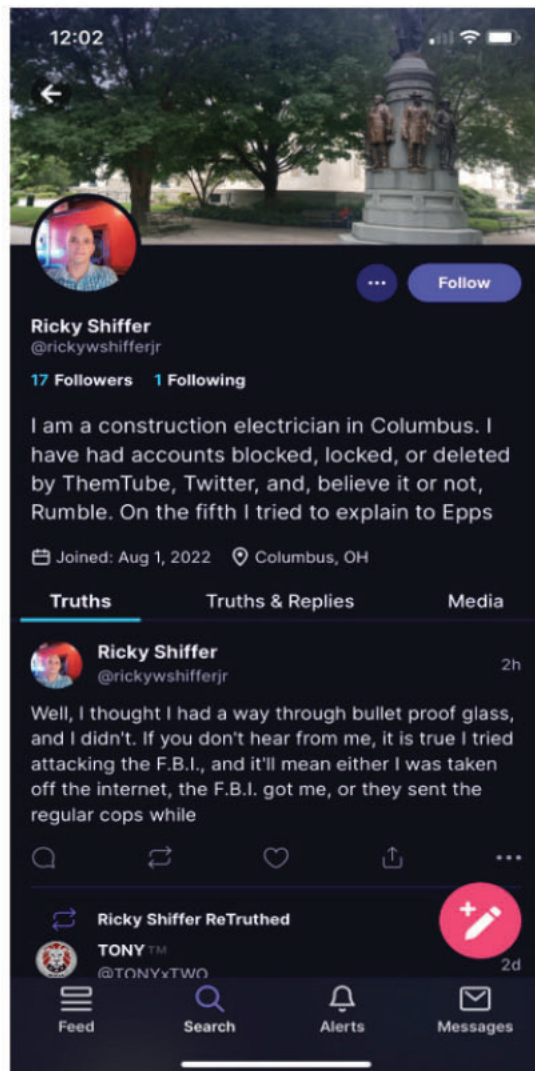
12. As part of the investigation, law enforcement has gathered information about SUBJECT's past activities and social media statements. For example, On May 13, 2022, an anonymous tipster (hereafter "ANONYMOUS") submitted an online tip to the FBI National Threat Operations Center (hereafter "NTOC") regarding certain group propaganda and veiled threats by Shiffer on an online social media platform called Rumble.com. Shiffer was described as a frequent poster on Rumble.com promoting violence and domestic terrorism including bragging about joining certain group(s). ANONYMOUS also submitted screenshots of Shiffer's

Rumble account which depicted posts of videos of himself at the United States Capitol on January 6, 2021, as shown below:

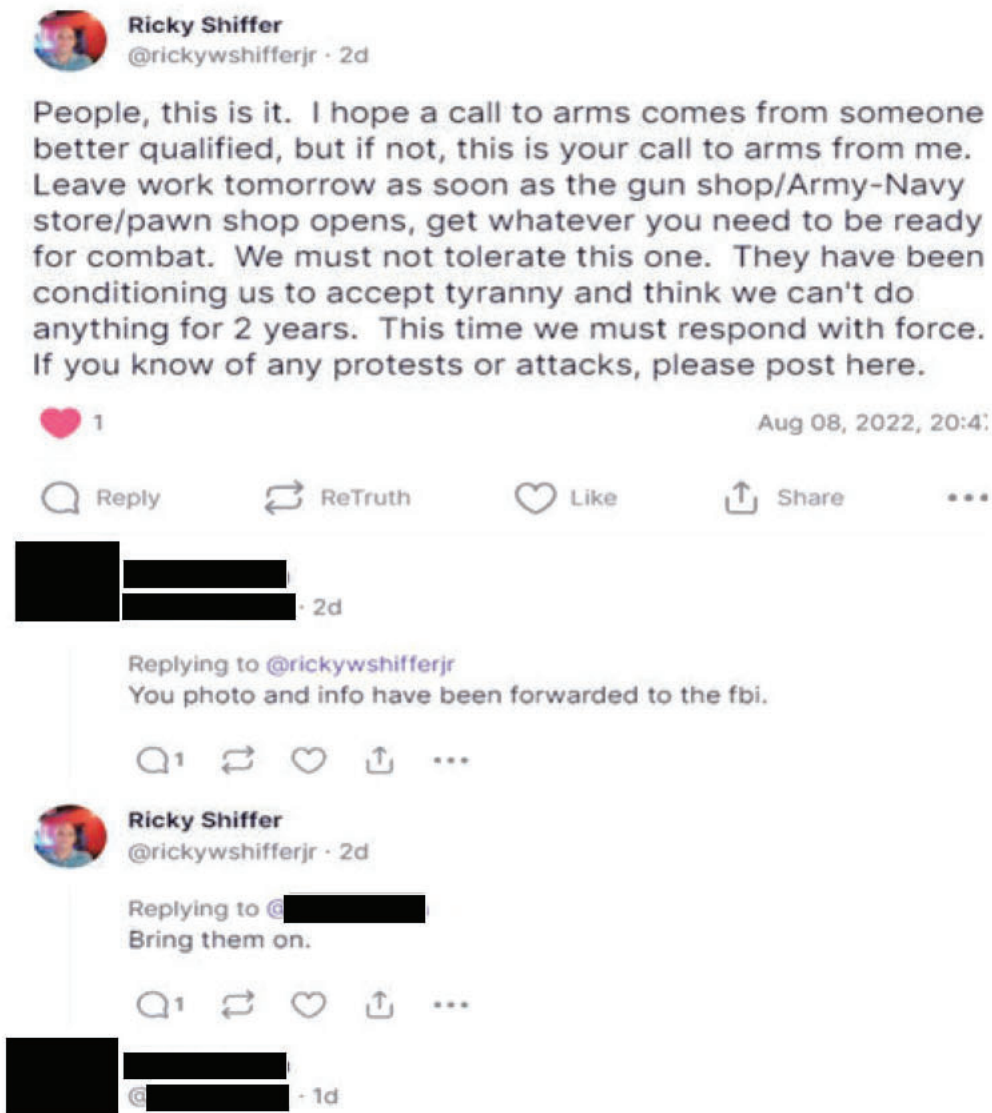


13. On August 11, 2022, an FBI Crisis Negotiator spoke to the SUBJECT. During that conversation, the SUBJECT confirmed his attendance to the United States Capitol on January 6, 2021.

14. Investigators identified a Truth Social account with profile name “Ricky Shiffer” and username @rickywshifferjr. At some point during the standoff, a post was made to the account relating to the events at the FBI ██████████ HQC on August 11, 2022, as shown below:



15. Investigators located a Truth Social post made to the @rickywshifferjr account on or about August 8, 2022 discussing a “call to arms” and that people must respond to “this one” with force, as shown below. The August 8, 2022 date corresponds to day the FBI executed a search warrant on Former President Donald Trump’s Mar-a-Lago residence.



16. Investigators located what appears to be a reply made to the Truth Social post above, where another Truth Social user asked @rickywshefflerjr if he was proposing terrorism.

A reply from @rickywshefflerjr indicated that he was proposing war, not terrorism, and that people need to be ready to kill the FBI “on sight.”



**TECHNICAL TERMS**

17. Based on my training and experience, I use the following technical terms to convey the following meanings:



- a. IP Address: The Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address looks like a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.
- b. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.
- c. Storage medium: A storage medium is any physical object upon which computer data can be recorded. Examples include hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media.

18. Truth Social owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.truthsocial.com>. Truth Social allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and location information. Truth Social also permits users create communications called “Truths” or “Retruths” to individuals whom they approve. These features are described in more detail below.

19. Upon creating a Truth Social account, a Truth Social user must create a unique Truth Social username and an account password, and the user may also select a different name of 20 characters or fewer to identify his or her Truth Social account. The Truth Social user may also change this username, password, and name without having to open a new Truth Social account.

20. Truth Social may ask users to provide basic identity and contact information, either during the registration process or thereafter. This information may include the user's full name, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user, Truth Social may retain information about the date and time at which the user's profile was created, the date and time at which the account was created, and the Internet Protocol ("IP") address at the time of sign-up. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given Truth Social account.

21. A Truth Social user can post a personal photograph or image (also known as an "avatar") to his or her profile, and can also change the profile background or theme for his or her account page. In addition, Truth Social users can post "bios" of 160 characters or fewer to their profile pages.

22. Truth Social also keeps IP logs for each user. These logs contain information about the user's logins to Truth Social including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile.

23. As discussed above, Truth Social users can use their Truth Social accounts to post "Truths" or "Retruths". Each Truth may include a timestamp that displays when the Truth was posted to Truth Social. Truth Social users can also "favorite," "retruth," or reply to the Truths of

other users. In addition, when a Truth includes a Truth Social username, often preceded by the @ sign, Truth Social designates that Truth a “mention” of the identified user. In the “Connect” tab for each account, Truth Social provides the user with a list of other users who have favorited or retruthed the user’s own Truths, as well as a list of all Truths that include the user’s username (*i.e.*, a list of all “mentions” and “replies” for that username).

24. Truth Social users can include photographs or images in their Truths. Each Truth Social account also is provided a user gallery that includes images that the user has shared on Truth Social, including images uploaded by other services.

25. Truth Social users can also opt to include location data in their Truths, which will reveal the users’ locations at the time they post each Truth. This “Truth With Location” function is off by default, so Truth Social users must opt in to the service. In addition, Truth Social users may delete their past location data.

26. When Truth Social users want to post a Truth that includes a link to a website, they can use Truth Social’s link service, which converts the longer website link into a shortened link that begins with <http://t.co>. This link service measures how many times a link has been clicked.

27. A Truth Social user can “follow” other Truth Social users, which means subscribing to those users’ Truths and site updates. Each user profile page includes a list of the people who are following that user (*i.e.*, the user’s “followers” list) and a list of people whom that user follows (*i.e.*, the user’s “following” list). Truth Socials users can “unfollow” users whom they previously followed, and they can also adjust the privacy settings for their profile so that their Truths are visible only to the people whom they approve, rather than to the public (which is the default setting). A Truth Social user can also group other Truth Social users into

“lists” that display on the right side of the user’s home page on Truth Social. Truth Social also provides users with a list of “Who to Follow,” which includes a few recommendations of Truth Social accounts that the user may find interesting, based on the types of accounts that the user is already following and who those people follow.

28. In addition to posting Truths, a Truth Social user can also send Direct Messages (DMs) to one of his or her followers. These messages are typically visible only to the sender and the recipient, and both the sender and the recipient have the power to delete the message from the inboxes of both users. As of January 2012, Truth Social displayed only the last 100 DMs for a particular user, but older DMs are stored on Truth Social’s database.

29. Truth Social users can configure the settings for their Truth Social accounts in numerous ways. For example, a Truth Social user can configure his or her Truth Social account to send updates to the user’s mobile phone, and the user can also set up a “sleep time” during which Truth Social updates will not be sent to the user’s phone.

30. Truth Social includes a search function that enables its users to search all public Truths for keywords, usernames, or subject, among other things. A Truth Social user may save up to 25 past searches.

31. Truth Social users can connect their Truth Social accounts to third-party websites and applications, which may grant these websites and applications access to the users’ public Truth Social profiles.

32. If a Truth Social user does not want to interact with another user on Truth Social, the first user can “block” the second user from following his or her account.

33. In some cases, Truth Social users may communicate directly with Truth Social about issues relating to their account, such as technical problems or complaints. Social-

networking providers like Truth Social typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications. Truth Social may also suspend a particular user for breaching Truth Social’s terms of service, during which time the Truth Social user will be prevented from using Truth Social’s services.

34. Therefore, the computers of Truth Social are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Truth Social, such as account access information, transaction information, and other account information.

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

35. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Truth Social to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**CONCLUSION**

36. Based on the forgoing, I request that the Court issue the proposed search warrant.

37. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Southern District of Ohio is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

38. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

**REQUEST FOR SEALING**

39. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an ongoing investigation into the criminal organizations as not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that online criminals actively search for criminal affidavits and search warrants via the Internet, and disseminate them to other online criminals as they deem appropriate, i.e., post them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

Respectfully submitted,

\_\_\_\_\_  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on Aug 12, 2022, 2022

  
\_\_\_\_\_  
Karen L. Litkovitz  
United States Magistrate Judge



**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the Truth Social profile with username **@rickyshiffer** that is stored at premises owned, maintained, controlled, or operated by Truth Social, a company headquartered in San Francisco, California.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Truth Social**

To the extent that the information described in Attachment A is within the possession, custody, or control of Truth Social, including any messages, records, files, logs, or information that have been deleted but are still available to Truth Social, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Truth Social is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All “Truths” and Direct Messages sent, received, “favorited,” or retruthed by the account, and all photographs or images included in those Truths and Direct Messages;



- g. All information from the “Connect” tab for the account, including all lists of Truth Social users who have favorited or retruthed Truths posted by the account, as well as a list of all Truths that include the username associated with the account (*i.e.*, “mentions” or “replies”);
- h. All photographs and images in the user gallery for the account;
- i. All location data associated with the account, including all information collected by the “Truth With Location” service;
- j. All information about the account’s use of Truth Social’s link service, including all longer website links that were shortened by the service, all resulting shortened links, and all information about the number of times that a link posted by the account was clicked;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Truth Social and all people who are following the user (*i.e.*, the user’s “following” list and “followers” list);
- m. A list of all users that the account has “unfollowed” or blocked;
- n. All “lists” created by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Truth Social searches performed by the account, including all past searches saved by the account;
- r. All information about connections between the account and third-party websites and applications;

- s. All records pertaining to communications between Truth Social and any person regarding the user or the user's Truth Social account, including contacts with support services, and all records of actions taken, including suspensions of the account.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. 111 (assault, intimidation, or impeding of officers), 18 U.S.C. 930(b) (possession of firearm at federal facility), 18 U.S.C. 875 (online threats), and 18 U.S.C. 1361 (damage to federal property), those violations involving suspect Ricky W. Shiffer, Jr from January 1, 2021 to August 11, 2022, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- a. Records relating to who created, used, or communicated with the account, including records about their identities and whereabouts;
- b. Records and information relating to communication devices, including phones and computers, used in the planning, preparation or in furtherance of the attack on August 11, 2022;
- c. Records and information relating to the Federal Bureau of Investigation, including but not limited to, research or websites about the location of the FBI offices, FBI investigations, FBI security measures or other operational security;
- d. Records and information relating to the suspect's motive and intent; and
- e. Records and information relating to any associates of the suspect relating to the offenses above.

- f. Records and information relating to items used for a violent attack or assault, including firearms, ammunition, nail guns (and related equipment), body armor, helmets, and masks;

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS**  
**PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Truth Social, and my official title is \_\_\_\_\_. I am a custodian of records for Truth Social. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Truth Social, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Truth Social; and
- c. such records were made by Truth Social as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

# UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

In the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address) )  
INFORMATION ASSOCIATED WITH TRUTH SOCIAL PROFILE )  
WITH USERNAME @rickywshiffer or Ricky Shiffer THAT IS )  
STORED AT PREMISES CONTROLLED BY TRUTH SOCIAL )

Case No. 1:22-mj-481

## WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure of the following person or property located in the Southern District of Ohio  
(identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

SEE ATTACHMENT B

**YOU ARE COMMANDED** to execute this warrant on or before 8/26/2022 (not to exceed 14 days)  
 in the daytime 6:00 a.m. to 10:00 p.m.  at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Honorable Karen L. Litkovitz  
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for      days (not to exceed 30)  until, the facts justifying, the later specific date of     

Date and time issued: 6:49 PM, Aug 12, 2022

City and state: Cincinnati, Ohio

  
\_\_\_\_\_  
Karen L. Litkovitz  
United States Magistrate Judge



AO 93C (08/18) Warrant by Telephone or Other Reliable Electronic Means (Page 2)

<b>Return</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
<b>Certification</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: _____	_____	
	<i>Executing officer's signature</i>	
	_____	
	<i>Printed name and title</i>	

**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the Truth Social profile with username **@rickyshiffer** that is stored at premises owned, maintained, controlled, or operated by Truth Social, a company headquartered in San Francisco, California.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Truth Social**

To the extent that the information described in Attachment A is within the possession, custody, or control of Truth Social, including any messages, records, files, logs, or information that have been deleted but are still available to Truth Social, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Truth Social is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All “Truths” and Direct Messages sent, received, “favorited,” or retruthed by the account, and all photographs or images included in those Truths and Direct Messages;



- g. All information from the “Connect” tab for the account, including all lists of Truth Social users who have favorited or retruthed Truths posted by the account, as well as a list of all Truths that include the username associated with the account (*i.e.*, “mentions” or “replies”);
- h. All photographs and images in the user gallery for the account;
- i. All location data associated with the account, including all information collected by the “Truth With Location” service;
- j. All information about the account’s use of Truth Social’s link service, including all longer website links that were shortened by the service, all resulting shortened links, and all information about the number of times that a link posted by the account was clicked;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Truth Social and all people who are following the user (*i.e.*, the user’s “following” list and “followers” list);
- m. A list of all users that the account has “unfollowed” or blocked;
- n. All “lists” created by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Truth Social searches performed by the account, including all past searches saved by the account;
- r. All information about connections between the account and third-party websites and applications;

- s. All records pertaining to communications between Truth Social and any person regarding the user or the user's Truth Social account, including contacts with support services, and all records of actions taken, including suspensions of the account.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. 111 (assault, intimidation, or impeding of officers), 18 U.S.C. 930(b) (possession of firearm at federal facility), 18 U.S.C. 875 (online threats), and 18 U.S.C. 1361 (damage to federal property), those violations involving suspect Ricky W. Shiffer, Jr from January 1, 2021 to August 11, 2022, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- a. Records relating to who created, used, or communicated with the account, including records about their identities and whereabouts;
- b. Records and information relating to communication devices, including phones and computers, used in the planning, preparation or in furtherance of the attack on August 11, 2022;
- c. Records and information relating to the Federal Bureau of Investigation, including but not limited to, research or websites about the location of the FBI offices, FBI investigations, FBI security measures or other operational security;
- d. Records and information relating to the suspect's motive and intent; and
- e. Records and information relating to any associates of the suspect relating to the offenses above.

- f. Records and information relating to items used for a violent attack or assault, including firearms, ammunition, nail guns (and related equipment), body armor, helmets, and masks;

# EXHIBIT 4C

**FBI Cincinnati**  
Public Affairs Specialist Todd Lindgren  
(513) 979-8347

August 11, 2022

## FBI Cincinnati Statement

*Updated Statement - August 12, 2022:*

On August 11, 2022 at approximately 9:15 AM EST, an armed male subject attempted to breach the Visitor Screening Facility at the FBI Cincinnati Field Office. The subject eventually fled and was encountered by the FBI, Ohio State Highway Patrol, and local law enforcement near Wilmington, OH. The subject shot at law enforcement officers. During the incident, law enforcement also fired their weapons. At approximately 3:45 PM, the subject was shot and is deceased.

The FBI is now reviewing this agent-involved shooting. The FBI takes all shooting incidents involving our agents or task force members seriously. In accordance with FBI policy, the shooting incident is under investigation by the FBI's Inspection Division. The review process is thorough and objective, and is conducted as expeditiously as possible under the circumstances.

*Original Statement - August 11, 2012:*

On August 11, 2022, at approximately 9:15 EST, the FBI Cincinnati Field Office had an armed subject attempt to breach the Visitor Screening Facility (VSF). Upon the activation of an alarm and a response by armed FBI special agents, the subject fled northbound onto Interstate 71. The FBI, Ohio State Highway Patrol, and local law enforcement partners are on scene near Wilmington, Ohio, trying to resolve this critical incident.

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[Ten Most Wanted](#)

[Fugitives](#)

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**FBI** FEDERAL BUREAU  
OF  
INVESTIGATION



FBI.gov Contact Center

# EXHIBIT 4D

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-8332-BER

IN RE: SEALED SEARCH WARRANT

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**ORDER ON MOTIONS TO UNSEAL<sup>1</sup>**

On August 8, 2022, the Government executed a search warrant at 1100 S. Ocean Boulevard, Palm Beach, Florida (“the Premises”). The Premises are a private club that is also the part-time residence of Former President Donald J. Trump.

Numerous intervenors (“Intervenors”) now move to unseal materials related to the search warrant. ECF No. 17 at 2. The Intervenors are Judicial Watch (ECF No. 4), Albany Times Union (ECF No. 6), The New York Times Company (ECF No. 9), CBS Broadcasting, Inc. (ECF No. 20), NBCUniversal Media, LLC d/b/a NBC News, Cable News Network, Inc., WP Company, LLC d/b/a The Washington Post, and E.W. Scripps Company (ECF No. 22), The Palm Beach Post (ECF No. 23), The Florida Center for Government Accountability, Inc. (ECF No. 30), The McClatchy Company LLC d/b/a Miami Herald and Times Publishing Company d/b/a Tampa Bay Times (ECF No. 31), Dow Jones & Company, Inc. (ECF No. 32), The Associated Press (ECF No. 33), and ABC, Inc. (ECF No. 49). The Government opposes the request to unseal. ECF No. 59. Neither Former President Trump nor anyone else purporting to be the

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<sup>1</sup> This Order memorializes and supplements my rulings from the bench at the hearing on August 18, 2022.

owner of the Premises has filed a pleading taking a position on the Intervenors' Motions to Unseal.

### **BACKGROUND**

On August 5, 2022, the Court issued a search warrant for the Premises after finding probable cause that evidence of multiple federal crimes would be found at the Premises ("the Warrant"). An FBI Special Agent's sworn affidavit ("the Affidavit") provided the facts to support the probable cause finding. The Government submitted (1) a Criminal Cover Sheet, (2) an Application for Warrant by Electronic Means, (3) the Affidavit, (4) a proposed Warrant, (5) a Motion to Seal all of the documents related to the Application and the Warrant, and (6) a proposed Order to Seal (collectively the "Warrant Package"). The Government asserted there was good cause for sealing the entire Warrant Package because public disclosure might lead to an ongoing investigation being compromised and/or evidence being destroyed. ECF No. 2. The Motion to Seal the entire Warrant Package was granted. ECF No. 3. After the search on August 8, 2022, the Government filed an inventory of the seized items (the "Inventory"), as required by Federal Rule of Criminal Procedure 41(f)(1)(D). ECF No. 21.

Beginning on August 10, 2022, the Intervenors filed motions to intervene and to unseal the entire Warrant Package. On August 11, the Government moved to unseal (1) the Warrant and (2) a copy of the Inventory that had been redacted only to remove the names of FBI Special Agents and the FBI case number. ECF No. 18. The Court granted the Government's Motion to Unseal these materials on August 12,



2022. ECF No. 41. Those materials are now publicly available. Therefore, to the extent the Intervenors have moved to unseal the Warrant and the Inventory, the motions are DENIED AS MOOT.

On August 12, 2022, the Government filed under seal redacted copies of several other documents from the Warrant Package — the Criminal Cover Sheet, the Application for a Warrant by Telephone or Other Reliable Electronic Means, the Motion to Seal, and the Sealing Order. ECF No. 57. These materials are redacted only to conceal the identities of an Assistant United States Attorney and an FBI Special Agent. The Government does not oppose unsealing the redacted versions. ECF No. 59 at 2. The Intervenors do not object to the limited redactions. Hrg. Tr. at 8. I find that the redactions are appropriate to protect the identity and personal safety of the prosecutor and investigator. Therefore, to the extent the Intervenors move to unseal these redacted documents, their motions are GRANTED. *See* ECF No. 74.

All that remains, then, is to decide whether the Affidavit should be unsealed in whole or in part. With one notable exception that is not dispositive, the parties agree about the legal principles that apply.<sup>2</sup> They disagree only about how I should apply those principles to the facts. The Government concedes that it bears the burden of justifying why the Affidavit should remain sealed. Hrg. Tr. at 8; *see, e.g., DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 826 (2d Cir. 1997).

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<sup>2</sup> As discussed below, the parties disagree whether a First Amendment right of public access applies to a sealed search warrant and related documents.

## APPLICABLE LEGAL PRINCIPLES

It is a foundational principle of American law that judicial proceedings should be open to the public. An individual's right to access judicial records may arise from the common law, the First Amendment, or both. *Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1310-12 (11th Cir. 2001). That right of access is not absolute, however. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). Where a sufficient reason exists, a court filing can be sealed from public view.

“The common law right of access may be overcome by a showing of good cause, which requires balanc[ing] the asserted right of access against the other party's interest in keeping the information confidential.” *Romero v. Drummond Co., Inc.*, 480 F.3d 1234, 1246 (11th Cir. 2007) (brackets in original) (quoting *Chicago Tribune*, 263 F.3d at 1309). In deciding whether good cause exists, “courts consider, among other factors, whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” *Romero*, 480 F.3d at 1246. They also consider “whether the records are sought for such illegitimate purposes as to promote public scandal or gain unfair commercial advantage, whether access is likely to promote public understanding of historically significant events, and whether the press has already been permitted substantial access to the contents of

the records.” *Newman v. Graddick*, 696 F.2d 796, 803 (11th Cir. 1983) (citing *Nixon*, 435 U.S. at 596-603 & n.11).

Despite the First Amendment right of access, a document can be sealed if there is a compelling governmental interest and the denial of access is “narrowly tailored to serve that interest.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606 (1982).

The Eleventh Circuit has not resolved whether the First Amendment right of access applies to pre-indictment search warrant materials. The Government argues, “The better view is that no First Amendment right to access pre-indictment warrant materials exists because there is no tradition of public access to *ex parte* warrant proceedings.” ECF No. 59 at 4 n.3. Nevertheless, the Government says that I need not resolve this question because, even under the First Amendment test, a compelling reason exists for continued sealing. *Id.* (citing *Bennett v. United States*, No. 12-61499-CIV, 2013 WL 3821625, at \*4 (S.D. Fla. July 23, 2013) (J. Rosenbaum)).

I do not need to resolve whether the First Amendment right of access applies here. As a practical matter, the analyses under the common law and the First Amendment are materially the same. Both look to whether (1) the party seeking sealing has a sufficiently important interest in secrecy that outweighs the public’s right of access and (2) whether there is a less onerous (or, said differently, a more narrowly tailored) alternative to sealing. As discussed more fully below, in this case, both tests lead to the same conclusion.

## DISCUSSION

### 1. *Balancing the Parties' Interests*<sup>3</sup>

The Government argues that unsealing the Affidavit would jeopardize the integrity of its ongoing criminal investigation. The Government's motion says, "As the Court is aware from its review of the affidavit, it contains, among other critically important and detailed investigative facts: highly sensitive information about witnesses, including witnesses interviewed by the government; specific investigative techniques; and information required by law to be kept under seal pursuant to Federal Rule of Criminal Procedure 6(e)." ECF No. 59 at 8.

Protecting the integrity and secrecy of an ongoing criminal investigation is a well-recognized compelling governmental interest. *See, e.g., United States v. Valenti*, 987 F.2d 708, 714 (11th Cir. 1993); *Bennett*, 2013 WL 3821625, at \*4; *Patel v. United States*, No. 19-MC-81181, 2019 WL 4251269, at \*4 (S.D. Fla. Sept. 9, 2019) (J. Matthewman). "Although many governmental processes operate best under public scrutiny, it takes little imagination to recognize that there are some kinds of government operations that would be totally frustrated if conducted openly." *Press-*

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<sup>3</sup> "As the Eleventh Circuit has explained, findings in a public order as to the need for sealing 'need not be extensive. Indeed, should a court say too much the very secrecy which sealing was intended to preserve could be impaired. The findings need only be sufficient for a reviewing court to be able to determine, *in conjunction with a review of the sealed documents themselves*, what important interest or interests the district court found sufficiently compelling to justify the denial of public access.'" *United States v. Steinger*, 626 F. Supp. 2d 1231, 1234 (S.D. Fla. 2009) (J. Jordan) (citing and adding emphasis to *United States v. Kooistra*, 796 F.2d 1390, 1391 (11th Cir. 1986)).

*Enter. Co. v. Superior Court of Cal. for Riverside Cnty.*, 478 U.S. 1, 8-9 (1986). Criminal investigations are one such government operation. The Intervenor's agree that protecting the integrity of an ongoing criminal investigation can, in the right case, override the common law right of access. Hrg. Tr. at 28.

In the context of an ongoing criminal investigation, the legitimate governmental concerns include whether: (1) witnesses will be unwilling to cooperate and provide truthful information if their identities might be publicly disclosed; (2) law enforcement's ability to use certain investigative techniques in the future may be compromised if these techniques become known to the public; (3) there will be an increased risk of obstruction of justice or subornation of perjury if subjects of investigation know the investigative sources and methods; and (4) if no charges are ultimately brought, subjects of the investigation will suffer reputational damage. *See Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 219 n.10 (1979) (discussing importance of secrecy to grand jury investigations) (quoting *United States v. Procter & Gamble*, 356 U.S. 677, 681-82 n.6 (1958)). Most of the cases discussing these principles arise in the grand jury setting. *See, e.g., Sec. & Exch. Comm'n v. Dresser Indus., Inc.*, 628 F.2d 1368, 1382 (D.C. Cir. 1980) (Grand jury secrecy "serves to protect the identities of witnesses or jurors, the substance of testimony, the strategy or direction of the investigation, the deliberations or questions of jurors, and the like."); *see also Pitch v. United States*, 953 F.3d 1226, 1232 (11th Cir. 2020) (discussing "vital purposes" for grand jury secrecy). The same concerns also apply to a pre-indictment search warrant. At the pre-indictment stage, the Government's need to

conceal the scope and direction of its investigation, as well as its investigative sources and methods, is at its zenith. *Blalock v. United States*, 844 F.2d 1546, 1550 n.5 (11th Cir. 1988) (“The courts’ concern for grand jury secrecy and for the grand jury’s law enforcement function is generally greatest during the investigative phase of grand jury proceedings.”) (quoting S. Beale & W. Bryson, *Grand Jury Law & Practice* § 10:18 (1986)). Maximizing the Government’s access to untainted facts increases its ability to make a fully-informed prosecutive decision while also minimizing the effects on third parties.

As the Government aptly noted at the hearing, these concerns are not hypothetical in this case. One of the statutes for which I found probable cause was 18 U.S.C. § 1519, which prohibits obstructing an investigation. Also, as some of the media Intervenors have reported, there have been increased threats against FBI personnel since the search. ECF No. 59 at 8 n.5 (citing news articles about threats to law enforcement); *see, e.g.*, Josh Campbell, et al., *FBI Investigating ‘Unprecedented’ Number of Threats Against Bureau in Wake of Mar-a-Lago Search*, CNN.COM (Aug. 13, 2022), <https://www.cnn.com/2022/08/12/politics/fbi-threats-maralago-trump-search/index.html>; Nicole Sganga, *FBI and DHS Warn of Increased Threats to Law Enforcement and Government Officials After Mar-a-lago Search*, CBSNEWS.COM (Aug. 15, 2022), <https://www.cbsnews.com/news/mar-a-lago-search-fbi-threat-law-enforcement/>. An armed man attempted to infiltrate the FBI Office in Cincinnati, Ohio on August 11, three days after the search. Elisha Fieldstadt, et al., *Armed Man Who was at Capitol on Jan. 6 is Fatally Shot After Firing into an FBI Field Office in*

*Cincinnati*, NBCNEWS.COM (Aug. 11, 2022), <https://www.nbcnews.com/news/us-news/armed-man-shoots-fbi-cincinnati-building-nail-gun-flees-leading-inters-rcna42669>. After the public release of an unredacted copy of the Inventory, FBI agents involved in this investigation were threatened and harassed. Alia Shoaib, *An Ex-Trump Aide and Right-wing Breitbart News Have Been Separately Accused of Doxxing [sic] the FBI Agents Involved in the Mar-a-Lago Raid*, BUSINESSINSIDER.COM (Aug. 13, 2022), <https://www.businessinsider.com/breitbart-trump-aide-doxxing-mar-a-lago-raid-fbi-agents-2022-8>. Given the public notoriety and controversy about this search, it is likely that even witnesses who are not expressly named in the Affidavit would be quickly and broadly identified over social media and other communication channels, which could lead to them being harassed and intimidated.

Balancing the Government's asserted compelling need for sealing against the public's interest in disclosure, I give great weight to the following factors:

- There is a significant likelihood that unsealing the Affidavit would harm legitimate privacy interests by directly disclosing the identity of the affiant as well as providing evidence that could be used to identify witnesses. As discussed above, these disclosures could then impede the ongoing investigation through obstruction of justice and witness intimidation or retaliation. This factor weighs in favor of sealing.
- The Affidavit discloses the sources and methods used by the Government in its ongoing investigation. I agree with the Government

that the Affidavit “contains, among other critically important and detailed investigative facts: highly sensitive information about witnesses, including witnesses interviewed by the government; specific investigative techniques; and information required by law to be kept under seal pursuant to Federal Rule of Criminal Procedure 6(e).” ECF No. 59 at 8. Disclosure of these facts would detrimentally affect this investigation and future investigations. This factor weighs in favor of sealing.

- The Affidavit discusses physical aspects of the Premises, which is a location protected by the United States Secret Service. Disclosure of those details could affect the Secret Service’s ability to carry out its protective function. This factor weighs in favor of sealing.

- As the Government concedes, this Warrant involves “matters of significant public concern.” ECF No. 59 at 7. Certainly, unsealing the Affidavit would promote public understanding of historically significant events. This factor weighs in favor of disclosure.

The Intervenors emphasize that the Court is required to consider if the press has “already been permitted substantial access to the contents of the records.” *Newman*, 696 F.2d at 803. The Government acknowledges that the unsealed Warrant and Inventory already disclose “the potential criminal statutes at issue in this investigation and the general nature of the items seized, including documents marked as classified.” ECF No. 59 at 7. One Intervenor argues that no privacy



interest remains because “Mr. Trump and his counsel have spoken repeatedly about the government’s search and publicly disclosed information about the alleged subject matter of the warrant, including the potential mishandling of classified documents and violations of the Presidential Records Act.” ECF No. 32 at 5. Another cites the Government’s statement in its Motion to Unseal the Warrant that “the occurrence of the search and indications of the subject matter involved are already public.” ECF No. 22 at 7 (citing ECF No. 18 at 3). A third argues:

The investigation has been made public by the target of the warrant himself, details of the investigation have appeared in publications throughout the world, members of Congress have demanded that the Justice Department provide an explanation, and political commentary on the search continues unabated. In short, with so much publicity surrounding the search, the Court should be skeptical about government claims that disclosure of this true information will invade privacy, disturb the confidentiality of an investigation, tip off potential witnesses, or lead to the destruction of evidence.

ECF No. 8 at 8-9. No one disputes that there has been much public discourse about this Warrant and the related investigation. ECF No. 67 at 7-9 (summarizing issues of public discussion). Nevertheless, much of the information being discussed is based on anonymous sources, speculation, or hearsay; the Government has not confirmed its accuracy.

In any event, these arguments ignore that the contents of the Affidavit identify not just the facts known to the Government, but the sources and methods (i.e., the witnesses and the investigative techniques) used to gather those facts. That information is not known to the public. For the reasons discussed above, the Government has a compelling reason not to publicize that information at this time.

I do not give much weight to the remaining factors relevant to whether the common law right of access requires unsealing of the Affidavit. *See Romero, supra; Newman, supra.* Allowing access to the unredacted Affidavit would not impair court functions. Having carefully reviewed the Affidavit before signing the Warrant, I was — and am — satisfied that the facts sworn by the affiant are reliable. So, releasing the Affidavit to the public would not cause false information to be disseminated. There is no indication that the Intervenors seek these records for any illegitimate purpose.

After weighing all the relevant factors, I find that the Government has met its burden of showing good cause/a compelling interest that overrides any public interest in unsealing the full contents of the Affidavit.

## 2. *Narrowly Tailoring/Least Onerous Alternatives*

I must still consider whether there is a less onerous alternative to sealing the entire document. The Government argues that redacting the Affidavit and unsealing it in part is not a viable option because the necessary redactions “would be so extensive as to render the document devoid of content that would meaningfully enhance the public’s understanding of these events beyond the information already now in the public record.” ECF No. 59 at 10; *see also Steinger*, 626 F. Supp. 2d at 1237 (redactions not feasible because they would “be so heavy as to make the released versions incomprehensible and unintelligible.”). I cannot say at this point that partial redactions will be so extensive that they will result in a meaningless disclosure, but I may ultimately reach that conclusion after hearing further from the Government.

The Government argues that even requiring it to redact portions of the Affidavit that could not reveal agent identities or investigative sources and methods imposes an undue burden on its resources and sets a precedent that could be disruptive and burdensome in future cases. I do not need to reach the question of whether, in some other case, these concerns could justify denying public access; they very well might. Particularly given the intense public and historical interest in an unprecedented search of a former President's residence, the Government has not yet shown that these administrative concerns are sufficient to justify sealing.

I therefore reject the Government's argument that the present record justifies keeping the entire Affidavit under seal. In its Response, the Government asked that I give it an opportunity to propose redactions if I declined to seal the entire Affidavit. I granted that request and gave the Government a deadline of noon on Thursday, August 25, 2022. ECF No. 74. Accordingly, it is hereby ORDERED that by the deadline, the Government shall file under seal a submission addressing possible redactions and providing any additional evidence or legal argument that the Government believes relevant to the pending Motions to Unseal.

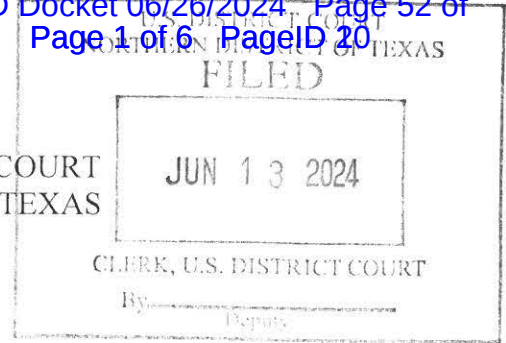
**DONE and ORDERED** in Chambers this 22nd day of August, 2022, at West Palm Beach in the Southern District of Florida.



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BRUCE E. REINHART  
UNITED STATES MAGISTRATE JUDGE

# EXHIBIT 4E



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:24-MJ-479

TIMOTHY MULLER (01)

**CRIMINAL COMPLAINT**

**Alleged Offense:**

I, Special Agent Michael Gantt, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

*Interstate communications*

On or about June 11, 2024, in the Northern District of Texas, defendant **Timothy Muller**, knowingly and willfully did transmit in interstate commerce a communication to [REDACTED], and the communication contained a threat to kidnap and injure [REDACTED] and his family.

In violation of 18 U.S.C. § 875(c).

*Influencing, Impeding, or retaliating against a Federal official*

On or about June 11, 2024, in the Northern District of Texas, defendant **Timothy Muller**, did threaten to assault, kidnap, and murder Federal Bureau of Investigation Supervisory Special Agent [REDACTED] (FBI SSA [REDACTED]), with the intent to: (1) impede, intimidate, and interfere with FBI SSA [REDACTED] while he was engaged in his official duties, and (2) retaliate against FBI SSA [REDACTED], on account of the performance of his official duties.

In violation of 18 U.S.C. § 115(a)(1)(B).

**Probable Cause:**

I, Special Agent Michael Gantt, Federal Bureau of Investigation ("FBI") being duly sworn, do hereby state that I am a Special Agent with the Federal Bureau of Investigation ("FBI" or "Investigating Agency") and have been since January 2020. I am currently assigned to the Dallas Field Division, Fort Worth Resident Agency within the Violent Crimes Unit. I have received formal training from the FBI as well as training through contact with experts from

various law enforcement agencies regarding bank robbery investigations, Hobbs Act robberies, and other violent criminal offenses. I have used a variety of investigative techniques throughout investigations, including, but not limited to, visual surveillance, general questioning of witnesses, the use of: search warrants, confidential informants, undercover agents, pen registers/trap and trace devices, electronic mobile tracking/monitoring devices, and Title III wire interceptions.

1. I am familiar with the circumstances of the offenses described in this affidavit through a combination of personal knowledge of the facts, discussion with other law enforcement officials, other investigative activities conducted, and investigative materials obtained during the investigation.

2. I make this affidavit in support of an application for issuance of a criminal complaint and arrest warrant for **Timothy MULLER** of Fort Worth, Texas, for violations of Title 18 U.S. Code § 875 (Interstate Communications), and Title 18 U.S. Code § 115(a)(1)(B) (Influencing, Impeding, or Retaliating against a Federal official). This affidavit does not include all facts known to me, but rather contains facts sufficient to support the issuance of an arrest warrant.

### STATEMENT OF FACTS

3. The allegations in this affidavit pertain to recent threats against an FBI agent and his immediate family members. There is probable cause to believe these threats were conveyed by telephonic communication services utilized by **Timothy MULLER**, who resides in the Northern District of Texas.

4. On June 11, 2024, at approximately 5:03pm EST, FBI Baltimore Supervisory Special Agent (SSA) [REDACTED] received a phone call from xxx-xxx-5142 (the Subject Telephone Number) on his FBI-issued cellular phone. The caller said, "Hey [REDACTED]" before SSA [REDACTED].

disconnected the call. A second call was immediately received by SSA [REDACTED] from the same phone number. The second call was not answered, and a voicemail was left by the user of the Subject Telephone Number. The voicemail was approximately one minute, five seconds long and in it a masculine voice stated the following:

*Hey [REDACTED], you little cock-sucking pussy! You can run, but you can't fucking hide. You covered up child pornography. You covered up [H. B.] raping his own fucking niece, you piece of fucking degenerate shit! So here's how it's gonna go: [T's] gonna win the re-election, and then we're gonna fucking go through the FBI and just start throwing you cock-suckers into jail. OR, you can steal another election, and then the guns will come out, and we'll hunt you cock-suckers down and slaughter you like the traitorous dogs you are in your own fucking homes. In your own fucking beds. The last thing you'll ever hear are the horrified shrieks of your widow and orphans. And then you know what we're going to do? Then we're going to string those fucking cock-suckers up. We're going to slaughter your whole fucking family, you fucking pedophile! It's like THAT now. So choose. Jail? Or getting strung up and lynched like the fucking traitor you are. That's what happens when you cover up for fucking pedophiles, you piece of fucking shit!*

5. In addition, a series of three text messages from the user of the Subject Telephone Number, **Timothy MULLER**, were then received by SSA [REDACTED] on his FBI-issued cellular phone, ending at approximately 6:16pm EST. A screenshot of the text messages is below, and included the following language, "... You're going to jail- if you're lucky. But I suspect you won't be. How's the family? Safe?" and "... We want you so bad we can fucking taste it." The third text message sent by the user of the Subject Telephone Number, **Timothy MULLER**, stated, "Did you [redacted] really think you were going to disenfranchise 75 million Americans and not die? Lol."



(Screenshot of text message sent by the user of the Subject Telephone Number to FBI SSA [redacted] on June 11, 2024.)

6. SSA [redacted] was previously named in open source reports describing his involvement in an FBI Baltimore investigation related to H.B. and a laptop obtained by the FBI. On June 11, 2024, multiple media outlets reported on the outcome of H.B.'s federal trial in the District of Delaware related to a 2018 firearm purchase.

7. On June 11, 2024, records were obtained for the Subject Telephone Number. According to the records received, the user of the account was "**Tim Muller**" with an address of xxxx Camp Bowie Boulevard, Fort Worth, Texas 76116. However, xxxx Camp Bowie Boulevard, Fort Worth, Texas 76116, is an AT&T retail store located in a shopping center



approximately .8 miles away from **Timothy MULLER**'s residence, which is also in Fort Worth, Texas. Call detail record information shows the Subject Phone Number makes multiple outgoing phone call at 5:03 p.m. EST to SSA [REDACTED]'s FBI-issued cellular phone number to include a one minute 23 second phone call at 5:03:54 p.m. EST. This phone call is consistent with the time of the voicemail left to SSA [REDACTED]'s phone.

8. Furthermore, the cellular records corroborated that the user of the Subject Phone called and sent text messages to SSA's [REDACTED]'s FBI-issued cellular phone on June 11, 2024, at the approximate times listed above. Additionally, the records indicated the device utilized a cell tower providing service to the area of **Timothy MULLER**'s residence in Fort Worth, Texas.<sup>1</sup>

9. A review of location data that was obtained showed the Subject Phone was in the Fort Worth, Texas area on June 11, 2024, and the device was in the vicinity of **Timothy MULLER**'s residence.

10. As part of the investigation, an Instagram account associated with **Timothy MULLER** was identified. The profile photograph is of a white male consistent with other photographs of **MULLER** located on open sources. On August 4, 2019, this Instagram account posted a video with a voice that is consistent with the voice heard on the threatening voicemail.

[remainder of page left intentionally blank]

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<sup>1</sup> Open source databases available to law enforcement indicated **Timothy MULLER** was associated with the subject residential address, and a search of the Tarrant County Appraisal District's website indicated **Timothy MULLER** was the current owner.

CONCLUSION

Based on the aforementioned factual information, your Affiant respectfully submits that there is probable cause to believe that **Timothy MULLER** is in violation of Title 18 U.S. Code § 875(c) (Interstate Communications); and Title 18 U.S. Code § 115(a)(1)(B) (Influencing, Impeding, or Retaliating against a Federal official).

  
\_\_\_\_\_  
Michael Gantt  
Federal Bureau of Investigation  
Special Agent

Sworn to me at 2:03 a.m./p.m. in Fort Worth, Texas, on this 13TH day of JUNE, 2024.

  
\_\_\_\_\_  
HAL R. RAY, JR.  
UNITED STATES MAGISTRATE JUDGE


# **EXHIBIT 5A**

← **Truth Details**

8616 replies

 Trending ▾



**Donald J. Trump** 

@realDonaldTrump

IF YOU GO AFTER ME, I'M COMING AFTER YOU!

**16.9k** ReTruths **49.6k** Likes

Aug 04, 2023, 4:16 PM

# **EXHIBIT 5B**

← **Truth Details**

5331 replies

Trending ▾



**Donald J. Trump** ✓  
@realDonaldTrump

THERE IS NO WAY I CAN GET A FAIR TRIAL WITH THE JUDGE "ASSIGNED" TO THE RIDICULOUS FREEDOM OF SPEECH/FAIR ELECTIONS CASE. EVERYBODY KNOWS THIS, AND SO DOES SHE! WE WILL BE IMMEDIATELY ASKING FOR RECUSAL OF THIS JUDGE ON VERY POWERFUL GROUNDS, AND LIKEWISE FOR VENUE CHANGE, OUT IF D.C.

**11k** ReTruths **42k** Likes

Aug 06, 2023, 9:26 AM

← **Truth Details**

1776 replies

Trending ▾



**Donald J. Trump** ✓  
@realDonaldTrump


Deranged Jack Smith is going before his number one draft pick, the Judge of his "dreams" (WHO MUST BE RECUSED!), in an attempt to take away my FIRST AMENDMENT RIGHTS - This, despite the fact that he, the DOJ, and his many Thug prosecutors, are illegally leaking, everything and anything, to the Fake News Media!!!

**5.72k** ReTruths **18.4k** Likes

Aug 07, 2023, 8:36 AM

← **Truth Details**

1740 replies

 Trending ▾



**Donald J. Trump** ✓

@realDonaldTrump

The Obama appointed Judge in the FREE SPEECH Indictment of me by my political opponent, Crooked Joe Biden's Department of InJustice, shared professional ties at the law firm that worked for Energy Company Burisma, based in Ukraine, of which Hunter Biden and his associate were "proud" MEMBERS OF THE BOARD, and were paid Millions of Dollars, even though Hunter knew almost NOTHING about Energy. How much was the law firm paid? So Horrible. This is a CLASSIC Conflict of Interest! "GATEWAY PUNDIT"

**6.77k** ReTruths **19.4k** Likes

Aug 08, 2023, 4:47 PM



Donald J. Trump  
@realDonaldTrump



Mike Davis  
@mrdcmia



Judge Tanya Chutkan—an Obama leftwing activist judge in DC, whose husband also got appointed by Obama as a DC judge—openly admitted she's running election interference against Trump.



Donald J. Trump  
@realDonaldTrump · 3d



Kyle Cheney  
@kyleccheney

IMPORTANT — CHUTKAN: "What the defendant is currently doing — the fact that he's running a political campaign has to yield to the orderly administration of justice. If that means he can't say exactly what he wants to say about witnesses in this case, that's how it has to be."



5k Retweets 12.8k Likes

Aug 13, 2023, 4:31 PM



← **Truth Details** Trending

2084 replies



 **Donald J. Trump**   
@realDonaldTrump

The Obama appointed Federal Judge in D.C, a TRUE TRUMP HATER, is incapable of giving me a fair trial. Her Hatred of President DONALD J. TRUMP is so great that she has been diagnosed with a major, and incurable, case of TRUMP DERANGEMENT SYNDROME!!!

**7.01k** ReTruths **26.7k** Likes Oct 30, 2023, 7:51 AM

← **Truth Details** Trending

756 replies

 **Donald J. Trump**   
@realDonaldTrump

All of these Biden "Political Opponent" Lawsuits against me could have been brought 3 years ago, but the slimeballs brought them right in the middle of my very successful campaign for President. The J6 Fake Case, where the Obama appointed, Trump Hating Judge, Tanya S. Chutkan, actually had the audacity to schedule the trial THE DAY BEFORE SUPER TUESDAY (always considered the biggest of all Primary days), has been put into serious question when most of the Unselect Committee's evidence was deleted and destroyed. This illegal act, that would have shown the GUILT of Crazy Nancy Pelosi, and others, should end this Biden Witch Hunt. Our FAILING NATION is now becoming a BANANA REPUBLIC. MAGA!

**3.06k** ReTruths **10k** Likes Dec 08, 2023, 8:25 AM

# **EXHIBIT 5C**

← Truth Details

1325 replies

Trending



Donald J. Trump  
@realDonaldTrump

The only person who may be worse than weak on violent crime A.G. Letitia "Peekaboo" James, is the Judge we have on her ridiculous & highly partisan case against me & my family. His name is Arthur Engoron, & he is a vicious, biased, and mean "rubber stamp" for the Communist takeover of the great & prosperous American company that I have built over a long period of years. He was appointed by my worst enemies. Case was to go to a new Judge, but he demands to keep it. I have no jury or Civil Rights!

6.92k ReTruths 22.4k Likes

Oct 28, 2022, 10:09 AM

← Truth Details

1388 replies

Trending



Donald J. Trump  
@realDonaldTrump

WE NEED JUSTICE IN OUR COUNTRY! This political hack judge, who values, Mar-a-Lago, the most spectacular parcel of real estate in Palm Beach, and perhaps all of Florida, at \$18 million in order to reduce valuations on my financial statements, which are, in fact, lower than my actual net worth, must be stopped. I have had very unfair judges since entering politics, but nobody has been as unhinged as this guy. Mar-a-Lago is worth, perhaps, 100 times more than he values it. Other properties are likewise worth substantially more. I am worth billions more than my very conservatively stated financial statements, and therefore could not have defrauded the banks, who all made money & were all paid back, or are current, with no defaults or any other problem. Additionally, there is a powerful Disclaimer Clause on the first pages of the Financial Statements. It states that nothing in the Financial Statements should be accepted as fact!

4.81k ReTruths 17.9k Likes

Sep 27, 2023, 11:55 AM

← Truth Details

2492 replies

Trending



Donald J. Trump  
@realDonaldTrump

Judge Engoron's Valuation of Mar-a-Lago, the most spectacular property in Palm Beach, Florida, IS FRAUDULENT! He states a value of 18 Million Dollars, knowing full well that it is worth, perhaps, 50 to 100 times that amount. Engoron is working diligently to misrepresent me, and my net worth, which is substantially MORE than is shown on my fully "disclaimed" Financial Statements. I have not even included my most valuable asset - BRAND! He should resign from the "Bench" and be sanctioned by the Courts for his abuse of power, and his intentional and criminal interference with the Presidential Election of 2024, of which I am leading all candidates, both Republican & Democrat, by significant margins. Likewise, Letitia James should resign for purposeful and criminal Election Interference. She is fully aware that Mar-a-Lago, and other assets, are worth much more than what she is claiming. Both of these Democrat Operatives are a disgrace to New York, and to the United States of America!

7.11k ReTruths 25k Likes

Oct 02, 2023, 12:50 AM

← Truth Details

3268 replies

Trending



Donald J. Trump  
@realDonaldTrump

JUST ARRIVED AT THE COURTHOUSE TO FIGHT A CORRUPT & RACIST ATTORNEY GENERAL, AND A ROGUE, OUT OF CONTROL, TRUMP HATING JUDGE, WHO REFUSES TO FOLLOW THE APPELLATE COURT DECISION WHICH KNOKS OUT 80% OF THIS SHAM CASE. THIS IS THE CONTINUATION OF THE GREATEST WITCH HUNT OF ALL TIME. ELECTION INTERFERENCE!

7.52k ReTruths 27k Likes

Oct 02, 2023, 9:55 AM

← Truth Details

Trending

1728 replies



Donald J. Trump  
@realDonaldTrump

Judge Engoron is a political hack who ruled against me before the trial even started. He is doing the dirty work for the Democrat Party. I was not even given the option of a jury, This Rigged Case should have never been brought, but since it was, it should have been in the Commercial Division, but Engoron WOULD NOT LET GO OF IT. He fought us, sanctioned us for no reason, fined us big money, never gave us even a one day delay. This is his big chance, and he was not going to let it go. In the meantime, they "lost" their Star Witness, and my Financial Statements are GREAT! There was no fraud, so they are working with the corrupt A.G. whose campaign was "I will get Trump," to develop something, anything. They even go back to 2014, past the Statute of Limitations, to look at a "low ball" offer I made for the Buffalo Bills. Someone else offered much more, so what? Now they come up with something called "disgorgement." I never even heard of the term. WITCH HUNT!!! ELECTION INTERFERENCE!!!

6.29k ReTruths 22.2k Likes

Nov 01, 2023, 7:43 AM

← Truth Details

Trending

1868 replies



Donald J. Trump  
@realDonaldTrump

The RIGGED Trial being “presided” over in Manhattan, without a jury allowed, by a TRUMP HATING, RADICAL LEFT, DEMOCRAT OPERATIVE JUDGE, has shown conclusively that the Trump Organization is Financially Strong, Powerful, Very Liquid, AND HAS DONE NOTHING WRONG. This Election Interference case, brought by Racist and Corrupt Attorney General Peekaboo James, in close coordination with Crooked Joe Biden and Washington, D.C., Fascists, Marxists, and Communists, is a disgrace. With ZERO evidence, and before the Trial even started, the Judge, Arthur Engoron, ruled viciously against me. He stated strongly that a Billion Dollar House was worth only \$18,000,000. Likewise, but to a lesser extent, he did this with other properties, also. The A.G. laughed at him! This is a great Miscarriage of Justice, and while they want to settle, why should I be forced to settle when I did nothing wrong? The State should focus on reducing Taxes, fighting Violent Crime, & keeping businesses from leaving New York!

5.15k ReTruths 17k Likes

Nov 02, 2023, 9:57 AM

← Truth Details

Trending

626 replies



Donald J. Trump  
@realDonaldTrump

The Judge committed FRAUD in my Trial by valuing my assets at a tiny fraction of what they are really worth in order to make his FAKE CASE against me - And everyone, including his crooked and highly partisan Law Clerk, Allison Greenfield, and Racist A.G. Letitia James, knows it. The Judicial System in New York State is in chaos and disrepute over this horribly handled Persecution of a Political Opponent. The World is watching this illegal Witch Hunt. Engoron, James, and Greenfield should be sanctioned and prosecuted over this complete and very obvious MISCARRIAGE OF JUSTICE!!!

3.32k ReTruths 10.9k Likes

Nov 18, 2023, 2:45 PM

← **Truth Details**

1184 replies



**Donald J. Trump** ✓  
@realDonaldTrump

Judge Engoron's Trump Hating wife, together with his very disturbed and angry law clerk, have taken over control of the New York State Witch Hunt Trial aimed at me, my family, and the Republican Party. This is such an embarrassment to all within the New York State Judicial System, as murder and violent crime rage like never before!

**5.11k** ReTruths **18.8k** Likes

Nov 29, 2023, 4:26 PM

# EXHIBIT 5D



← Truth Details

1517 replies

Trending



Donald J. Trump

@realDonaldTrump

Judge Juan Merchan, a very distinguished looking man, is nevertheless a true and certified Trump Hater who suffers from a very serious case of Trump Derangement Syndrome. In other words, he hates me! His daughter is a senior executive at a Super Liberal Democrat firm that works for Adam "Shifty" Schiff, the Democrat National Committee, (Dem)Senate Majority PAC, and even Crooked Joe Biden. He was recently the judge on an unrelated trial of a long term employee, elderly and not in good health. This judge treated him viciously, telling him either you cooperate or I'm putting you in jail for 15 years. He pled, and went to jail for very minor offenses, highly unusual, served 4 months in Rikers, and now they are after him again, this time for allegedly lying (doesn't look like a lie to me!), and they threatened him again with 15 years if he doesn't say something bad about "TRUMP." He is devastated and scared! These COUNTRY DESTROYING SCOUNDRELS & THUGS HAVE NO CASE AGAINST ME. WITCH HUNT!

5.1k ReTruths 16.8k Likes

Mar 26, 2024, 9:42 AM

← Truth Details

2763 replies

Trending



Donald J. Trump  
@realDonaldTrump

Judge Juan Merchan, who is suffering from an acute case of Trump Derangement Syndrome (whose daughter represents Crooked Joe Biden, Kamala Harris, Adam "Shifty" Schiff, and other Radical Liberals, has just posted a picture of me behind bars, her obvious goal, and makes it completely impossible for me to get a fair trial) has now issued another illegal, un-American, unConstitutional "order," as he continues to try and take away my Rights. This Judge, by issuing a vicious "Gag Order," is wrongfully attempting to deprive me of my First Amendment Right to speak out against the Weaponization of Law Enforcement, including the fact that Crooked Joe Biden, Merrick Garland, and their Hacks and Thugs are tracking and following me all across the Country, obsessively trying to persecute me, while everyone knows I have done nothing wrong!

7.05k ReTruths 21.7k Likes

Mar 27, 2024, 10:31 AM

← Truth Details

1212 replies

Trending



Donald J. Trump  
@realDonaldTrump

Judge Juan Merchan is totally compromised, and should be removed from this TRUMP Non-Case immediately. His Daughter, Loren, is a Rabid Trump Hater, who has admitted to having conversations with her father about me, and yet he gagged me. She works for Crooked Joe Biden, Kamala Harris, Adam "Shifty" Schiff, and other Radical Leftists who Campaign on "Getting Trump," and fundraise off the "Biden Indictments" - including this Witch Hunt, which her father "presides" over, a TOTAL Conflict - and attacking Biden's Political Opponent through the Courts. Former D.A. Cy Vance refused to bring this case, as did all Federal Agencies, including "Elections."

4.52k ReTruths 15.3k Likes

Mar 28, 2024, 4:50 PM

← Truth Details

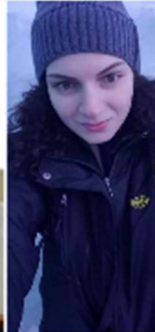
2628 replies

Trending



Donald J. Trump  
@realDonaldTrump

This is a disgrace to our Legal System. Judge Merchan should be immediately sanctioned and recused, and this fake "case," only kept alive by the Highly Conflicted Judge, should be completely dismissed right away - THERE IS NO CASE, THERE IS NO CRIME. Andy McCarthy, Jonathan Turley, and all Legal Experts and Scholars universally agree that this is a case that should have never been brought. IT IS A POLITICAL, ELECTION-INTERFERING WITCH HUNT, JUST LIKE ALL OF THE OTHER HOAXES, HEADED UP AND COORDINATED BY THE DOJ, AGAINST THE POLITICAL OPPONENT OF CROOKED JOE BIDEN IN ORDER TO HELP GET THE WORST PRESIDENT IN THE HISTORY OF THE UNITED STATES RE-ELECTED! [nypost.com/2024/03/30/us-news/...](https://nypost.com/2024/03/30/us-news/)



nypost.com  
Dem clients of daughter of NY judge in Trump hush-money trial raised \$93M off the case  
2 top clients of the Democratic consulting firm owned by the daughter of the judge overseeing Donald Trump's hush money trial raised \$93 million in campaign funds since the ex-president

6.5k ReTruths 18.6k Likes

Mar 30, 2024, 7:00 PM

Reply

ReTruth

Like



← **Truth Details**

956 replies



**Donald J. Trump**   
@realDonaldTrump

There is NO WAY I can be given a Fair (Biden) Trial on Monday with Judge Juan Merchan, who is totally conflicted and corrupt, presiding. Soros backed Alvin Bragg, the "District Attorney" who has, along with his sidekick Leticia James, let violent crime flourish in New York, never wanted to bring this case because it is a sham and mockery of our legal system. He brought it anyway for purposes of saving the WORST PRESIDENT IN THE HISTORY OF THE UNITED STATES. ELECTION INTERFERENCE!

**3.71k** ReTruths **13.1k** Likes

Apr 13, 2024, 12:48 PM

← **Truth Details**

5932 replies




**Donald J. Trump**   
@realDonaldTrump

HIGHLY CONFLICTED, TO PUT IT MILDLY, JUDGE JUAN MERCHAN, HAS TAKEN AWAY MY CONSTITUTIONAL RIGHT TO FREE SPEECH. EVERYBODY IS ALLOWED TO TALK AND LIE ABOUT ME, BUT I AM NOT ALLOWED TO DEFEND MYSELF. THIS IS A KANGAROO COURT, AND THE JUDGE SHOULD RECUSE HIMSELF!

**12k** ReTruths **43k** Likes


Apr 23, 2024, 11:00 AM

← **Truth Details**

 Trending ▾

1714 replies



**Donald J. Trump**   
@realDonaldTrump

This is a total Witch Hunt. Hours of sitting down and listening to nothing except EXONERATION AND LIES. The Trial is going like a speeding bullet, because the Judge is working hard to make all of his friends happy. Merchan is Rigged, Crooked and above all, and without question, CONFLICTED. It's a disgrace to our Country — They've taken away my Right to Free Speech. ELECTION INTERFERENCE!!!

**5.2k** ReTruths **17.4k** Likes

Apr 30, 2024, 5:19 PM

# **EXHIBIT 6A**

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

August 11, 2023

for the

Nathan Ochsner, Clerk of Court

Southern District of Texas



United States of America )

v. )

Abigail Jo SHRY )

Case No. **4:23-mj-1602**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 5, 2023 in the county of Brazoria in the Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

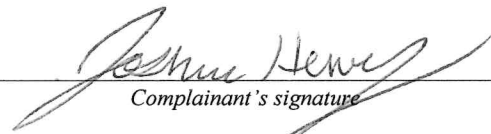
18 USC Section 875(c)

Transmission in Interstate or Foreign Commerce of any Communication Containing a Threat to Injure the Person of Another

This criminal complaint is based on these facts:

See attached

Continued on the attached sheet.

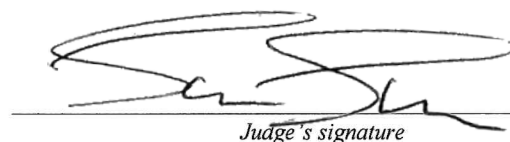
  
Complainant's signature

Special Agent Joshua Henry FPS

Printed name and title

Sworn to before me and signed in my presence.

Date: August 11, 2023

  
Judge's signature

City and state: Houston, Texas

United States Magistrate Judge Sam Sheldon

Printed name and title

## 4:23-mj-1602

### AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joshua Henry, of the United States Department of Homeland Security, Federal Protective Service, being duly sworn, do hereby swear and affirm the following facts as being true to the best of my knowledge, information, and belief.

I am a Special Agent with the Federal Protective Service (FPS), United States Department of Homeland Security, and have been working with FPS for approximately 14 years. In that capacity, I investigate violations of the United States Federal Criminal Codes, Code of Federal Regulations, and related offenses including threats.

Based on the facts and circumstances outlined below, there is probable cause to believe that Abigail Jo SHRY did knowingly and willfully commit an offense against the United States, to wit: Transmission in Interstate or Foreign Commerce of any Communication Containing a Threat to Injure the Person of Another, to wit: United States District Judge Tanya Chutkan and United States Congresswoman Sheila Jackson Lee, in violation of Title 18, United States Code, Section 875(c).

This affidavit is made for the limited purpose of supporting a criminal complaint. I have not set forth each and every fact learned during the course of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the crime charged. Unless otherwise indicated, where actions, conversations, and statements of others are related herein, they are related in substance and in part only. The information in the following paragraphs furnished in support of this affidavit comes from the personal investigation of Affiant and from other officials and relayed to Affiant in person or through Affiant's review of their investigative reports, and does not contain all information known by me, only facts for consideration of probable cause.



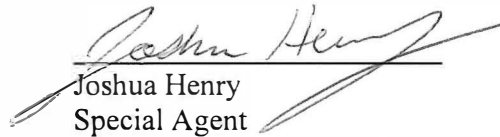
The following incident occurred during a phone call to United States District Judge Tanya Chutkan's chambers in Washington, DC from Alvin, TX using phone number 832-537-2180. SHRY and left a threatening voicemail message intended for Judge Chutkan and mentioned United States Congresswoman Sheila Jackson Lee, the LGBTQ community, and other democratic parties.

On August 5, 2023, at approximately 7:51 P.M., a call was received in the chambers of District of Columbia United States District Judge Tanya Chutkan. According to caller identification on the Judge's phone, the call came from phone number (832) 537-2180. The caller's introduction stated, "Hey you stupid slave nigger," after which the caller threatened to kill anyone who went after former President Trump, including a direct threat to kill Congresswomen Sheila Jackson Lee, all democrats in Washington D.C. and all people in the LGBTQ community. The caller further stated, "You are in our sights, we want to kill you," and "We want to kill Sheila Jackson Lee." "If Trump doesn't get elected in 2024, we are coming to kill you, so tread lightly, bitch." The caller continued with their threats, stating, "You will be targeted personally, publicly, your family, all of it."

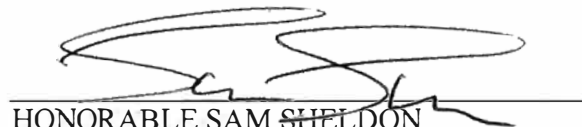
Investigation determined that the telephone number (832) 537-2180 was issued to a cell phone owned by Abigail Jo SHRY of Alvin, Texas.

On August 8, 2023, DHS Special Agents conducted a knock and talk at the residence of Abigail Jo SHRY in Alvin, Texas. During consensual questioning, SHRY admitted that the phone number (832) 537-2180 belongs to her and that she did in fact make the call to Judge Chutkan's chambers. SHRY stated that she had no plans to travel to Washington, DC or Houston to carry out anything she stated, adding that if Sheila Jackson Lee comes to Alvin, then we need to worry.

Based on the foregoing, I believe there is probable cause that on or about August 5, 2023, Abigail Jo SHRY did commit the offense of Transmission in Interstate or Foreign Commerce of any Communication Containing a Threat to Injure the Person of Another, to wit: United States District Judge Tanya Chutkan and United States Congresswoman Sheila Jackson Lee, in violation of Title 18, United States Code, Section 875(c).

  
Joshua Henry  
Special Agent  
Department of Homeland Security  
Federal Protective Service

Sworn to before me telephonically this 11th day of August, 2023 and I find probable cause.

  
HONORABLE SAM SHELDON  
United States Magistrate Judge

# **EXHIBIT 6B**

# Apparent ‘Swatting’ Incidents Target Judge and Prosecutor in Trump Election Case

The police were called to the homes of Judge Tanya S. Chutkan and the special counsel, Jack Smith, in separate incidents after false reports of shootings there.



By Alan Feuer

Jan. 8, 2024

**Sign up for the Trump on Trial newsletter.** The latest news and analysis on the trials of Donald Trump in New York, Florida, Georgia and Washington, D.C. [Get it sent to your inbox.](#)

Police officers and emergency personnel were sent on Sunday night to the Washington home of the federal judge overseeing former President Donald J. Trump’s election interference case in what appeared to be an incident of “swatting,” according to three people familiar with the matter.

The police and fire vehicles were responding to a report that a shooting had occurred at the home of the judge, Tanya S. Chutkan, who has been handling the criminal case accusing Mr. Trump of plotting to overturn the 2020 election, the people said. According to an incident report released by Washington’s Metropolitan Police Department that did not name Judge Chutkan, officers were “advised that she was not injured and that there was no one in her home” when they arrived at the house around 10 p.m. Sunday.

The episode at Judge Chutkan’s house came two weeks after the special counsel, Jack Smith, who filed the election subversion indictment against Mr. Trump, was the victim of a swatting incident at his home in Maryland, according to a person

familiar with the situation. On Christmas Day, someone called the police in Montgomery County and filed a false report that Mr. Smith had shot his wife, the person said. The swatting of Mr. Smith was reported earlier by NBC News.

Swatting is the colloquial term for filing false reports to the police to set off a threatening or potentially dangerous response by officers. Incidents of swatting have become more common in recent years and have been used against various politicians and public figures.

. There have been no arrests yet in connection with the incidents, and it was unclear whether they were related to the election interference case. But they were a reminder of the potential threats faced by people involved in the various criminal cases against Mr. Trump.

The incident involving Judge Chutkan took place two days before a crucial appeals court hearing concerning Mr. Trump's claim that he is immune from prosecution in the case because the charges arose from actions he took while he was in the White House.

In July 2022, another federal judge in Washington, Emmet G. Sullivan, also had the police called to his house in what appeared to be a swatting incident. That episode took place the night before Judge Sullivan was set to preside over a hearing where Anthime Gionet, a far-right activist nicknamed "Baked Alaska," was set to plead guilty in connection with the Capitol attack.

Both Judge Chutkan and Mr. Smith have faced threats in the past related to their work on Mr. Trump's criminal case, which has been unfolding in Federal District Court in Washington.

In August, just days after Mr. Trump was indicted, a woman left a voice mail message for Judge Chutkan, who is Black, in her chambers in Washington, using a racial slur and threatening to kill her.

"If Trump doesn't get elected in 2024, we are coming to kill you, so tread lightly," the woman said in the message, adding, "You will be targeted personally, publicly, your family, all of it."

The message for Judge Chutkan was left only one day after Mr. Trump had posted his own menacing, albeit cryptic, statement on social media. “IF YOU GO AFTER ME, I’M COMING AFTER YOU!” he wrote. (His campaign later said his words were not directed against anyone involved in the election interference case.)

A Texas woman, Abigail Jo Shry, was eventually arrested and is facing prosecution there.

Mr. Trump has relentlessly gone after Mr. Smith in social media posts, describing him as a “thug” and as “deranged.” Prosecutors have said that he has experienced threats from others without being specific about their nature.

In September, the prosecutors mentioned the threats against Judge Chutkan and Mr. Smith in their request to Judge Chutkan to impose a gag order on the former president. The prosecutors cited several other instances of Mr. Trump verbally attacking people involved in the cases he is facing, arguing that his remarks online often had real-world consequences.

Judge Chutkan ultimately imposed the gag order, but permitted Mr. Trump to say what he liked about her. A federal appeals court later upheld the order, but narrowed its terms to allow Mr. Trump, among other things, to attack Mr. Smith as well.

Charlie Savage contributed reporting.

**Alan Feuer** covers extremism and political violence for The Times, focusing on the criminal cases involving the Jan. 6 attack on the Capitol and against former President Donald J. Trump. More about Alan Feuer

# EXHIBIT 6C

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

In the Matter of the Application of

DONALD J. TRUMP, DONALD J. TRUMP, JR.,  
ERIC TRUMP, ALLEN WEISSELBERG, JEFFREY  
MCCONNEY, THE DONALD J. REVOCABLE  
TRUST, THE TRUMP ORGANIZATION, INC.,  
THE TRUMP ORGANIZATION, LLC, DJT HOLDINGS  
LLC, DJT HOLDINGS MANAGING MEMBER,  
TRUMP ENDEAVOR 12 LLC, TRUMP OLD POST  
OFFICE LLC, 40 WALL STREET LLC,  
AND SEVEN SPRINGS LLC,

Case No. 2023-05859

**AFFIRMATION  
IN OPPOSITION**

Petitioners,

for a Judgment pursuant to Article 78  
of the Civil Practice Law and Rules

-against-

THE HONORABLE ARTHUR F. ENGORON,  
J.S.C., AND PEOPLE OF THE STATE OF NEW YORK  
by LETITIA JAMES, ATTORNEY GENERAL OF THE  
STATE OF NEW YORK,

Respondents.

---

LISA M. EVANS, an attorney duly admitted to practice law before the Courts of the  
State of New York, affirms under penalties of perjury, the truth of the following:

1. I am a Deputy Counsel in the Office of Court Administration of the State of New  
York, and am of counsel to David Nocenti, attorney for Justice Arthur F. Engoron, a Justice of the  
Supreme Court, New York County (“Justice Engoron”). I make this affirmation in opposition to  
Petitioners’ request for a stay of the enforcement of the limited gag orders issued by Justice  
Engoron in *People of the State of New York v. Donald Trump, et al.*, Index No. 452564/2022.



2. On or about November 16, 2023, Petitioners filed the within Article 78 proceeding by Order to Show Cause, seeking, *inter alia*, a stay of four gag orders issued by Justice Engoron in an ongoing trial before him pending an adjudication of their article 78 petition. On October 3, 2023, Justice Engoron issued a limited gag order prohibiting all parties in the underlying action from making any public statements about members of his staff (See October 3, 2023 Transcript annexed hereto as Exhibit A). On October 20, 2023, the court issued its second order sanctioning Petitioner Donald J. Trump for violating the October 3, 2023 order for failing to remove a disparaging and untrue post of his law clerk from his web site (See October 20, 2023 Order annexed hereto as Exhibit B).

3. The Court issued its third order on October 26, 2023, again sanctioning Donald J. Trump for violating the October 3, 2023 gag order on October 25, 2023, when Mr. Trump, during a break in the trial, made the following statement to the press outside of the courtroom: “This judge is a very partisan judge with a person who’s very partisan sitting alongside him, perhaps even more partisan than he is.” The Court found that this statement was referring to his Principal Law Clerk and in violation of the October 3, 2023 order (See October 26, 2023 Order annexed hereto as Exhibit C). On November 3, 2023, the Court issued a fourth order prohibiting “all counsel from making any public statements, in or out of court, that refer to *any* confidential communications, in any form, between my staff and me.” (See November 3, 2023 Order annexed as Exhibit D).

4. Petitioners’ application for a stay of the gag orders pending the adjudication of the within article 78 proceeding should be denied. Petitioners have no likelihood of success on the merits. By this proceeding, petitioners are seeking the extraordinary remedy of prohibition which “lies only where there is a clear legal right and only when the body or officer acts or threatens to

act without jurisdiction over which it has no power over the subject matter or *where* it exceed[s] its authorized powers in a proceeding over which it has jurisdiction.” *Hirschfeld v. Friedman*, 307 A. D. 2d 856, 858 (1<sup>st</sup> Dep’t 2003) quoting *Matter of Holtzman v. Goldman*, 71 N.Y. 2d 564, 569 (1988). “Prohibition is never available merely to correct or prevent trial errors of substantive law or procedure, however grievous.” *Matter of Hirschfeld*, 307 A. D. 2d at 858.

5. Petitioners cannot establish that they have a clear legal right to the relief sought. Petitioners allege that the gag orders violate their First Amendment Right to free speech. While prior restraints are viewed with a strong presumption against their validity, this Court has recognized that “reasonable limitations may be placed on speech where an important countervailing interest is being served.” *Fischetti v. Scherer*, 44 A.D. 3d 89, 93 (1s Dep’t 2007) Here, as set forth in the Affirmation of Charles Hollon annexed hereto as Exhibit E, it is unquestionable that the conduct engaged in by Petitioners -- the deluge of the court’s chambers phone and the law clerk’s personal cell phone, personal emails and social media accounts with hundreds of threatening, harassing, disparaging and antisemitic messages -- which threatens the safety of court staff is the type of countervailing interest being served that warrants the imposition of the limited gag orders imposed by the Court.

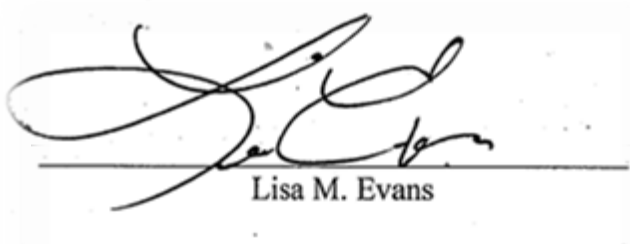
6. The First Amendment does not prohibit courts from limiting speech that threatens the safety of the court’s staff. Courts have broad discretion to control the conduct of litigants and attorneys in ongoing proceedings. *Sheppard v. Maxwell*, 384 U. S. 333, 363 (1966) (“The Court must take such steps by rule and regulation that will protect their process from prejudicial interference.”). Here, the Court reasonably determined that the limited gag orders were necessary for the protection of its staff and to protect the ongoing trial from prejudicial interferences. While

freedom of expression is given wide range, “it must not be allowed to divert the trial from the very purpose of a court system to adjudicate controversies, both criminal and civil, in the calmness and solemnity of courtroom according to legal procedure.” *Sheppard*, 384 U.S. 350-51.

7. Petitioners also seek a stay of the sanctions imposed against Mr. Trump for violating the gag orders. The issue of granting a stay is moot since, as petitioners concede, Mr. Trump already has paid the sanctions. *See*, Petition ¶ 107.

8. Based on the foregoing and for the reasons set forth in the Affirmation in Opposition to Motion for a Stay submitted by the New York State Attorney General, it is respectfully requested that Petitioners’ application for a stay of the gag orders and sanctions imposed for violating the court’s gag orders be denied.

November 22, 2023



Lisa M. Evans

# EXHIBIT A

**In The Matter Of:**

*People of the State of New York v.  
Donald J. Trump, et al - CORRECTED*

---

*October 3, 2023*

---

*So Ordered*

*(AE)*

*10/26/2023*

**HON. ARTHUR F. ENGORON J.S.C.**

**OCT 26 2023**

Original File People v. Trump 10-3-2023 - CORRECTED.txt

Min-U-Script® with Word Index

*1063.*

People of the State of New York v. Donald J. Trump, et al - CORRECTED

October 3, 2023

D. Bender - Direct by Mr. Wallace Page 267

1 through the document, please.

2 Mr. Bender, do you recognize this document?

3 A The document --

4 Q What's that?

5 A Repeat the question, please?

6 Q Do you recognize this document?

7 A Yes, I do.

8 Q What is this document?

9 A This is the representation letter for the DJT -- the

10 compilation of the personal financial statement of Donald J.

11 Trump, as of June 30, 2020.

12 MR. WALLACE: If we could go to the bottom of

13 this document.

14 Q Do you recognize the signature on the left hand side

15 of the screen?

16 A Yes, I do.

17 Q Whose signature is that?

18 A It's Allen Weisselberg.

19 Q And in what capacity is Mr. Weisselberg signing this

20 document?

21 A Chief Financial Officer and Trustee of the Donald J.

22 Trump Revocable Trust.

23 Q And do you recognize the signature on the right hand

24 side?

25 A Yes, I do.

D. Bender - Direct by Mr. Wallace Page 269

1 A No, I did not.

2 Q After the time that you disengaged from the Trump

3 engagement, did you have any personal contact with Donald J.

4 Trump?

5 A No, I did not.

6 Q Before seeing him in the courtroom the last two days,

7 when was the last time you saw Donald J. Trump in person?

8 A It was before Covid. It was December, 2019.

9 Q And do you remember in what context that was?

10 A Yes. Ms. Trump had invited by son to a

11 Christmas party for children, to make ornaments, and I had to

12 get some papers signed by Mr. and Ms. Trump.

13 Q Since that meeting, did you have any conversations

14 with Mr. Trump?

15 A No, I have not.

16 Q Did you have any conversations with Mr. Trump about

17 the decision by Mazars to end the engagement with the Trump

18 Organization?

19 A No, I did not.

20 Q Did you have any in-person meetings with Mr. Trump

21 about the decision by Mazars to end to the relationship with the

22 Trump Organization?

23 A No, I did not.

24 MR. WALLACE: Your Honor, we reserve our right to

25 re-direct; or cross, if they go beyond the scope of his

D. Bender - Direct by Mr. Wallace Page 268

1 Q Whose signature is that?

2 A That's Donald J. Trump, Junior's signature.

3 Q And in what capacity is he signing this document?

4 A Executive Vice President of the Trump Organization,

5 and Trustee of the Donald J. Trump Revocable Trust.

6 MR. WALLACE: Your Honor, we would ask that this

7 document be entered into evidence?

8 THE COURT: Granted. It's in evidence.

9 (Whereupon, Plaintiff's Exhibit 855 was received

10 in evidence.)

11 Q And Mr. Bender, would Mazars have issued the 2020

12 Statement of Financial Condition if Mr. Weisselberg and

13 Mr. Trump did not offer these representations?

14 A No, we would not have.

15 Q Would Mazars have issued the 2020 Statement of

16 Financial Condition if it knew that any representations

17 contained in this letter were false?

18 A No, we would not have.

19 Q Mr. Bender, did you work on Statements of Financial

20 Condition for Mr. Trump in any later years?

21 A No, we did not.

22 Q Why not?

23 A Mazars disengaged from the Trump Organization.

24 Q And did you have any involvement in the decision to

25 disengage from the Trump engagement?

D. Bender - Direct by Mr. Wallace Page 270

1 testimony. We have no more questions at this time, of

2 Mr. Bender.

3 THE COURT: Mr. Kise, do you want five minutes to

4 cross exam?

5 MR. KISE: Do we want to -- just, probably better

6 to just take our break.

7 THE COURT: I thought you would say that. Give

8 me one second.

9 (Whereupon, there was a pause in the

10 proceedings.)

11 THE COURT: Okay. We are going to resume at

12 2:15. Have a good lunch, everybody.

13 (Whereupon, a recess was taken.)

14 \* \* \* \* \*

15 THE COURT: Welcome back, everyone.

16 This morning, one of the defendants posted, to a

17 social media account, a disparaging, untrue and personally

18 identifying post about a member of my staff. Although I

19 have since order the post deleted, and apparently it was,

20 it was also emailed out to millions of other recipients.

21 Personal attacks on members of my court staff are

22 unacceptable, inappropriate, and I will not tolerate them,

23 under any circumstances. Yesterday, off the record, I

24 warned counsel of this, and this was disregarded. My

25 warning was disregarded.

2063

People of the State of New York v. Donald J. Trump, et al - CORRECTED

October 3, 2023

Proceedings Page 271

1 Consider this statement a gag order forbidding

2 all parties from posting, emailing, or speaking publicly

3 about any members of my staff. Any failure to abide by

4 this directive will result in serious sanctions. I hope

5 I've been very clear.

6 Okay. Let's get Mr. Bender back.

7 MR. KISE: While we're waiting, Judge, I'll just

8 observe, this will be better for me because I don't have to

9 stand up and object when there's a document, since it's

10 cross examination.

11 THE COURT: Are we up to cross?

12 MR. SUAREZ: Your Honor, I'll take the

13 opportunity to introduce myself. My name is Jesus Suarez.

14 Thank you for admitting me, pro hac vice. I practice with

15 Mr. Kise, in Florida.

16 THE COURT: Of course. I remember the

17 application.

18 MR. SUAREZ: I don't speak as nicely as he does.

19 THE COURT: Well, almost nobody does, so --

20 MR. SUAREZ: Is my mike on? Now my mike is on.

21 THE COURT: Is he as good in the office as he is

22 in court?

23 MR. SUAREZ: He is certainly as charming in the

24 office as he is in court, but he almost never picks up

25 lunch. I don't know what that's about.

D. Bender - Cross by Mr. Suarez Page 273

1 Q And Mr. Bender, preparing the president's Statements

2 of Financial Condition, that was a big job; wasn't it,

3 Mr. Bender?

4 A It wasn't a big job. It was part of my normal

5 engagement.

6 Q Part of your normal engagement, I see. In 2011 alone,

7 the first Statement of Financial Condition that the Attorney

8 General had you talk about, the president had over \$258 million

9 in cash, Mr. Bender. You don't think that's a significant

10 engagement?

11 A No, sir.

12 Q Okay. The president had a company with a brand value

13 of over \$10-, maybe even \$20 billion, Mr. Bender. That, for

14 you, wasn't a significant engagement?

15 A No, sir.

16 Q Okay. Now, is that because you were the in-house

17 accountant at the Trump Organization for over 30 years,

18 Mr. Bender?

19 A I wasn't the in-house accountant.

20 Q Okay. So who was?

21 A The in-house accountant?

22 Q Yes.

23 A Mr. McConney, Mr. Weisselberg. They were the in-house

24 accountants.

25 Q Mr. McConney. Mr. McConney worked with you at Spahr

D. Bender - Cross by Mr. Suarez Page 272

1 That was a joke. Mr. Kise picks up lunch.

2 MR. KISE: You are forgetting all the dinners.

3 THE COURT: They don't laugh at mine, either, so.

4 (Whereupon, the witness resumed the witness

5 stand.)

6 THE COURT: I'll remind the witness, as usual,

7 that he is still under oath.

8 THE WITNESS: Thank you.

9 THE COURT: Counsel, please proceed.

10 CROSS EXAMINATION

11 BY MR. BENDER:

12 Q Mr. Bender, good afternoon.

13 A Good afternoon.

14 Q We have met before?

15 A Good afternoon.

16 THE COURT: That's a question. Have you met

17 before?

18 Q We have met before. We met in April of 2023, when I

19 took your deposition on behalf of the defendants. Do you

20 recall, sir?

21 A Yes, sir.

22 Q Okay. Mr. Bender, you have been up here testifying

23 for the last day about the Statements of Financial Condition of

24 the 45th President of the United States. Is that correct?

25 A Yes, sir.

D. Bender - Cross by Mr. Suarez Page 274

1 Lacher?

2 A Yes, he did.

3 Q May have been responsible for giving you the name Doc?

4 A He wasn't, but he kept it going.

5 Q Did they call you Doc because you were good at

6 documented transactions? That was the Doc?

7 A No.

8 Q It's a cute nickname.

9 Was Mr. Weisselberg an accountant?

10 A He was an accountant.

11 Q Mr. Weisselberg is a CPA?

12 A No. He is not a CPA.

13 Q Mr. McConney is a CPA?

14 A No. Mr. McConney is not a CPA.

15 Q Okay. So who was the in-house accountant at the Trump

16 Organization, Mr. Bender?

17 A Mr. Weisselberg, and his team.

18 Q All right. You did work for the Trump Organization

19 for over 35 years; did you not, Mr. Bender?

20 A Excuse me?

21 Q You did work for the president and his company, the

22 Trump Organization, for over 35 years?

23 A Approximately.

24 Q Approximately. In fact, you came to work with the

25 Trump Organization through a gentlemen named Mr. Mitnick; didn't

# EXHIBIT B



FILED: NEW YORK COUNTY CLERK 10/20/2023 03:33 PM

INDEX NO. 452564/2022

NYSCEF DOC. NO. 1584

RECEIVED NYSCEF: 10/20/2023

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. ARTHUR F. ENGORON PART 37  
*Justice*  
-----X

PEOPLE OF THE STATE OF NEW YORK, BY LETITIA  
JAMES, ATTORNEY GENERAL OF THE STATE OF NEW  
YORK,

INDEX NO. 452564/2022

Plaintiff,

- v -

DONALD J. TRUMP, DONALD TRUMP JR, ERIC TRUMP,  
ALLEN WEISSELBERG, JEFFREY MCCONNEY, THE  
DONALD J. TRUMP REVOCABLE TRUST, THE TRUMP  
ORGANIZATION, INC., TRUMP ORGANIZATION LLC, DJT  
HOLDINGS LLC, DJT HOLDINGS MANAGING MEMBER,  
TRUMP ENDEAVOR 12 LLC, 401 NORTH WABASH  
VENTURE LLC, TRUMP OLD POST OFFICE LLC, 40 WALL  
STREET LLC, SEVEN SPRINGS LLC,

Defendants.

-----X  
On October 3, during a break in this trial, defendant Donald Trump posted to his social media account an untrue, disparaging, and personally identifying post about my Principal Law Clerk. I spoke to defendants, both on and off the record. Off the record, I ordered Donald Trump to remove the post immediately. Approximately 10 minutes later, Donald Trump represented to me that he had taken down the offending post, and that he would not engage in similar behavior going forward. I then, on the record, imposed on all parties to this action a very limited gag order, "forbidding all parties from posting, emailing, or speaking publicly about any members of my staff," emphasizing, quite clearly, that "personal attacks on members of my court staff are unacceptable, inappropriate, and I will not tolerate them under any circumstances." I further made clear that "failure to abide by this directive will result in serious sanctions."

Despite this clear order, last night I learned that the subject offending post was never removed from the website "DonaldJTrump.com," and, in fact, had been on that website for the past 17 days. I understand it was removed late last night, but only in response to an email from this Court.

Today, in open Court, counsel for Donald Trump stated that the violation of the gag order was inadvertent and was an "unfortunate part of the process that is built into the campaign structure." Giving defendant the benefit of the doubt, he still violated the gag order. Connors v Pallozzi, 241 AD2d 719, 719 (3d Dept 1997) ("[c]ontrary to defendants' claim on appeal, a finding of civil contempt does not require a showing that such disobedience was willful").

**OTHER ORDER – NON-MOTION**

**FILED: NEW YORK COUNTY CLERK 10/20/2023 03:33 PM**

INDEX NO. 452564/2022

NYSCEF DOC. NO. 1584

RECEIVED NYSCEF: 10/20/2023

Further, whether intentional or the result of mere "campaign structure" negligence, the effect of the post on its subject is unmitigated by how or why it remained on Donald Trump's website for 17 days. Moreover, a defendant may not evade liability for violating a court order by asserting that the violation was a result of the actions of one or more of the defendant's employees or agents.

In the current overheated climate, incendiary untruths can, and in some cases already have, led to serious physical harm, and worse.

Donald Trump has received ample warning from this Court as to the possible repercussions of violating the gag order. He specifically acknowledged that he understood and would abide by it. Accordingly, issuing yet another warning is no longer appropriate; this Court is way beyond the "warning" stage.

Given defendant's position that the violation was inadvertent, and given that it is a first time violation, this Court will impose a nominal fine, \$5,000, payable to the New York Lawyers' Fund for Client Protection, within ten (10) days of the date of this order.

Make no mistake: future violations, whether intentional or unintentional, will subject the violator to far more severe sanctions, which may include, but are not limited to, steeper financial penalties, holding Donald Trump in contempt of court, and possibly imprisoning him pursuant to New York Judiciary Law § 753.

ARTHUR F. ENGORON, JSC

DATE: 10/20/2023

Check One:

Case Disposed

Non-Final Disposition

Check if Appropriate:

Other (Specify \_\_\_\_\_ )

# EXHIBIT C

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. ARTHUR F. ENGORON PART 37  
*Justice*

PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,

INDEX NO. 452564/2022

Plaintiff,

- v -

DONALD J. TRUMP, DONALD TRUMP JR, ERIC TRUMP, ALLEN WEISSELBERG, JEFFREY MCCONNEY, THE DONALD J. TRUMP REVOCABLE TRUST, THE TRUMP ORGANIZATION, INC., TRUMP ORGANIZATION LLC, DJT HOLDINGS LLC, DJT HOLDINGS MANAGING MEMBER, TRUMP ENDEAVOR 12 LLC, 401 NORTH WABASH VENTURE LLC, TRUMP OLD POST OFFICE LLC, 40 WALL STREET LLC, SEVEN SPRINGS LLC,

Defendants.

-----X  
On October 3, on the record, I imposed on all parties to this action a very limited gag order, “forbidding all parties from posting, emailing, or speaking publicly about any members of my staff,” emphasizing, quite clearly, that “personal attacks on members of my court staff are unacceptable, inappropriate, and I will not tolerate them under any circumstances” (emphasis added). I further made clear that “failure to abide by this directive will result in serious sanctions.”

Despite this unambiguous order, last week I learned that Donald Trump had failed to abide by it by not removing, for a total of 17 days, from the website of donaldjtrump.com an untrue, disparaging and personally identifying post about my Principal Law Clerk. Counsel for defendant stated in open court that the violation of the gag order was inadvertent. Taking counsel at his word, I imposed a \$5,000 nominal sanction against Donald Trump for the first-time violation of the gag order.

On October 25, during a break order from the trial, Donald Trump made the following statement to a gaggle of reporters outside the courtroom: “This judge is a very partisan judge with a person who’s very partisan sitting alongside him, perhaps even more partisan than he is.” Quite clearly, defendant was referring, once again, to my Principal Law Clerk, who sits alongside me on the bench.

Defendant’s attorneys offered the explanation that Donald Trump was referring to Michael Cohen, who had been sitting on the witness stand. I then conducted a brief hearing, during

**OTHER ORDER – NON-MOTION**

which Donald Trump testified, under oath that he was referring to Michael Cohen. However, as the trier of fact, I find this testimony rings hollow and untrue. The Oxford English Dictionary defines “alongside” as “close to the side of; next to.” Witnesses do not sit “alongside” the judge, they sit in the witness box, separated from the judge by a low wooden barrier. Further, Donald Trump’s past public statements demonstrate him referring to Michael Cohen directly by his name, or by a derogatory name, but in all circumstances, he is unambiguous in making it known he is referring to Michael Cohen.

Moreover, the language Donald Trump used on October 25 mirrors the language he used in public statements to the press on October 2, wherein he inappropriately and unquestionably spoke about my Principal Law Clerk, stating: “this rogue judge is a trump hater, the only one that hates trump more is his associate up there, this person that works with him, and she’s screaming into his ear.”

Using imprecise language as an excuse to create plausible ambiguity about whether defendant violated this Court’s unequivocal gag order is not a defense; the subject of Donald Trump’s public statement to the press was unmistakably clear. As the trier of fact, I find that Donald Trump was referring to my Principal Law Clerk, and that, as such, he has intentionally violated the gag order.

This is the second violation of this Court’s gag order in the less than one month since this trial commenced. Accordingly, this Court imposed a fine of \$10,000 on defendant Donald Trump, to be paid to the New York Lawyers’ Fund for Client Protection, within thirty (30) days of October 25, 2023.

Further, Donald Trump is ordered to post proof of payment, of this fine and the one imposed on October 10, 2023, to NYSCEF within two days of making such payments.

ARTHUR F. ENGORON, JSC

DATE: 10/26/2023

Check One:

Case Disposed

Non-Final Disposition

Check if Appropriate:

Other (Specify \_\_\_\_\_)

# EXHIBIT D

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. ARTHUR F. ENGORON PART 37  
*Justice*  
-----X

PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,

INDEX NO. 452564/2022

Plaintiff,

- v -

SUPPLEMENTAL LIMITED  
GAG ORDER

DONALD J. TRUMP, DONALD TRUMP JR, ERIC TRUMP, ALLEN WEISSELBERG, JEFFREY MCCONNEY, THE DONALD J. TRUMP REVOCABLE TRUST, THE TRUMP ORGANIZATION, INC., TRUMP ORGANIZATION LLC, DJT HOLDINGS LLC, DJT HOLDINGS MANAGING MEMBER, TRUMP ENDEAVOR 12 LLC, 401 NORTH WABASH VENTURE LLC, TRUMP OLD POST OFFICE LLC, 40 WALL STREET LLC, SEVEN SPRINGS LLC,

Defendants.

-----X

On October 3, 2023, after Defendant Donald J. Trump posted to his social media account an untrue, disparaging, and personally identifying post about my Principal Law Clerk, I imposed on all parties to this action a very limited gag order, “forbidding all parties from posting, emailing, or speaking publicly about any members of my staff,” emphasizing, quite clearly, that “personal attacks on members of my court staff are unacceptable, inappropriate, and I will not tolerate them under any circumstances.” I further made clear that “failure to abide by this directive will result in serious sanctions.”

On October 20, 2023, upon learning that Donald J. Trump failed to remove the post from one of his campaign websites, donaldjtrump.com, for a total of 17 days, I imposed a fine of \$5,000.00 against Donald J. Trump for violating the gag order. On October 25, 2023, after conducting a brief hearing, I concluded that Donald J. Trump had intentionally violated my gag order by stating to a gaggle of reporters outside the courtroom the following statement in reference to my Principal Law Clerk: “This judge is a very partisan judge with a person who’s very partisan sitting alongside him, perhaps even more partisan than he is,” and fined him an additional \$10,000.00.

I imposed the gag order only upon the parties, operating under the assumption that such a gag order would be unnecessary upon the attorneys, who are officers of the Court.

Over the past week, defendants’ principal attorneys, namely, Christopher Kise (admitted *pro hac vice*) (Continental PLLC), Clifford Robert (Robert & Robert PLLC) and Alina Habba (Habba

**OTHER ORDER – NON-MOTION**

Madaio & Associates LLP), have made, on the record, repeated, inappropriate remarks about my Principal Law Clerk, falsely accusing her of bias against them and of improperly influencing the ongoing bench trial. Defendants' attorneys have made long speeches alleging that it is improper for a judge to consult with a law clerk during ongoing proceedings, and that the passing of notes from a judge to a law clerk, or vice-versa, constitutes an improper "appearance of impropriety" in this case. These arguments have no basis.

Pursuant to 22 NYCRR § 100.3(B)(6)(6)(c): "**A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges**" (emphasis added). This is precisely the role of a Principal Law Clerk in the New York State Courts.

Moreover, ethics advisory opinions have further emphasized that: "The relationship between a judge and his/her law clerk is one of particular trust and confidence. Although a judge and his/her law clerk are of course not 'partners,' the two engage in the kind of professional interchange that might be found between long-time colleagues in a law firm." Advisory Opinion 07-04, available at <https://www.nycourts.gov/ipjudicialethicsopinions/07-04.htm>.

As I have stated on the record, seemingly to no avail, my law clerks are public servants who are performing their jobs in the manner in which I request. This includes providing legal authority and opinions, as well as responding to questions I pose to them. Plainly, defendants are not entitled to the confidential communications amongst me and my court staff, who are hired specifically to aid me in carrying out my adjudicative responsibilities. Nor are they entitled to continue referencing my staff in the record. Defendants' attorneys have had ample opportunity to make their record, and they have at length. Indeed, I will assist them by repeating here that I will continue to consult with my staff, as is my unfettered right, throughout the remainder of the trial. Accordingly, defendants' record is now fully preserved for the duration of the proceedings. Defendants' attorneys may refer back to this blanket statement in their appeal as they deem appropriate. Defendants may reference my staff as is appropriate to ask about scheduling issues or the management of the trial, which is an integral part of their jobs. What they may *not* do is to make any further statements about internal and confidential communications (be it conversations, note passing, or anything similar) between me and my staff.

Defendants' First Amendment arguments in opposition to the imposition are wholly unpersuasive. This gag order is as narrowly tailored as possible to accomplish its purpose, which is to protect the safety of my staff and promote the orderly progression of this trial. As I have made clear, as the Judge in this case and the trier of fact, the gag order does not apply to me. However, I will not tolerate, under any circumstances, remarks about my court staff. The threat of, and actual, violence resulting from heated political rhetoric is well-documented. Since the commencement of this bench trial, my chambers have been inundated with hundreds of harassing and threatening phone calls, voicemails, emails, letters, and packages. The First Amendment right of defendants and their attorneys to comment on my staff is far and away outweighed by the need to protect them from threats and physical harm.



FILED: NEW YORK COUNTY CLERK 11/03/2023 03:00 PM

INDEX NO. 4525647/2022

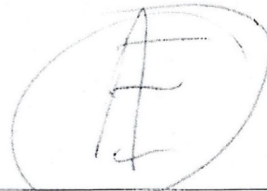
NYSCEF DOC. NO. 1631

RECEIVED NYSCEF: 11/03/2023

Thus, for the reasons stated herein, I hereby order that all counsel are prohibited from making any public statements, in or out of court, that refer to *any* confidential communications, in any form, between my staff and me.

Failure to abide by this directive shall result in serious sanctions.

NOV 03 2023 HON. ARTHUR F. ENGORON



ARTHUR F. ENGORON, JSC

DATE: 11/3/2023

Check One:

Case Disposed

Non-Final Disposition

Check if Appropriate:

Other (Specify \_\_\_\_\_ )

# EXHIBIT E

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

In the Matter of the Application of

DONALD J. TRUMP, DONALD J. TRUMP, JR.,  
ERIC TRUMP, ALLEN WEISSELBERG, JEFFREY  
MCCONNEY, THE DONALD J. REVOCABLE  
TRUST, THE TRUMP ORGANIZATION, INC.,  
THE TRUMP ORGANIZATION, LLC, DJT HOLDINGS  
LLC, DJT HOLDINGS MANAGING MEMBER,  
TRUMP ENDEAVOR 12 LLC, TRUMP OLD POST  
OFFICE LLC, 40 WALL STREET LLC,  
AND SEVEN SPRINGS LLC,

Case No. 2023-05859

**AFFIRMATION**

Petitioners,

for a Judgment pursuant to Article 78  
of the Civil Practice Law and Rules

-against-

THE HONORABLE ARTHUR F. ENGORON,  
J.S.C., AND PEOPLE OF THE STATE OF NEW YORK  
by LETITIA JAMES, ATTORNEY GENERAL OF THE  
STATE OF NEW YORK,

Respondents.

---

CHARLES HOLLON, who is not a party to the action, affirms the following to be true  
under the penalties of perjury:

1. I am employed by the New York State Unified Court System (“UCS”), as a Court Officer-Captain in the Department of Public Safety (“DPS”). I am assigned to the Judicial Threats Assessment Unit of the DPS. As such, I am familiar with threats, disparaging comments, and harassing messages, made to and about Justice Arthur F. Engoron (“Justice Engoron”), and his staff via emails, telephone, and social media outlets. I am also aware that the personal emails and cell phone number of Allison Greenfield, Principal Law Clerk to Justice Engoron, (“Allison Greenfield”), have been compromised. I make this affirmation in opposition to Petitioners’ request

for a stay of the enforcement of the limited gag orders issued by Justice Engoron in *People of the State of New York v. Donald Trump, et al.*, Index No. 452564/2022.

2. The DPS provides security services at every New York State courthouse to ensure the safety and security of judges, nonjudicial personnel, court visitors, litigants and anyone entering the courthouse. The Judicial Threats Assessment Unit is made up of uniformed personnel who are trained on how to carefully analyze reported threats in order to determine possible courses of action necessary to secure the safety of the judges.

3. Once a judicial threat has been reported, court administration, local law enforcement, and court staff are notified by trained uniformed personnel that a threat exists. After a reported threat is carefully analyzed and is determined to be credible, security measures are put in place to ensure the safety of the judge, the judge's staff and family members.

4. Prior to the commencement of the trial in the underlying matter, the judicial threats unit became aware of harassing and disparaging comments and threats made about and toward Judge Engoron on social media. Once we conducted our assessment that found the threats credible, we contacted local law enforcement, the FBI and Homeland Security to devise the appropriate security measures that would be implemented in order to protect the judge, his chambers staff, and those closely associated around him, including his family.

5. On or after October 3, 2023, the threats, harassment, and disparaging comments increased exponentially and also were now being directed at the judge's law clerk. Specifically, on October 3, 2023, Mr. Trump posted to his social media account a picture of Allison Greenfield with United States Senator Charles Schumer with the added caption: "Schumer's girlfriend, Allison R. Greenfield, is running this case against me. How Disgraceful! This case should be dismissed immediately." Although Mr. Trump did not directly threaten Ms.

Greenfield, the comments made in his post resulted in hundreds of threatening and harassing voicemail messages that have been transcribed into over 275 single spaced pages.

6. Ms. Greenfield's personal information, including her personal cell phone number and personal email addresses also have been compromised resulting in daily doxing. She has been subjected to, on a daily basis, harassing, disparaging comments and antisemitic tropes. I have been informed by Ms. Greenfield that she has been receiving approximately 20-30 calls per day to her personal cell phone and approximately 30-50 messages per day on combined sites of social media, LinkedIn and two (2) personal email addresses. Ms. Greenfield also informed me that since the interim stay was issued lifting the gag orders on November 16, 2023, approximately half of the harassing and disparaging messages have been antisemitic.

7. Judges who receive threats are advised to not make public statements discussing the threats or any security measures that may be in place because doing so could compromise the security measures put in place to protect them and those around them.

8. The threats against Justice Engoron and Ms. Greenfield are considered to be serious and credible and not hypothetical or speculative. In order to provide this court with the seriousness of the threats being made against Justice Engoron and his staff, below is a representative sample of the hundreds of threats, disparaging and harassing comments and antisemitic messages that are directed at the judge and his staff.

9. The following are transcriptions of voicemail messages left on Justice Engoron's chambers telephone:

- A. You know. I'm not going to. Call you too many names. Today, I mean, it's clear. You're you're little fruit cake. You like to abuse children, I'm sure. And your shirtless pictures. Very inappropriate. I mean, you're so inappropriate. But you're clearly. A \*\*\*\*\* dork.<sup>1</sup> Massive quant. I mean everything about you screams little fagot dork. So again. I hope they. \*\*\*\*\* bury your ugly \*\*\*. You and that

---

<sup>1</sup> The software used to transcribe the voicemails censors profanity. The asterisks contained in the transcriptions are used in place of the profanity.

fat \*\*\*\*\* planet of the apes. \*\*\*\*\* star letisha the \*\*\*\*\*  
\*\*\*\*. Little \*\*\*\*\* Jews and. Filthy little Jews and. That's you. And I hate that  
word. And I hate. Putting people under group but you are filthy little Jews and.  
And you make everything about. This \*\*\*\*, you \*\*\*\*\* hateful, divisive. I mean,  
honestly, you should be assassinated. You should be killed. You should be not  
assassin executed. You should be executed. But on trial executed for your crimes.  
You sick \*\*\*\*\* pig and you shut it there and laugh as you \*\*\*\*\* abuse this  
system because you abuse people you. \*\*\*\*\* tyrant. And play this for the FBI  
and you can all \*\*\*\* yourself, you little \*\*\*\*\*. Please call me, you \*\*\*\*\*  
losers. \*\*\*\*\* stupid \*\*\*\*. I mean, it's. Clear. I've talked to. A bunch of you  
\*\*\*\*\* dumb \*\*\*\*\*. I mean the stupidity. I mean, if we ever want to  
come for you. But Ebi will be eliminated in a \*\*\*\*\* day. Bunch of \*\*\*\*\*  
morons. To listen if any of you silly little \*\*\*\* want to talk, go ahead and call me,  
you \*\*\*\*\* \*\*\*\*\*.

- B. Yes, Arthur, you are a corrupt Nazi and one of the ugliest people to ever walk the face of the earth. And your clerk, who's also corrupt Nazi is a fat \*\*\*\*\* who blew Chuck Schumer and everybody knows it. You are such a lowlife. No one would ever want to sleep with you. You look like \*\*\*\*. You're corrupt. You're going to get overturned and I hope you get gonorrhea from letisha James the fat grimace looking \*\*\*\*\*.
- C. Resign now, you dirty, treasonous piece of trash snake. We are going to get you and anyone of you dirty, backstabbing, lying, cheating American. You are nothing but a bunch of communists. We are coming to remove you permanently.
- D. Trust me. Trust me when I say this. I will come for you. I don't care. Ain't nobody gonna stop me either. I'll send every hacker in the world after every little file on you. And they will expose you. Any little dirty secret you have, you will not hide from me. I do not stand with Joseph Biden or what you are doing. I stand with the 12 houses of Israel. And in God we trust. Is the American way. Know that the blood runs red.
- E. Do you think being a judge changes the fact that you're a pathetic little \*\*\*\*\*? You little \*\*\*\*\* dork with your little \*\*\*\*\* Jew girl. \*\*\*\*\* helper, \*\*\*\*\*. You \*\*\*\*\* stupid \*\*\*\*. God, I hope you \*\*\*\*\* die. I hope they \*\*\*\*\* come for you and \*\*\*\*\* string you up. All you little \*\*\*\*\*. Watch you \*\*\*\* your pants and \*\*\*\* yourself before it happens. You think you're untouchable. God, I hope they \*\*\*\*\* come for you again. Not a threat. I don't hurt anybody. I don't have. A voice other than to. \*\*\*\*\* call and tell you that I'll be rooting for the people that come for you. I'll be cheering on your death or your demise. And because to the point where you forced us, I'll \*\*\*\*\* bite you. But you'll have to make it so I'm starving, and I'll again be the ones telling people how to \*\*\*\* with you because. I believe in God. I don't believe in hurting people, but you've made it to the point where I hope you get hurt because you're \*\*\*\*\* pathetic. You look so \*\*\*\*\*. What a little fagot. You don't realize what a dork you are, do you? Probably wasn't fun on the school ground for little. Egghead and a little Jewish \*\*\*\*\*. But that chick is fat and ugly and you're. Very offensive of her. She stuck your. \*\*\*\*, but she sucks your little \*\*\*\*\* micro penis, doesn't she, judge \*\*\*\*\*? Look, \*\*\*\*\* bunch of losers. By losers? Geeks, freaks. \*\*\*\*\*. And dirty Jews. And I love Jewish. People. But there's dirty Jews like you. Just like

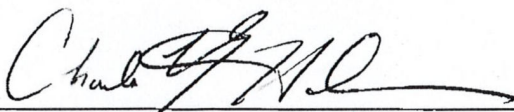
there's dumb. I love black people. But you know what? You guys want to make it all about. Identity and you know. What dirty Jews and stupid? Go die. I hope you all die. We're not going to kill you. I'm not going to kill you. I don't want anybody else to kill you because I don't want them to get in trouble. I just hope you die of like. You're stupidity. We'll probably get you killed, you lazy \*\*\*\*\* filthy \*\*\*\*. Goodbye, I hope you. Have another horrible day? Ohh Trump made you. Look like a \*\*\*\*\*. What a little \*\*\*\*\* whiny. Did she eat? Understand. Everybody sees what a little fagot you are. A little dork and freak Trump owns you, \*\*\*\*\*. I'm sure your aid. Would love to get that daddy Trump \*\*\*\*\* planting that \*\*\*\* right up her \*\*\*. Freaky \*\*\*\*\* \*\*\*\*\*. Your little \*\*\*\*\* clerk. Humors, you know, was it her boyfriend? Probably just sucked his balls too.

- F. Oh, and Allison, you are. I mean, there's nothing you can do. About that ugly face. But he look at his raeli women, Israeli Jews and beautiful in shape. And then there's \*\*\*\*\* pig. Jews like you. Fat \*\*\*\*\* stupid \*\*\*\*\*. I mean, lay off the Twinkies, you \*\*\*\*\*. You're clearly a \*\*\*\*\* and a child molester. You \*\*\*\*\* pedophilic \*\*\*\*\*. Anyway, listen. You look like \*\*\*\*. You're \*\*\*\*\* filthy. Ugly. Dirty. I bet your \*\*\*\*\* smells like a \*\*\*\*\* garbage disposal. Guaranteed. Anyway, lose some \*\*\*\*\* weight. Have a little pride in yourself, you fat \*\*\*\*\*.
- G. Arthur, you lowlife \*\*\*\*\* \*\* \*\*\*\*\*. Violating people's civil rights. You \*\*\*\*\* scumbag \*\*\*\*\* \*\* \*\*\*\*\*. You and lalita. James with your witch hunt. The funny thing is, once this or with remember, for every action there's a reaction. So don't get mad when you come. \*\*\*\*\* hunt down. \*\*\*\*\* we witch hunt. You and your family. We're going to take you to court. Take your kids, drag them in \*\*\*\*\* court. How your parents are probably turning over in their \*\*\*\*\* grave. \*\*\*\*\* liberal \*\*\*\*\* \*\* \*\*\*\*\*. You should be more worried about your \*\*\*\*\* city and all the \*\*\*\*\* robberies and \*\*\*\*\* stabbings and then \*\*\*\*\* murders and carjackings, but you're jealous of Donald Trump, you \*\*\*\*\* scumbag. Pieces of \*\*\*\*\* \*\*\*\*\*. You're \*\*\*\*\* low. Like Arthur. I'll be calling you back again, you \*\*\*\*\* \*\*\*\*\* \*\* \*\*\*\*\*. You \*\*\*\*\* scumbag \*\*\*\*\*. Oh yeah, you're \*\*\*\*\* clerk Alison \*\*\*\*\* Greenfield. She's a \*\*\*\*\* \*\* \*\*\*\*\*. That's that \*\*\*\*\* too. Lilita. James, you fat \*\*\*\*\* \*\*\*\*\*. You can't even \*\*\*\*\* make sense when you go, girl. Girl, girl, Merrill, Merrill. Peril. We got real peril. Meryl guy. You're a \*\*\*\*\* \*\*\*\*\* \*\*\*\*\* too, you fat \*\*\*\*\*. You guys are going to reap what you sow. So don't get. Talking mad.

10. The messages received by Justice Engoron and his staff every day has created an ongoing security risk for the judge, his staff and his family.

11. The implementation of the limited gag orders resulted in a decrease in the number of threats, harassment, and disparaging messages that the judge and his staff received. However, when Mr. Trump violated the gag orders, the number of threatening, harassing and disparaging messages increased.

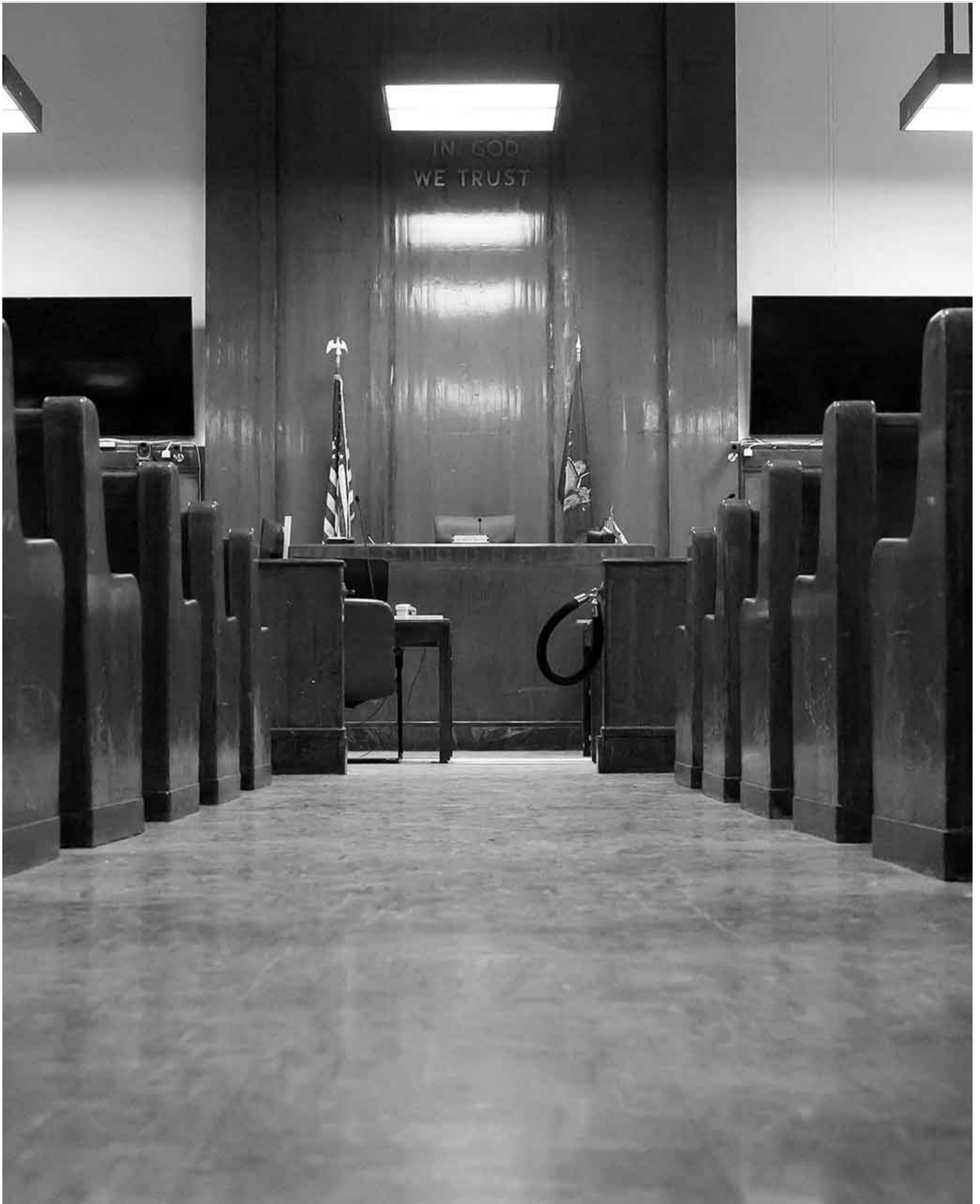
12. On a daily basis, the judge and his staff are being inundated with hundreds of harassing and threatening phone calls, voicemail messages, and emails, that has resulted in the Judicial Threats Assessment Unit having to constantly reassess and evaluate what security protections to put in place to ensure the safety of the judge and those around him.

  
\_\_\_\_\_  
Charles Hollon

November 21, 2023



# EXHIBIT 6D



A REUTERS SPECIAL REPORT

## Trump blasts his trial judges. Then his fans call for violence.

The courtroom where New York Justice Juan Merchan is hearing the criminal trial of former U.S. President Donald Trump, whose verbal attacks on the judge have inspired calls for violence. REUTERS/Brendan McDermid. Illustration: John Emerson

When Donald Trump attacks the integrity of judges hearing cases against him, his followers often respond with posts urging that the jurists be beaten, tortured and killed.

By [PETER EISLER](#), [NED PARKER](#) and [JOSEPH TANFANI](#) | Filed May 14, 2024, 11 a.m. GMT

On a recent Tuesday morning, a visibly frustrated Donald Trump sat through a tense hearing in the first-ever criminal trial of a former American president. During a break, he let rip on his social media platform.

New York Justice Juan Merchan, Trump declared on Truth Social, is a “highly conflicted” overseer of a “kangaroo court.” Trump supporters swiftly replied to his post with a blitz of attacks on Merchan. The comments soon turned ugly. Some called for Merchan and other judges hearing cases against Trump to be killed.

“Treason is a hangable offense,” one wrote.

“They should all be executed,” added another.

The April 23 post by Trump and the menacing responses from his followers illustrate the incendiary impact of his angry and incessant broadsides against the judges handling the criminal and civil suits against him. As his presidential campaign intensifies, Trump has baselessly cast the judges and prosecutors in his trials as corrupt puppets of the Biden administration, bent on torpedoing his White House bid.

[couranto](#)

This judge must be arrested the minute Trump is inaugurated.

[DJT\\_MFers1](#)

Yep, I hope Trump has that judge hanged for Treason.

[SixSixSix14](#)

Punishment for treason is death

[SPEDMan64](#)

Needs to be strangled with piano wire before he makes it to the hangman.

[Live\\_free\\_or\\_die\\_55](#)

Gallows!!! For Traitors !!!

[Daveyclimber](#)

Judge needs a hatchet to the face.

[A\\_Colostomy\\_Bag](#)

And his whore daughter!

Comments calling for violence against judges handling Donald Trump’s legal cases regularly appear on the pro-Trump website Patriots.Win, typically in response to posts echoing his attacks on the jurists’ integrity.

The rhetoric is inspiring widespread calls for violence. In a review of commenters’ posts on three pro-Trump websites, including the former president’s own Truth Social platform, Reuters documented more than 150 posts since March 1 that called for physical violence against the judges handling three of his highest-profile cases – two state judges in Manhattan and one in Georgia overseeing a criminal case in which Trump is accused of illegally seeking to overturn the state’s 2020 election results.

Those posts were part of a larger pool of hundreds identified by Reuters that used hostile, menacing and, in some cases, racist or sexualized language to attack the judges, but stopped short of explicitly calling for violence against them.

Experts on extremism say the constant repetition of threatening or menacing language can normalize the idea of violence – and increase the risk of someone carrying it out. Mitch Silber, a former New York City Police Department director of intelligence analysis, compared the Trump supporters now calling for violence against judges to the U.S. Capitol rioters who believed they were following Trump’s “marching orders” on Jan. 6, 2021.

“This is just the 2023-2024 iteration of that phenomenon,” Silber said. “Articulating these ideas is the first step along the pathway of mobilizing to violence.”

Trump spokesperson Steven Cheung did not respond to specific questions about the posts. Trump, the presumptive Republican presidential nominee, has a right to criticize what he called “un-Constitutional witch hunts,” Cheung said. He also asserted, without citing examples, that Trump has been the target of calls for “despicable violence” from “Democrats and crazed lunatics.”

On Patriots.Win, an online forum that describes itself as Trump’s “community of choice,” Trump’s attacks on courts and judges regularly spur calls for violence. Merchan “needs to be strangled with piano wire,” one poster wrote. He “deserves garroting in the street,” wrote another.

The Gateway Pundit, a website influential in the pro-Trump community, is also a frequent venue for Trump-inspired violent rhetoric against judges hearing his cases. “These judges and lawyers should HANG for perpetuating these fraud cases,” a commenter wrote on April 16, suggesting the executions would be “an example for future generations of judges and lawyers.”

The Federal Bureau of Investigation and the New York Police Department declined to comment on whether any threatening posts directed at the New York judges were under federal or local investigation.

While Trump himself hasn’t called for violence on judges, his language can signal to followers that judges are no different from partisan rivals worthy of scorn, derision and attack, threatening the legitimacy of the independent judiciary, said experts on political violence.

“Trump is constantly riling up his supporters to be angry on his behalf,” said Lilliana Mason, a Johns Hopkins University political scientist. “He takes that large group of angry people, he points them in a particular direction, and then the judges get all these death threats.” Cheung had no response to that analysis.

The posts also illustrate a shift in the way violent language is being expressed online by Trump’s followers. In 2021, [Reuters documented](#) a wave of threats by Trump supporters targeting U.S. election workers. Legal experts found that many had met the legal standard for prosecutable threats, which typically requires language or context that reflects a clear intent to act or instill fear, rather than simply suggesting a frightening outcome.



TRUTH.

← Truth Details



Grandpa Ed  
@GrandPaEd

Replying to @1776WeThePeople1776 and @realDonaldTrump

There is a solution for treason 🌟👤👤👤🔥🔥🔥🔥🔥🔥👤



1 ReTruth 7 Likes

Apr 08, 2024, 9:29 PM



Reply



ReTruth



Like



When Trump posts attacks on the judges hearing cases against him, followers on his Truth Social media platform sometimes reply with memes suggesting the judges be killed or tortured.

**“Trump is constantly riling up his supporters to be angry on his behalf. He takes that large group of angry people; he points them in a particular direction; and then the judges get all these death threats.”**

Lilliana Mason, a professor at Johns Hopkins University who studies political violence

In contrast, the current barrage of pro-Trump threats generally stop short of that red line. Posters often call for violence – without explicitly stating they intend to commit it themselves. Such language is usually defensible as constitutionally protected free speech. But experts say it can have the same effect as a direct threat: to intimidate and sow fear.

On Feb. 29, Reuters [published an investigation](#) into death threats targeting mostly federal judges involved in Trump-related cases, including threats those judges received personally. For this story, Reuters examined three prominent pro-Trump websites to assess the prevalence of violent online posts directed at the state judges handling some of the highest-profile cases against Trump.



Stowguy  
@Stowguy

Replying to @CharlieKirk

A rope and a tree would fit this guy.



Londa52-QUEEN OF USA  
@Londa52

Replying to @gatewaypundit

He'd look good hanging from a noose.



Leachman  
@Leachman

Replying to @Conservative

Put the target on this puke

46

**TruthTeller**

@AlwaysAPatriot77

Replying to @akaPR0B0SS and @realDonaldTrump

**He should be recused from living!!**

In trying to restrain Trump's attacks on social media, Judge Merchan has cited the former president's "singular power" to inspire his followers and inject fear in his targets. Trump's followers have reacted with posts on Trump's own Truth Social platform calling for Merchan's execution.

The judges in both of Trump's New York cases issued gag orders barring him from attacking judicial staff and, in Merchan's court, witnesses, jurors and family members of the judge and prosecutors. On April 30, Merchan held Trump in criminal contempt for violating one of those gag orders, fined him \$9,000 and warned him that he could be jailed for further infractions. On May 6, Merchan fined Trump an additional \$1,000 for a subsequent violation.

His April order noted the "singular power" that Trump's derisive statements and social media posts have to inspire his followers, instill fear in his targets and endanger the rule of law. The judge has warned that he could impose jail time for any additional violations by the former president, who calls the gag orders "election interference."

## RELATED CONTENT



Judges in Trump-related cases face unprecedented wave of threats



Political violence in polarized U.S. at its worst since 1970s



U.S. political violence driven by new breed of 'grab-bag' extremists

## "Crooked" and "conflicted"

Reuters examined more than 1,800 posts by Trump on Truth Social from March 1 to April 30. In at least 129 of them, he attacked judges handling his cases in New York, Georgia and other jurisdictions, either in his own words or by re-posting critical comments or videos from supporters or others.

Much of his anger is focused on Merchan, who is presiding over Trump's criminal prosecution on charges that he violated New York law by falsifying business records to conceal a sex scandal during his 2016 campaign. Trump also frequently attacks New York Justice Arthur Engoron, who ruled in February during a separate civil trial that Trump committed fraud by inflating his properties' values on financial documents. Trump has appealed the verdict.

Trump often labels both judges "corrupt" and "conflicted," and falsely accuses them of taking orders from President Joe Biden, his Democratic rival for the White House. As state judges, they weren't appointed by the president, who has no authority over them.

Trump's comments and re-posts on Truth Social often trigger a furious response from his supporters. At least 152 posts on the three pro-Trump websites in March and April urged the beating or killing of Merchan or Engoron in New York or Judge Scott McAfee in Georgia, Reuters found. At least 65 of those were on Truth Social, about half in replies to the former president's posts. The rest were split about evenly between Gateway Pundit and Patriots.Win.

All three sites have comment policies discouraging threatening or violent rhetoric. Truth Social's terms of service forbids users from writing posts that are "filthy, violent, harassing, libelous, slanderous" or "advocate, incite, encourage, or threaten physical harm against another." A Truth Social spokesperson said the company "works expeditiously to remove posts that violate" those standards. The Gateway Pundit and Patriots.Win did not respond to requests for comment.

There was evidence on each site that at least some comments had been removed. However, most of the posts advocating violence stayed up on the sites for days or weeks.

Three experts in violent political speech reviewed the posts documented by Reuters, including Jonathan Leader Maynard, a London-based political extremism expert who said many of them echo the "quasi-fascist language" used by "lone wolf terrorists" to justify their bloodshed.

Politically motivated harassment of judges is not exclusive to the political right. Left-wing activists have protested at the homes of judges who have restricted abortion rights. A California man was accused of traveling to Supreme Court Justice Brett Kavanaugh's home intending to kill him. Nicholas John Roske has pleaded not guilty to a [charge of attempted assassination](#). Plea negotiations are ongoing, court records show. Roske's lawyer didn't reply to a request for comment.

A Reuters examination of websites catering to the left revealed dozens of hostile comments attacking the competence and credibility of conservative jurists. The targets include U.S. District Judge Aileen Cannon, a Trump appointee who has issued a number of rulings favorable to the former president in his ongoing federal prosecution in Florida for misappropriating classified documents after leaving office. On Democratic Underground, a liberal site, posters have attacked Cannon as "corrupt" and suggested she be tried for espionage.

But a review of comments on those sites did not reveal the sort of violent language that Trump supporters use in their online posts, including suggestions that judges be beaten or killed.

Calls to execute judges picked up in April on pro-Trump sites, when Merchan began hearing Trump's prosecution for allegedly trying to hide a hush money payment to porn star Stormy Daniels before the 2016 election, the first of four criminal prosecutions Trump faces.

"He should be recused from living," one Trump supporter wrote of Merchan in an April 14 post on Truth Social. That comment and other calls for violence cited in this story were posted anonymously.

Merchan, 61, has served on the criminal bench since 2009. He grew up in the New York City borough of Queens, also Trump's boyhood home, and began his career as an assistant district attorney in Manhattan, the office now prosecuting Trump.

In 2022, Merchan presided over a tax fraud conviction for Trump's business, ordering his company to pay a [\\$1.6 million fine](#). Last year he sentenced Trump's longtime chief financial officer, Allen Weisselberg, to five months in prison after Weisselberg's conviction on tax fraud.

Trump also has directed vitriol at Merchan's daughter, Loren Merchan, an executive at Authentic, a digital marketing agency that works with Democratic candidates. Trump has said the judge is "conflicted" because of his daughter's work and should recuse himself.



U.S. District Court Judge Aileen Cannon, a Trump appointee, has been demeaned and criticized on left-leaning websites after issuing rulings seen as favorable to Trump in his ongoing federal prosecution for alleged mishandling of classified documents. Pool via REUTERS

Pictures of Merchan's daughter have featured regularly in broadsides by Trump supporters on Truth Social. Some mocked her physical appearance and called for her arrest. On one website, an avowed white supremacist published personal information about both Merchan and his daughter, including home addresses and the judge's phone number. Last June, the New York Advisory Committee on Judicial Ethics ruled that Merchan's "impartiality cannot reasonably be questioned" based on his daughter's work for Democratic campaigns.

A spokesperson for the New York courts, Al Baker, said both Merchan and Engoron have "been subjected to threats as have many other judges" and their safety is "the utmost priority." He declined to elaborate on security arrangements. Loren Merchan did not respond to a request for comment.



Former U.S. President Donald Trump, here consulting with his attorney Todd Blanche, has bitterly criticized Justice Juan Merchan and others on social media during breaks in his hush money trial. Trump has made his complaints about his legal troubles into a central theme in his campaign. Courtroom sketch. REUTERS/Jane Rosenberg

## "Treasonous piece of trash"

Engoron, 74, has been bombarded with invective from Trump and threats from his supporters.

A New York court security officer reported in a sworn statement last year that Engoron and his staff had received hundreds of threatening and harassing messages, including some laced with profanity and anti-Semitic insults against the judge, who is Jewish.

The hostile communications spiked after Trump attacked the credibility of Engoron and his clerk on Truth Social, the statement said. "Resign now, you dirty, treasonous piece of trash snake," said one voicemail left at his chambers and included among a half-dozen quoted in the security officer's statement. "We are coming to remove you permanently."

**“My chambers have been inundated with hundreds of harassing and threatening phone calls, voicemails, emails, letters and packages.”**

New York State Justice Arthur Engoron

A Democrat, Engoron was elected in 2015 to the state Supreme Court and has been a judge for two decades. He has drawn the former president’s rage after repeatedly ruling against him in a civil business fraud suit filed by New York Attorney General Letitia James. Engoron ultimately ordered Trump to pay a \$454 million fine in that case.

The judge issued a gag order last October after Trump shared on social media a photo of Engoron’s law clerk posing with U.S. Senate Majority Leader Chuck Schumer, a Democrat, and falsely described her as “Schumer’s girlfriend.” Engoron barred Trump from making any statements disparaging court staff.



Followers of Trump have posted violent and anti-semitic comments about New York Justice Arthur Engoron on Trump-aligned websites in response to the former president’s criticism of the jurist as “corrupt.” In February, Engoron ordered Trump to pay a \$454 million fine for inflating the value of his properties. REUTERS/Shannon Stapleton/Pool

The judge fined Trump twice for violating the order. “The threat of, and actual, violence resulting from heated political rhetoric is well-documented,” Engoron wrote in a November court filing.

Engoron received a fake bomb threat at his home in January, and an unknown threatener sent an envelope containing white powder to his chambers the following month, said court and law enforcement officials.

In a March 22 post on Truth Social, Trump labeled him a “Corrupt, Radical Left Judge in New York, a Trump hater [at] the highest level.” Calls by his supporters for the judge’s death came quick. One poster on Truth Social said Engoron should be hanged. Another wanted him executed. Online rage thundered for days, accompanied by appeals for violence. “He should be skinned alive, bobbed in a vat of alcohol, then dipped in honey before being staked to an anthill,” read a March 25 post about Engoron on Patriots.Win.

## “Rogue judges”

The threats aren’t limited to New York. As state courts in Colorado, Illinois and Georgia have taken up Trump-related cases, at least four judges in those states have faced threats or harassment, according to interviews with court and law enforcement and officials and a review of social media posts. State courts typically provide judges with far less protection than their counterparts receive on the federal bench, where some Trump-related cases have also landed.

Georgia Judge McAfee, presiding in an election interference case against Trump, is among the targets. Fulton County prosecutors charged Trump with illegally pressuring officials to overturn the state’s 2020 presidential election.

McAfee has received less attention from Trump than the New York judges. Trump has repeatedly denounced Fulton County District Attorney Fani Willis, who brought the case, but has refrained from criticizing McAfee by name.

But after the judge denied his motion to dismiss Willis over her romantic relationship with a fellow prosecutor, Trump posted two Fox News videos from one of his spokespeople and a legal analyst assailing the decision.

Trump backers quickly turned on McAfee.

“Judge McAfee should be hanged,” one commented in response to a Gateway Pundit post about the ruling.

After a subsequent decision again denying Trump’s request for a dismissal, more violent comments followed. “These people need gutting like we do fish,” one unidentified commenter wrote beneath another Gateway Pundit post about McAfee’s decision.

McAfee and Willis did not respond to requests for comment.

Even when Trump himself does not single out judges for criticism, supporters often threaten and harass judges who rule against the former president’s interests.

In late February, an Illinois circuit court judge in Chicago, Tracie Porter, ruled that Trump should be unable to stand on the state’s primary ballot because of his role in the 2021 Capitol attack. Furious at the decision, Trump supporters targeted Porter with violent online messages and menacing calls to her office, said Illinois Supreme Court Marshal Jim Cimarossa.

As head of the state marshal program, Cimarossa oversees security for Illinois’ highest-ranking judges and maintains a statewide database on threats against the local judiciary and courts. The threats against Porter haven’t been previously reported.



Illinois Judge Tracie Porter, who sits on Cook County Circuit Court, was targeted with violent rhetoric online and threatening messages to her office after she ruled in late February that Trump could not stand on the ballot in her state. Her decision was later nullified by the U.S. Supreme Court. Handout via REUTERS

In the days after Porter's ruling, the Illinois Marshals program saw a rise in threats against other state judges, Cimarossa said, describing it as a "copycat bump." Threats against the judiciary often climb when another judge is attacked in a high-profile case, he said. Porter's ruling was later nullified by the U.S. Supreme Court.

Trump didn't mention Porter by name. But in a March 4 speech he criticized states that "didn't want" him and "rogue judges." A Cook County Circuit Court spokesperson said Porter could not comment due to aspects of the case that continue to be litigated. He said the judiciary and law enforcement "give high priority to protecting judges."

"We have a lot, a lot of threats," Cimarossa said, citing a nearly 18% increase in threats to his state's courts so far in 2024. "It's escalating."

At least 25 states have state-run court security programs that provide services such as threat assessment and physical protection for high-ranking judges. But most state and local judges across the country rely on sheriffs or police to respond to requests for protection, Cimarossa said.

In a survey of nearly 400 mostly state judges by the National Judicial College, an education group, nearly eight out of 10 agreed that it is becoming more dangerous to be a judge. The survey, completed in 2022 and made available to Reuters in advance of publication later this year, also found that more than 70% of respondents had received harassing or menacing communications.

New Mexico Judge Francis Mathew told Reuters he received dozens of threatening messages after ruling that Couy Griffin, an Otero County commissioner who founded Cowboys for Trump, a political advocacy group, was ineligible to hold public office because he participated in the 2021 Capitol riot.

**"Trump's behavior is teaching people that they can do these things."**

New Mexico Judge Francis Mathew

On the day of his ruling in September 2022, Mathew received one email calling for his execution and another that included his home address, according to communications shared with Reuters.

Griffin said in an interview that he and his family also have received threats and that he never called for violence against Mathew. "As far as threats and stuff goes, that's something that's out of my control," he said.

Although Trump has not criticized him on social media, Mathew blames Trump for "orchestrating" the deluge of threats targeting judges. "Trump's behavior is teaching people that they can do these things," Mathew said in an interview.

Cheung, Trump's spokesperson, did not respond to that claim.

## "A face only a fist could love"

Much of the violent rhetoric documented by Reuters illustrates a phenomenon identified by social scientists: Online communities catering to specific political views can create an echo chamber, where participants spur each other to increasingly extreme posts.

In pro-Trump forums, when someone "pushes the norm of what is considered acceptable speech" by posting a call to execute judges or other public officials, "and no one questions it, then the norm of what is acceptable may shift," said Cathy Buerger, who studies inflammatory rhetoric at the nonpartisan Dangerous Speech Project in Washington. Buerger reviewed the violent posts identified by Reuters.





**Lady Killer**

a month ago

A face only a fist could love.

14 0 Reply Share >



**STG1** Lady Killer

a month ago

Or a steel toed boot.

On pro-Trump sites, one violent comment often leads to escalating calls to kill or harm Trump's perceived enemies.

That pattern emerged in a series of Gateway Pundit comments posted April 2. In response to an article criticizing “far-left judge Juan Merchan,” one reader referred to a photo of the jurist by saying, “A face only a fist could love.”

“Or a steel toed boot,” another reader replied.

“Or an aluminum bat,” a third wrote.

Another poster upped the ante: “Colt Combat Commander 45” – a popular semi-automatic handgun.

### How a Trump post can trigger calls for violence

**TRUTH.**

← Truth Details Trending  
57 replies

**Donald J. Trump**   
@realDonaldTrump · Apr 13

I owned the Miss Universe Pageant for 19 years, did VERY well with it, sold it to IMG at a great profit, and ran for President. It was a contest like no other! But now I have one that's even better. Who is the WORST, most EVIL and most CORRUPT JUDGE? Would it be Judge Arthur Engoron, Judge Lewis Kaplan or, could it be that my current New York disaster, Judge Juan Merchan, is the WORST? They are all from violent crime (without retribution!) filled New York, are really bad Judges, are extraordinarily conflicted and unfair, and most obviously to all, suffer from a rare but very lethal disease, TDS, commonly known as TRUMP DERANGEMENT SYNDROME. Please reply here!!!

2.8k 4.44k 16.6k ...

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**Hanging Judges**




By Peter Eisler, Ned Parker and Joseph Tanfani  
Art direction and graphics: John Emerson  
Edited by Jason Szep



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# **EXHIBIT 7A**

← Truth Details

Trending ▾

780 replies



Donald J. Trump ✓  
@realDonaldTrump

The "Stormy" Fake Witch Hunt has been stop and go, on again, off again, for years, to the point where the whole thing has become Prosecutorial Misconduct. Missed Statute Big. The Fake News has been pushing the D.A., and all D.A.'s and Prosecutors, at a level that they have NEVER been pushed before. Just study D.A. Bragg's CNN interview from 2 months ago - Disgraceful! There's NO GUILT, just Trump Derangement Syndrome. GET this man, even if he's innocent. It's all WEAPONIZED POLITICS. So Sad!

4.57k ReTruths 17.2k Likes

Jan 31, 2023, 11:43 AM

← Truth Details

Trending ▾

1188 replies



Donald J. Trump ✓  
@realDonaldTrump

The Racist Manhattan District Attorney, Alvin Bragg, who is presiding over one of the most dangerous and violent cities in the U.S., and doing NOTHING about it, is being pushed relentlessly by the Radical Left Democrats, the Fake News Media, and the Department of "Injustice," to bring charges against me for the now ancient "no affair" story of Stormy "Horseface" Danials, where there is no crime and charges have NEVER been brought on such a case before. In the meantime, Hunter & Joe Biden skate!

5.21k ReTruths 18.4k Likes

Mar 03, 2023, 7:26 PM

← **Truth Details**

Trending ▾

693 replies



**Donald J. Trump** ✓  
@realDonaldTrump

Alvin Bragg, the Racist District Attorney in Manhattan, one of the worst murder & violent crime areas in the United States (and NOTHING is being done to change that, it is only getting worse!), is harassing and tormenting my 75 year old employee who they have thrown in jail, trying to force him to say something bad (lie!) about me. He plead guilty when given the choice of 90 days or 10 years (life) in jail for bull.... never prosecuted before in U.S. These are political "THUGS" RIGGING ELECTIONS!

**5.51k** ReTruths **19k** Likes

Mar 06, 2023, 7:09 AM

← **Truth Details**

Trending ▾

1446 replies



**Donald J. Trump** ✓  
@realDonaldTrump

WHY WON'T BRAGG DROP THIS CASE? EVERYBODY SAYS THERE IS NO CRIME HERE. I DID NOTHING WRONG! IT WAS ALL MADE UP BY A CONVICTED NUT JOB WITH ZERO CREDIBILITY, WHO HAS BEEN DISPUTED BY HIGHLY RESPECTED PROFESSIONALS AT EVERY TURN. BRAGG REFUSES TO STOP DESPITE OVERWHELMING EVIDENCE TO THE CONTRARY. HE IS A SOROS BACKED ANIMAL WHO JUST DOESN'T CARE ABOUT RIGHT OR WRONG NO MATTER HOW MANY PEOPLE ARE HURT. THIS IS NO LEGAL SYSTEM, THIS IS THE GESTAPO, THIS IS RUSSIA AND CHINA, BUT WORSE. DISGRACEFUL!

**5.87k** ReTruths **19.6k** Likes

Mar 23, 2023, 8:50 AM

← Truth Details

Trending

1460 replies



Donald J. Trump

@realDonaldTrump

EVERYBODY KNOWS I'M 100% INNOCENT, INCLUDING BRAGG, BUT HE DOESN'T CARE. HE IS JUST CARRYING OUT THE PLANS OF THE RADICAL LEFT LUNATICS. OUR COUNTRY IS BEING DESTROYED, AS THEY TELL US TO BE PEACEFUL!

5.63k ReTruths 19.6k Likes

Mar 23, 2023, 9:06 AM

← Truth Details

Trending

477 replies



Donald J. Trump

@realDonaldTrump

District Attorney Bragg is a danger to our Country, and should be removed immediately, along with Radical Lunatic Bombthrower Jack Smith, who is harassing and intimidating innocent people at levels not seen before, "Get Trump" Letitia James, the worst Attorney General in the United States, and Atlanta D.A. Fani Willis, who is trying to make PERFECT phone calls into a plot to destroy America, but reigns over the most violent Crime Scene in America, and does nothing about it!

3.89k ReTruths 12.9k Likes

Mar 23, 2023, 11:42 AM

← **Truth Details**

Trending ▾

487 replies



**Donald J. Trump** ✓  
@realDonaldTrump

The District Attorney's Office under Alvin Bragg is allowing Violent Crime to flourish in New York City, like never before, while he spends all of his time making his Office, which is in total chaos, trying to find anything on "Trump." He is doing the work of Anarchists and the Devil, who want our Country to fail. The "Horseface" agenda is dead, even by the most Radical Left Haters, but he doesn't care, he wants to go with it anyway.

**3.36k** ReTruths **11.8k** Likes

Mar 23, 2023, 11:50 AM

← **Truth Details**

Trending ▾

1687 replies



**Donald J. Trump** ✓  
@realDonaldTrump


Isn't it terrible that D.A. Bragg refuses to do the right thing and "call it a day?" He would rather indict an innocent man and create years of hatred, chaos, and turmoil, than give him his well deserved "freedom." The whole Country sees what is going on, and they're not going to take it anymore. They've had enough! There was no Error made, No Misdemeanor, No Crime and, above all, NO CASE. They spied on my campaign, Rigged the Election, falsely Impeached, cheated and lied. They are HUMAN SCUM!

**6.03k** ReTruths **19.6k** Likes

Mar 23, 2023, 3:12 PM




← **Truth Details**

 Trending ▾

2484 replies



**Donald J. Trump** 

@realDonaldTrump

What kind of person can charge another person, in this case a former President of the United States, who got more votes than any sitting President in history, and leading candidate (by far!) for the Republican Party nomination, with a Crime, when it is known by all that NO Crime has been committed, & also known that potential death & destruction in such a false charge could be catastrophic for our Country? Why & who would do such a thing? Only a degenerate psychopath that truly hates the USA!

**6.54k** ReTruths **25k** Likes

Mar 24, 2023, 1:08 AM

# **EXHIBIT 7B**

← Truth Details

Trending

477 replies



Donald J. Trump

@realDonaldTrump

District Attorney Bragg is a danger to our Country, and should be removed immediately, along with Radical Lunatic Bombthrower Jack Smith, who is harassing and intimidating innocent people at levels not seen before, "Get Trump" Letitia James, the worst Attorney General in the United States, and Atlanta D.A. Fani Willis, who is trying to make PERFECT phone calls into a plot to destroy America, but reigns over the most violent Crime Scene in America, and does nothing about it!

3.89k ReTruths 12.9k Likes

Mar 23, 2023, 11:42 AM



Donald J. Trump

@realDonaldTrump

WHY DIDN'T THE CORRUPT MARXIST PROSECUTORS BRING THESE RADICAL & UNJUSTIFIED CHARGES AGAINST ME 2.5 YEARS AGO, LONG BEFORE MY PRESIDENTIAL CAMPAIGN HAD BEGUN. NOW DERANGED JACK SMITH WILL PROBABLY BRING ANOTHER CASE, ALONG WITH THE RACIST D.A. IN CRIME RIDDEN ATLANTA, WHO HAS BEEN WAITING FOR THE PERFECT TIME DURING MY CAMPAIGN TO FILE. THIS IS ELECTION INTERFERENCE & PROSECUTORIAL MISCONDUCT! THEY ARE ALL, IN A COORDINATED ATTACK, TRYING TO STEAL ANOTHER ELECTION, BUT WE WON'T LET THEM!!!

6.31k ReTruths 20.5k Likes

Jul 29, 2023, 3:16 PM

← **Truth Details**

3529 replies

Trending ▾



**Donald J. Trump** ✓  
@realDonaldTrump

I hear that RACIST Fulton County (Atlanta) District Attorney "Phoney" Fani Willis, who weakly presides over one of the deadliest communities in the U.S., with thousands of murderers, violent criminals & gang members roaming the streets while going untried, free, & are treated with "kid gloves," is using a potential Indictment of me, and other innocent people, as a campaign and fundraising CON JOB, all based on a PERFECT PHONE CALL, AS PRESIDENT, CHALLENGING ELECTION FRAUD - MY DUTY & RIGHT!

**8.85k** ReTruths **29.4k** Likes

Aug 12, 2023, 8:02 AM

← **Truth Details**

8497 replies

Trending ▾



**Donald J. Trump** ✓  
@realDonaldTrump


Can you believe it? I'll be going to Atlanta, Georgia, on Thursday to be ARRESTED by a Radical Left District Attorney, Fani Willis, who is overseeing one of the greatest Murder and Violent Crime DISASTERS in American History. In my case, the trip to Atlanta is not for "Murder," but for making a PERFECT PHONE CALL! She campaigned, and is continuing to campaign, and raise money on, this WITCH HUNT. This is in strict coordination with Crooked Joe Biden's DOJ. It is all about ELECTION INTERFERENCE!

**14.4k** ReTruths **44.8k** Likes

Aug 21, 2023, 7:55 PM

← **Truth Details**

7913 replies

 Trending ▾



**Donald J. Trump** 

@realDonaldTrump

231,000,000 Views, and still counting. The Biggest Video on Social Media, EVER, more than double the Super Bowl! But please excuse me, I have to start getting ready to head down to Atlanta, Georgia, where Murder and other Violent Crimes have reached levels never seen before, to get ARRESTED by a Radical Left, Lowlife District Attorney, Fani Willis, for A PERFECT PHONE CALL, and having the audacity to challenge a RIGGED & STOLEN ELECTION. THE EVIDENCE IS IRREFUTABLE! ARREST TIME: 7:30 P.M.

**17.6k** ReTruths **56.8k** Likes

Aug 24, 2023, 2:49 PM

# EXHIBIT 8A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIDAVIT OF NICHOLAS  
PISTILLI

Ind. No. 71543-23

**AFFIDAVIT**

Nicholas Pistilli, a person not a party to this action, states under penalty of perjury that:

1. I am a Sergeant in the New York Police Department (“NYPD”). Since January of 2022, I have served as the commanding officer of the security detail for New York County District Attorney Alvin Bragg. In that role, I am responsible for, among other things, monitoring threats of violence against the District Attorney, his family, and his Office.

2. I am familiar with the facts and circumstances stated herein. This affidavit is based upon my personal knowledge, as well as upon information and belief based on information providing by other employees of the NYPD or the DA’s Office, and on records maintained by the NYPD or the DA’s Office in the ordinary course of business, which I believe to be true and correct.

3. I monitor threats in coordination with the NYPD’s Threat Assessment & Protection Unit (“TAPU”), a unit within NYPD’s Intelligence Bureau. NYPD’s Intelligence Bureau gathers and analyzes information to assist in the detection and prevention of unlawful activity, including acts of terror. Within the Intelligence Bureau, TAPU’s purview includes monitoring and investigating threats against public officials, including the District Attorney. TAPU monitors social media posts, including activity on the “dark web”, as well as any threats

reported to TAPU by public officials, including threats received by phone call, text message, social media direct message, voicemail, email, and mail.

4. In 2022, TAPU logged 483 threat cases. Of the 483 threat cases, 1 involved threats to the District Attorney, his family, or his employees. The remaining cases were threats against other public officers or elected officials.

5. In 2023, TAPU logged 577 threat cases. Of the 577 threat cases, 89 involved threats to the District Attorney, his family, or his employees. The remaining cases were threats against other public officers or elected officials.

6. In 2023, the first threat case involving the District Attorney, his family, or his employees was logged on March 18, 2023.

7. Prior to March 20, 2023, the first review of threatening, harassing, or offensive calls and emails was conducted by DA investigators or NYPD detectives detailed to the DA's Office. The volume of such calls and emails was so low that initial review could be conducted by these investigators and detectives while they fulfilled their primary responsibility of assisting in the casework of the DA's Office. Additionally, because the volume of such calls and emails was low, the DA's Office did not have a system for tracking such calls and emails.

8. By March 20, 2023, the volume of threatening, harassing, or offensive calls and emails increased significantly, exceeding the capacity of the DA Office's investigators and NYPD detectives detailed to the DA's Office. Starting on March 20, 2023, all such calls and emails were forwarded directly to TAPU for review and assessment.

9. When TAPU reviews an item (e.g., social media post, phone call, text, email, etc.), TAPU makes an initial determination of whether the item warrants additional investigative steps. If it does, TAPU opens a "Threat Case." Depending on the results of additional



investigative steps, the item may be referred for further investigation in partnership with a prosecutor's office.

10. Since the DA took office on January 1, 2022, through mid-March of 2023, none of the threats received required referral for further investigation in partnership with a prosecutor's office. In the three weeks following March 18, 2023, several threats received that ultimately were referred for further investigation in partnership with a prosecutor's office.

11. One public example of a threat during that time-period is documented in the felony complaint in *People v. Craig Deleeuw Robertson* (D. Utah, 2003). The complaint details that:

“On or about March 18, 2023 . . . [the defendant], did knowingly transmit in interstate commerce a communication containing a threat to injure the person of another, the New York County District Attorney, Alvin Bragg, to wit:

ALVIN BRAGG

Heading to New York to fulfill my dream of iradicating [sic] another of George Soros two-but political hach [sic] DAs.

I'll be waiting in the courthouse parking garage with my suppressed Smith & Wesson M&P 9mm to smoke a radical fool prosecutor that should never have been elected.

I want to stand over Bragg and put a nice hole in his forehead with my 9mm and watch him twitch as a drop of blood oozes from the hole as his life ebbs away to hell!!

BYE, BYE, TO ANOTHER CORRUPT BASTARD!!!'

all in violation of 18 § U.S.C. 875(c).”

12. According to the DA Office's IT systems, at its peak, in March 2023, more than 600 emails and phone calls received by the DA's office were forwarded for security review; this represents a small subset of the calls and emails received by the office relating to *People v.*

*Trump*. Around this time, the emails, calls, and text messages received were directed not just to the DA or to the Office generally, but also to senior members of the DA executive team and ADAs publicly associated with *People v. Trump*, via both Office email or phone and personal email and phone. The messages received in March of 2023 were the first time I was aware of threatening messages relating to the work of the DA’s Office being directed at employees of the Office other than the DA.

13. Some of the specific threats that were recorded as a threat case include:
  - a. On March 19, 2023: “Leave Trump alone . . . or Bragg will get assassinated”
  - b. On March 19, 2023: “Just shoot Bragg in the head and he stops being a problem.”
  - c. On March 21, 2023, “If you lay a hand on President Trump or his family, friends, supporters, or myself, my family or any patriot—instant death.”
  - d. On March 22, 2023, “Just wanted to say I can’t wait to watch you swing from a rope in your military tribunal, you disgusting George Soros puppet, fucking money will get you nowhere, you better get on your knees and pray to Jesus Christ your gonna find your maker soon.”
  - e. On April 3, 2023, “When your fat fuck DA is more interested in a witch hunt on president Trump than prosecuting crime in you shit hole city, its time to get rid of both of you n\*\*\*\*\*” (modified with asterisks to obscure racial slur).
  - f. On April 4, 2023, “You want to go after Donald Trump because you have a crime ridden city, all that shit is racially and politically motivated. More so racial because Alvin Bragg is nothing but a racist n\*\*\*\*\*” (modified with asterisks to obscure racial slur).


g. On April 6, 2023, "...Your going to get what you got coming. Your tearing the country apart, your going to get it. I'm not making threats...."

14. In addition to monitoring threats of violence received by the Office, my unit is also involved in responding to attacks on the Office. In the past year, the Office has twice received terroristic mailings. Last year, the Office twice received envelopes containing white powder. Both incidents disturbed normal operations at the DA's Office, although in both incidents the powder was determined not to be a dangerous substance.

a. On March 24, 2023, the Office received a letter addressed to the DA containing a small amount of white powder and a note stating: "Alvin: I'm going to kill you".

b. On April 12, 2023, the Office received a letter addressed to the DA containing a white powder and a note including images of the DA and of Donald Trump and the words "you will be sorry."

Dated: February 22, 2024

  
\_\_\_\_\_  
Nicholas Pistilli

# **EXHIBIT 8B**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIDAVIT OF NICHOLAS  
PISTILLI

Ind. No. 71543-23

**AFFIDAVIT**

Nicholas Pistilli, a person not a party to this action, states under penalty of perjury that:

1. I am a Sergeant in the New York Police Department (“NYPD”). Since January of 2022, I have served as the commanding officer of the security detail for New York County District Attorney Alvin Bragg. In that role, I am responsible for, among other things, monitoring threats of violence against the District Attorney, his family, and his Office.

2. I am familiar with the facts and circumstances stated herein. This affidavit supplements my earlier affidavit dated February 22, 2024, and is based upon my personal knowledge, as well as upon information and belief based on information provided by other employees of the NYPD or the DA’s Office, and on records maintained by the NYPD or the DA’s Office in the ordinary course of business, which I believe to be true and correct.

3. In 2024, as of today, NYPD’s Threat Assessment & Protection Unit (“TAPU”), a unit within NYPD’s Intelligence Bureau, logged 289 threat cases. Of the 289 threat cases, 61 involved threats to the District Attorney, his family, or his employees. The remaining cases were threats against other public officers or elected officials.

4. Most of the 61 threat cases in 2024 that involve threats to the District Attorney, his family, or employees of the District Attorney’s Office were made in the past few months, including 25 in April 2024, 24 in May 2024, and 7 in June to date.

5. In 2024, four threats regarding the District Attorney or the Office were referred for further investigation in partnership with a prosecutor’s office.

6. For example, threat cases logged in 2024 included language: “we will kill you all”; “[...] should be in witness protection”; “you are dead [expletive]”; “Your life is done”; and “RIP”. Threat cases were also logged for a post showing sniper sights on people involved in this case or a family member of such a person; and a post disclosing the home address of a DA Office employee.

7. Another of the threats logged, on April 15, 2024, was a bomb threat to the residences of two people involved in this case. April 15 was the first day of the trial in *People v. Trump*.

8. According to the DA Office’s IT systems, from April 2024 to date, nearly 500 emails and phone calls received by the DA’s office were forwarded for security review. As not all emails and calls received are forwarded for security review, this presumably represents only a subset of the calls and emails received by the office relating to *People v. Trump*.

Dated: June 20, 2024

A handwritten signature in black ink, appearing to read 'N. Pistilli', written over a horizontal line.

Nicholas Pistilli

# EXHIBIT 8C

TRINA A. HIGGINS, United States Attorney (#7349)  
CAMERON P. WARNER, Assistant United States Attorney (#14364)  
Attorneys for the United States of America  
Office of the United States Attorney  
111 South Main Street, Suite 1800  
Salt Lake City, Utah 84111-2176

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

---

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CRAIG DELEEUW ROBERTSON,  
  
Defendant.

Case No. [REDACTED]  
  
FELONY COMPLAINT  
  
COUNT 1      SEALED  
Violation of 18 U.S.C. § 875(c)  
(Interstate Threats)  
  
COUNT 2  
Violation of 18 U.S.C. §115(a)(1)(B)  
(Influencing, Impeding, and Retaliating  
Against Federal Law Enforcement  
Officers by Threat)  
  
COUNT 3  
Violation of 18 U.S.C. § 871(a) (Threats  
Against the President)  
  
Judge [REDACTED]

---

Before the Honorable [REDACTED] Magistrate Judge for  
the District of Utah, appeared the undersigned, who on oath deposes and says:

**COUNT 1**  
18 U.S.C. § 875(c)  
(Interstate Threats)

On or about March 18, 2023, in the District of Utah,



CRAIG DELEEUEW ROBERTSON,

defendant herein, did knowingly transmit in interstate commerce a communication containing a threat to injure the person of another, the New York County District Attorney, Alvin Bragg, to wit:

ALVIN BRAGG

Heading to New York to fulfill my dream of iradicating [sic] another of George Soros two-but political hach [sic] DAs.

I'll be waiting in the courthouse parking garage with my suppressed Smith & Wesson M&P 9mm to smoke a radical fool prosecutor that should never have been elected.

I want to stand over Bragg and put a nice hole in his forehead with my 9mm and watch him twitch as a drop of blood oozes from the hole as his life ebbs away to hell!!

BYE, BYE, TO ANOTHER CORRUPT BASTARD!!!”

all in violation of 18 § U.S.C. 875(c).

**COUNT 2**

18 U.S.C. § 115(a)(1)(B)  
(Influencing, Impeding, Retaliating Against  
Federal Law Enforcement Officers by Threat)

On or about March 24, 2023, in the District of Utah,

CRAIG DELEEUEW ROBERTSON,

defendant herein, did threaten to assault and murder [REDACTED] and SA-1, both of whom are Federal law enforcement officers with the Federal Bureau of Investigation, with the intent to impede and intimidate [REDACTED] and SA-1 while they were engaged in the performance of

their official duties, and with the intent to retaliate against █████ and SA-1 on account of the performance of their official duties, in violation of 18 U.S.C. §§ 115(a)(1)(B) and 115(b)(4).

**COUNT 3**

18 U.S.C. § 871(a)  
(Threats Against the President)

On or about August 7, 2023, in the District of Utah,

CRAIG DELEEUEW ROBERTSON,

defendant herein, did knowingly and willfully make a threat to take the life of and to inflict bodily harm upon the President of the United States, to wit:

“I HEAR BIDEN IS COMING TO UTAH. DIGGING OUT MY OLD GHILLE SUIT AND CLEANING THE DUST OFF THE M24 SNIPER RIFLE.

WELCOM, BUFFOON-IN-CHIEF!”

all in violation of 18 U.S.C. § 871(a).

**ELEMENTS OF OFFENSES**

The elements for a violation of 18 U.S.C. § 875(c), Interstate Threats, are:

- (1) the defendant knowingly transmitted a communication containing a threat to injure the person of another,
- (2) the defendant transmitted the communication with the intent to make a threat, or with knowledge that the communication will be viewed as a threat; and
- (3) the communication was transmitted in interstate or foreign commerce.

The elements for a violation of 18 U.S.C. § 115(a)(1)(B), Influencing, Impeding, and Retaliating Federal Law Enforcement Officers by Threat, are:

- (1) that the defendant threatened to assault, kidnap, or murder a United States

official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under 18 U.S.C. § 1114, and

- (2) the defendant did so with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while he or she was engaged in the performance of official duties, or with the intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties.

The elements for a violation of 18 U.S.C. § 871(a), Threats Against the President, are:

- (1) the defendant knowingly and willfully made a true threat to take the life of, to kidnap, or to inflict bodily harm upon a victim; and
- (2) the victim was the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect.

#### PROBABLE CAUSE

This complaint is made on the basis of investigation consisting of the following:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), [REDACTED]

[REDACTED]

[REDACTED] I am currently assigned [REDACTED]

[REDACTED] and primarily investigate complex criminal organizations, such as criminal gangs and drug trafficking organizations.

During my time as a law enforcement officer, I have investigated matters involving violent acts, to include aggravated assault, rape, and homicide, threats of violence, extortion, kidnapping, murder-for-hire, money laundering, weapons violations, drug trafficking, fraud, and more.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. Consequently, I am an “investigative or law enforcement officer of the United States,” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant for CRAIG DELEEUW ROBERTSON for violations of 18 U.S.C. § 875(c) (Interstate Threats), 18 U.S.C. § 115(a)(1)(B) (Influencing, Impeding, Retaliating Against Federal Law Enforcement Officers by Threat), and 18 U.S.C. § 871(a) (Threats Against the President), and does not set forth all of my knowledge about this matter. Information developed to date as a result of my investigation and the investigation of others revealed the following:

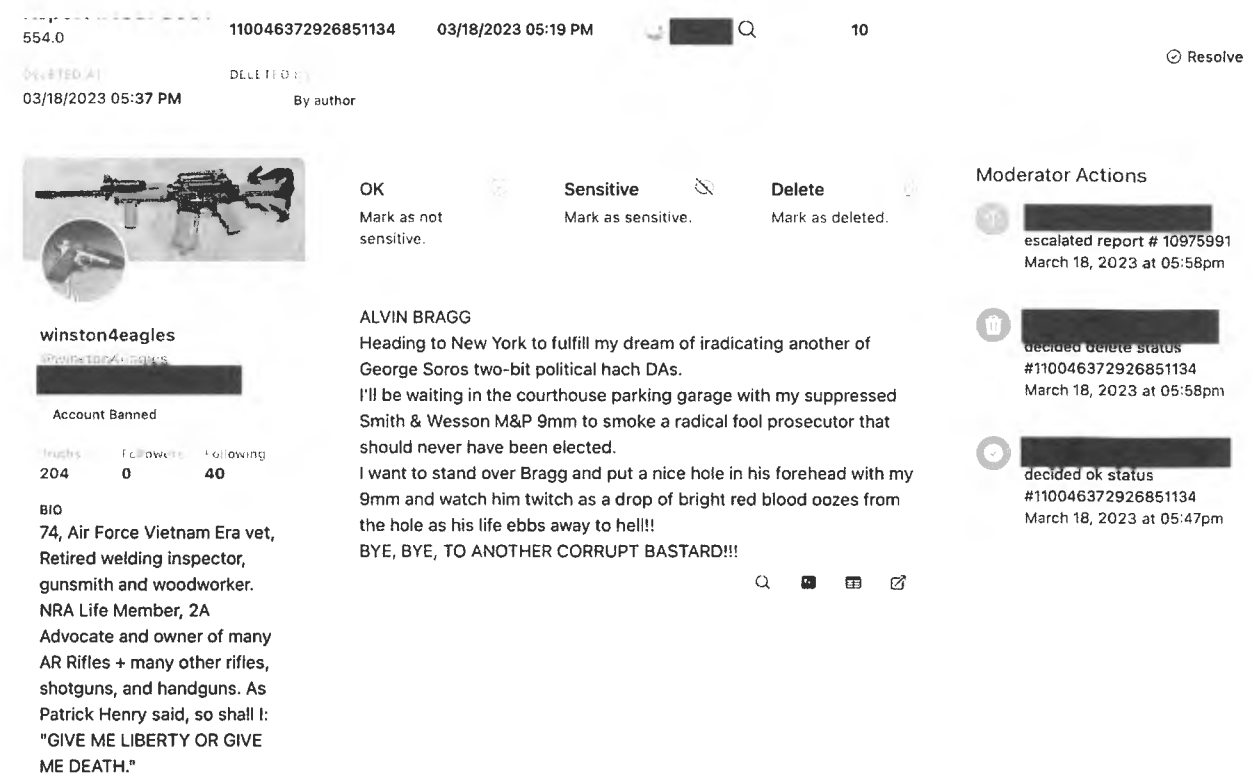
4. On, or about, March 19, 2023, I received a notification, which had come from the FBI National Threat Operations Center (“NTOC”), regarding a threat to life.<sup>1</sup> NTOC had received a tip from a social media company (“Company-1”) regarding username @winston4eagles posting a threat on Company-1’s platform to kill New York

---

1 NTOC fields calls and electronic tips from the public.

County District Attorney (“DA”) Alvin Bragg. At the time of the post, DA Bragg was overseeing a criminal investigation into former President Donald J. Trump.

The following is a screenshot of the posted threat:



The screenshot shows that User @winston4eagles posted the following true threat:

“ALVIN BRAGG  
 Heading to New York to fulfill my dream of iradicating [sic] another of George Soros two-but political hach [sic] DAs.  
 I’ll be waiting in the courthouse parking garage with my suppressed Smith & Wesson M&P 9mm to smoke a radical fool prosecutor that should never have been elected.  
 I want to stand over Bragg and put a nice hole in his forehead with my 9mm and watch him twitch as a drop of blood oozes from the hole as his life ebbs away to hell!!  
 BYE, BYE, TO ANOTHER CORRUPT BASTARD!!!”

5. NTOC provided the following information for the person associated with username @winston4eagles: a telephone number, email address, and home addresses all believed to belong to Craig Deleeuw ROBERTSON (hereafter "ROBERTSON"). The email address associated with the @winston4eagles [REDACTED]

6. On March 19, 2023, I, along with another FBI Special Agent (hereafter "SA-1"), conducted physical surveillance in the vicinity of an address in Provo, Utah where the FBI believed ROBERTSON to reside ("Residence-1"). During surveillance, the following was observed:

- a. A blue Honda, parked in the driveway of Residence-1, bearing a Utah State License Plate number which, based on my review of records, matched a vehicle listed as registered to ROBERTSON at Residence-1.
- b. A heavy-set white male, approximately 70-75 years old, with gray hair, wearing a bright blue jacket, white shirt, and tie (hereafter "UM-1"), walked from the east area of the above listed residence and got into the passenger's side front seat of the Honda.
- c. ROBERTSON, wearing a dark suit (later observed as having an AR-15 style rifle lapel pin attached), a white shirt, a red tie, and a multi-colored (possibly camouflage) hat bearing the word "TRUMP" on the front, walked from the east area of the residence, and got into the driver's seat of the Honda. ROBERTSON drove the Honda out of the driveway and traveled a

short distance northbound into the parking lot of a church. ROBERTSON and UM-1 exited the Honda and walked into the church building.

- d. After several hours, UM-1 exited the church building and walked back to Residence-1.
- e. Approximately one hour later, ROBERTSON exited the church building and entered the Honda with another unknown male (hereafter "UM-2"). ROBERTSON and UM-2 drove out of the parking lot and out of sight. Several minutes later, ROBERTSON and UM-2 returned to the church parking lot in the Honda. UM-2 exited the Honda, and ROBERTSON drove to Residence-1.

7. After arriving at the residence, SA-1 and I spoke with ROBERTSON outside of the residence. The conversation began when I called out, "Mr. Robertson?" and ROBERTSON responded in the positive.

8. After advising ROBERTSON of SA-1's and my identities as Federal Law Enforcement Officers for the FBI, ROBERTSON admitted his username on Company-1 was winston4eagles. When I advised ROBERTSON that we would like to speak with him regarding a comment he had posted on Company-1's social media platform, ROBERTSON stated, "I said it was a dream!" ROBERTSON then said, "We're done here! Don't return without a warrant!"


9. A court authorized search of a social media company (“Company-2”) account registered to “Craig Robertson,” with ROBERTSON’s same email address and displaying the name “Craig D. Robertson,” showed ROBERTSON was living in Provo, Utah.

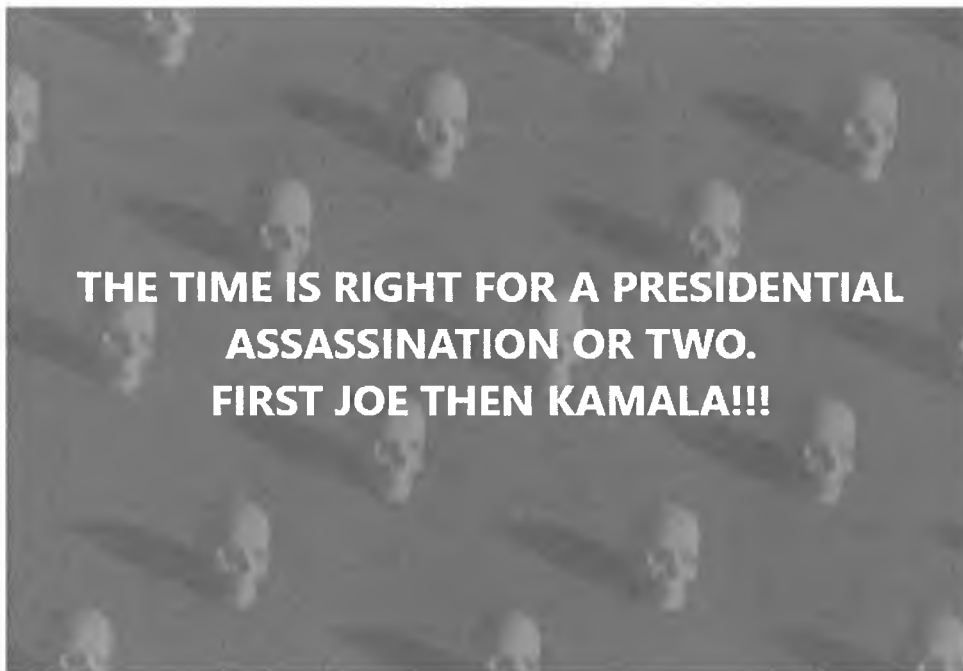
10. As part of this investigation, I have also reviewed public posts from Company-2’s social media platform made by ROBERTSON. Based on my review of those posts by ROBERTSON from that account, I know that ROBERTSON does, in fact, appear to own a sniper rifle and a ghillie suit, has made violent threats to murder public officials, and appears to possess numerous firearms (in addition to what appears to be a long-range sniper rifle). The search also yielded, in part, multiple posts regarding threats, violent acts, firearms, and the possession and use of firearms in furtherance of committing violence against government officials. The posts show ROBERTSON’s intent to kill, at a minimum, D.A. Bragg and President Joe Biden. The posts further show ROBERTSON’s intent to impede and intimidate SA-1, me, and other FBI special agents while engaged in the performance of our official duties and that ROBERTSON intended to retaliate against the FBI. The following are screenshots of the posts:<sup>2</sup>

---

<sup>2</sup> The posts are not in chronological order. However, the posts display a date or timeframe of when they were published.



 **Craig Robertson**  
September 19, 2022 · 🌐



 Like

 Comment

 Share

a.

I believe “JOE” refers to United States’ President Joseph Biden (POTUS) and “KAMALA” refers to United States’ Vice President Kamala Harris (VPOTUS).



b.

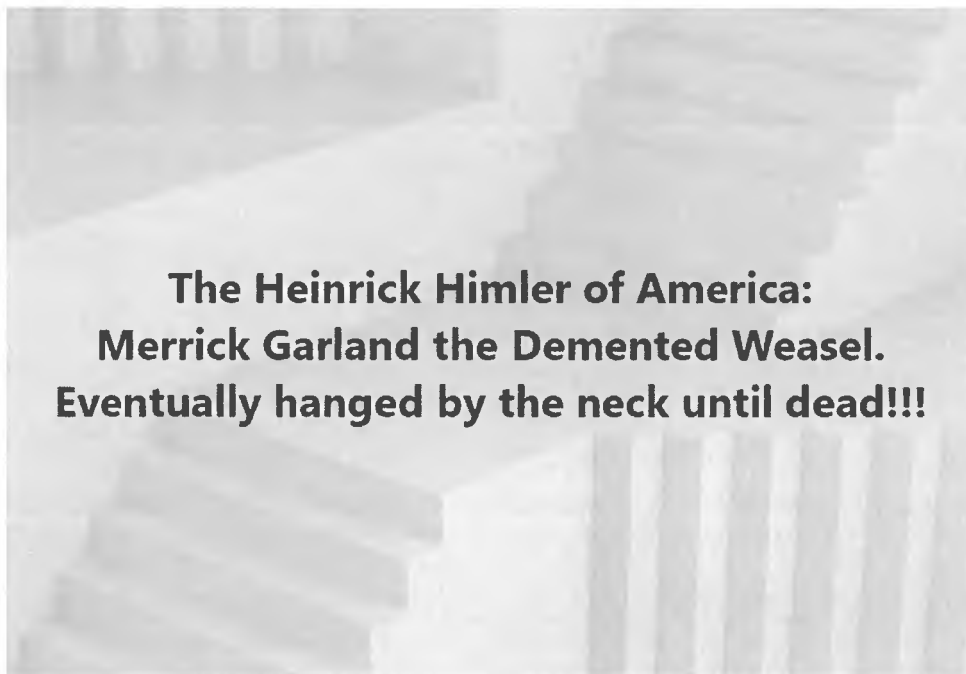
I believe “LETITIA JAMES” refers to New York State Attorney General (“AG”)

Letitia James and “B/TCH” to be a variation on the spelling of the word

“BITCH”.




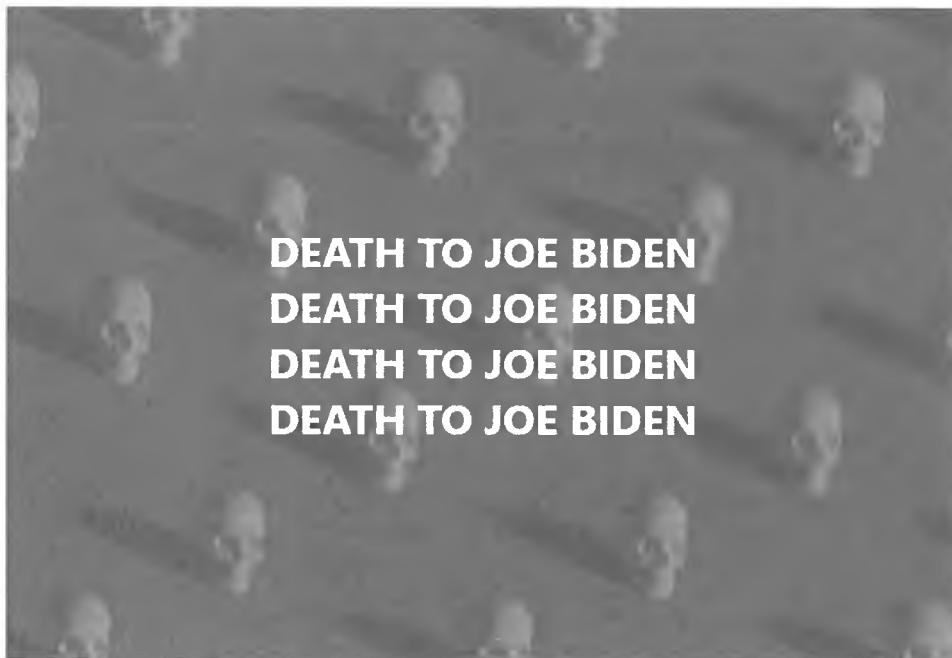
Craig Robertson  
September 21, 2022 · 🌐



c.

I believe “Heinrick Himler” refers to the former leader of the Nazi Party Heinrich Himmler and “Merrick Garland” refers to United States AG Merrick Garland.

 **Craig Robertson**  
September 23, 2022 · 🌐



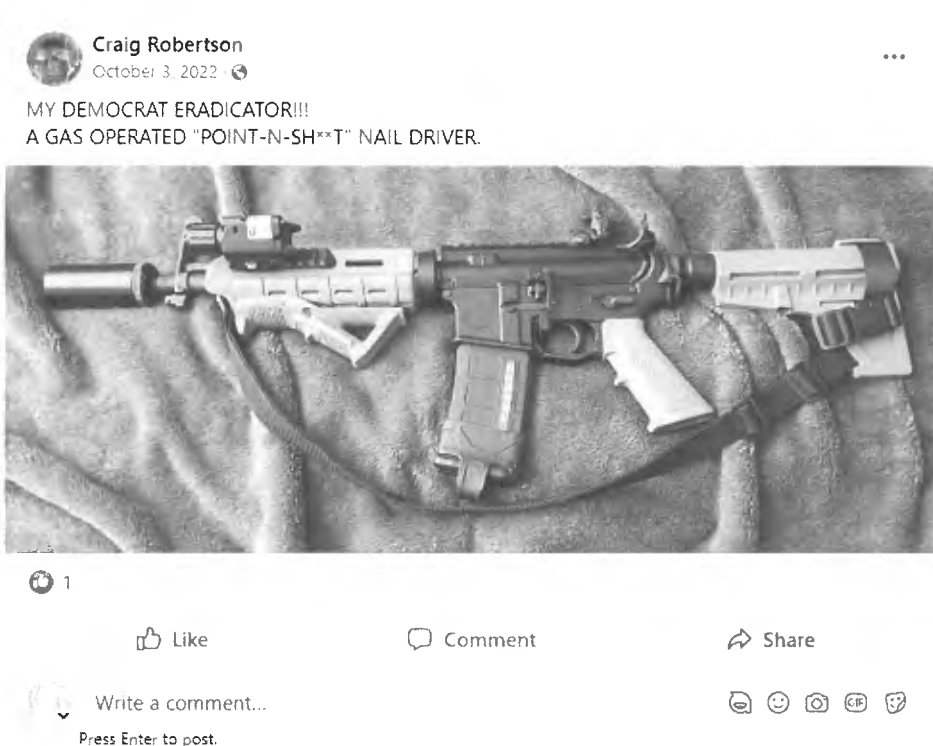
d.

I believe “JOE BIDEN” refers to POTUS and that ROBERTSON intends to bring about the death to President Biden.



e.

I believe “Merrick Garland” refers to AG Garland, “MAGA TRUMPER” refers to a supporter of former United States’ President Donald Trump, and “cowards” refers to FBI Speical Weapons and Tactics (SWAT) team members.



f.

I believe "DEMOCRAT ERADICATOR" refers to the pictured semi-automatic rifle as an instrument used to cause death to persons belonging to the Democratic Party.



g.

I believe "BIDEN" refers to POTUS and that ROBERTSON intends to bring about the death to President Biden..

 **Craig Robertson**  
October 4, 2022 · 🌐



LONG RANGE DEMOCRAT, HIPOCRIT ERADICATOR!!!



h.

I believe “LONG RANGE DEMOCRAT, HIPOCRIT ERADICATOR” refers to the pictured rifle as an instrument used to cause death to persons belonging to the Democratic Party.



 **Craig Robertson**  
October 11 2022 

Merrick Garland eradication tool.  
Coming for me with your FBI, you little DEMENTED WEASEL, cowardly asshole?????



i.

I believe “Merrick Garland eradication tool” refers to the pictured semi-automatic handgun as an instrument used to cause death to AG Garland.



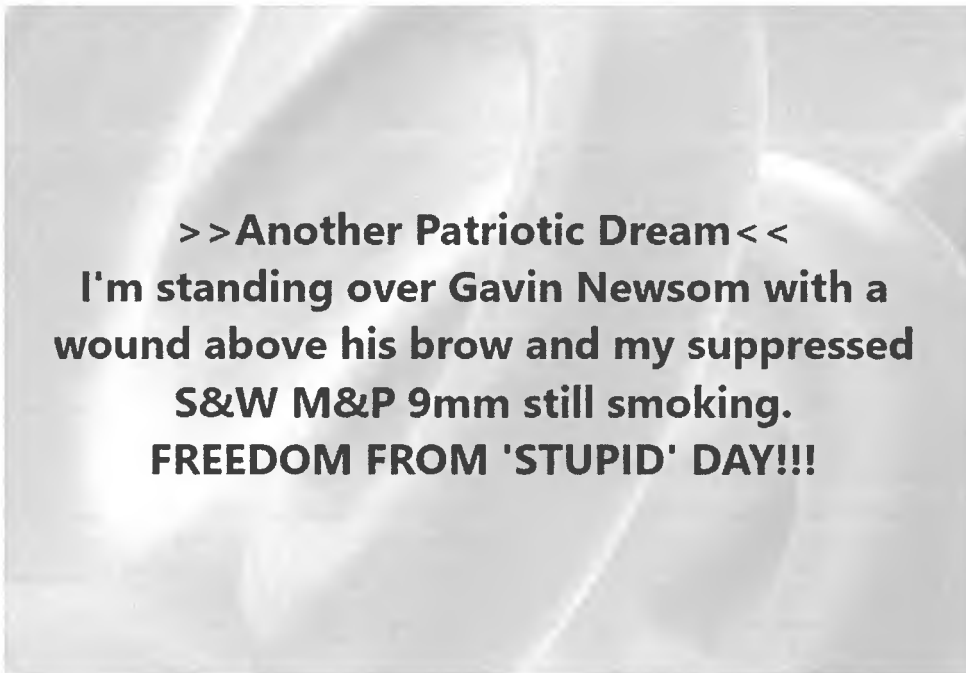
j.

I believe "Merrick Garland" refers to AG Garland and "they" refers to FBI special agents. I believe this is a threat to kill FBI Special Agents who are engaged in an investigation of ROBERTSON. This post shows ROBERTSON's intent to impede, intimidate, and retaliate against SA-1, me, and other FBI special agents.



Craig Robertson

October 17, 2022 · 🌐



k.

I believe “Gavin Newsom” refers to the Governor of California, Gavin Newsom and “wound above his brow” refers to a bullet hole in Governor Newsom’s forehead.



Craig Robertson

February 4 · 🌐



WONDERFUL DREAM!!!

I DREAMED I WAS IN A DARK CORNER OF A WASHINGTON D.C. PARKING GARAGE.

I WAS STANDING OVER THE BODY OF THE U.S. ATTORNEY GENERAL, MERRICK GARLAND, WITH A BULLET HOLE DEAD CENTER IN HIS FOREHEAD.

IN MY HAND WAS MY SUPPRESSED SMITH & WESSON M&P 9MM, SMOKE WAFTING FROM THE MUZZLE.

THE STAR SPANGLED BANNER PLAYING QUIETLY IN THE DISTANCE.

I THOUGHT TO MYSELF; “WHAT AN AMAZING, PATRIOTIC MOMENT” AS SHIVERS OF LIBERTY AND FREEDOM SWELLED MY HEART FOR OUR AMAZINGLY GREAT COUNTRY.



1

l.

I believe this may have been the post ROBERTSON referred to when he told SA-1 and me, “I said it was a dream!”



m.

I believe “Jefferson” refers to former United States’ President Thomas Jefferson as depicted on the pictured United States’ five-cent coin, and “old Joey” refers to President Biden.

 **Craig Robertson**  
November 16, 2022 · 🌐

Just getting ready for the 2024 election cycle.  
They say it's going to be a fight and I want to be ready!!!!  
Only have 9. but trying for an even dozen....



n.

I believe this post refers to ROBERTSON having nine (9) semi-automatic rifles and attempting to obtain three (3) additional semi-automatic rifles in order to be ready for a “fight” during the 2024 election cycle.

Posts

Filters



Craig Robertson

11h · 🌐



Posted about a dream of Alvin Bragg, the NY DA trying to prosecute Trump. I dreamed I was standing over him and watching his life's blood oozing from a 9mm bullet hole in his head. He was still twitching. The Demented Weasel, Merrick Garland, sent his jackboot Nazi FBI to screw with me about the post. Yes, the WEAPONIZED FBI coming after a 75 year old conservative who had a dream about an a\$\$hole!!!!

👍 1

👍 Like

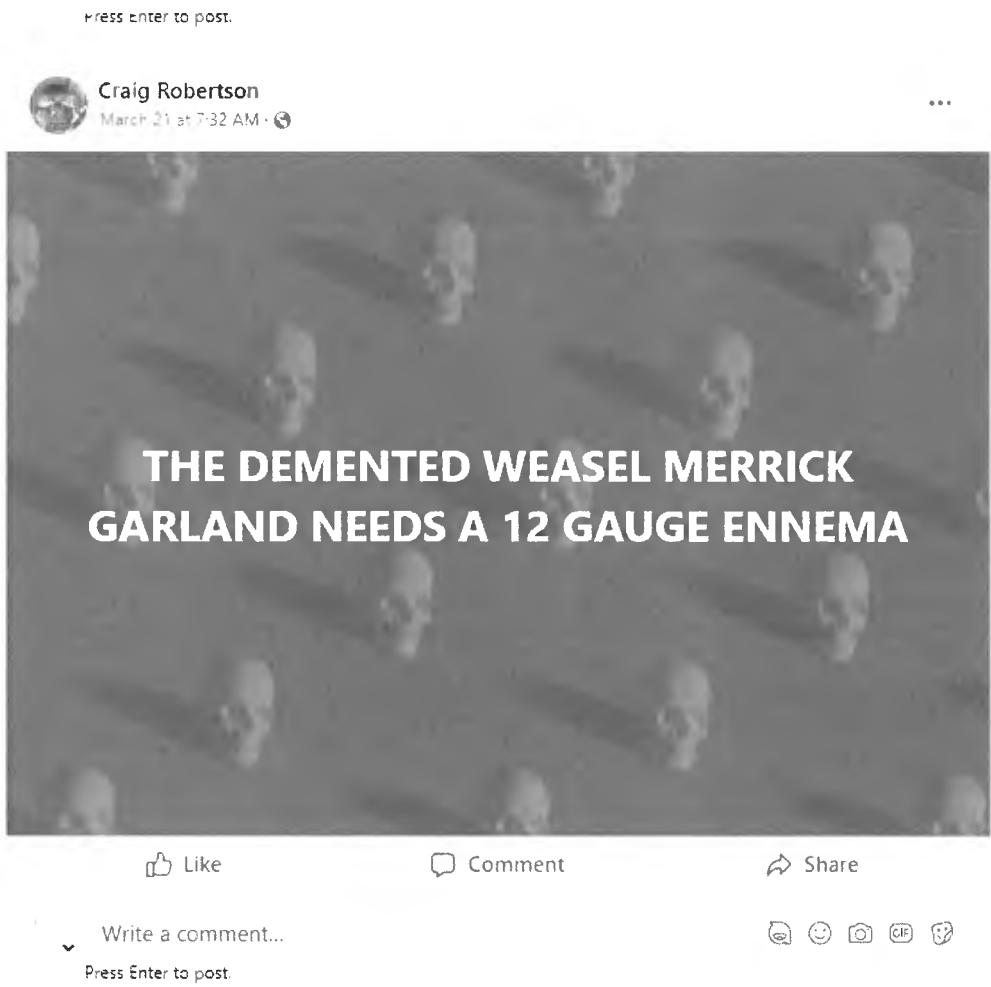
💬 Comment

➦ Share

0. Write a comment



Because this post was posted on March 21, 2023, subsequent to SA-1 and me speaking with ROBERTSON, I believe “jackboot Nazi FBI” refers to the FBI in general and to SA-1 and me in particular.



p.

I believe "MERRICK GARLAND" refers to AG Garland.



q.

I believe this was posted on or about March 24, 2023. As such, I believe “YOUR AGENTS” refers to SA-1 and me, who spoke with ROBERTSON just five days prior on March 19, 2023, and informed him we were investigating his posting(s) on social media. I believe “VIOLENT ERADICATION” refers to ROBERTSON assaulting and murdering SA-1 and me by shooting us with a firearm. I believe he made this threat with the intent to impede, intimidate, and interfere with FBI special agents engaged in the performance of their official

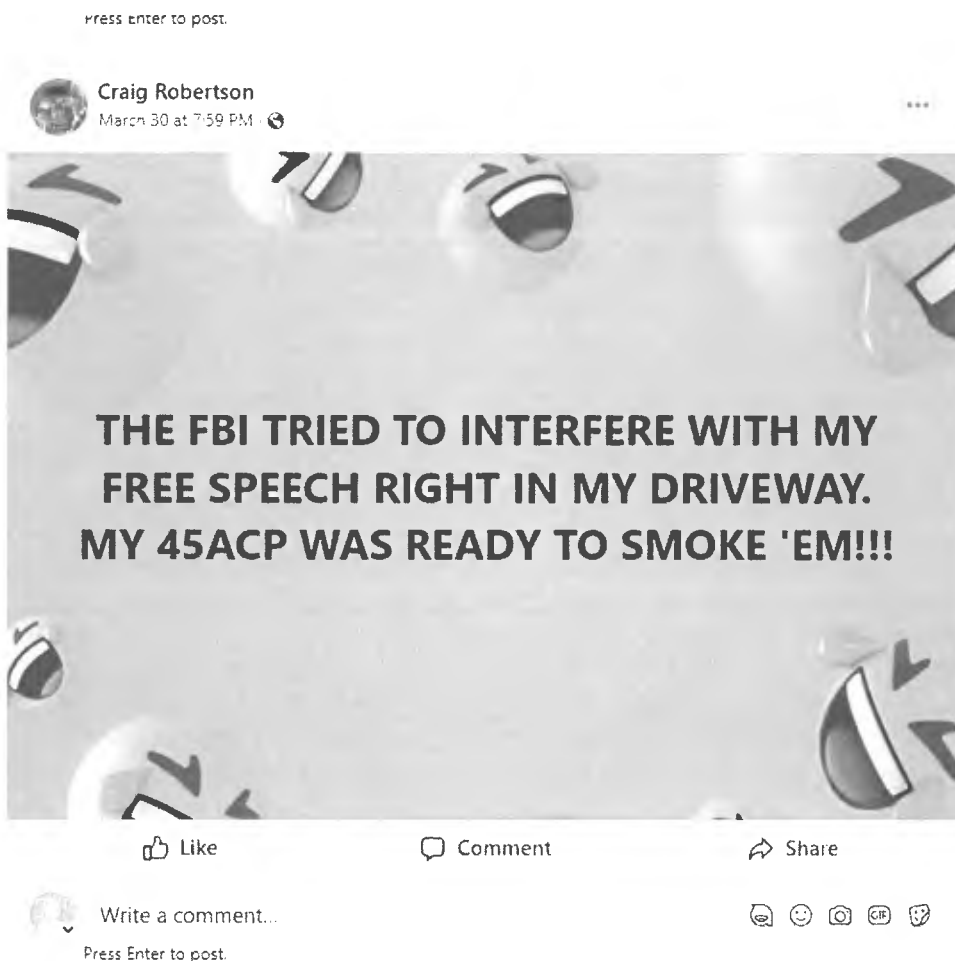


duties and also had the intent to retaliate against such FBI agents on account of the performance of their official duties.



S.

I believe this was posted on March 25, 2023, as it was discovered on March 30, 2023. Additionally, I believe "YOUR AGENTS" refers to SA-1 and me who spoke with ROBERTSON on March 19, 2023, and "BANG" to be referring to being shot. Like the previous posting, I believe he made this threat with the intent to impede, intimidate, and interfere with FBI special agents engaged in the performance of their official duties and also had the intent to retaliate against such FBI agents on account of the performance of their official duties.



t.

I believe "FBI" refers SA-1 and me, "45ACP" refers to a .45 caliber handgun, and "SMOKE 'EM" refers to shooting SA-1 and me.



u.

I believe this was posted by ROBERTSON on Facebook on or about April 11, 2023. I believe "ALVIN" to be referring to DA Bragg and ROBERTSON intended this to be a true threat to shoot DA Bragg with firearm.



v.

I believe "ALVIN BRAGG" is DA Bragg. I believe ROBERTSON intended this to be a true threat to shoot DA Bragg with firearm.



Craig Robertson

2d



WHEN THIS GOVERNMENT CRUMBLES UNDER ITS OWN EVIL AND CORRUPTION FOOD, WATER, ARMS, AND AMMUNITION WILL BE NECESSARY TO SURVIVE. NINE WORDS YOU DON'T WANT TO HEAR: "WE'RE FROM THE GOVERNMENT AND WE'RE HERE TO HELP."



w. 1

I believe this, along with other postings I have reviewed to ROBERTSON's public social media accounts, demonstrate ROBERTSON is in possession of firearms capable of inflicting death and/or bodily injury and that he intends to use these

firearms and ammunition in furtherance of committing crimes of violence as alleged above in Counts 1-3.



x.

I believe this to be a threat of death against FBI special agents if any FBI special agents arrive at ROBERTSON's residence.



y.

I believe this to be a threat of violence against President Biden.



Z.





aa.



bb.

I believe “JOE BIDEN” refers to President Biden, and “PISS” refers to urinating, and “SOBs” refers to “son of a bitch’s.”



cc.

The above post was published on, or about August 6, 2023. President Biden is scheduled to arrive in Utah on August 9, 2023. There have been media stories in Utah about President Biden's upcoming visit. I therefore believe this is knowing and willful true threat to kill or cause injury to President Biden using an M24 sniper rifle while being concealed by a ghillie suit during President Biden's visit to Utah.

Album: Hide in Plain Site - I'm just a pile of grass!



Craig D. Robertson added 14 new photos.  
May 4 2024



dd.



Consistent with ROBERTSON’S threat to kill President Biden above, these posts show ROBERTSON dressed in a ghillie suite demonstrating his ability to conduct sniper tactics. While these postings are somewhat dated, they nevertheless show ROBERTSON has access to a ghillie suit and a long-range rifle. Indeed, ROBERTSON confirmed in his recent threat to kill President Biden from two days ago, that he will get out his “OLD GHILLIE SUIT” and “DUST OFF” his sniper rifle, thus indicating he has been in possession of these items for some time and is still in possession of these items. I believe that ROBERTSON intends to use them to commit crimes of violence discussed in this affidavit.

11. I respectfully request that this Complaint and Affidavit, as it reveals an ongoing investigation, be sealed until further order of the Court in order to avoid premature disclosure of the investigation, guard against flight, and better ensure the safety of agents and others, except that working copies may be served on Special Agents

and other investigative and law enforcement officers, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers as necessary to effectuate the Court's Order.

12. Based on the foregoing information, I respectfully request that a warrant of arrest be issued for CRAIG DELEEUEW ROBERTSON for violations of 18 U.S.C. § 875(c), 18 U.S.C. §§115(a)(1)(B) and 115(b)(4), and 18 U.S.C. § 871(a).



Special Agent  
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me via video-teleconference this 8<sup>th</sup> day of August, 2023.



APPROVED:

TRINA A. HIGGINS  
United States Attorney

/s/ Cameron P. Warner  
Cameron P. Warner  
Assistant United States Attorney

# EXHIBIT 8D

State of Georgia

County of Fulton

I, Darin Schierbaum, am currently serving as the Chief of Police for the City of Atlanta and have served in that role since June 2022.

I have served as a sworn police officer for the City of Atlanta since 2003.

Prior to joining the Atlanta Police Department, I served as a Deputy Sheriff in Johnson County, Illinois for approximately ten years.

In August 2023, I became aware that the identities of members of one of the Fulton County Grand Juries serving for the July-August term of court had been listed on a website known to be a location where information for "doxing" people is listed. Those listings called for harassment and violence against the grand jurors.

I was able to determine that members of the Fulton County Grand Jury who returned a true bill of indictment against 19 people, including Defendant Donald J. Trump, on charges of racketeering and other felony allegations, were being contacted by people in harassing and/or threatening manners. The doxing included home addresses of the grand jurors whose names were found on the doxing website.

As a result of determining that doxing had occurred, the Atlanta Police Department enacted an operational plan to protect those that resided in the city of Atlanta. The Atlanta Police Department also contacted the Fulton County Sheriff's Office who in turn coordinated efforts with the other police departments where grand jurors resided outside the City of Atlanta. The Sheriff, the Atlanta Police Department, and other police departments with jurisdiction where grand jurors live coordinated to ensure that safety measures were put in place to prevent harassment and violence against the grand jurors.

On August 30, 2023, the Atlanta Police Department was able to determine that the Fulton County District Attorney and her family were doxed in a similar manner as the grand jurors. The doxing of the District Attorney established it was due to her indictment of Defendant Donald J. Trump.

A website where both the Grand Jurors who returned the indictment against Donald J. Trump and the Fulton County District Attorney is operated by a Russian company. They openly state on the website that the reason they are doxing the Fulton County District Attorney and the Grand Jury individuals is due to the indictment of Donald J. Trump.

The Russian company that is housing the doxing has refused to remove doxing information and the Federal Government has been unsuccessful in having such



information removed. Thus, the doxing of both the grand jurors and the District Attorney are permanent.

The actions taken by local law enforcement to protect the grand jurors, as well as the District Attorney and her family members, require a significant devotion of our capacity and represent a strain on law enforcement resources to allow them to complete their civic duty without being subjected to unnecessary danger.


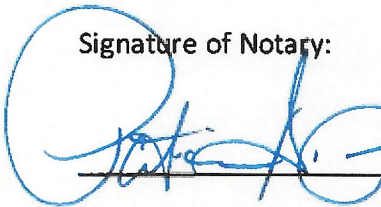
Signed:




Darin Schierbaum  
Chief of Police  
City of Atlanta  
226 Peachtree Street, SW  
Atlanta, GA 3030

Subscribed and sworn to before me, this 5<sup>th</sup> day of September, 2023.

Signature of Notary:



Printed Name of Notary:



# EXHIBIT 8E

**AFFIDAVIT OF FULTON COUNTY DISTRICT ATTORNEY'S OFFICE**  
**ASSISTANT CHIEF INVESTIGATOR OF THE TECHNOLOGY UNIT,**  
**GERALD WALSH**

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Gerald Walsh, who first being duly sworn, on oath deposes and states that he is a citizen of the United States, 18 years of age or older, and employed by the Fulton County District Attorney's Office as a P.O.S.T certified peace officer. Affiant further states the following:

I, Assistant Chief Investigator Gerald Walsh conducted in synopsis the following investigation during the period of August 30 to September 1, 2023. I received a complaint on August 30, 2023 in reference to Madam District Attorney Fani T. Willis, being doxed. According to UC Berkeley, *Doxxing refers to the collection of a user's private information, across multiple platforms (including social media) by an unauthorized individual, who then publishes the information in an attempt to shame or embarrass the user.*

In working with members of the United States Department of Homeland Security (DHS), it was determined that Fani T. Willis is a victim of doxing, and that information was listed about her, her family members by name, ages with dates of birth, home physical addresses, phone numbers (VOIP and wireless), GPS coordinates, places of employment, work physical addresses, email addresses and social media user names. Information was intertwined with derogatory and racist remarks, such as "Degenerate...nigger" and "fuck this stupid bitch" and "bitch is own3d! Trump 2024".

The information was viewed on the dark web utilizing special equipment. The terms deep web and dark web are often interchanged loosely, but there is a difference between them and the surface web. The surface web is what is generally used by everyday users and is indexed. The surface web is where searches such as Google and others are completed by a user. The deep web is utilized by many people for usually non-criminal and legitimate uses such as electronic health records and banking records and is tied to many sites on the surface web. Dark web is where nefarious content is often kept and is not usually indexed or easy to find. One must know where they are going to get to or utilize the information, or systems can be damaged, a virus or malware can be picked up, or a user can just see criminal content that cannot be unseen. Criminals use the dark web for selling or trading illegal substances, firearms and human trafficking to describe a small amount of what is present.

The website where Madam District Attorney Fani T. Willis was being doxed was determined to be hosted in Russia and is known by DHS as to be uncooperative with law enforcement. The users who post on this particular site have doxed other District Attorneys and their families from multiple states, Judges and their families, along with federal employees and their families, and now also members of the Fulton County Grand Jury who voted to indict Former President Donald Trump and their families.

One of the same users that doxed Madam District Attorney Fani T. Willis, doxed the members of the Fulton County Grand Jury on the same site, to include names, home addresses,

phone numbers, relatives, and vehicle information. This user went so far as to say, "...how long would it take for Antifa to show up in their front lawns and work places?"

Due to this information in all likelihood not ever being removed off of the dark web and the owners/hosts of the websites being uncooperative with law enforcement or government process, the members of the Fulton County Grand Juries should have their personal identifiable information protected from access by the general public through the courts. Some information present on the internet regarding Grand Jurors is inaccurate and should not then be corrected or verified by being released by the courts to the general public without measures being taken to minimize potential danger to those who perform their civic duty serving on Grand Juries.

Gerald Walsh  
Affiant (signature)

Gerald Walsh  
(printed name)

Fulton County District Attorney's Office  
136 Pryor Street, 3<sup>rd</sup> Floor  
Atlanta, GA 30303

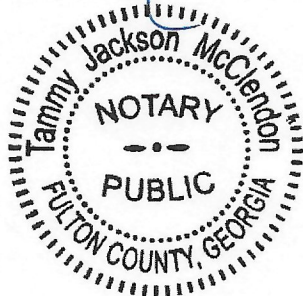
Subscribed and sworn to

Before me this 5<sup>th</sup> day of September, 2023

And notarized by me on this date.

Tammy Jackson McClendon

Notary Public



# EXHIBIT 8F

**ORIGINAL**

FILED IN CHAMBERS  
U.S.D.C. Atlanta

OCT 25 2023

Kevin P. Weimer, Clerk  
By Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*v.*

ARTHUR RAY HANSON, II

Criminal Indictment

No. **1:23-CR-0343**

**UNDER SEAL**

THE GRAND JURY CHARGES THAT:

**Introduction**

At all times material to this indictment:

1. The defendant, ARTHUR RAY HANSON, II, lived in or around Huntsville, Alabama.
2. Fani Willis was the elected District Attorney for Fulton County, Georgia, and was investigating a case involving Former President of the United States Donald J. Trump.
3. Patrick Labat was the elected Sheriff for Fulton County, Georgia, and was in charge of the operation of the Fulton County Jail where Fulton County criminal defendants are often received into custody and photographed.

**Count One**

4. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 1 through 3 of this Indictment as if fully set forth herein.

5. On or about August 6, 2023, in the Northern District of Georgia and elsewhere, the defendant, ARTHUR RAY HANSON, II, consciously disregarding a substantial risk that his communication would be viewed as threatening violence, knowingly transmitted a communication in interstate and foreign commerce, from the State of Alabama to the State of Georgia, that contained a threat to injure Fulton County Sheriff Patrick Labat; specifically, HANSON called the Fulton County Government customer service line and left a voicemail message for Sheriff Labat in which HANSON made statements, which included, but were not limited to, the following: "if you think you gonna take a mugshot of my President Donald Trump and it's gonna be ok, you gonna find out that after you take that mugshot, some bad shit's probably gonna happen to you;" "if you take a mugshot of the President and you're the reason it happened, some bad shit's gonna happen to you;" "I'm warning you right now before you fuck up your life and get hurt real bad;" "whether you got a goddamn badge or not ain't gonna help you none;" and "you gonna get fucked up you keep fucking with my President."

All in violation of Title 18, United States Code, Section 875(c).

**Count Two**

6. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 1 through 3 of this Indictment as if fully set forth herein.

7. On or about August 6, 2023, in the Northern District of Georgia and elsewhere, the defendant, ARTHUR RAY HANSON, II, consciously disregarding

a substantial risk that his communication would be viewed as threatening violence, knowingly transmitted a communication in interstate and foreign commerce, from the State of Alabama to the State of Georgia, that contained a threat to injure Fulton County District Attorney Fani Willis; specifically, HANSON called the Fulton County Government customer service line and left a voicemail message for District Attorney Willis in which HANSON made statements, which included, but were not limited to, the following: "watch it when you're going to the car at night, when you're going into your house, watch everywhere that you're going;" "I would be very afraid if I were you because you can't be around people all the time that are going to protect you;" "there's gonna be moments when you're gonna be vulnerable;" "when you charge Trump on that fourth indictment, anytime you're alone, be looking over your shoulder;" and "what you put out there, bitch, comes back at you ten times harder, and don't ever forget it."

All in violation of Title 18, United States Code, Section 875(c).

A True BILL  
10-25-23  
Remy Hancock  
FOREPERSON

RYAN K. BUCHANAN  
*United States Attorney*





BRET R. HOBSON  
*Assistant United States Attorney*  
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Atlanta, GA 30303  
404-581-6000; Fax: 404-581-6181

# EXHIBIT 9A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DONALD J. TRUMP,

Defendant.

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CRIMINAL NO. 23-cr-257 (TSC)

**GOVERNMENT’S OPPOSED MOTION TO ENSURE THAT EXTRAJUDICIAL  
STATEMENTS DO NOT PREJUDICE THESE PROCEEDINGS**

Since the grand jury returned an indictment in this case, the defendant has repeatedly and widely disseminated public statements attacking the citizens of the District of Columbia, the Court, prosecutors, and prospective witnesses. Through his statements, the defendant threatens to undermine the integrity of these proceedings and prejudice the jury pool, in contravention of the “undeviating rule” that in our justice system a jury’s verdict is to “be induced only by evidence and argument in open court, and not by any outside influence.” *Sheppard v. Maxwell*, 384 U.S. 333, 351 (1966) (quotations omitted). In accordance with the Court’s duty to “protect [its] processes from prejudicial outside interferences,” *id.* at 363, the Government requests that the Court take the following immediate measures to ensure the due administration of justice and a fair and impartial jury: (1) enter a narrowly tailored order pursuant to Local Criminal Rule 57.7(c) that restricts certain prejudicial extrajudicial statements; and (2) enter an order through which the Court can ensure that if either party conducts a jury study involving contact with the citizens of this District, the jury study is conducted in a way that will not prejudice the venire. The Government obtained the defendant’s position from counsel for the defendant, and he opposes this motion.

## I. Background

As set forth in the indictment, after election day in 2020, the defendant launched a disinformation campaign in which he publicly and widely broadcast knowingly false claims that there had been outcome-determinative fraud in the presidential election, and that he had actually won. ECF No. 1 at ¶¶ 2, 4. In service of his criminal conspiracies, through false public statements, the defendant sought to erode public faith in the administration of the election and intimidate individuals who refuted his lies. ECF No. 1 at ¶¶ 2, 28, 31-32, 42, 44, 74, 97, 100, 104, 111. The defendant is now attempting to do the same thing in this criminal case—to undermine confidence in the criminal justice system and prejudice the jury pool through disparaging and inflammatory attacks on the citizens of this District, the Court, prosecutors, and prospective witnesses. The defendant’s conduct presents a “substantial likelihood of material prejudice” to these proceedings, and the Court can and should take steps to restrict such harmful extrajudicial statements. *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075 (1991).

### **A. The Defendant Has a History of Inflammatory and Misleading Statements That He Knew or Should Have Known Would Cause Others to Harass and Harm Perceived Critics or Adversaries**

The defendant has an established practice of issuing inflammatory public statements targeted at individuals or institutions that present an obstacle or challenge to him. In the period between the presidential election on November 3, 2020, and the congressional certification proceeding on January 6, 2021, the defendant trained his focus on the election system, including election officials and other individuals carrying out civic duties to implement fair elections in various states. As a result, the defendant engendered widespread mistrust in the administration of the election, and the individuals whom he targeted were subject to threats and harassment.

Examples of this pattern, from the indictment and the Government’s investigation, include the following:

- [REDACTED] whom the defendant specifically targeted on the social media platform Twitter because [REDACTED] had publicly stated that there was no evidence of election fraud. *See* ECF No. 1, Indictment, ¶ 42; <https://twitter.com/realDonaldTrump/status/1326525851752656898>. After the defendant’s tweet, [REDACTED] observed an increase in the volume and severity of threats against him and his family. *See* House Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol (“House Select Committee”), 6/13/22 Hr’g, at 1:47:14–1:47:43 (“After the President tweeted at me by name, calling me out the way that he did, the threats became much more specific, much more graphic, and included not just me by name but included members of my family by name, their ages, our address, pictures of our home. Just every bit of detail that you could imagine. That was what changed with that tweet.”).<sup>1</sup>
- [REDACTED] during the 2020 election, whose home address was listed on the internet and whose family was threatened with violence after the defendant and surrogates publicly derogated [REDACTED] for certifying the election. *See* Exhibit 1 at 3-6.
- [REDACTED] during the 2020 election, who received threatening communications after [REDACTED] certified the election and the defendant issued public posts about them. *See* Exhibit 1 at 26-27 ([REDACTED]).
- [REDACTED] who required additional police protection after the defendant targeted [REDACTED] on Twitter for [REDACTED] rejecting one of the defendant’s election challenges. *See* Exhibit 1 at 41-44.

The defendant knows that when he publicly attacks individuals and institutions, he inspires others to perpetrate threats and harassment against his targets. On December 1, 2020, as the defendant was fueling an intense national atmosphere of mistrust and anger regarding the election, a Georgia election official held a widely televised press conference in which he pleaded with the

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<sup>1</sup> *See* <https://january6th-benniethompson.house.gov/legislation/hearings/06132022-select-committee-hearing>.

defendant to stop, stating that if he did not, “Someone’s going to get hurt, someone’s going to get shot, someone’s going to get killed.”<sup>2</sup> The defendant did not stop. Instead, he continued—even to the present—to attack individuals whom he knows already suffered threats and harassment as a result of his words. For instance:

- On November 17, 2020, the defendant fired ██████████, his appointed director of the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency after ██████████ made statements assuring the public of the integrity of the election. *See* ECF No. 1 ¶ 11(d). Later that month, after ██████████ appeared on a news program and again stated publicly that the presidential election had been secure, the defendant attacked him on Twitter, and on November 30, an agent of the defendant publicly stated that ██████████ “should be drawn and quartered. Taken out at dawn and shot.”<sup>3</sup> This statement was so dangerous that the above-described Georgia election official mentioned it in his press conference when warning the defendant and others that such rhetoric would lead to violence.<sup>4</sup> ██████████ and his family received death threats and had to evacuate their home, and through a December 8, 2020 lawsuit put the defendant on explicit notice of the threats and harassment the defendant had caused.<sup>5</sup> The defendant continued to publicly attack ██████████ anyway.
- In 2020, the defendant and co-conspirators<sup>6</sup> spread false accusations of misconduct against ██████████, a Georgia election worker, and ██████████. As a result, ██████████ were inundated by threats. *See* ECF No. 1 ¶ 26. ██████████ subsequently described the pernicious threats and intimidation she endured as a result of these false allegations in an interview with the House Select Committee, which publicly released a transcript of the interview on December 29, 2022. *See* Select Committee Press

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<sup>2</sup> *See* NBC News, Georgia Secretary of State Press Conference (Dec. 1, 2020), <https://www.youtube.com/watch?v=nH9FnY0qvNI>.

<sup>3</sup> *See* CBC News, 60 Minutes (Nov. 29, 2020), <https://www.cbsnews.com/news/election-results-security-chris-krebs-60-minutes-2020-11-29/>; Newsmax, Howie Carr Radio Show (Nov. 30, 2020).

<sup>4</sup> *See* NBC News, Georgia Secretary of State Press Conference (Dec. 1, 2020), <https://www.youtube.com/watch?v=nH9FnY0qvNI>.

<sup>5</sup> *See* Case No. 484243V (Montgomery County, Maryland Circuit Court), Complaint (Dec. 8, 2020).

<sup>6</sup> A court in this District recently entered a default judgment against one of the defendant’s co-conspirators in a lawsuit filed against him by ██████████ for his defamatory false claims. *See* 21-cv-3354 (BAH), ECF No. 93, Order (Aug. 30, 2023).

Release, Release of Select Committee Materials (Dec. 29, 2022);<sup>7</sup> Select Committee Transcript at 8 (“Do you know how it feels to have the President of the United States to target you? The President of the United States is supposed to represent every American, not to target one. But he targeted me . . . a small-business owner, a mother, a proud American citizen who stood up to help Fulton County run an election in the middle of the pandemic. . . . And, lo and behold, when someone as powerful as the President of the United States eggs on a mob, that mob will come. They came for us with their cruelty, their threats, their racism, and their hats. They haven’t stopped even today.”).<sup>8</sup> Within ten days of the public release of [REDACTED] interview transcript, the defendant—despite the known threats the election worker had received, and the established falsity of the claims of misconduct—publicly attacked [REDACTED] again on Truth Social through a series of repeated false claims.<sup>9</sup>

- Likewise, the defendant recently renewed attacks on former Georgia Lieutenant Governor [REDACTED], whose harassment the defendant inspired in the aftermath of the election. In December 2020, after Georgia’s Governor and Lieutenant Governor rejected the defendant’s calls to appoint the defendant’s illegitimate electors in Georgia, the defendant issued a post labeling [REDACTED] a “Rino Never Trumper” who was “dumb or corrupt” and urged, “We need every great Georgian to call him out!” See <https://twitter.com/realDonaldTrump/status/1336148836495069185>. Thereafter, [REDACTED] reported, he received death threats.<sup>10</sup> Nonetheless, last month, on August 14, 2023, when it was publicly reported that [REDACTED] had been called to testify before a state grand jury in Fulton County, Georgia, the defendant posted on Truth Social that “[h]e shouldn’t” testify. See <https://truthsocial.com/@realDonaldTrump/posts/110888087440060991>.

The defendant continues these attacks on individuals precisely because he knows that in doing so, he is able to roil the public and marshal and prompt his supporters. As he acknowledged in a televised town hall on May 10, 2023, his supporters listen to him “like no one else.”<sup>11</sup>

<sup>7</sup> See <https://january6th-benniethompson.house.gov/news/press-releases/release-select-committee-materials-4>.

<sup>8</sup> [https://january6th-benniethompson.house.gov/sites/democrats.january6th.house.gov/files/20220531\\_\[REDACTED\].pdf](https://january6th-benniethompson.house.gov/sites/democrats.january6th.house.gov/files/20220531_[REDACTED].pdf).

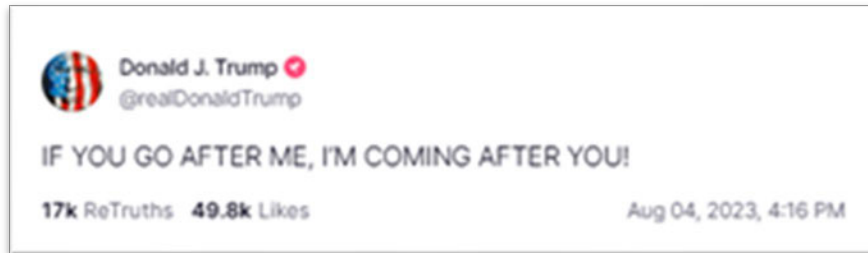
<sup>9</sup> <https://truthsocial.com/@realDonaldTrump/posts/109623460421938942>; <https://truthsocial.com/@realDonaldTrump/posts/109623536630848334>; <https://truthsocial.com/@realDonaldTrump/posts/109623623674619588>.

<sup>10</sup> MSNBC, Morning Joe, <https://www.msnbc.com/morning-joe/watch/georgia-s-lieutenant-governor-won-t-seek-reelection-turns-focus-to-gop-2-0-112276037799>.

<sup>11</sup> See CNN, Transcript of CNN’s Town Hall with Former President Donald Trump (May 11, 2023), <https://www.cnn.com/2023/05/11/politics/transcript-cnn-town-hall-trump/index.html>.

**B. Since the Indictment, the Defendant Has Deployed Misleading and Inflammatory Statements About this Case to Undermine Confidence in the Justice System and Prejudice the Jury Pool**

The defendant made clear his intent to issue public attacks related to this case when, the day after his arraignment, he posted a threatening message on Truth Social:



And he has made good on his threat. Since the indictment in this case, the defendant has spread disparaging and inflammatory public posts on Truth Social on a near-daily basis regarding the citizens of the District of Columbia, the Court, prosecutors, and prospective witnesses. Like his previous public disinformation campaign regarding the 2020 presidential election, the defendant’s recent extrajudicial statements are intended to undermine public confidence in an institution—the judicial system—and to undermine confidence in and intimidate individuals—the Court, the jury pool, witnesses, and prosecutors. Below are select examples of the defendant’s disparaging and inflammatory Truth Social posts.

i. Posts Attacking, Undermining, and Attempting to Intimidate the Court and the Jury Pool

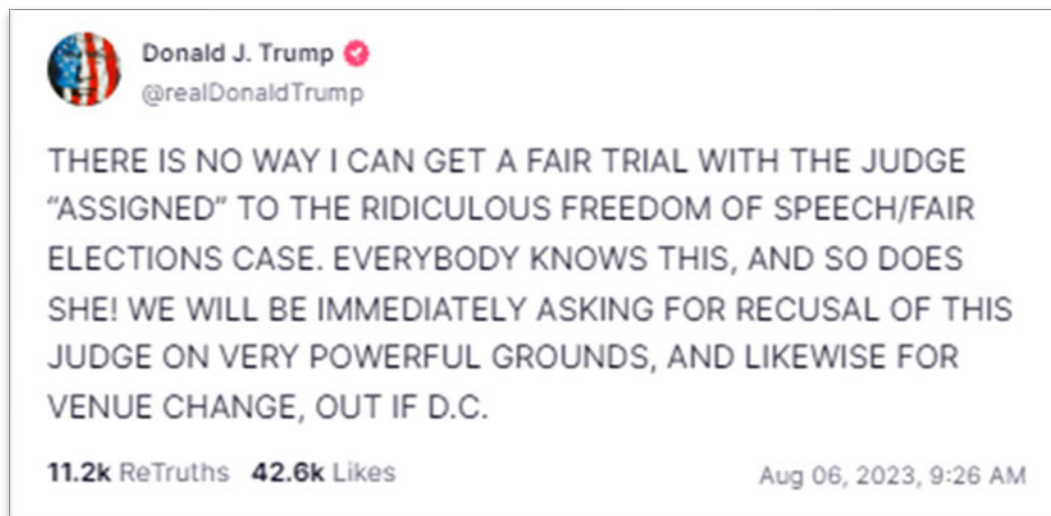
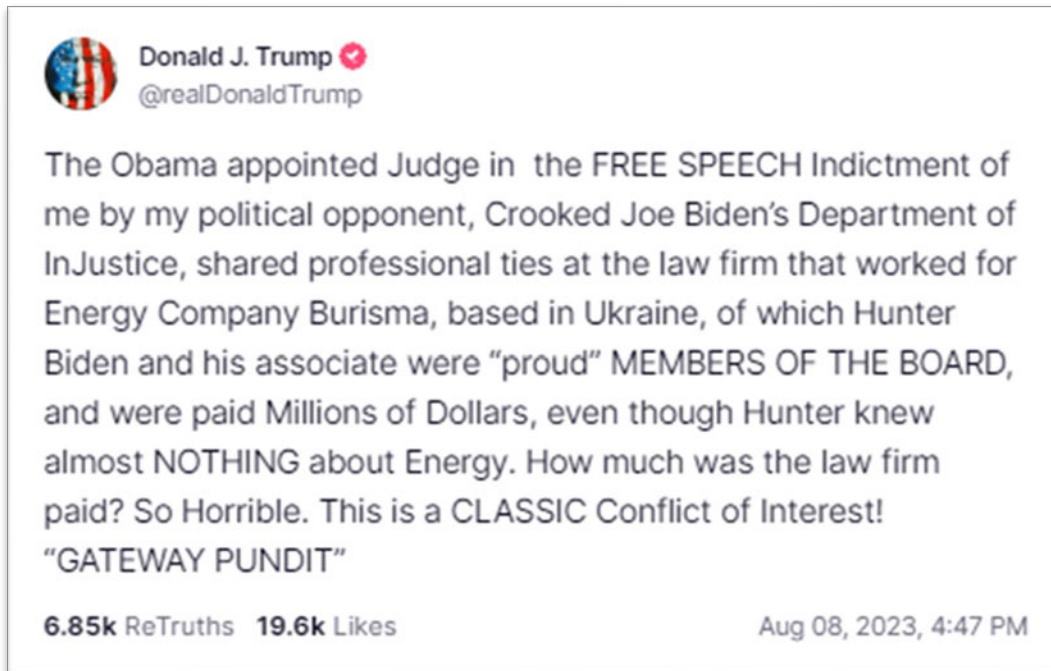
The defendant has posted repeated, inflammatory attacks on the judicial system, the Court, and the citizens of the District of Columbia who comprise the jury pool in this case. The defendant has made baseless claims—cited or inserted below—that the justice system is “rigged”<sup>12</sup> against him; that the Court is “a fraud dressed up as a judge in Washington, D.C. who is a radical Obama

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<sup>12</sup> See <https://truthsocial.com/@realDonaldTrump/posts/110857162338915853>.

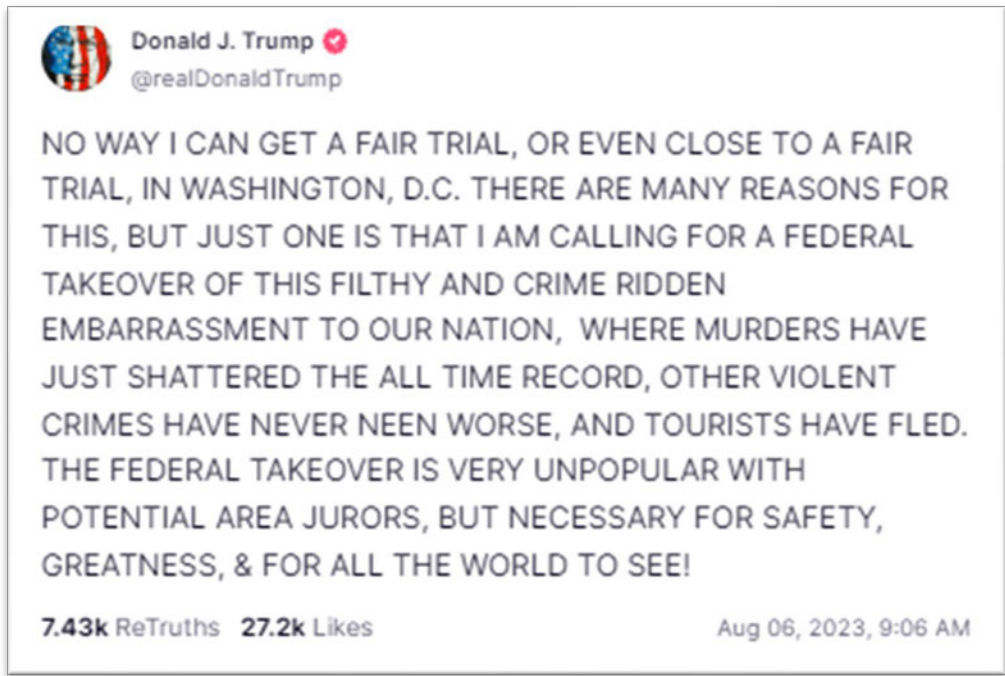


hack” or is a “biased, Trump-hating judge”;<sup>13</sup> and that he cannot get a fair trial from the residents of this “filthy and crime ridden” District that “is over 95% anti-Trump.”<sup>14</sup>



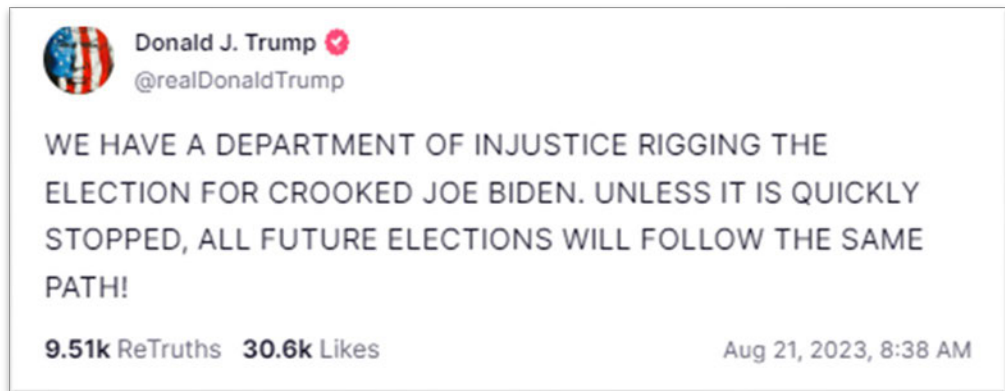
<sup>13</sup> See re-post of <https://truthsocial.com/@marklevinshow/posts/110973488250507373>; <https://truthsocial.com/@realDonaldTrump/posts/110980188106641474>.

<sup>14</sup> See <https://truthsocial.com/@realDonaldTrump/posts/110823476578708544>.

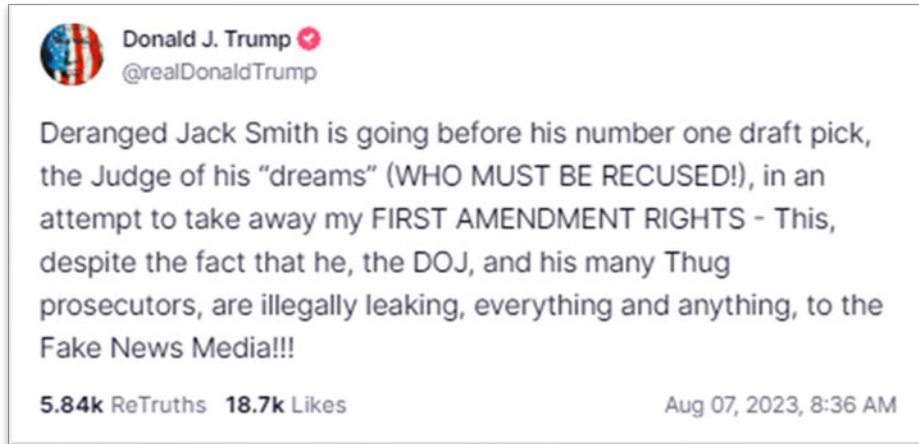


ii. Posts Attacking, Undermining, and Attempting to Intimidate Prosecutors

Similarly, the defendant has posted false and disparaging claims regarding the Department of Justice and prosecutors in the Special Counsel’s Office in an attempt to undermine confidence in the justice system and prejudice the jury pool against the Government in advance of trial. In a video posted to Truth Social, the defendant called the Special Counsel’s Office a “team of thugs.”<sup>15</sup>

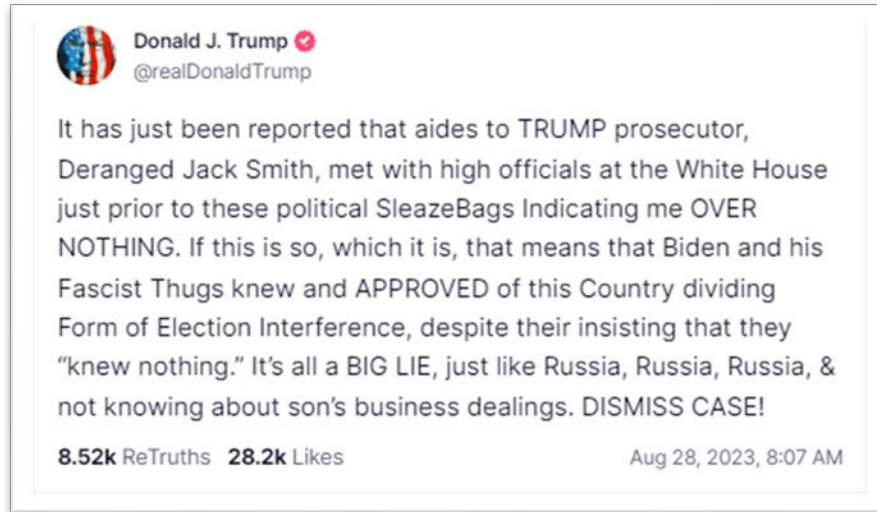


<sup>15</sup> See <https://truthsocial.com/@realDonaldTrump/posts/110980188106641474>.



Recently, the defendant has spread knowingly false accusations of misconduct against a prosecutor in the Special Counsel’s Office working on the case in which the defendant was indicted in the Southern District of Florida in June 2023, *see United States v. Donald J. Trump, et al*, Case No. 9:23-cr-80101-AMC, ECF No. 30 at 1 (S.D. Fla. June 21, 2023), and connected those false accusations to this case in the District of Columbia by calling the Court a “biased, Trump Hating Judge,” as shown below. In his posts on this topic, the defendant repeatedly makes the knowingly false claim that Special Counsel’s Office prosecutors went to the White House in advance of the defendant’s June 2023 indictment for improper reasons.





In fact, as the defendant well knows from the formal FBI FD-302 interview report and agent notes that he received in discovery on June 21, 2023, in the Southern District of Florida case, on March 31, 2023, the Special Counsel’s Office prosecutor conducted a routine investigative interview of a career military official at that official’s duty station—the White House. The defendant’s objective in spreading a knowing lie to the contrary—including by re-posting others’ Truth Social posts naming the prosecutor and repeating the lie<sup>16</sup>—is an attempt to prejudice the public and the venire in advance of trial.

With that same goal, the defendant has posted misleading claims on Truth Social to insinuate misconduct by the Special Counsel’s Office in pursuing ordinary court-approved process or seeking the indictment in this case. Regarding a search warrant and non-disclosure order that the Government received from the court consistent with the law, for instance, the defendant falsely claimed that the Special Counsel’s Office broke into his former Twitter account<sup>17</sup> in a “major ‘hit’ on my civil rights” and queried whether the Special Counsel directed the Select Committee to

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<sup>16</sup> On August 28, the defendant re-posted a Truth Social post doing exactly this. *See* <https://truthsocial.com/@marklevinshow/110969978988667723>.

<sup>17</sup> *See* <https://truthsocial.com/@realDonaldTrump/posts/110886100439412597>.

“DESTROY & DELETE all evidence.”<sup>18</sup> And on August 2, the defendant posted a quote alleging, without any basis, that the indictment that a federal grand jury in this case returned had been directed by the sitting president: “Joe Biden directed his Attorney General to prosecute his rival. This is not an independent Justice Department, this is not an independent special counsel. This is being directed by the Commander-in-Chief.”<sup>19</sup> Through such posts, the defendant is attempting to submit his false and inflammatory claims to the public and jury pool outside of court, because he knows that any such claims made before the Court in the form of motions to suppress or of vindictive prosecution will fail because they must be supported by evidence—of which there is none.

iii. Posts Bolstering or Attacking and Attempting to Intimidate Witnesses

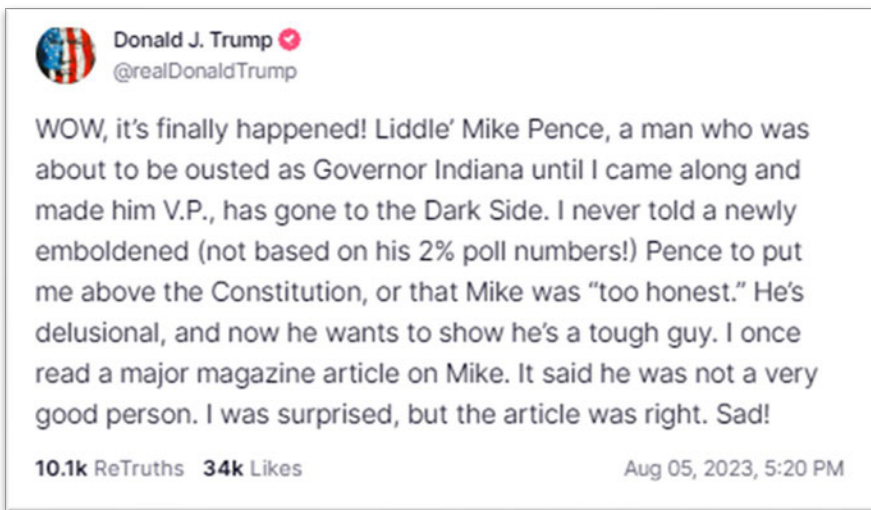
The defendant has also posted publicly about individuals whom he has reason to believe will be witnesses in this trial. For instance, on August 30, the defendant posted a video attacking the former Attorney General of the United States, a potential witness in this case, on the very subject of his testimony.<sup>20</sup> Steadily since indictment, the defendant has publicly bolstered certain prospective witnesses in this case, while attacking others, in an effort to influence the public’s and the jury pool’s impressions of potential witnesses outside of the courtroom. Examples of such posts are below.

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<sup>18</sup> See <https://truthsocial.com/@realDonaldTrump/posts/110860965885418709>.

<sup>19</sup> See <https://truthsocial.com/@realDonaldTrump/posts/110823008009285486>.

<sup>20</sup> See <https://truthsocial.com/@realDonaldTrump/posts/110980538393058556>.



**C. The Defendant’s Public Posts Regarding this Case are Reasonably Likely to Prejudice the Jury Pool**

The defendant’s relentless public posts marshaling anger and mistrust in the justice system, the Court, and prosecutors have already influenced the public. For instance, on August 5, 2023, an individual was arrested because she called the Court’s chambers and made racist death threats to the Court that were tied to the Court’s role in presiding over the defendant’s case. *See United States v. Shry*, Case No. 4:23-mj-1602, ECF No. 1 at 3 (Criminal Complaint) (S.D. Tex. August 11, 2023). In addition, the Special Counsel has been subject to multiple threats, and the specific Special Counsel’s Office prosecutor that the defendant has targeted through recent, inflammatory public posts has been subject to intimidating communications. Given the defendant’s history described above and the nature of the threats to the Court and to the Government, it is clear that

the threats are prompted by the defendant's repeated and relentless posts. To the extent that the defendant's public posts reach the general public, they also reach the jury pool for this trial.

In addition, if unfettered, the way that the defendant is known to use public statements to intimidate individuals could affect potential jurors. A recent incident in this District illustrates the potential issue. Last week, in a trial against a self-professed supporter of the defendant who claimed to have been at the United States Capitol on January 6 because of the defendant's tweets, the jury sent the court a note expressing concern that the trial defendant (Fellows) might have information about the identity of jurors. *See United States v. Brandon Fellows*, Case No. 21-cr-83 (TNM) at ECF No. 141, Note ("We wanted to confirm that the defendant [sic] does not have any personal information on individual jurors, since he was defending himself. Includes name, address, etc."). This demonstrates the need to protect potential jurors from fear of threats and harassment that stem from the defendant's disparaging and inflammatory public statements.

## **II. The Court Should Ensure That Public Statements by the Defendant and His Agents Do Not Prejudice These Criminal Proceedings**

The defendant's repeated, inflammatory public statements regarding the District of Columbia, the Court, prosecutors, and potential witnesses are substantially likely to materially prejudice the jury pool, create fear among potential jurors, and result in threats or harassment to individuals he singles out. Put simply, those involved in the criminal justice process who read and hear the defendant's disparaging and inflammatory messages (from court personnel, to prosecutors, to witnesses, to potential jurors) may reasonably fear that they could be the next targets of the defendant's attacks. To protect the due administration of justice in these proceedings and ensure the impartiality of the venire, the Government proposes two narrowly tailored orders that impose modest, permissible restrictions on prejudicial extrajudicial conduct by the parties and counsel.

**A. The Court Should Issue an Order Pursuant to Local Criminal Rule 57.7(c) That Prohibits Certain Narrowly Defined Statements**

The Court has recognized its “obligation to prevent what the Supreme Court called in *Sheppard v. Maxwell* ‘a carnival atmosphere of unchecked publicity and trial by media rather than our constitutionally established system of trial by impartial jury.’” 8/11/23 Hr’g Tr. at 71. To fulfill that obligation, the Court may “take such steps by rule and regulation that will protect their processes from prejudicial outside interferences,” including by “proscrib[ing] extrajudicial statements by any lawyer, party, witness, or court official which divulge[s] prejudicial matters.” *Sheppard v. Maxwell*, 384 U.S. 333, 361 (1966). Consistent with these principles, the Court should enter an order pursuant to this District’s Local Criminal Rules imposing limited restrictions on certain extrajudicial public statements by the parties and attorneys in this case.

Local Criminal Rule 57.7 permits the Court, “[i]n a widely publicized or sensational criminal case,” upon a motion or *sua sponte*, to “issue a special order governing such matters as extrajudicial statements by parties, witnesses and attorneys likely to interfere with the rights of the accused to a fair trial by an impartial jury.” LCrR 57.7(c); *see also* LCrR 57.7(b)(1), (3) (prohibiting pre-trial, public statements by lawyers that might prejudice the due administration of justice). Courts in this District have exercised their authority under Local Criminal Rule 57.7(c) to issue orders restricting statements of counsel and parties in appropriate cases. *See United States v. Stone*, No. 19-cr-18, ECF No. 36 at 3 (D.D.C. Feb. 15, 2019) (ordering, *inter alia*, attorneys to “refrain from making statements to the media or in public settings that pose a substantial likelihood of material prejudice to this case”); *United States v. Butina*, No. 18-cr-218, ECF No. 31 at 2 (D.D.C. Sept. 12, 2018) (ordering “all interested participants, in the matter, including the parties, any potential witnesses, and counsel for the parties and witnesses . . . to refrain from making statements to the media or in public settings that pose a substantial likelihood of material prejudice



to this case”). Other jurisdictions are in accord. *See United States v. Brown*, 218 F.3d 415, 428 (5th Cir. 2000) (upholding district court order restricting extrajudicial statements, and reasoning that the rationale of *Gentile* applies equally to attorneys and parties).

The Government seeks a narrow, well-defined restriction that is targeted at extrajudicial statements that present a serious and substantial danger of materially prejudicing this case. The Government’s proposed order specifies that such statements would include (a) statements regarding the identity, testimony, or credibility of prospective witnesses; and (b) statements about any party, witness, attorney, court personnel, or potential jurors that are disparaging and inflammatory, or intimidating. *See* Exhibit 2. The Government’s order also specifies that, consistent with other clarifications in Local Criminal Rule 57.7, the order is not intended to prohibit quotation or reference to public court records of the case or the defendant’s proclamations of innocence. *Id.* This proposal is consistent with the permissible balance approved by the Supreme Court in *Gentile*, 501 U.S. at 1074-75, and specific enough to provide adequate notice to the parties and counsel of prohibited statements.

The defendant’s past conduct, including conduct that has taken place after and as a direct result of the indictment in this case, amply demonstrates the need for this order. As illustrated by the examples discussed above, the defendant’s statements reasonably could have a material impact on the impartiality of the jury pool while simultaneously influencing witness testimony. The defendant’s repeated posts that he cannot receive a fair trial from this Court or from a jury of his peers in this District are substantially likely to undermine confidence in the justice system, affect the jury pool, or otherwise prejudice the due administration of justice. His misleading statements regarding the Special Counsel’s Office and its investigation are designed to do the same. And his

targeting of specific witnesses seeks to either bolster or impeach witnesses not before this Court but instead in the court of public opinion before trial begins.

A supplemental order that extends some of the prohibitions that apply to defense counsel to the defendant himself is particularly warranted. Shortly after the indictment in this case was unsealed, the defendant's lead counsel began a series of lengthy and detailed interviews in which he potentially tainted the jury pool by disseminating information and opinions about the case and a potential witness and described in detail legal defenses that he plans to mount, including defenses that may never be raised in court or that may be rejected by the Court before ever reaching the jury.<sup>21</sup> Many of these statements by lead counsel violated Local Criminal Rule 57.7(b), which prohibits attorneys from releasing public extrajudicial statements regarding, among other things, "the identity, testimony, or credibility of prospective witnesses" and the "merits of the case or the evidence in the case." In the time since the Court admonished the parties and counsel at the hearing regarding the motion for a protective order on August 11, 2023, *see* 8/11/23 Hr'g Tr. at 72, the Government is unaware of lead counsel making any additional public statements of this nature. The defendant, however, has persisted. The Court should therefore enter the order proposed by

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<sup>21</sup> *See, e.g.*, CNN (August 1, 2023), <https://www.youtube.com/watch?v=GW7Bixvkpc0>; NPR (August 2, 2023), <https://www.npr.org/2023/08/02/1191627739/trump-charges-indictment-attorney-jan-6-probe>; CNN (August 6, 2023), <https://www.cnn.com/videos/politics/2023/08/06/sotu-lauro-full.cnn>; ABC, This Week (August 6, 2023), <https://abcnews.go.com/ThisWeek/video/mike-pence-best-witnesses-trial-john-lauro-102054360>; NBC, Meet the Press (August 6, 2023), <https://www.nbcnews.com/meet-the-press/video/august-6-john-lauro-and-rep-jamie-raskin-190118469904>; CBS, Face the Nation (August 6, 2023), <https://www.cbsnews.com/video/face-the-nation-lauro-phillips-krebs/>; Fox, Fox News Sunday (August 6, 2023), <https://www.foxnews.com/video/6332525513112>; CBS, Face the Nation (August 6, 2023); For the Defense with David Oscar Marcus (August 6, 2023), <https://podcasts.apple.com/us/podcast/john-lauro-for-donald-j-trump/id1536699806?i=1000623609326>.

the Government to ensure the defendant does not undermine the integrity of these proceedings by disseminating statements defense counsel cannot make.

**B. The Court Should Issue an Order That Prohibits Contacting the Citizens of This District to Conduct Jury Studies Without First Notifying and Receiving Authorization from the Court**

The Court has already taken steps to protect the venire related to polling of prospective jurors related to this case. At the status hearing on August 28, 2023, after the Government raised the issue of jury studies, and the defense suggested they may “sooner rather than later” conduct outreach to the jury pool to gather information for a potential change of venue motion, the Court instructed the defendant to notify the Court *ex parte* before conducting any polling in the District of Columbia in connection with a potential motion to change the trial venue. *See* 8/18/23 Hr’g Tr. at 59-60. In so doing, the Court noted that such polling “might affect the same jury pool you are claiming is not fair” and might “actually affect their ability to render a fair verdict by virtue of the kinds of questions you’re asking, because questions can be phrased in all kinds of ways.” *Id.*

Because of the potential prejudice that polling may cause, the Government respectfully requests that the Court set forth a process to review efforts by either party to engage in contacts with members of the jury venire in this District undertaken for the purpose of discussing case-specific facts, including any pretrial survey, poll, focus group, or similar study (hereinafter, “jury study”).<sup>22</sup> Specifically, the Court should (1) require either party to notify the Court before the party—or any individual or entity acting at the party’s direction or under its control—undertakes any jury study in this District; (2) require the completion of any such jury study no later than 30 days before jury selection begins; (3) require either party to submit the proposed questions and

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<sup>22</sup> At a later date, the Government intends to file a motion regarding other issues related to the jury, including the use of a juror questionnaire.

methodology *ex parte* for the Court’s review before undertaking any jury study; and (4) require filing under seal of the name and address of each participant contacted in any jury study at least two weeks before jury selection. A proposed order is attached as Exhibit 3.

Such an order is consistent with the Court’s inherent authority to protect the “integrity and fairness” of the judicial system through preventing “comments that are likely to prejudice the jury venire.” *Gentile*, 501 U.S. at 1075. Though pretrial surveys are neither inherently suspect nor uncommon in trial litigation, *see Brewer v. Lennox Hearth Prods., LLC*, 601 S.W.3d 704, 717 (Tex. 2020); *see also* Ellen Kreitzberg & Mary Procaccio-Flowers, *The Law, Art & Science of Selecting a Jury* § 3:3 (2022) (noting the utility of pretrial surveys), courts nonetheless maintain the authority to supervise and oversee their use. *See United States v. Collins*, 972 F.2d 1385, 1398 (5th Cir. 1992) (district court reviewed materials related to Government’s polling to determine whether it had compromised the integrity of jury selection); *Brewer v. Lennox Hearth Prod., LLC*, 546 S.W.3d 866, 877 (Tex. App. 2018) (finding that pretrial surveys are “subject to review by the presiding court in order to determine whether anything was done to compromise the integrity of the jury selection process”), *rev’d on other grounds*, 601 S.W.3d 704 (Tex. 2020). If questions in a pretrial survey are worded to advocate for a certain party’s position, or test the effectiveness of a party’s message in addition to gathering information, they can have a potentially prejudicial effect. *See Brewer*, 601 S.W.3d at 726 (“A campaign of disinformation, in whatever form, undermines the sanctity of the judicial process and is inimical to the constitutional promise of a fair and impartial jury trial.”); *cf. United States v. Haldeman*, 559 F.2d 31, 64 n.43 (D.C. Cir. 1976) (finding that the district court did not err in relying more on comprehensive voir dire than “a poll taken in private by private pollsters and paid for by one side”).

To guard against the damage that a pretrial survey could inflict on the venire—whether intentionally or not—this Court should exercise its inherent authority here. At least one district court has a standing order that requires the parties to provide advance notification “[w]hen the party decides that it will, or is likely to, commission” a pretrial mock trial, focus group, or similar study of the jury venire. See The Honorable Ron Clark, E.D. Tex. Standing Order RC-47 (Aug. 11, 2010). An order of this type “do[es] not *prohibit* use of surveys as a litigation tool” but instead “*regulate[s]* the practice . . . by (1) requir[ing] pretrial notice of intent to conduct such a study; (2) requir[ing] disclosure . . . of the methodology; (3) temporally limit[ing] proximity to trial; and (4) requir[ing] *in camera* submission of each participant’s name and address in advance of the pretrial conference.” *Brewer*, 601 S.W.3d at 726 (emphasis in original). The Government has attached a proposed order that contains these features.

### III. Conclusion

Consistent with its obligations to guard the integrity of these proceedings and prevent prejudice to the jury pool, while respecting the defendant’s First Amendment rights, the Court should enter the proposed orders imposing certain narrow restrictions on the parties’ public statements regarding this case and governing any jury studies the parties may undertake.

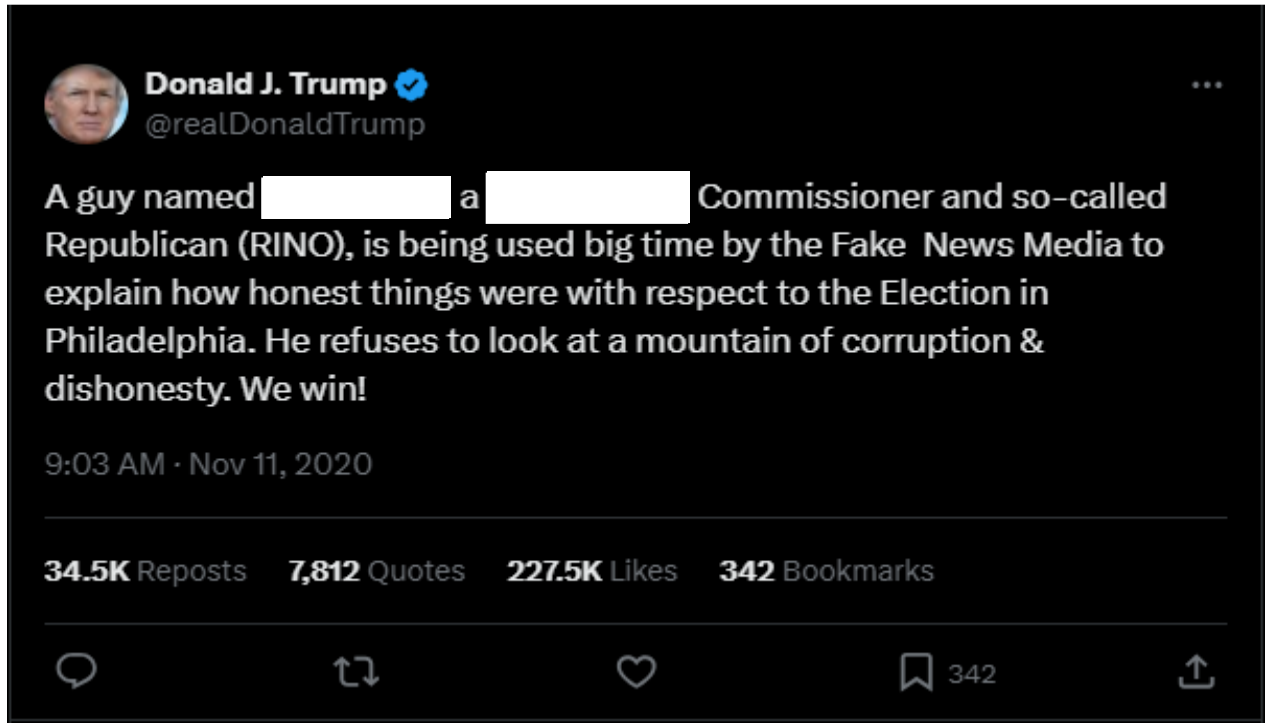
Respectfully submitted,

JACK SMITH  
Special Counsel

By: /s/Molly Gaston  
Molly Gaston  
Thomas P. Windom  
Senior Assistant Special Counsels  
950 Pennsylvania Avenue NW  
Room B-206  
Washington, D.C. 20530

# EXHIBIT 9B

**X Post from @realDonaldTrump (Nov. 11, 2020)**



<https://x.com/realDonaldTrump/status/1326525851752656898>

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**Excerpt of City Election Commissioner’s Testimony Before the House Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol (June 13, 2022)**


After the President tweeted at me by name, calling me out the way that he did, the threats became much more specific, much more graphic, and included not just me by name but included members of my family by name, their ages, our address, pictures of our home. Just every bit of detail that you could imagine. That was what changed with that tweet.

<https://january6th-benniethompson.house.gov/legislation/hearings/06132022-select-committee-hearing> (at 1:47:14-1:47:43).

# EXHIBIT 9C



← **Truth Details**

 Trending ▾

2102 replies



**Donald J. Trump**   
@realDonaldTrump

Mark Milley, who led perhaps the most embarrassing moment in American history with his grossly incompetent implementation of the withdrawal from Afghanistan, costing many lives, leaving behind hundreds of American citizens, and handing over BILLIONS of dollars of the finest military equipment ever made, will be leaving the military next week. This will be a time for all citizens of the USA to celebrate! This guy turned out to be a Woke train wreck who, if the Fake News reporting is correct, was actually dealing with China to give them a heads up on the thinking of the President of the United States. This is an act so egregious that, in times gone by, the punishment would have been DEATH! A war between China and the United States could have been the result of this treasonous act. To be continued!!!

**6.93k** ReTruths **20.6k** Likes

Sep 22, 2023, 7:59 PM

 Reply

 ReTruth

 Like



# **EXHIBIT 10A**

## ← Truth Details

Trending ▼

1792 replies

**Donald J. Trump** ✓

@realDonaldTrump

All of the competitors to TRUTH SOCIAL, especially those in the Radical Left Democrats Party who are failing at every level, like to use their vaunted "disinformation machine" to try and convince people, and it is not easy to do, that TRUTH is not such a big deal and doesn't "get the word out" as well as various others, which they know to be false. I THINK TRUTH IS AMAZING! First of all, it is very solid, having over \$200,000,000 in CASH and ZERO DEBT. More importantly, it is the primary way I get the word out and, for better or worse, people want to hear what I have to say, perhaps, according to experts, more than anyone else in the World. My TV ratings are by far the highest, and my Rallies are not equaled, even close, anywhere or by anyone. Look, I had hundreds of millions of followers on various platforms, and could have them back again, but was cancelled for largely political reasons. Those platforms all want me back...They need me back! On Truth I have 7,000,000 followers.....

**5.83k** ReTruths **20.5k** Likes

Apr 04, 2024, 6:57 AM

## Truth Details



1389 replies



Donald J. Trump

@realDonaldTrump

Page 2: Very good for a startup, and growing fast. But when I put out a statement or message, it is SPREAD all over the place, fast and furious. EVERYBODY SEEMS TO GET WHATEVER I HAVE TO SAY, AND QUICKLY. At press conferences I will sometimes ask, "who is on TRUTH." I have never had one reporter tell me they are not. They are all on TRUTH because the have to be. So don't believe the FAKE NEWS. Until I came along and exposed them, they were respected and believed. Now they are the exact opposite. With the Russia, Russia, Russia HOAX. and all of the others, people get it. Look, using TRUTH, I became the Republican Nominee for President of the United States, and in record time! When I ENDORSE a politician on TRUTH, they almost ALWAYS WIN. If it didn't work, or properly get the word out, I wouldn't use it - But it does work, and work really well - And the fun is just getting started!!!

5.35k ReTruths 19.2k Likes

Apr 04, 2024, 7:21 AM



# **EXHIBIT 10B**

## READ: Transcript of CNN's town hall with former President Donald Trump

[cnn.com/2023/05/11/politics/transcript-cnn-town-hall-trump/index.html](https://www.cnn.com/2023/05/11/politics/transcript-cnn-town-hall-trump/index.html)

May 11, 2023



Read the full transcript of [CNN's presidential town hall with former President Donald Trump](#) moderated by CNN's Kaitlan Collins at Saint Anselm College in Goffstown, New Hampshire.

[\*\*\*]

COLLINS: But when it was clear to you that they were not being peaceful – you saw them rushing the Capitol, breaking windows. They were hitting officers with flagpoles, Tasing them, beating them up.

When it was clear they weren't being peaceful, why did you wait three hours to tell them to leave the Capitol? They listen to you like no one else.

TRUMP: Yes.

COLLINS: You know that.


TRUMP: They do. I agree with that.

# EXHIBIT 10C

← **Truth Details**

1771 replies



**Donald J. Trump** 

@realDonaldTrump

April is the biggest month of Traffic on TRUTH SOCIAL, by far. It has become one of the most important "Voices" in the Universe, because it is my Voice, but the Fake News, most of which is dying, or dead, refuses to report on it, or its relevance. WHEN I TRUTH, IT GOES ALL OVER THE PLACE. REMEMBER THAT, AND WATCH!

**9.27k** ReTruths **38.8k** Likes

Apr 29, 2023, 2:07 PM

 Reply

 ReTruth

 Like





# EXHIBIT 11A

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

DONALD J. TRUMP,

Defendant.

Criminal Action No. 23-257 (TSC)

**OPINION AND ORDER**

On September 15, 2023, the government filed a Motion to Ensure that Extrajudicial Statements Do Not Prejudice These Proceedings. ECF No. 57. Following a motion hearing on October 16, 2023, *see* Tr. of Mot. Hr’g, ECF No. 103 (“Hr’g Tr.”), the court prohibited the parties and counsel in this matter from making certain public statements, Opinion and Order, ECF No. 105 (“Order”). Defendant has appealed that Order, *see* ECF No. 106, and now moves for the court to stay the Order during the pendency of that appeal, ECF No. 110 (“Motion to Stay”). The court entered a temporary administrative stay of its Order while the parties briefed the Motion, *see* October 20, 2023 Minute Order, but will now DENY Defendant’s Motion and lift the stay.<sup>1</sup>

**I. DISCUSSION**

Four factors guide the decision whether to stay an order pending appeal:

- (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay;

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<sup>1</sup> The government also asks the court to incorporate the Order into Defendant’s conditions of release. *Resp. in Opp’n to Mot. to Stay*, ECF No. 120, at 30–32. The court hereby DENIES that request without prejudice. Even assuming that request is procedurally proper, the court concludes that granting it is not necessary to effectively enforce the Order at this time.

(3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

*Nken v. Holder*, 556 U.S. 418, 426 (2009) (citation omitted). The third and fourth factors “merge when the Government is the opposing party.” *Id.* at 435. Here, all the factors weigh against granting a stay.

**A. Likelihood of success on the merits**

Defendant has not made a strong showing that he is likely to succeed on the merits. As the court has explained, the First Amendment rights of participants in criminal proceedings must yield, when necessary, to the orderly administration of justice—a principle reflected in Supreme Court precedent, the Federal Rules of Criminal Procedure, and the Local Criminal Rules. Order at 1–3; *see, e.g.*, Hr’g Tr. at 6–8, 16–18, 31, 34, 60, 64, 82–85. And contrary to Defendant’s argument, the right to a fair trial is not his alone, but belongs also to the government and the public. *See, e.g., Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075 (1991) (emphasizing “the State’s interest in fair trials”); *United States v. Tijerina*, 412 F.2d 661, 667 (10th Cir. 1969) (“The public has an overriding interest that justice be done in a controversy between the government and individuals and has the right to demand and expect ‘fair trials designed to end in just judgments.’ This objective may be thwarted unless an order against extrajudicial statements applies to all parties to a controversy. The concept of a fair trial applies both to the prosecution and the defense.” (internal citations omitted)). Defendant’s repeated appeals to broad First Amendment values therefore ignore that the court—pursuant to its obligation to protect the integrity of these proceedings—recognized those values but, in balancing them against the

potential prejudice resulting from certain kinds of statements, found them outweighed. *See* Motion to Stay at 2–3, 10–24.<sup>2</sup>

Defendant’s other claims also disregard the record. To begin, he asserts that the court “cite[d] no evidence supporting its findings of risks of harassment and witness intimidation, and the prosecution provided none.” *Id.* at 8. But several times the court and the government pointed to evidence causally linking certain kinds of statements with those risks, and Defendant never disputed it. *See* Hr’g Tr. at 67 (The Court: “[W]hen Mr. Trump has singled out certain people in public statements in the past, hasn’t that led to them being threatened and harassed, as demonstrated in the statements attached by the government?” Mr. Lauro: “Your Honor, that’s totally irrelevant.” The Court: “And the government’s motion cites several of them who averred in the kinds of statements that you’ve asked for under oath that threats and harassment toward them had increased significantly as a result of Mr. Trump’s statements about them.”); Order at 2 (“Undisputed testimony cited by the government demonstrates that when Defendant has publicly attacked individuals, including on matters related to this case, those individuals are consequently threatened and harassed. *See* ECF No. 57 at 3–5.”); *see also* ECF No. 60 (failing to dispute or even discuss the testimonies cited by the government). The evidence is in the record; Defendant simply fails to acknowledge it.

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<sup>2</sup> Defendant’s Motion argues that his speech restrictions are inconsistent with the “right of listeners to receive President Trump’s message.” Motion to Stay at 15. Defendant did not squarely raise that argument in his opposition brief to the government’s original motion; the closest he came to identifying any authority for it was an unrelated “*see also*” citation to *United States v. Ford*, 830 F.2d 596, 598 (6th Cir. 1987), a case that he now quotes to support his right-of-listeners argument. *Compare* ECF No. 60 at 5, *with* Motion to Stay at 16. But the court expressly addressed and distinguished that case. Order at 2–3. In any event, the argument does not alter the fundamental principle that First Amendment rights, whether those of the speaker or the listener, may be curtailed to preclude statements that pose sufficiently grave threats to the integrity of judicial proceedings.

Likewise, Defendant claims that the court “g[ave] no meaningful consideration to alternative, less restrictive measures, including a narrower order.” Motion to Stay at 28. Again, the record flatly contradicts that claim. During the motion hearing, the court questioned whether Defendant’s existing speech restrictions, such as his conditions of release, would adequately prevent the potential dangers to these proceedings. Hr’g Tr. at 10–11, 34–35, 70. The court also considered whether alternative measures could prevent those harms—and in fact concluded that they could—with respect to certain kinds of statements, such as those disparaging the District of Columbia. *Id.* at 28, 35–36. Accordingly, the court denied the government’s motion in those respects. *Id.* at 82–83; Order at 1. But the court explained that alternative measures would not sufficiently mitigate the risks flowing from other kinds of statements, such as those targeting reasonably foreseeable witnesses. *See* Order at 1–2 (“Here, alternative measures such as careful *voir dire*, jury sequestration, and cautionary jury instructions are sufficient to remedy only some of the potential prejudices that the government’s motion seeks to address.”); *id.* at 2 (noting that the risks created by certain statements would be irreversible); *id.* at 2–3 (“[T]his court has found that even amidst his political campaign, Defendant’s statements pose sufficiently grave threats to the integrity of these proceedings that cannot be addressed by alternative means, and it has tailored its order to meet the force of those threats.”). The court thus tailored its Order to prohibit statements only where less restrictive measures would be inadequate.

Defendant’s final claim is that the Order is unconstitutionally vague for various reasons, none of which withstand scrutiny. First, Defendant quotes Merriam-Webster Online’s definition of “interested” to conclude that the term “interested parties” includes could include “everyone ‘affected’ by or ‘involved’ in the case.” Motion to Stay at 26. But “interested party” is a well-established legal term of art meaning “anyone who both is directly interested in a lawsuit and has

a right to control the proceedings, make a defense, or appeal from an adverse judgment.”

*Interested Party*, *Black’s Law Dictionary* (11th ed. 2019) (referencing *Party* (2), *Black’s Law Dictionary* (11th ed. 2019)). The Order confirmed that scope, defining the term as “including the parties and their counsel.” Order at 3; *see also* Hr’g Tr. at 83–84 (stating that the written order would apply to the parties and their counsel). There is no meaningful basis to interpret “interested parties” as covering anyone else.

Second, Defendant focuses on the prohibition of “targeting” certain individuals, again quoting various dictionary definitions to assert that targeting could include not only identifying those individuals, but also attacking them, subjecting them to ridicule or criticism, or otherwise attempting to affect them. Motion to Stay at 25. But “restating a dictionary” to “search . . . for every facet” of relevant terms is not a proper vagueness inquiry. *United States v. Bronstein*, 849 F.3d 1101, 1108 (D.C. Cir. 2017). “Rather, a statute is unconstitutionally vague if, applying the rules for interpreting legal texts, its meaning ‘specifie[s]’ ‘no standard of conduct . . . at all.’” *Id.* at 1107 (quoting *Coates v. City of Cincinnati*, 402 U.S. 611, 614 (1971)). And a cardinal rule of interpretation is that context matters; “a word is known by the company it keeps.” *Id.* at 1108 (quoting *Jarecki v. G. D. Searle & Co.*, 367 U.S. 303, 307 (1961)).

The motion hearing and corresponding Order provide substantial context for and examples of the kinds of “targeting” statements that could result in “significant and immediate risk[s]” to “the integrity of these proceedings.” Order at 2. Indeed, the court identified that, depending on their context, statements matching each of the definitions Defendant proffers for the term “target” could pose such risks. *See, e.g.*, Hr’g Tr. at 50–54 (risks associated with publicly identifying court staff); *id.* at 41–43 (risks associated with attacking prosecutors); *id.* at 59–60 (risks associated with criticizing potential witnesses); *id.* at 13–14 (risks associated with

attempting to affect potential witnesses’ testimony, even using praise rather than criticism). Defense counsel also repeatedly relied on context to distinguish permissible from impermissible statements. *See, e.g., id.* at 72 (The court: “Next hypothetical. ‘Bill Barr is a smart guy, but he better learn to keep his mouth shut.’ Permissible? Or an attempt to obstruct justice or intimidate a witness?” Mr. Lauro: “[It] depends on the context . . . . [I]f it happened the day before Bill Barr testified at trial, that might be [impermissible].”); *id.* at 71 (similar). A “term is not rendered unconstitutionally vague because it ‘do[es] not mean the same thing to all people, all the time, everywhere.’” *Bronstein*, 849 F.3d at 1107 (quoting *Roth v. United States*, 354 U.S. 476, 491 (1957)). The court’s Order and the motion hearing’s record sufficiently clarify the meaning of “targeting” to provide fair notice of the kinds of statements—understood in context—that it prohibits.

Two of Defendant’s social media posts since the Order’s entry illustrate the comprehensible difference between the statements it permits and those it proscribes. First, on October 20, 2023—after the Order was entered, but before it was administratively stayed—Defendant stated:

Does anyone notice that the Election Rigging Biden Administration never goes after the Riggers, but only after those that want to catch and expose the Rigging dogs. Massive information and 100% evidence will be made available during the Corrupt Trials started by our Political Opponent. We will never let 2020 happen again. Look at the result, OUR COUNTRY IS BEING DESTROYED. MAGA!!!<sup>3</sup>

This statement asserts that Defendant is innocent, that his prosecution is politically motivated, and that the Biden administration is corrupt. It does not violate the Order’s prohibition of “targeting” certain individuals; in fact, the Order expressly permits such assertions. Order at 3.

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<sup>3</sup> <https://truthsocial.com/@realDonaldTrump/posts/111267550982205234>.

By contrast, on October 24, 2023—after the Order was administratively stayed—

Defendant stated:

I don't think Mark Meadows would lie about the Rigged and Stollen 2020 Presidential Election merely for getting IMMUNITY against Prosecution (PERSECUTION!) by Deranged Prosecutor, Jack Smith. BUT, when you really think about it, after being hounded like a dog for three years, told you'll be going to jail for the rest of your life, your money and your family will be forever gone, and we're not at all interested in exposing those that did the RIGGING — If you say BAD THINGS about that terrible "MONSTER," DONALD J. TRUMP, we won't put you in prison, you can keep your family and your wealth, and, perhaps, if you can make up some really horrible "STUFF" a out him, we may very well erect a statue of you in the middle of our decaying and now very violent Capital, Washington, D.C. Some people would make that deal, but they are weaklings and cowards, and so bad for the future our Failing Nation. I don't think that Mark Meadows is one of them, but who really knows? MAKE AMERICA GREAT AGAIN!!!<sup>4</sup>

This statement would almost certainly violate the Order under any reasonable definition of "targeting."<sup>5</sup> Indeed, Defendant appears to concede as much, Reply in Support of Motion to Stay, ECF No. 123, at 10 n.3 ("If the Gag order had been in effect, President Trump would have been unable to [make the statement].")—and for good reason. The statement singles out a foreseeable witness for purposes of characterizing his potentially unfavorable testimony as a "lie" "mad[e] up" to secure immunity, and it attacks him as a "weakling[] and coward[]" if he provides that unfavorable testimony—an attack that could readily be interpreted as an attempt to influence or prevent the witness's participation in this case. The plain distinctions between this statement and the prior one—apparent to the court and both parties—demonstrate that far from

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<sup>4</sup> <https://truthsocial.com/@realDonaldTrump/posts/111293117150329703>.

<sup>5</sup> Because of the administrative stay on the Order, this statement is not before the court. Before concluding that any statement violated the Order, the court would afford the parties an opportunity to provide their positions on the statement's meaning and permissibility.



being arbitrary or standardless, the Order’s prohibition on “targeting” statements can be straightforwardly understood and applied.

Defendant’s other assertions of vagueness boil down to similar objections that deciding whether a statement violates the Order will necessarily be a fact-bound inquiry. He contends that it may at times be difficult to tell whether an individual is a reasonably foreseeable witness, or to distinguish proclamations of innocence from attacks on prosecutors or witnesses. Motion to Stay at 26–28. But even assuming that is true, it does not follow that “men of common intelligence must necessarily guess at [the] meaning” of the Order’s prohibitions. *Hynes v. Mayor of Oradell*, 425 U.S. 610, 620 (1976) (citation omitted). It is a “basic mistake” to derive vagueness from “the mere fact that close cases can be envisioned. . . . Close cases can be imagined under virtually any [prohibition].” *United States v. Williams*, 553 U.S. 285, 305–06 (2008). If a party or their counsel makes a statement that may have violated the Order, the court will assess its substance and context. The fact that it needs to do so with special care in close cases does not render the underlying Order unconstitutionally vague.

Consequently, Defendant has failed to make a strong showing that he is likely to succeed on the merits of his appeal.

**B. Remaining factors**

The remaining factors also counsel against a stay. Defendant’s brief arguments on each rely entirely on the premise that the court’s Order violated his First Amendment rights. *See* Motion to Stay at 31 (“[A] showing of likelihood of success on a First Amendment claim necessarily establishes irreparable injury.”); *id.* (“As for the balancing of harms and the public interest . . . the demonstration of an ongoing violation of the First Amendment rights dictates that a stay should be entered.”). Having rejected that premise, the court reaches the opposite conclusions. Where “there is no showing of a likelihood of success on the merits” of a First

Amendment claim, there is no irreparable injury or public interest favoring a stay. *Archdiocese of Wash. v. Washington Metro. Area Transit Auth.*, 897 F.3d 314, 334–35 (D.C. Cir. 2018). To the contrary, “[f]ew, if any, interests under the Constitution are more fundamental than the right to a fair trial by impartial jurors, and an outcome affected by extrajudicial statements would violate that fundamental right.” *Gentile*, 501 U.S. at 1075 (internal quotations omitted). As discussed above, in the Order, and during the motion hearing, the court finds that the public interest in the orderly administration of this case requires the Order’s limitations on such statements.

## II. CONCLUSION

For these reasons, Defendant’s Motion to Stay, ECF No. 110, is hereby DENIED, and the administrative stay imposed by the court’s October 20, 2023 Minute Order is hereby LIFTED.

Date: October 29, 2023

*Tanya S. Chutkan*

TANYA S. CHUTKAN  
United States District Judge

# EXHIBIT 11B

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant

**DECISION and ORDER**

People's Motion for an  
Order Restricting  
Extrajudicial Statements

Indictment No. 71543-23

JUAN M. MERCHAN, A.J.S.C.:

**BACKGROUND**

Defendant is charged with 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10. The charges arise from allegations that Defendant attempted to conceal an illegal scheme to influence the 2016 presidential election. Specifically, the People claim that Defendant directed an attorney who worked for his company to pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with Defendant. It is further alleged that Defendant thereafter reimbursed the attorney for the payments through a series of checks and caused business records associated with the repayments to be falsified to conceal his criminal conduct. Trial on this matter is scheduled to commence on April 15, 2024.

On February 22, 2024, the People filed the instant motion for an order restricting extrajudicial statements by Defendant for the duration of the trial. The restrictions sought are consistent, in part, with those upheld in the U.S. Court of Appeals for the D.C. Circuit in *United States v. Trump*, 88 F4th 990 [2023]. On March 4, 2024, Defendant filed a response in opposition, arguing that his speech may only be restricted by the application of a more strenuous standard than applied by the D.C. Circuit and that the People have failed to meet that standard in this case.

**DISCUSSION**

The freedom of speech guaranteed by the First Amendment and the State's interest in the fair administration of justice are implicated by the relief sought. The balancing of these interests must come with the highest scrutiny. "Properly applied, the test requires a court to make its own inquiry into the imminence and magnitude of the danger said to flow from the particular utterance

and then to balance the character of the evil, as well as the likelihood, against the need for free and unfettered expression.” *Landmark Communications, Inc. v. Virginia*, 435 US. 829, 842-843 [1978]. The Court has an obligation to prevent outside influences, including extrajudicial speech, from disturbing the integrity of a trial. *Id. at 350-351*; see also *Sheppard v. Maxwell*, 384 US 333 [1966].

With the standard set forth in *Landmark*, this Court has reviewed the record of prior extrajudicial statements attributed to Defendant as documented in Exhibits 1-16 of the People’s Motion for an Order Restricting Extrajudicial Statements. Notably, Defendant does not deny the utterance of any of those extrajudicial statements, or the reported effect those statements had on the targeted parties. Rather, Defendant argues that, as the “presumptive Republican nominee and leading candidate in the 2024 election” he must have unfettered access to the voting public to respond to attacks from political opponents and to “criticize these public figures.” See Defendant’s Opposition to Motion at pgs. 8-9. Yet these extrajudicial statements went far beyond defending himself against “attacks” by “public figures”. Indeed, his statements were threatening, inflammatory, denigrating, and the targets of his statements ranged from local and federal officials, court and court staff, prosecutors and staff assigned to the cases, and private individuals including grand jurors performing their civic duty. See People’s Exhibits 1-16. The consequences of those statements included not only fear on the part of the individual targeted, but also the assignment of increased security resources to investigate threats and protect the individuals and family members thereof. See People’s Exhibits 1-16; *Trump*, at 996-998. Such inflammatory extrajudicial statements undoubtedly risk impeding the orderly administration of this Court.

Defendant contends that continued compliance with the existing orders, referencing both this Court’s admonition at the start of the proceedings (*see* court transcript dated April 4, 2023) and the recent Protective Order issued on March 7, 2024, with respect to juror anonymity, is an effective, less restrictive alternative. He supports this position by noting that he has generally refrained from making extrajudicial statements about individuals associated with the instant case in marked contrast from the significant volume of social media posts and other statements targeting individuals involved in every other court proceeding reflected in the People’s submission.

This Court is unpersuaded. Although this Court did not issue an order restricting Defendant’s speech at the inception of this case, choosing instead to issue an admonition, given the nature and impact of the statements made against this Court and a family member thereof, the District Attorney and an Assistant District Attorney, the witnesses in this case, as well as the nature and impact of the extrajudicial statements made by Defendant in the D.C. Circuit case (which

resulted in the D.C. Circuit issuing an order restricting his speech), and given that the eve of trial is upon us, it is without question that the imminency of the risk of harm is now paramount. The Supreme Court in both *Nebraska Press Ass'n v. Stuart*, 427 US 539 [1976] and *Sheppard v. Maxwell*, 384 US 333, 363 [1966] holds that the court has the obligation to prevent actual harm to the integrity of the proceedings. When the fairness of the trial is threatened, “reversals are but palliatives; the cure lies in those remedial measures that will prevent the prejudice as its inception.” *Sheppard*, at 363. On the record submitted, and in keeping with its mandate, this Court need not wait for the realization of further proscribed speech targeted at the participants of this trial.<sup>1</sup>

The People propose an additional restriction on speech with respect to prospective and sworn jurors. The restrictions sought are an extension of the previously issued protective order regarding juror anonymity. While the D.C. Circuit decision addressed only the risks of influencing witnesses and intimidating or harassing other trial participants in accordance with the lower court’s ruling, it nevertheless opined that “one of the most powerful interests supporting broad prohibitions on trial participants’ speech is to avoid contamination of the jury pool, to protect the impartiality of the jury once selected, to confine the evidentiary record before the jury to the courtroom, and to prevent intrusion on the jury’s deliberations.” *Trump*, 88 F4th at 1020, citing *In Re Russell*, 726 F2d 1007, 1009, 1010 [4th Cir 1984]. While the protective order related to juror anonymity prevents the dissemination of certain personal information, it is not sufficient to prevent extrajudicial speech targeting jurors and exposing them to an atmosphere of intimidation. The proposed restrictions relating to jurors are narrowly tailored to obtain that result.

The uncontested record reflecting the Defendant’s prior extrajudicial statements establishes a sufficient risk to the administration of justice consistent with the standard set forth in *Landmark*, and there exists no less restrictive means to prevent such risk.

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<sup>1</sup> Defendant argues that references to speech targeted at individual prosecutors in the instant case do not substantiate their claims, adding that the People only cite posts which occurred in March and June 2023. See Defendant’s Motion pg. 14. Notably, within hours of the court appearance on March 25, 2024, setting the trial date for April 15, 2024, the Defendant targeted an individual prosecutor assigned to this case, referring to him as a “radical left from DOJ put into [...] the District Attorney’s Office to run the trial against Trump and that was done by Biden and his thugs” in a press conference. *C-SPAN, press conference video dated March 25, 2024, at minute 2:34.*

**THEREFORE**, it is hereby

**ORDERED**, that the People's motion for a restriction on extrajudicial statements by the Defendant is **GRANTED** to the extent that Defendant is directed to refrain from the following:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel or staff member, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

The foregoing constitutes the Decision and Order of the Court.

Dated: March 26, 2024  
New York, New York

**MAK 26 2024**



Juan M. Merchan  
Judge of the Court Claims  
Acting Justice of the Supreme Court

**HON. J. MERCHAN**

# EXHIBIT 11C



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant

**DECISION and ORDER**

People's Motion for  
Clarification or Confirmation  
of An Order Restricting  
Extrajudicial Statements

Indictment No. 71543-23

JUAN M. MERCHAN, A.J.S.C.:

**BACKGROUND**

Defendant is charged with 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10. The charges arise from allegations that Defendant attempted to conceal an illegal scheme to influence the 2016 presidential election. Specifically, the People claim that Defendant directed an attorney who worked for his company to pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with Defendant. It is further alleged that Defendant thereafter reimbursed the attorney for the payments through a series of checks and caused business records associated with the repayments to be falsified to conceal his criminal conduct. Trial on this matter is scheduled to commence on April 15, 2024.

On February 22, 2024, the People filed a motion for an order restricting extrajudicial statements by Defendant for the duration of the trial. The restrictions sought were consistent, in part, with those upheld in the U.S. Court of Appeals for the D.C. Circuit in *United States v. Trump*, 88 F4th 990 [2023]. On March 4, 2024, Defendant filed a response in opposition, arguing that his speech may only be restricted by the application of a more strenuous standard than applied by the D.C. Circuit and that the People had failed to meet that standard in this case.

On March 26, 2024, this Court issued its Decision and Order Restricting Extrajudicial Statements by Defendant.

On March 28, 2024, the People filed a pre-motion letter seeking clarification or confirmation of the Order as to whether it proscribes extrajudicial speech against family members of the Court, the District Attorney, and of all other individuals mentioned in the Order. Today, April 1, 2024,

Defendant filed his opposition to the People's motion. The People have today also filed a supplement to their pre-motion letter.

### DISCUSSION

The Defendant has a constitutional right to speak to the American voters freely, and to defend himself publicly. The Order issued on March 26, 2024, was narrowly tailored to protect that right. To clarify, the Order *did not* proscribe Defendant's speech as it relates to the family members of the District Attorney or this Court. The Court now amends the March 26, 2024, Order to include the family members of this Court and of the District Attorney of New York County. This Decision and Order is equally narrowly tailored and in no way prevents Defendant from responding to alleged political attacks but does address Defendant's recent speech.

One day following the issuance of said Order, Defendant made several extrajudicial statements attacking a family member of this Court. Contrary to the position Defendant took in his opposition to the People's February 22, 2024 motion for an order restricting extrajudicial statements, i.e. that his statements "plainly constitute core political speech on matters of great public concern and criticism of major public figures," Defendant's opposition to 2/22/24 Motion, pgs. 8-9, this pattern of attacking family members of presiding jurists and attorneys assigned to his cases serves no legitimate purpose. It merely injects fear in those assigned or called to participate in the proceedings, that not only they, *but their family members as well*, are "fair game" for Defendant's vitriol.

Courts are understandably concerned about the First Amendment rights of a defendant, especially when the accused is a public figure. *U.S. v. Ford*, 830 F2d 596 [1987]. That is because "the impact of an indictment upon the general public is so great that few defendants will be able to overcome it, much less turn it to their advantage." 29 Stan.L.Rev. 607, 611. The circumstances of the instant matter, however, are different. The conventional 'David vs. Goliath' roles are no longer in play as demonstrated by the singular power Defendant's words have on countless others. The threats to the integrity of the judicial proceeding are no longer limited to the swaying of minds but on the willingness of individuals, both private and public, to perform their lawful duty before this Court. This is evidenced by the People's representations that "multiple potential witnesses have already expressed grave concerns [...] about their own safety and that of their family members should they appear as witnesses against defendant." People's 3/28/24 Pre-Motion Letter. It is no longer just a mere possibility or a reasonable likelihood that there exists a threat to the integrity of the judicial proceedings. The threat is very real. Admonitions are not enough, nor is reliance on self-

restraint. The average observer, must now, after hearing Defendant's recent attacks, draw the conclusion that if they become involved in these proceedings, even tangentially, they should worry not only for themselves, *but for their loved ones as well*. Such concerns will undoubtedly interfere with the fair administration of justice and constitutes a direct attack on the Rule of Law itself. Again, all citizens, called upon to participate in these proceedings, whether as a juror, a witness, or in some other capacity, must now concern themselves not only with their own personal safety, but with the safety and the potential for personal attacks upon their loved ones. That reality cannot be overstated.

Defendant, in his opposition of April 1, 2024, desperately attempts to justify and explain away his dangerous rhetoric by "turning the tables" and blaming those he attacks. The arguments counsel makes are at best strained and at worst baseless misrepresentations which are uncorroborated and rely upon innuendo and exaggeration. Put mildly, the assortment of allegations presented as "facts" and cobbled together, result in accusations that are disingenuous and not rational. To argue that the most recent attacks, which included photographs, were "necessary and appropriate in the current environment," is farcical.

The People argue in their submission that Defendant's attacks, which include referring to a prosecution witness last week as "death", are based on "transparent falsehoods." People's 4/1/24 Supplement at pg. 2. The People provide a plethora of compelling arguments in support of their claim that Defendant's conduct is deliberate and intended to intimidate this Court and impede the orderly administration of this trial.

The People request in their submission of April 1, 2024, "that any order this Court enters clarifying or confirming the scope of its March 26 Order should also include the relief the People requested in our February 22 Motion for a Protective Order; namely, that defendant be expressly warned that any statutory right he may have to access to juror names will be forfeited by continued harassing or disruptive conduct." People's 4/1/24 Supplement at pg. 7. The Court at that time reserved decision on the People's motion. The People's motion is now **GRANTED**.

It remains this Court's fundamental responsibility to protect the integrity of the criminal process and to control disruptive influences in the courtroom. *See Sheppard v. Maxwell*, 384 U.S. 333 [1966]. "Neither prosecutors, counsel for defense, *the accused*, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function." *Id.* at 363 (emphasis added).

Consistent with the decision dated March 26, 2024, the uncontested record reflecting the Defendant's prior (and most recent), extrajudicial statements establishes a sufficient risk to the

administration of justice consistent with the standard set forth in *Landmark Communications, Inc. v. Virginia*, and there exists no less restrictive means to prevent such risk. 435 US 829, 842-843 [1978].

**THEREFORE**, Defendant is hereby put on notice that he will forfeit any statutory right he may have to access juror names if he engages in any conduct that threatens the safety and integrity of the jury or the jury selection process; and it is hereby

**ORDERED**, that the People's motion for clarification is **GRANTED**. The Court's Order of March 26, 2024, did not contemplate the family members of this Court or of the District Attorney. It is therefore not necessary for this Court to determine whether the statements were intended to materially interfere with these proceedings; and it is further

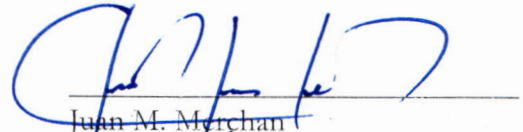
**ORDERED**, that the Court's Order of March 26, 2024, is amended as indicated below. Defendant is directed to refrain from:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel, staff member, the Court or the District Attorney, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

**FURTHER**, Defendant is hereby warned that any violation of this Order will result in sanctions under Judiciary Law §§ 750(A)(3) and 751.

The foregoing constitutes the Decision and Order of the Court.

Dated: April 1, 2024  
New York, New York



Juan M. Merchan  
Judge of the Court Claims  
Acting Justice of the Supreme Court

APR 01 2024

**HON. J. MERCHAN**

# EXHIBIT 11D

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant

**DECISION and ORDER**

Defendant's Motion to  
Terminate Order Restricting  
Extrajudicial Statements

Indictment No. 71543-23

JUAN M. MERCHAN, A.J.S.C.:

**BACKGROUND**

On February 22, 2024, the People filed a motion for an order restricting extrajudicial statements by the Defendant. He opposed the motion on March 4, 2024. The Court granted the People's motion on March 26, 2024 (hereinafter "March 26 Order"). The Order directed Defendant to refrain from:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel or staff member, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

On March 28, 2024, the People filed a motion seeking to clarify whether the Order of March 26 “protects family members of the Court, the District Attorney, and all other individuals mentioned in the Order.” People’s Supplemental Filing Regarding the Court’s March 26, 2024, Order Restricting Extrajudicial Statements at pg. 1. Defendant opposed the People’s motion on March 29, 2024. Thereafter, on April 1, 2024, this Court issued a Decision and Order (hereinafter “April 1 Order”) clarifying and amending the March 26 Order to the extent that Paragraph (b), now directed the Defendant to refrain from:

b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court’s staff and the District Attorney’s staff, or (3) the family members of any counsel, staff member, the Court or the District Attorney, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel’s or staff’s work in this criminal case, or with the knowledge that such interference is likely to result;

On April 8, 2024, Defendant filed an Article 78 petition pursuant to CPLR § 7803(2) by Order to Show Cause seeking an interim stay of the trial proceedings pending a resolution of Defendant’s challenge to the April 1 Order. Specifically, Defendant argued that: “[t]he unconstitutional features of the gag order are causing ongoing, irreparable harm to Petitioner and the voting public under the New York and U.S. Constitutions.” *See* April 8, 2024, Summary Statement of Application for Expedited Service and/or Interim Relief. On April 10, 2024, the Appellate Division – 1<sup>st</sup> Department heard oral argument on Defendant’s request for an interim stay of the trial and that application was denied.

On April 15, 2024, jury selection commenced.

On April 23, 2024, a full panel of the Appellate Division – 1<sup>st</sup> Department denied Defendant’s applications for a stay of the trial and, in the alternative, a stay of the April 1 Order.

On May 14, 2024, the Appellate Division issued its decision on the merits of the Article 78 petition and denied the relief sought by Defendant. More specifically, it held that Defendant’s First Amendment Rights had been “properly weighed against the court’s historical commitment to ensuring the fair administration of justice in criminal cases, and the right of persons related to



tangentially related to the criminal proceedings from being free from threats, intimidation, harassment, and harm.” See *In the Matter of Donald J. Trump v. The Honorable Juan M. Merchan, etc., et al.*, 227 AD3d 518 (2024). Thus, this Court’s Decision and Order was upheld.

On May 30, 2024, Defendant was convicted of 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10 after a trial by jury. Thereafter, the jury was discharged, and the case was adjourned to July 11, 2024, for sentencing.

On June 4, 2024, the Defendant filed a pre-motion letter seeking to terminate the March 26 Order as amended by the April 1 Order. On June 10, 2024, Defendant filed a memorandum of law in support of his motion. On June 20, 2024, the People filed their opposition to Defendant’s motion to terminate. In the interim, on June 18, 2024, the Court of Appeals dismissed Defendant’s appeal finding that no substantial constitutional question was directly involved. *Matter of Donald J. Trump v. Juan M. Merchan, etc., et al.*, 2024 WL 3032559.

#### DISCUSSION

The Defendant seeks (1) termination of the April 1, 2024, Order Restricting Extrajudicial Statements (“April 1 Order”)<sup>1</sup> and (2) that the Court revisit the necessity and constitutionality of the April 1 Order. See Defendant’s Memo pgs. 12-13. The main thrust of Defendant’s argument is that the Orders were implemented specifically to protect the integrity of the trial proceedings and that because the trial is over, the Orders are no longer necessary. *Id.* at 11. Specifically, Defendant notes that Paragraph (a) of the Orders prohibits statements concerning witnesses’ “potential participation in the investigation or in this criminal proceeding” and that since the trial has concluded, the purpose of the Orders have been satisfied. *Id.* Defendant further argues that the same reasoning applies to Paragraph (c) of the Orders regarding jurors. Finally, the Defendant makes numerous arguments in support of his second request, that the Court “revisit the necessity and constitutionality of the April 1 Order.” However, this Court need not address that claim as the Court of Appeals has already determined that no substantial constitutional question is raised by the April 1 Order.

The People do not oppose termination of paragraph (a) pertaining to witnesses. However, the People do oppose termination of Paragraphs (b) and (c). Specifically, the People submit that the proceedings have not yet concluded with respect to the persons referenced in paragraph (b), namely

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<sup>1</sup> In the Introduction section of Defendant’s Memo, the Defendant seeks immediate termination of both the March 26 Order and April 1 Order. For clarity in the Discussion section of this Decision, the Court will refer to each of the orders collectively as “Orders,” and will specify each individual Order where necessary.

the prosecution, court staff and their families. Thus, termination at this juncture would be premature. With respect to persons referenced in paragraph (c), namely jurors, the People submit that the Court should continue the restrictions on extrajudicial statements as proscribed by the Orders notwithstanding that the jury has been discharged.

### DECISION

The basis for the issuance of the Orders was to protect the integrity of the judicial proceedings. As this Court recognized in its Order of April 1, 2024, “the threats to the integrity of the judicial proceeding are no longer limited to the swaying of minds, but also to the willingness of individuals, both private and public, to perform their lawful duty before this Court.” Decision and Order dated April 1, 2024, p. 2. Both Orders were narrowly tailored to address the significant concerns regarding the Defendant’s extrajudicial speech. The Orders were overwhelmingly supported by the record, and it was upon that record that the Appellate Division First Department and the New York Court of Appeals kept the Orders intact. However, circumstances have now changed. The trial portion of these proceedings ended when the verdict was rendered, and the jury discharged. Therefore, Paragraph (a) is terminated without opposition by the People. As to Paragraph (c), while it would be this Court’s strong preference to extend those protections, the Court cannot do so on what is now a different record than what the appellate courts relied upon when they rendered their rulings. Therefore, Paragraph (c) must be terminated. Nonetheless, there is ample evidence to justify continued concern for the jurors. Therefore, the protections set forth in this Court’s Protective Order of March 7, 2024, Regulating Disclosure of Juror Information will remain in effect until further order of this Court.

Regarding Paragraph (b), this Court notes that while witness testimony has concluded, a verdict has been rendered, and the jury discharged - the proceedings are not concluded. This matter has been set down for the imposition of sentence on July 11, 2024. Until sentence is imposed, all individuals covered by Paragraph (b) must continue to perform their lawful duties free from threats, intimidation, harassment, and harm.

THEREFORE, it is it is hereby

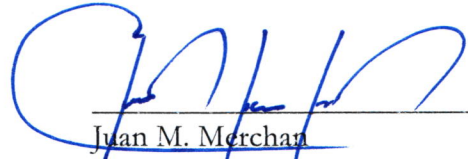
**ORDERED**, that Paragraph (a) and Paragraph (c) of the Orders Restricting Extrajudicial Statements of the Defendant are terminated effective the date of this Decision and Order, and it is further

**ORDERED**, that Paragraph (b) of the April 1, 2024, Decision and Order restricting extrajudicial statements of the Defendant shall remain in effect until the imposition of sentence.

The foregoing constitutes the Decision and Order of the Court.

Dated: June 25, 2024  
New York, New York

**JUN 25 2024**



Juan M. Merchan  
Judge of the Court Claims  
Acting Justice of the Supreme Court

**NON. J. MERCHAN**

# EXHIBIT 11E

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,  
  
v.  
  
TAYLOR TARANTO,  
  
*Defendant.*

Criminal Action No. 1:23-cr-00229 (CJN)

**ORDER**

On July 12, 2023, Magistrate Judge Faruqi ordered the pretrial detention of Defendant Taylor Taranto, who is charged with four misdemeanor offenses for his actions on January 6, 2021, and two felony firearms offenses incident to his arrest on June 29, 2023. Indictment, ECF No. 15; Minute Entry for July 12, 2023. Taranto appeals that Order. *See* Appeal, ECF No. 19. Following briefing and a hearing on the matter, the Court concludes that pre-trial detention is appropriate and therefore denies Taranto’s appeal.

**I. Background**

**A. Factual Background**

On January 6, 2021, Taranto entered the United States Capitol at approximately 2:38 PM. Gov’t Resp. at 4, ECF No. 20.<sup>1</sup> Video evidence, as the government puts it, shows Taranto “mov[ing] through various areas of the building and ultimately arriv[ing] at the entrance to the Speaker’s Lobby around 2:42 [PM].” *Id.* Around this time, another rioter attempted to jump through a glass window and was shot by a United States Capitol Police Officer. *Id.* After the shooting, officers “arrived and began moving the crowd, including Taranto, toward the exits.” *Id.*

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<sup>1</sup> Except where noted, the Court finds that the government has established the following facts by clear and convincing evidence. *See United States v. Vortis*, 785 F.2d 327, 328–29 (D.C. Cir. 1986).

at 4–5. “Next to the exit, Taranto and multiple other rioters . . . scuffled with police officers.” *Id.* at 5. Taranto then left the Capitol building around 2:56 PM and remained on Capitol grounds for some time on the East side of the building. *Id.*

Since January 6, Taranto has made many public statements about his actions at the Capitol and his views of that day. On July 15, 2021, Taranto posted a Facebook video of himself stating, “So we’re in the Capitol building . . . legislative building . . . we just stormed it.” *Id.* The caption read: “This is me ‘stormin’ the capitol’ lol I’m only sharing this so someone will report me to the feds and we can get this party rolling!” *Id.* Taranto also gave a two-hour video interview titled “Exclusive Taylor Taranto talks about being on scene when Ashli Babbitt got shot” on June 17, 2023. *Id.* “During the interview, Taranto discussed being inside the Capitol on January 6 and reviewed video footage of himself from that day and narrated what he was doing and what was happening around him in the footage.” *Id.* Taranto has continued to use “multiple types of media platforms,” including Facebook, YouTube, Truth Social, Parler, and Telegram, “to express his thoughts on a wide-ranging number of topics, most of which were focused on January 6, a belief that the 2020 election was fraudulent, and an endorsement of theories that ‘QAnon’ followers promote.” *Id.* at 5–6. And through these platforms, “Taranto explicitly stated that he does not believe the United States Government is legal and does not believe that his home state of Washington has a valid constitution.” *Id.* at 6.

Sometime in May 2023, Taranto returned to Washington, D.C. The government contends that Taranto traveled here “in response to Speaker of the House Kevin McCarthy’s offer to produce January 6 video.” *Id.* According to videos posted to social media, Taranto was living out of his van during this period. *Id.* In arguing that pretrial detention is warranted, the government focuses

primarily on six events, several of which are captured on video that the Court has reviewed. *See* Gov't Exhibit List (Exs. 1-A-3-C), ECF No. 22.

Freedom Corner. The government alleges that Taranto was a “regular fixture” at the so-called “Freedom Corner,” a location near the D.C. jail where supporters of detained January 6 defendants gather. *See* Gov't Resp. at 6–7. As the government puts it, “[a]ccording to those that routinely gather there, Taranto was banned from the area for his offensive conduct toward other protestors.” *Id.* at 7.

Piney Branch Elementary. On June 18, 2023, Taranto used his YouTube channel to stream himself and several others at Piney Branch Elementary School in Takoma Park, Maryland. *Id.* Pursuant to a permit, Taranto and others used the school facilities to display a film related to the events of January 6. *Id.* at 7, 9. On the livestream, Taranto explained that the location was chosen for its proximity to Congressman Jamie Raskin’s home and stated that Raskin is “one of the guys that hates January 6 people, or more like Trump supporters, and it’s kind of like sending a shockwave through him because I did nothing wrong and he’s probably freaking out and saying shit like, ‘Well he’s stalking me.’” *See* Ex. 1-B. Taranto further commented on the livestream “I didn’t tell anyone where he lives ‘cause I want him all to myself,” and “[t]hat was Piney Branch Elementary School in Maryland . . . right next to where Rep. Raskin and his wife live.” *Id.*

Payne Elementary. On June 22, 2023, “Taranto was in his van parked outside of a second elementary school, Payne Elementary, located in Washington D.C. while an evacuation drill was conducted within the school.” *See* Gov't Resp. at 8. “As elementary students were brought outside, Taranto filmed the children and stated that they were ‘being removed from school because there is a violent white supremacist out somewhere.’” *Id.*; *accord* Ex. 3-A. He later commented

on the way the children were walking back into the school, remarking that it was unwise for the students to be walking together in a single route back. Ex. 3-C.

Speaker McCarthy. On June 27, 2023, Taranto allegedly posted a video to YouTube of a recording of a phone call with Speaker McCarthy’s officer repeatedly asking to be granted access to certain video footage of the events of January 6. Gov’t Resp. at 8–9. Then on June 28, 2023, Taranto posted a livestream to his YouTube channel from his parked van. In this second video, Taranto allegedly “stated that his van was parked in Gaithersburg, Maryland” and he was headed to the National Institute of Standards and Technology. *Id.* at 2, 9; *see also id.* at 2 n.3 (the government noting that NIST has a nuclear reactor on its property). The government has proffered that Taranto made several quite concerning comments on this video, such as:

- statements that the van was “self-driving”;
- a statement that he was “just going one way for this mission, to hell”;
- a statement that though he had a “detonator,” he did not “really need one for this”;
- a statement that the van would only have to go straight, which he would accomplish with a steering wheel lock, and that he would not be near the van when it “goes off”; and
- a statement saying “Coming at you McCarthy. Can’t stop what’s coming. Nothing can stop what’s coming.”

*Id.* at 9. The government has not submitted to the Court video of this incident, and Taranto disputes the government’s proffer. *See* Appeal at 19–20; Def.’s Reply at 3 n.1, ECF No. 21.

Kalorama. On June 29, 2023, former President Trump “posted what he claimed was the address of Former President Barack Obama” on Truth Social. Gov’t Resp. at 9. According to the government, Taranto “used his own Truth Social to re-post the address.” *Id.* Then, on Telegram,



Taranto stated, “We got these losers surrounded! See you in hell, Podesta’s and Obama’s.” *Id.* at 9–10.

Soon after those posts, Taranto began livestreaming on YouTube from his van while he drove through the Kalorama neighborhood of Washington, D.C.—the same neighborhood in which former President Obama lives. *Id.* at 10; *see also id.* at 7 n.8. Taranto parked his van on the street and began walking around the neighborhood, continuing to film, making several references to the Podestas and stating that he was trying to get an interview. *Id.*; *accord* Ex. 2-A. As the videos provided to the Court reflect, Taranto later explicitly noted that he was near the Obamas’ home. *See* Ex. 2-B.

As the video also reflect, Taranto made numerous references to supposed tunnels beneath the houses, calling sewer grates “entrance points” and making other statements such as:

- “So if you go down there, there’s obviously tunnels down there. I don’t know how close they’ll get you to other accesses.”
- “We’re gonna find a way to the tunnels, underneath their houses.”
- “We’re looking for tunnel access so we can get the interview, in case they try to weasel their way out. No in or out now! See, First Amendment, just say First Amendment, free speech. Free, it’s free.”

*See* Gov’t Resp. at 10; *accord* Ex. 2-A, 2-B.

When Taranto first encountered the Secret Service, Taranto stated, “Hello, just trying to get an angle, for First Amendment, free speech. Thanks. That’s Secret Service, she’s alright.” *Id.* He later stated, “I control the block, we’ve got ‘em surrounded.” Gov’t Resp. at 11; Ex. 2-B. And he made several further comments in the video referencing getting a “shot” and an “angle,” such

as, “We’re gonna see what we can get, as a shot. If I were them, I’d be watching this, [watching] my every move.” Gov’t Resp. at 10–11; Ex. 2-B.

Taranto eventually headed into a wooded area and walked toward Rock Creek Parkway.

Arrest and Vehicle Search. Taranto was then arrested by officers who apprehended him near Rock Creek Parkway. *See* Gov’t Resp. at 11. Officers located his van, which was parked nearby, and a canine unit alerted on the van for the presence of gunpowder. *Id.* at 3, 11. Inside the van, officers found two firearms and hundreds of rounds of ammunition. *Id.* at 11.

On June 30, 2023, officers executed a search warrant on Taranto’s vehicle and additionally found a machete and a steering wheel lock. *Id.* at 4. Officers also found indications that Taranto had in fact been living in the van, including a mattress, clothing, and personal items. *Id.*

According to the government, “[l]aw enforcement records show that Taranto has 20 firearms registered to him.” *Id.* at 3. Two were seized from Taranto’s van. *Id.* The government does not have custody of the remaining 18. *Id.*

[REDACTED]

[REDACTED]

**B. Procedural History**

On July 12, 2023, a grand jury returned an indictment charging Taranto with one count of Carrying a Pistol Without a License (Outside Home or Place of Business), in violation of 22 D.C. Code § 4504(a)(1); one count of Possession of a Large Capacity Ammunition Feeding Device, in violation of 7 D.C. Code § 2506.01(b); one count of Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1); one count of Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2); one Count of Disorderly Conduct in a Capitol Building or Grounds, in violation of 40 U.S.C. § 5104(e)(2)(D); and one Count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). *See generally* Indictment. The four trespassory charges are alleged to have occurred at the Capitol on January 6, 2021, while the two firearms charges are alleged to have occurred on June 29, 2023—the day Taranto was arrested in Washington, D.C. *Id.*

On June 30, 2023, the day after his arrest, Taranto appeared before Magistrate Judge Harvey, who granted the government’s oral motion for temporary detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (Serious Risk of Flight). *See* Minute Entry for June 30, 2023; Appeal at 1.

Thereafter, Magistrate Judge Faruqi held detention hearings in this matter on July 5, 6, and 12, and on July 12 granted the government’s motion for pretrial detention. *See* Minute Entry for July 12, 2023; SEALED Tr., ECF No. 23. Magistrate Judge Faruqi determined that he did not think Taranto was a flight risk, *see* SEALED Tr. at 46:5–6, but did conclude that there was clear and convincing evidence that there is no set of conditions of release that would reasonably

assure the safety of any other person and the community, *id.* at 56:12–16. *See* 18 U.S.C. § 3142(e). He explained that although the risk of Taranto doing something to harm other persons or the community might be low, the impact of what Taranto might do would be catastrophic. SEALED Tr. at 53:11–13. He came to this conclusion by considering the statements made by Taranto on the videos, the firearms that were found in the van, his mental health history, and his military training. *See id.* at 50–56.

Taranto appealed that decision on July 27, 2023 and the Court held a hearing on that appeal on August 7, 2023. At the end of the hearing, the Court ordered the government to submit certain video evidence for the Court’s review, and ordered Taranto’s counsel to submit a more concrete mental health care plan that would apply if Taranto were released. [REDACTED]

[REDACTED]

[REDACTED]

## II. Legal Standards

A defendant must be detained before trial “[i]f, after a hearing . . . the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e). That hearing is held “pursuant to the provisions of subsection (f)” of section 3142. *Id.*

Subsection (f), in turn, provides that a “judicial officer shall hold a hearing to determine whether any condition or combination of conditions . . . will reasonably assure the appearance of such person as required and the safety of any other person and the community” upon a motion from the government in a certain subset of cases, including felony firearm cases, *see id.* § 3142(f)(1)(E), or upon a motion from the government or the judicial officer’s own motion in cases that involve “a serious risk that such person will flee” or “obstruct or attempt to obstruct justice,” *see id.* § 3142(f)(2)(A)–(B). To justify detention based on risk of flight, the government’s

burden of proof is preponderance of the evidence; for danger to the community, the government's burden is clear and convincing evidence. *See Vortis*, 785 F.2d at 328–29.

To determine “whether there are conditions of release that will reasonably assure” the defendant's future appearance and the safety of the community, the “judicial officer shall . . . take into account the available information concerning” the following four factors: (1) “the nature and circumstances of the offense charged,” including whether the offense involves a firearm; (2) “the weight of the evidence” against the defendant; (3) “the history and characteristics” of the defendant; and (4) “the nature and seriousness of the danger to any person or the community that would be posed by the person's release.” *Id.* § 3142(g)(1)–(4).

“If a person is ordered detained by a magistrate judge . . . the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.” 18 U.S.C. § 3145(b). “Neither § 3142 nor § 3145 specifies the standard of review to be applied by a district court reviewing a magistrate judge's release order or detention order, and ‘the D.C. Circuit has not yet addressed the issue.’” *United States v. Crestman*, 525 F. Supp. 3d 14, 23 (D.D.C. 2021) (quoting *United States v. Hunt*, 240 F. Supp. 3d 128, 132–33 (D.D.C. 2017)). “Nonetheless, both the [Bail Reform Act] and the Federal Magistrates Act, 28 U.S.C. § 636, support the conclusion, reached by every circuit to have considered the question, that a district court reviews a magistrate judge's release or detention order *de novo*.” *Id.* (collecting cases). The Court will do the same.

### III. Analysis

To determine whether there is a set of conditions that would reasonably assure Taranto's future appearance and the safety of the community,<sup>2</sup> the Court considers the four factors set forth in section 3142(g).

#### A. Nature and Circumstances of the Charged Offenses

The first factor the Court must consider is the nature and circumstances of the charged offenses. Taranto faces six charges that vary in their seriousness. Four are misdemeanors, while two—Carrying a Pistol Without a License Outside Home or Place of Business and Possession of a Large Capacity Ammunition Feeding Device—are felonies. *See generally* Indictment. Also relevant under 18 U.S.C. § 3142(g)(1) is whether the offenses involve firearms; both charges under the D.C. Code regard firearms and weapons. *See* 22 D.C. Code 4504(a)(1); 7 D.C. Code 2506.01(b). In addition, the time and place of the charged offenses raise their severity and suggests that Taranto may be a threat to individual persons and the community. The evidence demonstrates that Taranto committed four of these offenses at the U.S. Capitol while a Joint Session of Congress

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<sup>2</sup> Taranto argues that he cannot be detained based on dangerousness alone because the government moved for detention under section 3142(f)(2)(A) (Serious Risk of Flight). *See* Appeal at 4. This argument fails for several reasons. First, and most importantly, the government has since raised an alternative basis for a detention hearing—that Count 1 is a “felony that is not otherwise a crime of violence . . . that involves the possession or use of a firearm.” 18 U.S.C. § 3142(f)(1)(E). Because Count 1 (Carrying a Pistol Without a License (Outside Home or Place of Business), in violation of 22 D.C. Code § 4504(a)(1)) clearly falls within section 3142(f)(1)(E), the Court need not consider the flight risk question. Second, the Court has already concluded in *United States v. Curzio*, 21-cr-41, that the statute requires (and at the very least authorizes) the Court to consider all four section 3142(g) factors, including dangerousness of the defendant, even when the detention hearing was originally sought under section 3142(f)(2)(A). *See Curzio* Tr. at 26, ECF No. 12-1. And finally, section 3142(e) requires the Court to detain Taranto if there is “no condition or combination of conditions will reasonably assure the appearance of the person as required *and* the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1) (emphasis added). The statute therefore explicitly requires this Court to consider, at every detention hearing, whether there is a set of conditions that will reasonably assure the safety of the community.

was meeting to certify the results of the presidential election. The other two charges occurred—intentionally—near the home of a former president, and while making repeated references to the former chief of staff. Altogether, the nature and circumstances of the charged offenses—and in particular, Taranto’s firearms offenses—weigh in favor of continued detention.

### **B. Weight of the Evidence**

Turning to the second factor, the weight of the evidence against Taranto is strong—in fact, many of the key facts are uncontested. For example, it is uncontested that there are videos of Taranto inside the Capitol, one of which he posted to the internet himself, explaining that he was “stormin’ the Capitol.” Additionally, it is uncontested that Taranto has made many statements about his involvement on January 6, even giving a long interview about his presence inside the Capitol where he pointed himself out on video. The fact that Taranto had firearms and ammunition in his van the day he was arrested—although allegedly in a locked bag, *see* Appeal at 2—is also uncontested. Nor is it contested that when he was arrested, Taranto was purposefully near the former president’s home.

Taranto is of course entitled to a presumption of innocence regarding his guilt. And he may have some defense at trial that he has not yet asserted. But the weight of the evidence before the Court is against the Defendant. Overall, this factor weighs in favor of continued detention.

### **C. History and Characteristics of the Defendant**

As to the third factor, the history and characteristics of the Defendant, there are facts supporting both the government’s position and Taranto’s position. On the one hand, Taranto has no criminal history; he has a supportive family; and he has an honorable military record. *See id.* at 6. Before coming to D.C., Taranto successfully worked for many years with a mental health therapist and a psychiatrist through the Department of Veterans Affairs and was, according to their reports, doing well. *Id.* at 12. These facts weigh against detention.

On the other hand, the Court agrees with the government that Taranto’s recent behavior is increasingly erratic. He left his family in Washington state to come to D.C., and although he asserts a lawful reason for coming here, the records reflects that he has spent his time taunting politicians, making concerning statements about explosives and violence, videotaping children outside of a school, and parking himself near a former President’s home while in the possession of firearms and ammunition. Taranto also has military training and a history of PTSD and mental health issues that contribute to his potential dangerousness. Taranto has not contested the government’s assertion that he has “openly stated that he does not acknowledge the legitimacy of the United States Constitution,” which creates some concerns for this Court as to whether he would take instructions from this Court seriously. Of course, there is also evidence that Taranto would comply with federal directives, including his lack of criminal history and his military service. But based on the evidence at this stage, Taranto’s history and characteristics—apart from the charged offenses and related conduct—suggest that detention is warranted.

**D. Danger to the Community**

The fourth factor “substantially overlaps with the ultimate question” of whether any conditions of release will reasonably assure safety. *United States v. Cua*, No. 21-107, 2021 WL 918255, at \*5 (D.D.C. Mar. 10, 2021). Ultimately, the Court agrees with the government that Taranto has “clearly demonstrated his dangerousness [through] his increasingly erratic and disturbing words and actions.” *See* Gov’t Resp. at 19. Taranto’s recent commentary about explosives, targeting of certain politicians, behavior outside a former president’s home, mental health, military training, and access to firearms all contribute to the Court’s determination (based on clear and convincing evidence) that Taranto poses a serious risk to others and the community.

[REDACTED]

[REDACTED] And




Taranto’s job application to NIST, combined with the video Taranto posted about the same agency, suggest that Taranto took a concrete step towards these alleged violent plans. In light of this behavior, and the corresponding risk of grave harm, the Court cannot be confident that Taranto’s mental health treatment proposal of either outpatient treatment or short-term in-patient treatment, *see* ECF No. 24, provides sufficient safeguards in light of Taranto’s recent escalating behavior. Additionally, defense counsel represented to the Court at the hearing that Taranto was still speaking with his therapist by phone once a week while he was in D.C., yet Taranto’s behavior continued to escalate. Given his recent behavior, there do not appear to be conditions of release that would prevent him from being a danger to the community, and this factor weighs heavily in favor of detention.

**IV. Conclusion**

Upon consideration of the evidence presented, the factors set forth in 18 U.S.C. § 3142(g), and the possible release conditions set forth in § 3142(c), the Court finds by clear and convincing evidence that defendant’s pretrial release would constitute an unreasonable danger to the community, and the Court finds by clear and convincing evidence that no condition or combination of conditions can be imposed that would reasonably ensure the safety of the community were Taranto to be released pending trial. Therefore, Taranto’s Appeal, ECF No. 19, is **DENIED**, and it is **ORDERED** that Taranto shall remain detained pending trial.

DATE: August 14, 2023

  
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CARL J. NICHOLS  
United States District Judge