

PART 59 FEB 26 2024

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**NOTICE OF MOTION FOR AN ORDER  
RESTRICTING EXTRAJUDICIAL STATEMENTS**

PLEASE TAKE NOTICE that the People will move this Court, located at 100 Centre Street, New York, New York, on a date and time to be set by the Court, for an order prohibiting defendant from making certain extrajudicial statements, and for such other and further relief as the Court may deem just and proper. A supporting affirmation, memorandum of law, and exhibits are attached to this notice of motion.

DATED: February 22, 2024

Respectfully submitted,

ALVIN L. BRAGG, JR.  
*District Attorney, New York County*

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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.

AFFIRMATION AND  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTION FOR AN  
ORDER RESTRICTING  
EXTRAJUDICIAL STATEMENTS

Ind. No. 71543-23

To protect the integrity of this criminal proceeding and avoid prejudice to the jury, the People respectfully request that this Court issue a narrowly tailored order restricting certain prejudicial extrajudicial statements by defendant. The legal authority for such an order is well-established. And the need for such protection is compelling. Defendant has a long history of making public and inflammatory remarks about the participants in various judicial proceedings against him, including jurors, witnesses, lawyers, and court staff. Those remarks, as well as the inevitable reactions they incite from defendant's followers and allies, pose a significant and imminent threat to the orderly administration of this criminal proceeding and a substantial likelihood of causing material prejudice. For these reasons, the U.S. Court of Appeals for the D.C. Circuit recently upheld restrictions on defendant's extrajudicial speech that are essentially identical to the ones requested by the People here. This Court should accordingly grant the narrowly tailored protective measures sought here.

**AFFIRMATION**

Matthew Colangelo, an attorney admitted to practice before the courts of this state, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office. I am assigned to the prosecution of the above-captioned case and am familiar with the facts

and circumstances underlying the case. I submit this affirmation in support of the People's request for an order prohibiting defendant from making certain extrajudicial statements.

2. Defendant is charged with thirty-four counts of falsifying business records in the first degree, PL § 175.10. The charges arise from defendant's efforts to conceal an illegal scheme to influence the 2016 presidential election. As part of this scheme, defendant requested that an attorney who worked for his company pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with defendant. Defendant then reimbursed the attorney for the illegal payment through a series of monthly checks. Defendant caused business records associated with the repayments to be falsified to disguise his and others' criminal conduct.

3. Defendant has a longstanding and perhaps singular history of using social media, speeches, rallies, and other public statements to attack individuals that he considers to be adversaries, including "courts, judges, various law enforcement officials and other public officials, and even individual jurors in other matters." *Carroll v. Trump*, 663 F. Supp. 3d 380, 382 & n.7 (S.D.N.Y. 2023). Further, "when Defendant has publicly attacked individuals, . . . those individuals are consequently threatened and harassed." *United States v. Trump*, No. 23-cr-257 (TSC), 2023 WL 6818589, at \*1 (D.D.C. Oct. 17, 2023).

4. Because of this conduct, courts in defendant's various judicial proceedings have prohibited him from making extrajudicial statements that would compromise the integrity of those proceedings. The same concerns for prejudice exist here, as this Court recognized in issuing and then extending a protective order governing defendant's use of materials obtained through discovery and by subpoena. Those concerns grow more acute with the approaching trial, which will start with jury selection on March 25, 2024.

5. This Court “must take such steps by rule and regulation that will protect [its] processes from prejudicial outside interferences.” *Sheppard v. Maxwell*, 384 U.S. 333, 363 (1966). Accordingly, the People seek an order preventing defendant 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 highly likely to result; and
- c. making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

6. As explained below, the first two requests for relief are identical to relief the U.S. Court of Appeals for the D.C. Circuit just upheld in the federal government’s criminal prosecution of defendant in the District of Columbia. The third request is a narrowly tailored additional restriction that is necessary to protect the integrity of the jury and prevent juror harassment.

7. As other courts have found, these reasonable prophylactic measures are amply warranted by defendant’s past conduct and by the risk of prejudice to the pending proceeding if appropriate protective steps are not taken. The relief requested here is narrowly tailored to protect the integrity of the upcoming trial while still affording defendant ample opportunity to engage in speech, including speech about this case. And there are no less restrictive alternatives that will adequately protect the trial from the prejudice that is reasonably likely to arise from defendant’s unrestrained extrajudicial statements.

**I. Defendant has a long history of publicly attacking individuals involved in legal proceedings against him, including witnesses, jurors, judges, and prosecutors; and those attacks are often followed by harassment, intimidation, and threats.**

8. Defendant has a long history and continuing pattern of public statements that attack judges, jurors, lawyers, witnesses, and other individuals involved in legal proceedings against him. The following examples illustrate defendant's statements attacking individuals connected to proceedings against him and the prejudice that those statements have caused to pending proceedings.<sup>1</sup>

**A. The *People v. Trump* criminal prosecution.**

9. On March 30, 2023, by Indictment No. 71543-23, a New York County grand jury charged defendant in this case with thirty-four felony counts of falsifying business records.

10. Before he was indicted in this case, defendant began making a series of comments on social media attacking the anticipated charges against him and making personal attacks against the participants in the investigation and prosecution, including witnesses, the District Attorney, and staff of the District Attorney's Office. In one illustrative example, defendant asserted that "Racist, George Soros backed D.A., Alvin Bragg" was bringing charges against him due to pressure from "the Radical Left Democrats, the Fake News Media, and the Department of 'Injustice,'" based on the "now ancient 'no affair' story of Stormy 'Horseface' Danials [sic]" and

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<sup>1</sup> This Affirmation incorporates by reference the factual averments and supporting exhibits in the People's April 24, 2023 motion for a protective order, the People's November 9, 2023 motion to quash and for a protective order, and the People's February 22, 2024 motion for a protective order regulating disclosure of juror information, all of which further catalog the extensive factual evidence demonstrating defendant's longstanding history of attacking witnesses, investigators, prosecutors, judges, jurors, and others involved in legal proceedings against him. *See* People's Mot. for a Protective Order 2-3, 7-12 (Apr. 24, 2023); People's Mot. to Quash and for a Protective Order 3-8, 23-24 (Nov. 9, 2023); People's Mot. for a Protective Order Regulating Juror Addresses and Names 2-8 (Feb. 22, 2024).

the testimony of “a convicted felon, disbarred lawyer, with zero credibility, who was turned down numerous times by me when he asked for pardons.” Ex. 1 at 44.

11. Defendant’s attacks online and in other public statements have singled out several prosecutors in the District Attorney’s Office, and have also targeted the District Attorney’s family. *Id.* at 14, 45, 48, 49.

12. Defendant’s social media posts have often used ominous language and violent rhetoric to describe this prosecution:

- “THE FAR & AWAY LEADING REPUBLICAN CANDIDATE & FORMER PRESIDENT OF THE UNITED STATES OF AMERICA, WILL BE ARRESTED ON TUESDAY OF NEXT WEEK. PROTEST, TAKE OUR NATION BACK!” *Id.* at 50.
- IT’S TIME!!! . . . WE JUST CAN’T ALLOW THIS ANYMORE. THEY’RE KILLING OUR NATION AS WE SIT BACK AND WATCH. WE MUST SAVE AMERICA! PROTEST, PROTEST, PROTEST!!!” *Id.* at 58.
- “REMEMBER, THE SAME ANIMALS AND THUGS THAT WOULD DO THIS TO PERHAPS 200 MILLION PEOPLE, BUT ACTUALLY ALL AMERICANS, ARE THE COMMUNISTS, MARXISTS, RINOS, AND LOSERS THAT ARE PURPOSEFULLY DESTROYING OUR COUNTRY!” *Id.* at 51.
- “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!” *Id.* at 52.
- “District Attorney Bragg is a danger to our Country, and should be removed immediately . . . .” *Id.* at 53.
- “What kind of person can charge another person . . . 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 and who would do such a thing? Only a degenerate psychopath that truly [sic] hates the USA!” *Id.* at 54.
- “We must stop them cold!” *Id.* at 46.

13. One of defendant’s social media posts included a picture of defendant holding a baseball bat and wielding it at the back of the District Attorney’s head. *Id.* at 56. Another post quoted an article asserting that defendant had been indicted “because they want to provoke violence.” Ex. 1 at 57.

14. Defendant’s statements have resulted in credible threats of violence, harassment, and intimidation directed at the District Attorney, his staff, and the District Attorney’s Office.

15. For example, on August 9, 2023, the federal government filed a criminal complaint charging a Utah resident with transmitting interstate death threats against District Attorney Alvin Bragg through a series of communications that began on March 18, 2023—hours after defendant posted a call on social media for his followers to “PROTEST, TAKE OUR NATION BACK!” *See* Felony Complaint, *United States v. Robertson*, No. 2:23-mj-722 (D. Utah Aug. 9, 2023) (Ex. 10).

16. The District Attorney’s office has also received hundreds of threats in the wake of, and connected to, defendant’s public attacks. Attached to this motion is an affidavit from New York Police Department Sergeant Nicholas Pistilli, who serves as the commanding officer of the District Attorney’s security detail. Ex. 13. That affidavit shows the direct connection between defendant’s public attacks on the District Attorney and threats on this Office. For example, in 2022, NYPD’s Threat Assessment & Protection Unit (“TAPU”) logged 483 threat cases against public officials, only one of which involved threats to the District Attorney, his family, or employees of this Office. Pistilli Aff. ¶¶ 3-4 (Ex. 13). In 2023, TAPU logged 577 threat cases, 89 of which involved threats to the District Attorney, his family, or employees of this Office. *See id.* ¶ 5. The first such threat in 2023 was logged on March 18, 2023, *see id.* ¶ 6—the same day that defendant falsely stated on social media that he was about to be arrested in connection with this case and called for his followers to “PROTEST, TAKE OUR NATION BACK!” Ex. 1 at 51.

17. In other words, NYPD's Threat Assessment & Protection Unit logged a single threat against the District Attorney and this Office in the fifteen months before defendant rallied his supporters in protest of this investigation and indictment, and then logged an extraordinary surge in threat activity that began on the very day defendant began targeting the District Attorney, members of the District Attorney's staff, and this Office with his violent rhetoric and public attacks.

18. The Office also responded to terroristic mailings twice around the time of defendant's indictment in this matter. In late March 2023, the Office received a letter addressed to the District Attorney containing a small amount of white powder and a note stating: "Alvin: I'm going to kill you." Pistilli Aff. ¶ 14 (Ex. 13). In April 2023, the Office received a letter addressed to the District Attorney containing a white powder and a note that included images of the District Attorney and Donald Trump and the words "you will be sorry." *Id.* Both instances disrupted operations at the District Attorney's Office. *Id.*

19. The count of threats and terroristic mailings described above does not include thousands of harassing, racist, and offensive emails, phone calls, and text messages related to the *People v. Trump* prosecution and directed to the District Attorney, Assistant District Attorneys assigned to this prosecution, and members of the Office's executive staff. *See id.* ¶¶ 7-8, 12-13.

20. Defendant also frequently targets several of the People's anticipated witnesses in this prosecution with attacks online and in other public statements. The People have documented those attacks on witnesses in other filings, and this Affirmation incorporates by reference those factual averments and accompanying exhibits. *See, e.g.,* People's Mot. for a Protective Order 2-3, 7-12 (Apr. 24, 2023); People's Mot. to Quash and for a Protective Order 3-8, 23-24 (Nov. 9, 2023); People's Mot. for a Protective Order Regulating Juror Addresses and Names 2-8 (Feb. 22, 2024).



**B. The federal criminal prosecution of defendant in Washington, D.C.**

21. During the investigation by Special Counsel Jack Smith into the efforts by defendant and others to subvert the results of the 2020 presidential election, defendant used social media to make repeated personal attacks on the Special Counsel and others. He called the Special Counsel a “thug”; a “deranged lunatic” and “psycho”; and a “sick and deranged sleazebag.” Ex. 1 at 10, 11, 12. He attacked the Special Counsel’s wife and his sister-in-law. *Id.* at 11, 13, 14, 15. And he attacked a potential witness in the case, former Attorney General William Barr, calling him a “Gutless Pig” and a “disgruntled former employee,” who is “lazy,” and “weak & totally ineffective.” *Id.* at 16.

22. On August 1, 2023, a federal grand jury in the District of Columbia returned an indictment charging defendant with various federal crimes for his role in attempting to subvert the results of the 2020 presidential election. *See* Indictment, *United States v. Trump*, No. 23-cr-257 (D.D.C. Aug. 1, 2023). A few days later, defendant posted on his social media: “IF YOU GO AFTER ME, I’M COMING AFTER YOU!” Ex. 1 at 17.

23. Defendant followed with posts attacking the judge assigned to oversee the District of Columbia case—U.S. District Judge Tanya S. Chutkan—asserting that there was “NO WAY I CAN GET A FAIR TRIAL”; that the “Obama appointed Judge” suffered from a “CLASSIC Conflict of Interest!”; and that she was a “highly partisan Judge” who was “VERY BIASED & UNFAIR” and “obviously wants me behind bars.” *Id.* at 18, 19, 20.

24. Defendant’s statements incited some of his followers to directly threaten participants in the federal proceeding. On August 11, 2023, Texas resident Abigail Jo Shry was charged with transmitting interstate death threats against Judge Chutkan. One day after defendant’s “I’M COMING AFTER YOU!” post, Shry called Judge Chutkan’s chambers, saying, “Hey you stupid slave n\*\*\*\*r . . . . If Trump doesn’t get elected in 2024, we are coming to kill you, so tread

lightly, b\*\*\*h. . . . You will be targeted personally, publicly, your family, all of it.” Aff. in Support of Criminal Complaint, *United States v. Shry*, No. 4:23-cr-00413 (S.D. Tex. Aug. 11, 2013) (Ex. 8).

25. Despite these threats, defendant has continued to attack Judge Chutkan and the Special Counsel. On October 30, 2023, defendant posted that the “Obama appointed Federal Judge in D.C., a TRUE TRUMP HATER, is incapable of giving me a fair trial” and “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!!!!” Ex. 1 at 21. On December 26, 2023, defendant posted that “Deranged Jack Smith” was a “Crooked Prosecutor” who “should go to HELL.” *Id.* at 22.

26. Defendant’s extrajudicial comments have included attempts to threaten potential witnesses. For example, defendant targeted former Vice President (and likely D.C. trial witness) Mike Pence, saying that “Liddle’ Mike Pence . . . has gone to the Dark Side.” *Id.* at 59. Defendant asserted that Pence was “delusional, and wants now he want to show he’s a tough guy. I once read a major magazine article on Mike. It said he was not a very good person. I was surprised, but the article was right. Sad!”

27. Defendant has also targeted former White House Chief of Staff (and likely D.C. trial witness) Mark Meadows, saying “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. . . . 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?” *Id.* at 23.

28. Citing a likelihood that defendant’s personal attacks would “undermine the integrity of [the] proceedings and prejudice the jury pool,” the Special Counsel requested an order prohibiting defendant from making certain extrajudicial statements. *See* Government’s Opposed Motion To Ensure That Extrajudicial Statements Do Not Prejudice These Proceedings, *United States v. Trump*, No. 23-cr-257 (TSC) (D.D.C. Sept. 15, 2023). Judge Chutkan granted the motion, finding that “[u]ndisputed 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.” *Trump*, 2023 WL 6818589, at \*1. The district court concluded that allowing defendant to continue his online attacks posed “a significant and immediate risk that (1) witnesses will be intimidated or otherwise unduly influenced by the prospect of being themselves targeted for harassment or threats; and (2) attorneys, public servants, and other court staff will themselves become targets for threats and harassment.” *Id.* The court thus entered an order prohibiting “[a]ll interested parties . . . from making any public statements, or directing others to make any public statements, that target (1) the Special Counsel prosecuting this case or his staff; (2) defense counsel or their staff; (3) any of this court’s staff or other supporting personnel; or (4) any reasonably foreseeable witness or the substance of their testimony.” *Id.* at \*2.

29. The U.S. Court of Appeals for the D.C. Circuit slightly narrowed but otherwise upheld the district court’s order. The D.C. Circuit agreed with the district court that “some of Mr. Trump’s speech poses a significant and imminent threat to the fair and orderly adjudication of the criminal proceeding against him.” *Trump*, 88 F.4th at 1010. First, his attacks on “known or reasonably foreseeable witnesses . . . pose a significant and imminent threat to individuals’ willingness to participate fully and candidly in the process, to the content of their testimony and

evidence, and to the trial’s essential truth-finding function.” *Id.* at 1012. Second, “certain speech about counsel and staff working on the case poses a significant and imminent risk of impeding the adjudication of this case.” *Id.* at 1014. The D.C. Circuit thus concluded that “[g]iven the record in this case, the court had a duty to act proactively to prevent the creation of an atmosphere of fear or intimidation aimed at preventing trial participants and staff from performing their functions within the trial process.” *Id.*

30. The D.C. Circuit found no constitutional barrier to imposing such protections. In conducting its own balancing of the relevant interests, the court somewhat narrowed the relief imposed by the district court in order to “maximize the amount of protected speech allowed while still averting the substantive evil of unfair administration of justice.” *Id.* at 1019 (quotation marks omitted). The D.C. Circuit thus imposed limitations on defendant that parallel the relief requested here. First, the court “prohibit[ed] all parties and their counsel from 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.” *Id.* at 1027-28. Second, the court “prohibit[ed] all parties and their counsel from making or directing others to make public statements about—(1) counsel in the case other than the Special Counsel, (2) members of the court’s staff and counsel’s staffs, 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 highly likely to result.” *Id.* at 1028. These prohibitions are identical to the first and second requests for relief in the People’s motion here.<sup>2</sup>

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<sup>2</sup> As described in the memorandum of law below, the People’s motion further requests a narrow restriction on statements about jurors or prospective jurors, based on defendant’s history of attacking jurors in the proceedings against him.

**C. The New York Attorney General civil enforcement action.**

31. On September 21, 2022, New York Attorney General Letitia James filed a civil lawsuit against defendant and several of his businesses, employees, and family members, asserting causes of action based on claims that defendant fraudulently inflated his net worth in order to secure loans and obtain economic benefits. *See* Verified Compl., *People by James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Sept. 21, 2022), NYSCEF Doc. No. 1. The case was assigned to Justice Arthur F. Engoron.

32. The court granted the State’s motion for partial summary judgment in September 2023, *see* Decision & Order on Motions, *People by James v. Trump*, Index No. 452564 (Sup. Ct. N.Y. Cnty. Sept. 26, 2023), NYSCEF Doc. No. 1531, and held a bench trial of the remaining claims and potential remedies between October 2023 and January 2024.

33. On February 16, 2024, the court imposed monetary penalties and injunctive relief based on post-trial factual findings that defendant, two of his sons, and two former employees engaged in repeated and persistent fraud and illegality in transacting business in New York. *See generally* Decision and Order After Non-Jury Trial, *People by James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Feb. 16, 2024), NYSCEF Doc. No. 1688.

34. Throughout the trial, defendant targeted Attorney General James and Justice Engoron with personal attacks online. For example, he repeatedly called the Attorney General “corrupt and racist,” Ex. 1 at 24; and called Justice Engoron a “grossly incompetent ‘Judge’” and a “partisan political hack,” who was “ROGUE” and “OUT OF CONTROL.” *Id.* at 26. Defendant claimed to be “in a rat’s nest of NEW YORK DEMOCRAT CORRUPTION” with a “Radical Left Judge, who came up through Democrat Club System” and a “CORRUPT, RACIST, & INCOMPETENT A.G., Letitia ‘Peekaboo’ James, considered the WORST ATTORNEY GENERAL IN THE UNITED STATES.” *Id.* at 27.

35. Defendant also attacked Justice Engoron’s wife and son in repeated public statements. *Id.* at 30-40, 42-43.

36. Defendant also attacked Michael Cohen, a witness in that trial, as a “SleazeBag Lawyer” whose testimony was either exculpatory or false. *Id.* at 28.

37. Defendant also attacked Justice Engoron’s law clerk through comments on social media and in other public statements. In response, Justice Engoron entered an order prohibiting defendant from making any statements about court staff. The order noted that immediately after one of defendant’s social media posts, the court was “inundated with hundreds of harassing and threatening phone calls, voicemails, emails, letters, and packages.” Order, *People by James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Nov. 3, 2023) (Ex. 16).

38. A New York court security official attested in a sworn affirmation that defendant’s public attacks on Justice Engoron and his law clerk had “resulted in hundreds of threatening and harassing voicemail messages” that, when transcribed, spanned “over 275 single spaced pages.” Affirmation of Charles Hollon (“Hollon Aff.”) ¶ 5, *Matter of Trump v. Engoron*, Appellate Case No. 2023-05859 (1st Dep’t 2023) (Ex. 9). The law clerk’s personal information had also been compromised, the court security official explained, with the result that she was receiving an average of “20-30 calls per day to her personal cell phone and approximately 30-50 messages per day” on her social media and email accounts, with “harassing, disparaging comments and antisemitic tropes.” Hollon Aff. ¶ 6 (Ex. 9). The official attested that Justice Engoron’s order had decreased the number of “threats, harassment, and disparaging messages,” but they had increased “when [defendant] violated the gag orders.” *Id.* ¶ 11. And he added that the “hundreds of harassing and threatening phone calls, voicemail messages, and emails” had required courthouse security to

“constantly reassess and evaluate what security protections to put in place to ensure the safety of the judge and those around him.” *Id.* ¶ 12.

39. In response, Justice Engoron entered an order prohibiting the attorneys and parties from making statements about court staff. *See* Tr. 270-71, *People by James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Oct. 3, 2023). Justice Engoron then entered separate orders on October 20 and 26, 2023, sanctioning defendant for failing to comply with the order. *See* Order, *People ex rel. James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Oct. 20, 2023) (Ex. 14); Order, *People ex rel. James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Oct. 26, 2023) (Ex. 15). Defendant filed a C.P.L.R. Article 78 petition in the Appellate Division, First Department, seeking a writ of prohibition against the enforcement of Justice Engoron’s order. That court dismissed the petition, however, concluding that a writ of prohibition was not a proper avenue to challenge the order. *See Matter of Trump v. Engoron*, 2023 NY Slip Op. 06461, at \*1 (1st Dep’t 2023).

**D. The Fulton County, Georgia criminal prosecution.**

40. In May 2022, the Fulton County District Attorney convened a special grand jury to investigate allegations that defendant and others had illegally interfered with the State’s 2020 presidential election. The special grand jury issued a report, which was partially unsealed in February 2023, detailing the results of its investigation. The District Attorney then presented charges to a Fulton County grand jury, which returned an indictment on August 14, 2023, charging defendant and 18 other individuals with several crimes. *See* Indictment, *Georgia v. Trump et al.*, 23-SCI-88947 (Fulton Cnty. Super. Ct. Aug. 14, 2023).

41. Throughout this period, defendant made numerous public statements personally attacking individuals involved in the proceeding. For instance, shortly after the special grand jury’s report was partially unsealed, defendant attacked the jury foreperson, claiming that the “Georgia

case is ridiculous” and that “you have an extremely energetic young woman, the (get this!) ‘foreperson’ of the Racist D.A.’s Special Grand Jury, going around and doing a Media Tour revealing, incredibly, the Grand Jury’s inner workings & thoughts. This is not JUSTICE, this is an illegal Kangaroo Court.” Ex. 1 at 4.

42. Then, during the grand jury proceeding, defendant attacked its work, exhorting his followers that “OUR COUNTRY CAN NEVER LET THIS STAND!” *Id.* at 5. He targeted a potential witness, saying: “I am reading reports that failed former Lt. Governor of Georgia, Jeff Duncan, will be testifying before the Fulton County Grand Jury.” Defendant stated that the witness should not testify and called him “a nasty disaster” and a “loser.” *Id.* at 6. Defendant also told his followers, “WOULD SOMEONE PLEASE TELL THE FULTON COUNTY GRAND JURY THAT I DID NOT TAMPER WITH THE ELECTION.” *Id.* at 7.

43. Almost immediately after these comments, far-right websites began circulating personal identifying information of the jurors on the Fulton County grand jury that had returned the indictment. *See, e.g.,* Donie O’Sullivan et al., *Purported Names, Photos and Addresses of Fulton County Grand Jurors Circulate on Far-Right Internet*, CNN (Aug. 18, 2023). This disclosure of information resulted in “law enforcement officials, including the Atlanta Police Department, Fulton County Sheriff’s Office, and other police departments in the jurisdiction, putting plans in place to protect the grand jurors and prevent harassment and violence against them.” State’s Mot. to Restrict Jurors’ Identities 3, *Georgia v. Trump et al.*, 23-SCI-88947 (Fulton County Super. Ct. Sept. 6, 2023) (Ex. 5).

44. Georgia prosecutors thereafter moved to protect the identities of trial jurors. In support of that application, the Chief of Police for the City of Atlanta submitted a sworn statement attesting that because of the public disclosure of grand jurors’ identifying information, the Atlanta



Police Department had “enacted an operational plan to protect those [members of the grand jury] that resided in the city of Atlanta” and had “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 . . . to ensure that safety measures were put in place to prevent harassment and violence against the grand jurors.” Ex. 5 at 8 (Schierbaum Aff.). He further attested that “[t]he 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.” *Id.* at 9.

45. Defendant’s relentless personal attacks online and in other public statements resulted in threats and harassment. For instance, on October 25, 2023, an Alabama resident was indicted on charges of transmitting interstate threats to injure Fulton County District Attorney Fani Willis and Fulton County Sheriff Patrick Labat because of their connections to the criminal prosecution of defendant. *See* Indictment, *United States v. Hanson*, No. 1:23-cr-0343 (N.D. Ga. Oct. 25, 2023) (Ex. 6).

**E. Fulton County poll workers.**

46. After the 2020 election, defendant falsely accused two Georgia poll workers, Ruby Freeman and her daughter, of tampering with Georgia’s 2020 presidential election. Freeman began receiving death threats and other harassment after the accusation.

47. Freeman described her ordeal in testimony to the Select Committee to Investigate the January 6th Attack on the Capitol, explaining how defendant’s public attacks and the attacks of his allies had affected her personally. She testified that she had “received hundreds of racist, threatening, horrible calls and messages,” and was forced to vacate her home “for safety” for approximately two months, beginning around January 6, 2021. Interview of Ruby Freeman before

the Select Committee to Investigate the January 6th Attack on the U.S. Capitol at 7, 25-26 (May 31, 2022) (Ex. 7). She testified that she was afraid to use her name in public: “Now I won’t even introduce myself by name anymore. I get nervous when I bump into someone I know in the grocery store who says my name. I’m worried about who’s listening. I get nervous when I have to give my name for food orders. I’m always concerned about who’s around me.” *Id.* at 6.

48. Defendant continued his personal attacks despite this public record of harassment. In January 2023, he posted that there would be “TROUBLE FOR RUBY” and that the “Great State of Georgia” should “get rid of the turmoil and guilt, and take our Country back from the evils and treachery of the Radical Left monsters who want to see America die.” Ex. 1 at 9.

**F. The *United States v. Stone* prosecution.**

49. In November 2019, Roger Stone, an official on defendant’s 2016 presidential campaign, was found guilty by a jury of obstructing a congressional investigation, making false statements to Congress, and tampering with a witness.

50. After the conviction, defendant made several statements on social media attacking one individual who served on Stone’s jury. Defendant accused the jury foreperson of having “significant bias,” *id.* at 1, because she had posted comments on social media that were “so harshly negative about the President & the people who support him.” *Id.* at 2. Later, defendant posted that “[t]here has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of ‘Trump’ and Stone. She was totally biased, as is the judge.” *Id.* at 3.

51. In response to a third-party request for disclosure of the sealed juror questionnaires in *United States v. Stone*, twelve jurors filed sworn declarations with the federal district court opposing release of the questionnaires and expressing concern that personally-identifying information in the questionnaires would expose them and their families to serious safety risks from

defendant or his followers. Ex. 2 (Jurors' Br. in Opposition to Release of Questionnaires); Ex. 3 (Juror Declarations); Ex. 4 (Jacqueline Thomsen, *Roger Stone Jurors, Citing Trump Tweets, Say They've Been Threatened and Fear Harassment*, N.Y. Law Journal, Apr. 17, 2020).

52. For instance, Juror E in that case attested that: "Given the current climate of polarization and harassment, I do not want to draw any attention to myself, my family, or my employer in any way, shape, or form. It is intimidating when the President of the United States attacks the foreperson of a jury by name. . . . The threat of being exposed and harassed for jury service creates a situation where people may not be willing to serve as jurors." Ex. 3 at PDF p.18. Juror K attested that after serving on the jury: "I have been named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others. After facing this barrage of harassment, I still feel unsafe. Any more information connected to me that becomes public puts me in danger, and puts the people I identified in my questionnaire in danger without any legitimate reasons." Ex. 3 at PDF p.42.

**G. Defendant's advocacy of revenge and retribution against perceived opponents.**

53. Defendant's attacks on the judicial process are of a piece with his broader history of advocating revenge and retribution against his perceived opponents. For example, in a 2004 book, defendant wrote: "When somebody hurts you, just go after them as viciously and as violently as you can." Ex. 11. He wrote: "For many years I've said that if someone screws you, screw them back." *Id.*

54. In a book published in 2007, defendant wrote: "My motto is: Always get even. When somebody screws you, screw them back in spades." Ex. 12. He also wrote: "When you are wronged, go after those people because it is a good feeling and because other people will see you doing it." *Id.*

55. Press accounts note that threats of retribution are a core theme of defendant’s recent public statements. *See, e.g.,* Ian Prasad Philbrick & Lyna Bentahar, *Donald Trump’s 2024 Campaign, in His Own Menacing Words*, N.Y. Times, Dec. 5, 2023 (collecting defendant’s public statements); Brett Samuels, *Trump Signals He’s Out for Revenge in Second Term*, TheHill.com, Nov. 16, 2023 (collecting statements).

56. Defendant has also acknowledged—and reports have confirmed—that his public attacks have incited his supporters to engage in their own misconduct, yet defendant has refused to moderate his comments to prevent such harms. *See, e.g.,* Transcript, CNN Town Hall with Former President Donald Trump (May 11, 2023) (defendant acknowledging that his supporters listen to him “like no one else”); Sheera Frenkel & Annie Karni, *Proud Boys Celebrate Trump’s ‘Stand By’ Remark About Them at the Debate*, N.Y. Times, Sept. 29, 2020 (reporting that far-right groups considered defendant’s nationally-televised statement, “Proud Boys—stand back and stand by,” to be a “tacit endorsement of their violent tactics”).

57. For example, press reports have collected numerous accounts in which participants in the January 6, 2021 attack on the U.S. Capitol, for example, professed to be acting on orders from defendant based on public statements he made. *See Trump*, 663 F. Supp. 3d at 381 n.3 (collecting news reports); *see also United States v. Taranto*, No. 1:23-cr-229, ECF No. 27 (D.D.C. Sept. 12, 2023) (noting that, after defendant posted what he claimed was the home address of former President Obama, a heavily armed individual who had also participated in the January 6 assault on the Capitol proceeded to that area).

#### **MEMORANDUM OF LAW**

“Although litigants do not surrender their First Amendment rights at the courthouse door, those rights may be subordinated to other interests that arise in this setting.” *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 32 n.18 (1984). Here, the compelling interest in ensuring the fair

administration of justice in this criminal proceeding warrants an order restricting defendant from making statements that threaten, harass, and intimidate the participants in this trial. Specifically, the People seek an order preventing defendant 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.

The relief requested here parallels orders issued by other courts where defendant is currently a litigant. In defendant's federal criminal case pending in the District of Columbia, the U.S. Court of Appeals for the D.C. Circuit upheld restrictions on defendant's speech that are identical to the first two restrictions sought here. *See United States v. Trump*, 88 F.4th 990, 1010-14 (D.C. Cir. 2023), *pet. for reh'g en banc denied*, 2024 WL 250647 (D.C. Cir. Jan. 23, 2024). In the New York Attorney General's civil enforcement case, Justice Engoron barred defendant from making public statements about court staff or about confidential communications between the court and staff, and the First Department dismissed defendant's Article 78 petition challenging those restrictions. *See Trump v. Engoron*, 2023 N.Y. Slip Op. 06461, \*2-\*3 (1st Dep't 2023), *appeal dismissed*, 2024 N.Y. Slip Op. 60641 (Ct. App. 2024). And in defendant's recent defamation damages trial in federal court—where the plaintiff made no request to restrain defendant's derogatory online speech—the court sua sponte shielded jurors from defendant's online abuse by using an anonymous jury, and then advised jurors not to disclose their identities

after they were discharged from service. *See* Order, *Carroll v. Trump*, No. 20-cv-7311 (S.D.N.Y. Nov. 3, 2023); Maria Cramer, *Jury Orders Trump to Pay Carroll \$83.3 Million for Defamation*, N.Y. Times, Jan. 26, 2024. Each of these courts exercised their “well established” authority to impose reasonable measures to protect the integrity of a pending judicial proceeding against prejudice from defendant’s extrajudicial statements. *Matter of Nat’l Broadcasting Co. v. Cooperman*, 116 A.D.2d 287, 289 (2d Dep’t 1986); *see Sheppard v. Maxwell*, 384 U.S. 333, 363 (1966).

The D.C. Circuit, in upholding limitations on defendant essentially identical to the ones sought here, concluded that “a significant and imminent threat to the administration of criminal justice will support restricting Mr. Trump’s speech.” 88 F.4th at 1008. The U.S. Supreme Court and the New York courts have typically applied a “less demanding” standard, holding that such an order will be permissible if a trial participant’s extrajudicial speech “is substantially likely to have a materially prejudicial effect,” *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1074, 1076 (1991), or if it poses “a reasonable likelihood of a serious threat” to the integrity of the proceeding, *Cooperman*, 116 A.D.2d at 292; *Lowinger v. Lowinger*, 264 A.D.2d 763, 763 (2d Dep’t 1999). The People take the position that *Gentile*’s “substantial likelihood of material prejudice” is the correct standard to apply here; but this Court need not resolve any debate over the applicable standard because, as the D.C. Circuit also concluded, defendant’s tendency to make inflammatory remarks about participants in the judicial process satisfies even “the most demanding scrutiny.” 88 F.4th at 1008. In addition, any restrictions on a party’s speech must be narrowly tailored, and there must be a showing that no less restrictive alternatives would be as effective at preserving the integrity of the proceeding. *See Cooperman*, 116 A.D.2d at 293-94; *see also Cleveland v. Perry*, 175 A.D.3d 1017, 1019 (4th Dep’t 2019); *accord Gentile*, 501 U.S. at 1075-76.

As explained below, these principles warrant the narrow relief requested here. Defendant's history of public attacks indicates that such misconduct is likely to recur here. As the D.C. Circuit found, such attacks by defendant "pose[] a significant and imminent threat to the fair and orderly adjudication of the criminal proceeding against him." 88 F.4th at 1010. Defendant's attacks directly harass, intimidate, or threaten other participants in the judicial process, including potential witnesses, jurors, court staff, and prosecutors. And past experience shows that defendant's statements also incite others toward the same ends. The restrictions sought here are narrowly tailored to protect the integrity of this trial while still allowing defendant ample room for legitimate speech, including speech about this case. And there are no less restrictive measures that can adequately address the prejudice likely to be caused by defendant's attacks on the judicial process.

**I. Defendant's history of attacks create a reasonable likelihood of witness intimidation, juror interference, and harassment of other participants in this criminal proceeding.**

As documented above, defendant has a long history of making comments on social media and through other means that target individuals whom he perceives as adversaries. Aff. ¶¶ 8-57. Defendant's history of public attacks includes statements targeting witnesses and jurors in his various court proceedings. He has also publicly attacked judges, court staff, prosecutors, and other government officials. Those attacks have had direct and serious consequences for his targets. And those harms are multiplied as defendant's followers take his lead to pursue additional threats, intimidation, and harassment.

These facts establish that, without the relief requested here, defendant's unrestrained speech will pose a significant and imminent threat to the integrity of this proceeding and the fair and orderly adjudication of this case. Indeed, the federal judge presiding over defendant's criminal trial in the District of Columbia cited much the same factual record presented here in concluding that defendant's extrajudicial statements posed "grave threats to the integrity" of that proceeding.

*United States v Trump*, No. 23-cr-257 (TSC), 2023 WL 6818589, at \*2 (D.D.C. Oct. 17, 2023). And the D.C. Circuit agreed with that conclusion, holding that defendant’s “documented pattern of speech and its demonstrated real-time, real-world consequences pose a significant and imminent threat to the functioning of the criminal trial process.” *Trump*, 88 F.4th at 1012. This Court itself has already granted and then extended a protective order governing defendant’s use and disclosure of materials obtained in discovery where “Defendant’s continued pattern of conduct further supports the enhanced need for [a protective order] to reduce the potential for further witness intimidation and harassment on the part of Defendant.” *See* Order on People’s Mot. to Quash and for a Protective Order at 12, *People v. Trump*, Ind. No. 71543-2023 (Dec. 18, 2023).

Defendant’s history establishes this “significant and imminent threat,” *id.*, in a number of ways. For one, defendant’s extrajudicial statements threaten to intimidate witnesses and interfere with the jury’s impartiality. As the record establishes, public targeting by the former President of the United States alone exerts immense pressure on any potential witness or juror. That pressure is magnified here because of the likelihood that defendant’s statements will be followed by threats and harassment from his followers. Such pressure could deter witnesses from testifying or influence their testimony; it could similarly dissuade prospective jurors from participating or infect their deliberation of the questions before them.

Those risks constitute a serious threat to the trial’s integrity. It is a “basic tenet” of the criminal justice system that a defendant’s guilt should be “decided by impartial jurors, who know as little as possible of the case, based on material admitted into evidence before them in a court proceeding.” *Gentile*, 501 U.S. at 1070. In service of that principle, both federal and state law prohibit witness tampering and juror intimidation. *See* 18 U.S.C. §§ 1503(a), 1512(b), (d); Penal Law §§ 215.10, 215.25. Apart from these sanctions, the law has “long recognized the importance



of shielding witnesses from external influences” and has accepted that juror impartiality is “one of the most powerful interests supporting broad prohibitions on trial participants’ speech.” *Trump*, 88 F.4th at 1012, 1020.

Defendant’s statements targeting court staff and prosecutors also create a significant and imminent threat to the trial by distracting personnel, diverting government resources, and delaying the administration of justice. As this Court is well aware, facilitating defendant’s attendance for court proceedings already requires extensive security measures that create immense burdens on the court system. Allowing defendant to train his personal attacks on court staff and prosecutors will exacerbate this already extraordinary burden, requiring court security and other law enforcement and public safety agencies to devote additional resources to these proceedings and diverting law enforcement to investigate the threats that inevitably follow those personal attacks. *Trump*, 88 F.4th at 1014; *see* Pistilli Aff. ¶¶ 5, 8, 10-14 (Ex. 13).

Other jurisdictions have already experienced this effect. In the Fulton County prosecution, the Atlanta Chief of Police described the “significant devotion of our capacity” and the resulting “strain on law enforcement resources” necessitated to ensure that participants in the prosecution were able to perform “their civic duty without being subjected to unnecessary danger.” Schierbaum Aff. (Ex. 5 at PDF p.9). In the New York civil fraud trial, court security personnel described having to “constantly reassess and evaluate what security protections to put in place” to respond to the threats and harassment that followed defendant’s public attacks on the judge and court staff. Hollon Aff. ¶ 12 (Ex. 9). And in the investigation that led to the federal prosecution of defendant for mishandling classified documents, a court previously noted that “[a]fter the public release of an unredacted copy of” part of the Mar-a-Lago search warrant affidavit, “FBI agents involved in th[e] investigation were threatened and harassed.” *In re Sealed Search Warrant*, 622 F. Supp. 3d 1257,

1263 (S.D. Fla. 2022). The Supreme Court has recognized that “the unhindered and untrammelled functioning of our courts is part of the very foundation of our constitutional democracy.” *Trump*, 88 F.4th at 1004 (quoting *Cox v. Louisiana*, 379 U.S. 559, 562 (1965)). Here, allowing defendant unchecked opportunity to attack staff “will necessarily hinder the trial process and slow the administration of justice.” *Id.* at 1014. The foregoing concerns warranted restricting defendant’s speech in the District of Columbia prosecution, and they fully justify imposing similar restrictions in this case.

This case also raises additional concerns about “contamination of the jury pool” and the jury’s functioning that were acknowledged in the District of Columbia case but did not form the basis of any restrictions there. *Id.* at 1020-21 & n.18. There is good reason to believe that prospective jurors will be reluctant to serve on the jury if they believe that defendant will follow his past practice of targeting them with public attacks. Indeed, every single juror in the *United States v. Stone* prosecution sought to prevent the disclosure of their personal information because of the harassment and threats they had received as a result of their jury service in that matter. Aff. ¶¶ 51-52. Those harms will likely be even more serious in this case, where, unlike in *Stone*, defendant himself is the subject of the criminal prosecution. This potential for prejudice will impact “actual or potential jurors in ways that are difficult to remedy.” *Trump*, 88 F.4th at 1020. These concerns—which are more fully explained in a separate motion the People have filed to restrict access to the names and addresses of prospective and sworn jurors—authorize this Court to protect jurors as well from defendant’s extrajudicial comments. *Id.*

**II. The requested restrictions are narrowly tailored to prevent interference with the administration of this criminal proceeding.**

The People request restrictions on defendant's speech that are narrowly tailored to limit the potential prejudicial effect that would result from targeting participants to the case, while allowing defendant latitude to engage in legitimate speech, including speech about the trial.

The requested order does not prohibit all speech about the case; it merely prohibits statements targeting certain participants who are entitled to be free from threats, harassment, intimidation. Thus, for example, rather than prohibiting all statements by defendant about any potential witness, the requested order prohibits only statements concerning a witness's "potential participation in the investigation or in this criminal proceeding." This limitation recognizes and accommodates the possibility that defendant may have an interest in speaking about potential witnesses on matters that are unconnected to the witness's involvement in the proceeding.<sup>3</sup> Likewise, with regard to court or prosecution staff, the requested order would prohibit statements that are intended to interfere with proceedings or that are made knowing that such interference is highly likely to result.<sup>4</sup> No litigant could credibly claim an entitlement to make intentionally or knowingly disruptive statements. *See, e.g., Trump v. United States*, 54 F.4th 689, 701 (11th Cir.

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<sup>3</sup> Defendant's interest on this front was particularly heightened in the D.C. prosecution because some of the fact witnesses in that prosecution were either defendant's rivals for the presidential nomination (like former Vice President Pence) or cabinet-level officials who served in defendant's administration (like former Attorney General Barr), such that it was important to preserve defendant's ability to criticize their policy positions while still protecting against impairing the criminal case. *Trump*, 88 F.4th at 1021-22. Here, by contrast, the potential witnesses are not defendant's competitors for nomination or former cabinet-level officials. It is therefore far less likely as a practical matter that any statements defendant makes about a witness here would be unconnected to the witness's involvement in this proceeding. Nonetheless, the limiting language proposed by the People here would accommodate such protected speech, however unlikely it is to occur.

<sup>4</sup> It bears repeating that even facially neutral comments by defendant may be tailored to invite threats, harassment, and intimidation by his supporters. As the D.C. Circuit aptly observed, "[c]ontext matters." *Trump*, 88 F.4th at 1023.

2022) (“To create a special exception here would defy our Nation’s foundational principle that our law applies to all, without regard to numbers, wealth, or rank.”). The D.C. Circuit held that similar limitations adequately protected defendant’s free speech interests in that case, *see Trump*, 88 F.4th at 1022-23, 1024-25, and the People request their imposition here to ensure that the Court’s order is equally narrowly tailored.

The requested order is narrower than other orders restricting extrajudicial speech that courts have upheld. For example, courts have upheld orders that broadly prohibit litigants from discussing *any* aspect of a case. *See, e.g., United States v. Tijerina*, 412 F.2d 661, 663 (10th Cir. 1969) (prohibiting attorneys and litigants from “mak[ing] or issu[ing] any public statement, written or oral, either at a public meeting or occasion or for public reporting or dissemination in any fashion regarding the jury or jurors in this case, prospective or selected, the merits of the case, the evidence, actual or anticipated, the witnesses or rulings of the Court”); *see also United States v. Brown*, 218 F.3d 415, 418 (5th Cir. 2000) (prohibiting counsel and litigants from saying “anything about the case which could interfere with a fair trial, including statements intended to influence public opinion regarding the merits of this case” (quotation marks omitted)). Here, as indicated, the requested order is drawn narrowly to prescribe only certain statements about certain participants in the criminal case.

### **III. No less restrictive alternatives would be sufficient.**

Before imposing an order restricting defendant’s speech, this Court must consider alternate means of protecting the integrity of the trial. The U.S. Supreme Court identified four possible alternate mechanisms to mitigate the risks posed by a defendant’s extrajudicial statements: questioning prospective jurors, instructing seated jurors to ignore extrajudicial statements, changing venue, and postponing the trial. *See Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 563-64 (1976). The D.C. Circuit also considered a fifth alternative: self-regulation. *See Trump*, 88 F.4th

at 1017. Ultimately, however, that court agreed with the district court in that proceeding that there was no “less-speech-restrictive alternative [that] could viably protect against the imminent threat” posed by defendant’s extrajudicial speech. *Id.* The same is true here.

Self-regulation is not a viable alternative, as defendant’s recent history makes plain. In this case, the Court already admonished defendant to “[p]lease refrain from making comments or engaging in conduct that has the potential to invite violence, create civil unrest, or jeopardize the safety or well-being of any individuals.” Tr. of Arraignment at 13, *People v. Trump*, Ind. No. 71543-23 (Apr. 4, 2023) (“I’m not making it an order. But now that I have made the request, if I were to be handed something like this again, I have to take a closer look at it.”). The district court overseeing defendant’s prosecution in the District of Columbia likewise initially resorted to warnings alone; the warnings proved ineffective. *See Trump*, 88 F.4th at 1017. And in the civil-fraud trial, Justice Engoron was forced to cite defendant for contempt twice for violating the gag order in that case. *See Order, People ex rel. James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Oct. 20, 2023) (Ex. 14); *Order, People ex rel. James v. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty. Oct. 26, 2023) (Ex. 15). Defendant has not proven capable of regulating his impulse to engage in wide-ranging personal attacks when faced with legal claims.

Questioning potential jurors and instructing seated ones are not viable alternatives either. For one thing, these remedies “would do nothing to prevent or redress the harm to witnesses’ participation or to staff beleaguered by threats or harassment.” *Trump*, 88 F.4th at 1017. Nor would they effectively address the specific risks created by defendant’s personal attacks. Juror questionnaires and instructions are intended to address the potential for bias created by jurors’ extrajudicial knowledge about the case; they are not intended to address the prejudice created by threats and harassment. No set of questions or instructions will likely make them more willing to

endure attacks from defendant and his supporters or to disregard threats to themselves and their families. The only effective cure for that prejudice “lies in those remedial measures that will prevent the prejudice at its inception”—that is, an order prohibiting defendant from engaging in his public attacks in the first place. *Sheppard*, 384 U.S. at 363; see *Application of Dow Jones & Co.*, 842 F.2d 603, 609 (2d Cir. 1988) (“[P]rophylactic measures are preferred over remedial ones.”).

Change of venue and delay are also not viable alternatives. Defendant’s “rhetoric has national reach,” meaning that his speech will pose the same threat to trial participants “regardless of locale.” *Trump*, 88 F.4th at 1017-18; see *Gentile*, 501 U.S. at 1075 (recognizing that “a change of venue may not suffice to undo the effects of [extrajudicial] statements”). And delaying the trial—in effect, granting defendant the relief that this Court has now denied many times—would “create perverse incentives” and “unreasonably burden the judicial process.” *Id.* at 1018. It would also be ineffectual, since allowing defendant yet more time to engage in public attacks would impair the integrity of this trial more, not less.

In sum, defendant’s well-documented history of personal attacks poses a significant and imminent threat to the administration of criminal justice and warrants imposition of an order narrowly restricting defendant from making certain extrajudicial statements, in line with restrictions already imposed by other courts in defendant’s various criminal and civil proceedings.

Dated: February 22, 2024

Steven C. Wu  
Philip V. Tisne  
*Of Counsel*

Respectfully submitted,

By: /s/ Matthew Colangelo

Matthew Colangelo

Christopher Conroy

Susan Hoffinger

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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.

Ind. No. 71543-23

**AFFIRMATION OF SERVICE**

The undersigned affirms under penalty of perjury that on February 22, 2024, he served the foregoing Motion and the accompanying Affirmation, Memorandum of Law, and Exhibits on counsel for defendant (Todd Blanche, Susan Necheles, Emil Bove, Gedalia Stern, and Stephen Weiss) by email with consent.

Dated: February 22, 2024

Respectfully submitted,

/s/ Matthew Colangelo  
Matthew Colangelo  
Assistant District Attorney



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

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**THE PEOPLE OF THE STATE OF NEW YORK**

**-against-**

**DONALD J. TRUMP,**

**Defendant.**

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**MOTION FOR AN ORDER RESTRICTING EXTRAJUDICIAL STATEMENTS**

**Indictment No. 71543-23**

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**Alvin L. Bragg, Jr.  
District Attorney  
New York County  
One Hogan Place  
New York, New York 10013  
(212) 335-9000**

Exhibits to People's Motion for an Order Restricting  
Extrajudicial Statements (Feb. 22, 2024)

Ex. 1

← Post



**Donald J. Trump** ✓  
@realDonaldTrump



Now it looks like the fore person in the jury, in the Roger Stone case, had significant bias. Add that to everything else, and this is not looking good for the "Justice" Department. [@foxandfriends](#) [@FoxNews](#)

7:57 AM · Feb 13, 2020

10K


13K

54K

61




← Post

 **Donald J. Trump**   
@realDonaldTrump



“Judge Jackson now has a request for a new trial based on the unambiguous & self outed bias of the foreperson of the jury, whose also a lawyer, by the way. ‘Madam foreperson, your a lawyer, you have a duty, an affirmative obligation, to reveal to us when we selected you the.....

7:58 AM · Feb 18, 2020

 9.8K  10K  46K  67 



 Post your reply

Reply

 **Donald J. Trump**  @realDonaldTrump · Feb 18, 2020

.....existence of these tweets in which you were so harshly negative about the President & the people who support him. Don't you think we wanted to know that before we put you on this jury? Pretty obvious he should (get a new trial). I think almost any judge in the Country.....

 1.2K  5.1K  27K   

 **Donald J. Trump**  @realDonaldTrump · Feb 18, 2020

.....would order a new trial, I'm not so sure about Judge Jackson, I don't know.” @Judgenap (Andrew Napolitano) @foxandfriends

 2.7K  4.9K  25K   

← Tweet



**Donald J. Trump** ✓  
@realDonaldTrump



There has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of “Trump” and Stone. She was totally biased, as is the judge. Roger wasn’t even working on my campaign. Miscarriage of justice. Sad to watch!

3:01 PM · Feb 25, 2020

**11.7K** Retweets **2,220** Quotes **60.3K** Likes **72** Bookmarks



← Truth Details

Trending

838 replies



Donald J. Trump  
@realDonaldTrump

This Georgia case is ridiculous, a strictly political continuation of the greatest Witch Hunt of all time. Now you have an extremely energetic young woman, the (get this!) "foreperson" of the Racist D.A.'s Special Grand Jury, going around and doing a Media Tour revealing, incredibly, the Grand Jury's inner workings & thoughts. This is not JUSTICE, this is an illegal Kangaroo Court. Atlanta is leading the Nation in Murder and other Violent Crimes. All I did is make TWO PERFECT PHONE CALLS!!!

4.44k ReTruths 16k Likes

Feb 22, 2023, 11:22 AM

Reply


ReTruth

Like



← Truth Details



Donald J. Trump   
@realDonaldTrump

I just hope Republicans, and the people of our now failing Nation, see what is happening to our Democracy and Freedom. A sitting President has INDICTED, in many different forms and locals, his political opponent, who is substantially leading him in the Polls. NOTHING LIKE THIS HAS EVER HAPPENED BEFORE. OUR COUNTRY CAN NEVER LET THIS STAND!

10.6k ReTruths 35.1k Likes

Aug 14, 2023, 2:05 PM



Reply



ReTruth



Like



← Truth Details

Trending ▾



Donald J. Trump

@realDonaldTrump

I am reading reports that failed former Lt. Governor of Georgia, Jeff Duncan, will be testifying before the Fulton County Grand Jury. He shouldn't. I barely know him but he was, right from the beginning of this Witch Hunt, a nasty disaster for those looking into the Election Fraud that took place in Georgia. He refused having a Special Session to find out what went on, became very unpopular with Republicans (I refused to endorse him!), and fought the TRUTH all the way. A loser, he went to FNCNN!

6.54k ReTruths 24k Likes

Aug 14, 2023, 8:58 AM

Reply

ReTruth

Like







Donald J. Trump ✓  
@realDonaldTrump

WOULD SOMEONE PLEASE TELL THE FULTON COUNTY GRAND JURY THAT I DID NOT TAMPER WITH THE ELECTION. THE PEOPLE THAT TAMPERED WITH IT WERE THE ONES THAT RIGGED IT, AND SADLY, PHONEY FANI WILLIS, WHO HAS SHOCKINGLY ALLOWED ATLANTA TO BECOME ONE OF THE MOST DANGEROUS CITIES ANYWHERE IN THE WORLD, HAS NO INTEREST IN SEEING THE MASSIVE AMOUNT OF EVIDENCE AVAILABLE, OR FINDING OUT WHO THESE PEOPLE THAT COMMITTED THIS CRIME ARE. SHE ONLY WANTS TO "GET TRUMP." I WOULD BE HAPPY TO SHOW THIS INFO TO THE G.J.

7.7k ReTruths 26.4k Likes

Aug 14, 2023, 8:41 AM

Reply

ReTruth

Like





Donald J. Trump

@realDonaldTrump · Jan 3

Ruby Freeman, page 2: "BOOM under the table. Cut the zip ties to scan them so the number would go up...so that's how the number was CREATED, by the ballots going through the scanner...I do want an attorney. IT'S ALL A FRAUD. EVERYTHING THEY ARE SAYING IS FALSE. FROM THE SUITCASES OF THE BALLOT BOXES, TO WHY WE OPENED THEM BACK UP. EVERYTHING THEY SAID WAS FALSE." They got Ruby 7 top D.C. lawyers and protection from the FBI (Again?). WHY? She then "changed" her statements - LIED? TROUBLE FOR RUBY!!!

8.99k ReTruths 28k Likes

Jan 03, 2023, 12:07 AM

Reply

ReTruth

Like






**Donald J. Trump** ✓

@realDonaldTrump · Jan 3

What will the Great State of Georgia do with the Ruby Freeman MESS? Why not just tell the TRUTH, get rid of the turmoil and guilt, and take our Country back from the evils and treachery of the Radical Left monsters who want to see America die? MAKE AMERICA GREAT AGAIN!

**8.97k** ReTruths **33.4k** Likes

Jan 03, 2023, 12:29 AM

 Reply

 ReTruth

 Like





Donald J. Trump

@realDonaldTrump · 4h

This is the Thug, over turned consistently and unanimously in big cases, that Biden and his CORRUPT Injustice Department stuck on me. He's a Radical Right Lunatic and Trump Hater, as are all his friends and family, who probably "planted" information in the "boxes" given to them. They taint everything that they touch, including our Country, which is rapidly going to HELL!




OKSANA TRUMP

@OksanaTrump · 1d

Who is Jack Smith? Biden's 'Special Counsel' Lives Abroad, Married an Obama Devotee Linked to Soros, Clinton. #OksanaTrump

[thenationalpulse.com/2023/06/1...](https://thenationalpulse.com/2023/06/1...)

1.65k 4.94k 13.6k

 Donald J. Trump ✓  
@realDonaldTrump



This is the man who caused the Lois Lerner catastrophe with the IRS. He went after Evangelicals and Great Americans of Faith. The United States had to apologize, and pay major damages for what this deranged lunatic did. He had a unanimous loss in the Supreme Court. His wife is a Trump Hater, just as he is a Trump Hater—a deranged “psycho” that shouldn’t be involved in any case having to do with “Justice,” other than to look at Biden as a criminal, which he is!



1.48k ReTruths 3.74k Likes

Jun 09, 2023, 2:44 PM

← Truth Details

 Donald J. Trump   
@realDonaldTrump

Smith is a sick and deranged sleazebag. [pjmedia.com/news-and-politics/...](https://pjmedia.com/news-and-politics/)



**EXCLUSIVE: Previous Target of DOJ's Trump Legal Hit Squad Alleges Misconduct**

Special Counsel Jack Smith is overseeing the current investigation into and indictment of Donald Trump, who was arraigned Tuesday. But as USA Today reported, Smith "built [his] reputation" with his pr...

[pjmedia.com](https://pjmedia.com)

2.34k ReTruths 8.72k Likes

Jun 17, 2023, 9:45 AM

 Reply  ReTruth  Like  



**Donald J. Trump** ✓

@realDonaldTrump · Jan 12

Page 3. Fire a man who may very well turn out to be a criminal, Jack Smith. His conflicts, unfairness, and mental state of derangement make him totally unfit for the job of "getting Trump." Go after Biden and the Biden Crime Family instead. Like Bill Barr, the U.S. Attorneys in Delaware and Illinois are weak, ineffective, and afraid to do what must be done. The Election was RIGGED, and we are now losing our Country. We can't let that happen. MAKE AMERICA GREAT AGAIN!

1.53k 8.11k 29.6k



**Donald J. Trump** ✓

@realDonaldTrump · Jan 12

Page 2. For seven years, from the day I came down the escalator in Trump Tower, the Democrat Party has WEAPONIZED the "Legal" System, using City, State, and Federal Law Enforcement against me and the Republican Party as though they were a Private Protection Agency. The greatest Witch Hunt in American History must end now. I beat the Fake Impeachments, the disgraceful Mueller Persecution, and much else that the Fake News doesn't want to write or talk about, but this charade MUST STOP NOW!!!

1.07k 7.98k 28.8k



**Donald J. Trump** ✓


@realDonaldTrump · Jan 12

Page 1. The Special "Prosecutor" assigned to the "get Trump case," Jack Smith(?), is a Trump Hating THUG whose wife is a serial and open Trump Hater, whose friends & other family members are even worse, and as a prosecutor in Europe, according to Ric Grenell, put a high government official in prison because he was a Trump positive person. Smith is known as "an unfair Savage," & is best friends with the craziest Trump haters, including Lisa Monaco who runs "Injustice." The Boxes Scam is a HOAX...

793 7.57k 26k

← Truth Details



Donald J. Trump   
@realDonaldTrump

Attorney General Garland, Lisa Monaco, Matt Colangelo (now working at the D.A's Office to "GET TRUMP"), Deranged Jack Smith and, of course, Biden himself, who is losing to me in the Polls (by a lot), are all Trump Haters. Jack Smith's wife, Katy Chevigny, is the biggest Hater of them all. There is no way they can treat me fairly—but we will win, and MAKE AMERICA GREAT AGAIN!

557 ReTruths · 2.02k Likes

Jun 09, 2023, 4:19 PM

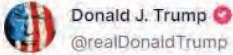
 Reply

 ReTruth

 Like







Donald J. Trump  
@realDonaldTrump

—And I'm supposed to get a fair shake from this person, who's under tremendous pressure from his family, but he is actually worse than they are? Can Republicans, and fair-minded people, generally, allow this to happen? Jack Smith is nothing less than a hit man for Obama, his Attorney General Eric Holder, and Andrew Weissmann. Weaponization. Our Country is in big trouble, a real mess!



paulsperry  
@paulsperry · Nov 23

BREAKING: The sister-in-law of Special Counsel Jack Smith compared Trump winning the WH to the 9/11 attacks, according to a blog she wrote after his 2016 election; and like Smith's wife, she contributed money to the Biden For President and Biden Victory Fund in 2020, FEC records show.

A NY psychotherapist, Smith's sister-in-law Blue Chevigny advised her "crying, sobbing" patients to "resist" and "fight" Trump's administration: "Trump was triggering for people...they felt threatened."

"I felt so scared myself, so utterly without hope, so depressed," Chevigny wrote on Nov. 19, 2016. "I woke up to the same feeling of dread I recalled after the attacks on 9/11."

"I wanted to be ready to act if Trump does something terrible, and I wanted my patients to be vigilant too"

Posted on 9:40 AM · Nov 23rd, 2022

6.08k ReTruths 18k Likes

Nov 28, 2022, 3:11 PM

- Reply
- ReTruth
- Like
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- More options

← Truth Details



Donald J. Trump ✓  
@realDonaldTrump

Virtually everyone is saying that the Indictment is about Election Interference & should not have been brought, except Bill Barr, a "disgruntled former employee" & lazy Attorney General who was weak & totally ineffective. He doesn't mean what he's saying, it's just MISINFORMATION. Barr's doing it because he hates "TRUMP" for firing him. He was deathly afraid of the Radical Left when they said they would Impeach him. He knows the Indictment is Bull.... Turn off FoxNews when that "Gutless Pig" is on!

8.2k ReTruths 30.7k Likes

Jun 11, 2023, 2:54 PM

Reply

ReTruth

Like



← Truth Details

Trending ▾



Donald J. Trump ✓  
@realDonaldTrump

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

16.6k ReTruths 48.1k Likes

Aug 04, 2023, 4:16 PM

Reply

ReTruth

Like



← Truth Details

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.

10.8k ReTruths 40.9k Likes

Aug 06, 2023, 9:26 AM

Reply

ReTruth

Like





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"

6.38k ReTruths 18.1k Likes

Aug 08, 2023, 4:47 PM

- Reply
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Donald J. Trump

@realDonaldTrump · 7h

The following TRUTH is a quote by highly partisan Judge Tanya Chutkan, angrily sentencing a J-6er in October of 2022. She obviously wants me behind bars. VERY BIASED & UNFAIR!

1.52k 2.65k 8.59k



Donald J. Trump

@realDonaldTrump · 7h

"I SEE THE VIDEOTAPES. I SEE THE FOOTAGE OF THE FLAGS AND THE SIGNS THAT PEOPLE WERE CARRYING AND THE HATS THAT THEY WERE WEARING, AND THE GARB. AND THE PEOPLE WHO MOBBED THAT CAPITOL WERE THERE IN FEALTY, IN LOYALTY, TO ONE MAN, NOT TO THE CONSTITUTION, OF WHICH MOST OF THE PEOPLE WHO COME BEFORE ME SEEM WOEFULLY IGNORANT; NOT TO THE IDEALS OF THIS COUNTRY, AND NOT TO THE PRINCIPLES OF DEMOCRACY. IT'S A BLIND LOYALTY TO ONE PERSON WHO, BY THE WAY, REMAINS FREE TO THIS DAY." Judge Tanya Chutkan!

1.91k 3.47k 8.62k

← Truth Details

2247 replies

Trending ▾



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!!!

6.8k ReTruths 25.6k Likes

Oct 30, 2023, 7:51 AM

Reply

ReTruth

Like



← Truth Details

Trending

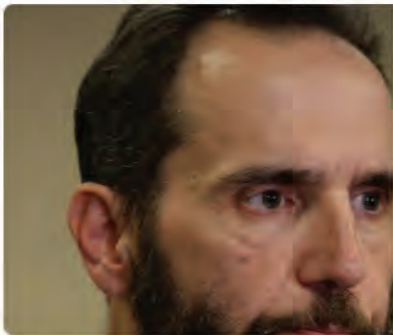
651 replies



Donald J. Trump

@realDonaldTrump

Biden's Flunky, Deranged Jack Smith, should go to HELL. He is helping his Corrupt and Incompetent President to destroy America through Weaponization and ELECTION INTERFERENCE! Smith is a Crooked Prosecutor who shouldn't even be allowed to be in the position he is in—It is Prosecutorial Misconduct. The Great Ed Meese from the Ronald Reagan Era has him figured perfectly! [breitbart.com/politics/2023/12...](https://www.breitbart.com/politics/2023/12...)



**Former AG: Jack Smith's Special Counsel Appointment Is Unconstitutional**

A former Attorney General says Jack Smith's appointment as special counsel is unconstitutional, so the Supreme Court must reject his petition against Donald Trump.

[www.breitbart.com](https://www.breitbart.com)

2.97k ReTruths 9.51k Likes

Dec 26, 2023, 2:46 PM

Reply

ReTruth

Like





← Truth Details

Trending

3188 replies



Donald J. Trump

@realDonaldTrump

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!!!

7.72k ReTruths 27k Likes

Oct 24, 2023, 9:43 PM

Reply

ReTruth

Like



← Truth Details

Trending ▾



Donald J. Trump   
@realDonaldTrump

I'm going to Court tomorrow morning to fight for my name and reputation against a corrupt and racist Attorney General, Letitia James, who campaigned on "getting Trump," and a Trump Hating Judge who is unfair, unhinged, and vicious in his PURSUIT of me. He values Mar-a-Lago, in Palm Beach, Florida, at 18 Million Dollars, when it is worth 50 to 100 times that amount. His valuations are FRAUDULENT in pursuit of Election Interference, and worse. THIS WHOLE CASE IS A SHAM!!! See you in Court - Monday morning.

4.62k ReTruths 17.8k Likes

Oct 01, 2023, 11:49 PM



Reply



ReTruth



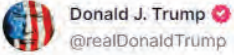
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← Truth Details

Trending

1138 replies



Donald J. Trump  
@realDonaldTrump

This grossly incompetent "Judge," who is overturned on Appeal more than almost any Judge in New York State, is a partisan political hack who totally disregards the Court of Appeals decisions against him, and won't allow a Jury to get anywhere near my "CASE" (brought by a Failed, Trump Hating, Racist Attorney General named Letitia James, whose entire campaign for office was "I WILL GET TRUMP." She then used this charade to run for Governor, and lost, BADLY!). The New York State legal system has broken down completely, and everybody who is watching this Witch Hunt so agrees. Hopefully, that will soon change. This CRAZED Judge ruled against me before the Trial even started, and said Mar-a-Lago is worth only \$18,000,000. Other properties, likewise. This is a Biden Election Interference Scam! There were No Crimes & No Victims, and there is NO JURY ALLOWED. This Radical Trump Hater Must Be Taken Off This Case!



Real America's Voice  
@realamericasvoice · 2d

Follow

Judge rules Ivanka Trump must testify in her father's civil fraud trial in New York

"Ms. Trump has clearly availed herself of the privilege of doing business in New York," Judge Engoron stated.

[americasvoice.news/justthenews...](https://americasvoice.news/justthenews...)

RAV LINKS [linktr.ee/realamericasvoice](https://linktr.ee/realamericasvoice)  
Watch Us Live On Pluto [bit.ly/plutolive](https://bit.ly/plutolive)



**Judge rules Ivanka Trump must testify in her father's civil fraud trial in New York - Real America's Voice News**

Real America's Voice News is your one stop news and entertainment network.

[americasvoice.news](https://americasvoice.news)

3.43k ReTruths 11.1k Likes

Oct 28, 2023, 11:46 AM

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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!

7.32k ReTruths 25.7k Likes

Oct 02, 2023, 9:55 AM

Reply

ReTruth

Like





Donald J. Trump  
@realDonaldTrump

I'm in a rat's nest of NEW YORK DEMOCRAT CORRUPTION, a reason so many companies are leaving New York, our Racist Attorney General filled a lawsuit whose facts and VALUATIONS are wrong, like \$18,000,000 for Mar-a-Lago, when it is worth, perhaps, 100 times that amount, and numerous other properties, likewise, that this case is a political SHAM that should never have been brought. I DON'T EVEN GET A JURY - Therefore, a Radical Left Judge, who came up through Democrat Club System, will decide. It is not possible that he can be fair. Every decision he makes has been a horror show. It is why I do the set asides with the media - To explain the case, and what is going on. Our CORRUPT, RACIST, & INCOMPETENT A.G., Letitia "Peekaboo" James, considered the WORST ATTORNEY GENERAL IN THE UNITED STATES, refused to bring this case under the respected "Commercial Division," where judges understand Valuations and Real Estate. This Trump Hating Judge doesn't. The Appellant Division must intercede, NOW!

2.64k ReTruths 9.21k Likes

Oct 05, 2023, 6:44 AM

- Reply
- ReTruth
- Like
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← Truth Details

Trending

1235 replies



Donald J. Trump  
@realDonaldTrump

This Rigged Trial, brought by the Racist New York State A.G. Letitia James before Trump and developer Hating Judge, Arthur Engoron, which should have never been brought in that the so-called STAR WITNESS, SleazeBag Lawyer (for many people) Michael Cohen, admitted last week on the stand that he LIED, and also that your favorite President, Donald J. Trump, or anyone from the Trump Organization, NEVER TOLD HIM TO INFLATE VALUES ON FINANCIAL STATEMENTS, the opposite of what he told the A.G. in order to get this HOAX started. Therefore, on that fact alone, this Fake Case should be dismissed. Additionally, however, the Financial Statements Values are Conservative (LOW!), Mar-a-Lago is worth MUCH MORE than \$18,000,000, there is a 100% Disclaimer Clause on the 1st page of the Statements, the Banks and Insurance Companies were paid in full, no defaults, they all made money, and there is no Victim (except me!). Leave my children alone, Engoron. You are a disgrace to the legal profession!

2.92k ReTruths 9.94k Likes

Nov 01, 2023, 2:28 AM

Reply

ReTruth

Like



← Truth Details

Trending

1501 replies



Donald J. Trump  
@realDonaldTrump

We have totally proven our innocence in the FAKE A.G. "case." We have WON ON EVERY POINT, including the fact that their so-called "Star" witness is a complete FRAUD, who openly admitted in Court that he lied, and that the information he gave to the bloodthirsty and disgraceful Attorney General was not factual or true. HE MADE IT ALL UP! Then today, Judge Engoron admitted that his original decision on Fraud was incorrect when he said "I'M NOT HERE TO VALUE THESE PROPERTIES. I'M HERE TO DECIDE WHETHER THESE STATEMENTS OF FINANCIAL CONDITION WERE FRAUDULENT." Well, the Fraud that he said I committed was based on the values that were set. That's what the whole case is about! He and the Attorney General knowingly put down ridiculously LOW VALUES on assets, like Mar-a-Lago (\$18.000.000) so that they could say my Financial Statement numbers were "INFLATED" when, in fact, they were NOT.....Therefore he should immediately REVERSE HIS WRONGFUL AND TOTALLY DISCREDITED SUMMARY JUDGEMENT DECISION.

6.37k ReTruths 22.2k Likes

Nov 09, 2023, 6:39 PM

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← Truth Details

41 replies

Trending



Donald J. Trump  
@realDonaldTrump

[loomered.com/2023/11/07/exclus...](https://loomered.com/2023/11/07/exclus...)



**EXCLUSIVE: How Leftist Judge Engoron Is Making Trump's NYC Civil Fraud Trial A Family Affair - Loomered**

Judge Arthur Engoron has made the Trump trial a family affair, potentially reserving seats for his son, Ian Engoron, to attend the trial. Ian Engoron may be financially benefiting from the Trump Trial...

[Loomered](#)

209 ReTruths 496 Likes

Nov 28, 2023, 2:01 PM

Reply

ReTruth

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Trending

66 replies



Donald J. Trump  
@realDonaldTrump

[loomered.com/2023/11/10/exclus...](https://loomered.com/2023/11/10/exclus...)



**EXCLUSIVE: Newsweek Miserably Fails To Discredit Bombshell Loomer Report on Judge Engoron's Wife - Loomered**

We brought you the scoop on the bias of the Engoron family against President Trump as they play their role in election interference during the recent Civil Fraud trial against Trump in New York. How can...

[Loomered](#)

382 ReTruths 999 Likes

Nov 28, 2023, 2:01 PM

Reply

ReTruth

Like



← Truth Details

126 replies

Trending



Donald J. Trump  
@realDonaldTrump

[thepostmillennial.com/wife-of-...](https://thepostmillennial.com/wife-of-...)



**Wife of NY judge in civil case against Trump has been attacking ex-president on social media**

Dawn Marie Engoron's posts came just days after her husband, Arthur, expanded a gag order against Trump and his legal team.

[thepostmillennial.com](https://thepostmillennial.com)

504 ReTruths 1.17k Likes

Nov 28, 2023, 2:01 PM

Reply

ReTruth

Like



← Truth Details

307 replies



Donald J. Trump ✓  
@realDonaldTrump

[thenationalpulse.com/2023/11/0...](https://thenationalpulse.com/2023/11/0...)



**Judge Engoron's Wife Has Been Tweeting Anti-Trump Memes Throughout the Trial.**

The wife of far-left New York Supreme Court Judge Arthur Engoron is reported to have used a semi-anonymous account on X (formerly Twitter) to post

🔗 The National Pulse+

655 ReTruths 1.32k Likes

Nov 28, 2023, 2:02 PM

🗨 Reply

↻ ReTruth

❤ Like



← Truth Details

Trending ▾

1206 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!

4.62k ReTruths 16.9k Likes

Nov 29, 2023, 4:26 PM

- Reply
- ReTruth
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 **Donald J. Trump** ✓  
@realDonaldTrump · 16h

Judge Engoron's Wife:



**Ronny Jackson** ✓ @RonnyJacksonTX · 1d  
NASTY racist Letitia James is a DESPICABLE HUMAN BEING and Judge Engoron is an absolutely PATHETIC CIRCUS CLOWN! These two moronic idiots are the very reason the courts in New York are a joke and a national disgrace! ELECTION INTERFERENCE!!!

 4.2K  3.9K  11K  258K 



**Dawn Marie**  
@dm\_sminxs

The only racists are you white male politicians and those who vote for you.

3:54 PM · 11/6/23 from Earth · 3 Views

 664  3.01k  8.34k  




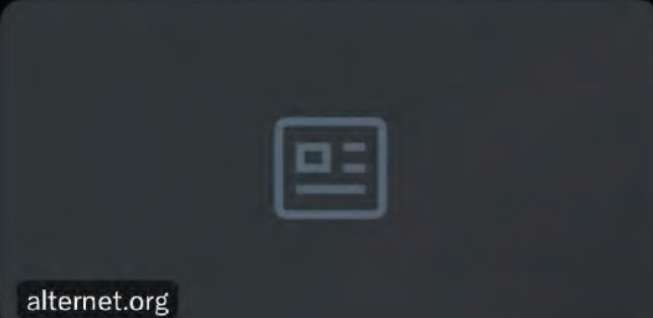
Donald J. Trump ✓  
@realDonaldTrump · 16h

Judge Engoron's Wife:

←  🔍



Top Latest People Photos Videos

 **Dawn Marie** @dm\_sminxs · 10/30/23 ...  
Pleading the 5th won't save Trump family members in Judge **Engoron's** courtroom




altnet.org

516 2.56k 6.76k

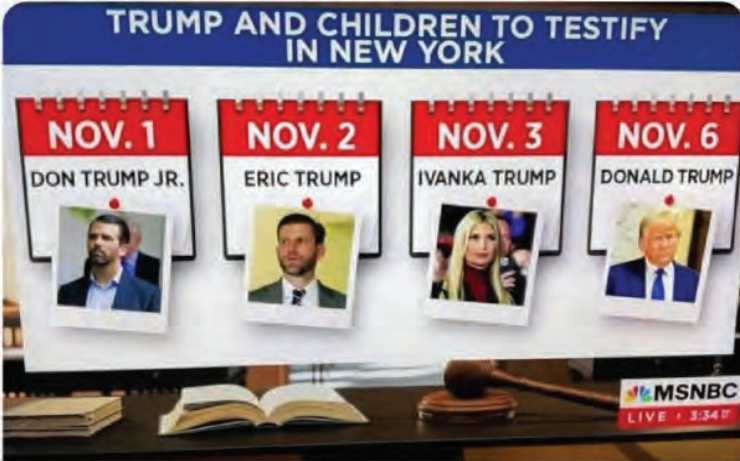
 Donald J. Trump   
@realDonaldTrump · 16h

Another from Judge Engoron's Wife. Can anybody believe this is happening?



**Dawn Marie**   
@dm\_sminxs

**Follow**





**IT'S TIME TO FACE FACTS MAGA**

*TRUMP WILL NEVER BE IN THE  
WHITE HOUSE AGAIN*

**HE'S HEADED FOR THE BIG HOUSE!**

4:56 PM · 11/3/23 · 41 Views

 740  2.73k  6.79k  

 Donald J. Trump   
@realDonaldTrump · 16h

Yet another from Judge Engoron's Wife. This Trial, which should never have been allowed to be brought, has turned out to be an embarrassment to the New York State Judicial System!



**Graham Allen**  @GrahamAllen\_1 · 1d  
Trump is not even allowed to have his attorney defend him in this banana republic?!  
ABSOLUTELY INSANE!!!








From Acyn






 1.7K  5.3K  21K  317K 



**Dawn Marie** @dm\_sminxs · 1d



 1   2  88 





Donald J. Trump

@realDonaldTrump · 16h

Another from Judge Engoron's Wife, who is almost as out of control as he is. How low can you get?



Dawn Marie

@dm\_sminxs



3:53 PM · 11/6/23 from Earth · 30 Views



645 2.37k 6.26k





Donald J. Trump

@realDonaldTrump · 16h

This is the Judge's Wife saying this, and many things much worse. At what point do High Court Officials step in, and end this Witch Hunt? Judge Engoron is making fools of the New York State Judicial System!



Dawn Marie

@dm\_sminxs

Follow



Trump's "witch hunt" theory misses a crucial thing: HIS OWN CONDUCT.  
It's not like Trump's behavior is being questioned for no reason. He *just keeps doing things* that require investigation.  
**'Trump would do well to remember that it is only a witch hunt if the accusations are untrue.'**

12:50 PM · 11/6/23 · 15 Views

471 2.43k 6.76k

← Truth Details

Trending

210 replies



Donald J. Trump  
@realDonaldTrump

[lawandcrime.com/high-profile/d...](https://lawandcrime.com/high-profile/d...)



**Trump goes for jugular in mistrial memo using fraud trial judge's own words against him**

Trump and his lawyers filed a memo for a mistrial in his civil fraud case, arguing the trial judge demonstrated his bias for all to see when he said, "We are not here to hear what he has to say."

🔗 Law & Crime

2.26k ReTruths 7.43k Likes

Nov 29, 2023, 12:53 PM

🗨 Reply

🔄 ReTruth

❤ Like



← Truth Details

Trending ▾

1318 replies



Donald J. Trump

@realDonaldTrump

Judge Engoron's Wife deleted her account yesterday, because what she said, in any other Court in the Nation, would call for an immediate Mistrial with sanctions against the Judge and the Attorney General. We demand to see her account before it was deleted, and all other Family Members likewise. Judge Engoron is a Trump Hater and Puppet for Letitia James, all wrapped up in one!

5.11k ReTruths 15.2k Likes

Dec 01, 2023, 12:36 PM

Reply

ReTruth

Like



← Truth Details

Trending

161 replies

Donald J. Trump @realDonaldTrump

Anna Paulina Luna @realannapaulina

Looks like "Judge" Engoron's wife is just about as unhinged as he is.

**THE NATIONAL TUSC.**  
**Judge Engoron's Wife Has Been Tweeting Anti-Trump Memes Throughout the Trial.**  
 By William O'Keefe

The wife of failed New York Supreme Court Judge Arthur Engoron is reported to have used a semi-anonymous account on X (formerly Twitter) to post politically-charged attacks against former President Donald Trump. Dawn Marie Engoron, the judge's third and current wife, has almost exclusively used her X account to attack the former Republican President throughout the New York civil trial her husband is presiding over.

Some of Mrs. Engoron's most over-the-top posts include depicting Trump sitting in prison while wearing an orange jumpsuit and an image conveying simply "FUCK TRUMP". Since the revelation yesterday as to her ownership of the X account, most of the posts directly authored by Mrs. Engoron have been deleted.

**Dawn Marie @dm\_aminex · 19h**  
 Replying to @SwkGwks

**Dawn Marie @dm\_aminex · 18h**  
[newstory.com/afwe-nsab\(x-ma...](#)

10:41 PM · Dec 19, 2023 · 41.2K Views

1.64k ReTruths 5.46k Likes

Dec 26, 2023, 2:32 PM

- Reply
- ReTruth
- Like
- Share
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**Donald J. Trump** ✓

@realDonaldTrump · 2d

Racist, George Soros backed D.A., Alvin Bragg, is relying on the testimony of a convicted felon, disbarred lawyer, with zero credibility, who was turned down numerous times by me when he asked for pardons on crimes he committed having nothing to do with "Trump." But the D.A. doesn't care about that, and he doesn't care about the violent and vicious crimes being committed in Manhattan, which are now at a RECORD LEVEL. He only cares about "getting Trump."

**4.55k** ReTruths **16.8k** Likes

Mar 03, 2023, 11:33 PM

 Reply

 ReTruth

 Like



DANYDJT00138623



Donald J. Trump

@realDonaldTrump · 22m

The person heading up the New York City investigation into the now ancient, and many times debunked, Stormy "Horseface" Danials matter, is none other than top DOJ (D.C.) operative Matthew Colangelo, one of Merrick Garland's senior officials, who was quietly snuck into the local Manhattan D.A.'s Office so that DOJ could say they weren't involved with this local persecution of a popular (75 Million Votes!) President. Who knows, though, maybe they're there to make it legit?

663 ReTruths 1.97k Likes

Mar 16, 2023, 12:10 PM

Reply

ReTruth

Like



DANYDJT00138275




**Donald J. Trump** ✓

@realDonaldTrump · 1d

The new weapon being used by the Democrats to cheat on Elections is criminally investigating a candidate, bad publicity and all, by the DOJ and their local henchmen at A.G. & D.A. OFFICES. They make lives miserable, destroy their families and friends, regardless of their innocence, which makes little difference to these Radical Left Maniacs. It is worse than ballot stuffing and media manipulation. We must stop them cold!

**7.15k** ReTruths **24.7k** Likes

Mar 25, 2023, 9:42 PM

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DANYDJT00138674






**Donald J. Trump** 

@realDonaldTrump · 2d

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!

**5.31k** ReTruths **18.4k** Likes

Mar 03, 2023, 7:26 PM

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DANYDJT00138622



Donald J. Trump

@realDonaldTrump · 10m

NEW CRIME STATISTICS ARE OUT IN MANHATTAN, THE PLACE REIGNED OVER BY RADICAL LEFT, Soros BACKED, DISTRICT ATTORNEY—ALVIN BRAGG. THE NUMBERS ARE A COMPLETE AND TOTAL DISASTER....BUT, AT LEAST HE CAN TELL HIS TRUMP HATING WIFE AND FRIENDS THAT HE IS GOING AFTER THE VERY SUCCESSFUL 45TH PRESIDENT OF THE UNITED STATES. MAGA!

787 ReTruths 2.32k Likes

Mar 31, 2023, 5:23 PM

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**Donald J. Trump**

@realDonaldTrump · 13h

Wow! District Attorney Bragg just illegally LEAKED the various points, and complete information, on the pathetic Indictment against me. I know the reporter and so, unfortunately, does he. This means that he MUST BE IMMEDIATELY INDICTED. Now, if he wants to really clean up his reputation, he will do the honorable thing and, as District Attorney, INDICT HIMSELF. He will go down in Judicial history, and his Trump Hating wife will be, I am sure, very proud of him!

**10.5k** ReTruths **31.3k** Likes

Apr 03, 2023, 8:40 PM

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ReTruth

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Donald J. Trump

@realDonaldTrump · 1h

Page 2: NOW ILLEGAL LEAKS FROM A CORRUPT & HIGHLY POLITICAL MANHATTAN DISTRICT ATTORNEYS OFFICE, WHICH HAS ALLOWED NEW RECORDS TO BE SET IN VIOLENT CRIME & WHOSE LEADER IS FUNDED BY GEORGE SOROS, INDICATE THAT, WITH NO CRIME BEING ABLE TO BE PROVEN, & BASED ON AN OLD & FULLY DEBUNKED (BY NUMEROUS OTHER PROSECUTORS!) FAIRY TALE, THE FAR & AWAY LEADING REPUBLICAN CANDIDATE & FORMER PRESIDENT OF THE UNITED STATES OF AMERICA, WILL BE ARRESTED ON TUESDAY OF NEXT WEEK. PROTEST, TAKE OUR NATION BACK!

8.42k ReTruths 19.5k Likes

Mar 18, 2023, 7:26 AM

Reply

ReTruth

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DANYDJT00138279



**Donald J. Trump**

@realDonaldTrump · 12h

REMEMBER, THE SAME ANIMALS AND THUGS THAT WOULD DO THIS TO PERHAPS 200 MILLION PEOPLE, BUT ACTUALLY ALL AMERICANS, ARE THE COMMUNISTS, MARXISTS, RINOS, AND LOSERS THAT ARE PURPOSEFULLY DESTROYING OUR COUNTRY!

**8.54k** ReTruths **29.9k** Likes

Mar 19, 2023, 8:39 PM

Reply

ReTruth

Like



DANYDJT00138287



Donald J. Trump

@realDonaldTrump · 4m

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!

**410** ReTruths **1.26k** Likes

Mar 23, 2023, 9:06 AM

Reply


ReTruth

Like



DANYDJT00138316




Donald J. Trump 

@realDonaldTrump · 4m

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!

**310** ReTruths **968** Likes

Mar 23, 2023, 11:42 AM

 Reply


 ReTruth

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DANYDJT00138317



**Donald J. Trump** 

@realDonaldTrump · 8h

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!

**3.69k** ReTruths **13.8k** Likes

Mar 24, 2023, 1:08 AM

 Reply

 ReTruth

 Like







Donald J. Trump

@realDonaldTrump · 1d

The Manhattan D.A. Witch Hunt against me is DEAD, no evidence at all, & it has been conclusively proven that I did nothing wrong! The evidence against their "Star" witness, however, is overwhelming. An already disbarred lawyer & convicted Felon, the only question left is will the D.A.s Office sue him for lying & fraud. They should! The SDNY already found him guilty on charges unrelated to "TRUMP," & wrote a scathing report. He is responsible for time taken away from the D.A. on VIOLENT CRIME!

**6.24k** ReTruths **24.1k** Likes

Mar 25, 2023, 2:56 PM

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ReTruth

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DANYDJT00138673



**Donald J. Trump** 

@realDonaldTrump · 1d

[nationalfile.com/just-10-of-ma...](https://nationalfile.com/just-10-of-ma...)



## **Just 10% of Manhattan Residents Voted for Anti-Trump DA in 2021 Election**

Anti-Trump Manhattan DA Alvin Bragg won the votes of only 10% of Manhattan residents in New York City's 2021 election cycle.

 National File

**2.27k** ReTruths **7.25k** Likes

Mar 23, 2023 at 12:57 PM



Donald J. Trump

@realDonaldTrump · 6h

[mediaite.com/tv/glenn-beck-tel...](https://mediaite.com/tv/glenn-beck-tel...)



**Glenn Beck Tells Tucker Carlson Trump Indictment Means 'War,' 'Currency Collapse,' and 'Virtual Police State' in the U.S....**

Founder of The Blaze Glenn Beck told Tucker Carlson America is at an end, and the left indicted Trump because they want to provoke violence.

Mediaite

585 3.35k 11k



Donald J. Trump

@realDonaldTrump · 4h

IT'S TIME!!! WE ARE A NATION IN STEEP DECLINE, BEING LED INTO WORLD WAR III BY A CROOKED POLITICIAN WHO DOESN'T EVEN KNOW HE'S ALIVE, BUT WHO IS SURROUNDED BY EVIL & SINISTER PEOPLE WHO, BASED ON THEIR ACTIONS ON DEFUNDING THE POLICE, DESTROYING OUR MILITARY, OPEN BORDERS, NO VOTER I.D., INFLATION, RAISING TAXES, & MUCH MORE, CAN ONLY HATE OUR NOW FAILING USA. WE JUST CAN'T ALLOW THIS ANYMORE. THEY'RE KILLING OUR NATION AS WE SIT BACK & WATCH. WE MUST SAVE AMERICA!PROTEST, PROTEST, PROTEST!!!

12.6k ReTruths 33.7k Likes

Mar 18, 2023, 12:29 PM

Reply

ReTruth

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DANYDJT00138281

### Truth Details

5.05k Replies



**Donald J. Trump** ✓

@realDonaldTrump

WOW, it's finally happened! Liddle' Mike Pence, a man who was about to be ousted as Governor Indiana until I came along and made him V.P., has gone to the Dark Side. I never told a newly emboldened (not based on his 2% poll numbers!) Pence to put me above the Constitution, or that Mike was "too honest." He's delusional, and now he wants to show he's a tough guy. I once read a major magazine article on Mike. It said he was not a very good person. I was surprised, but the article was right. Sad!

10k ReTruths 33.9k Likes

8/5/23, 5:20 PM



Trending

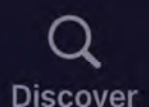
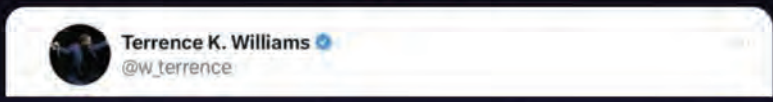


**Hey Jude** 🇺🇸

@HeyJude88

6mo

Terrance Williams says it best....



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Donald J. Trump

@realDonaldTrump · 10m

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.

**446** ReTruths **1.37k** Likes

Mar 23, 2023, 11:50 AM

Reply

ReTruth

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DANYDJT00138318

# Ex. 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

Hon. Amy Berman Jackson

**JURORS' BRIEF IN OPPOSITION TO RELEASE OF QUESTIONNAIRES**



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## INTRODUCTION

Our Nation asks its citizens to bear significant burdens in order to guarantee criminal defendants an impartial jury. Jurors spend time away from their jobs and day-to-day lives, carry the weight of sitting in judgment of their fellow citizens and, as part of the selection process, often undergo invasive questioning to probe their suitability—questioning that can, and sometimes must, surface intimate information.

What our Nation does not do, however, is require jurors to bear as a consequence of their service the additional burdens of surrendering their personal privacy and security, or being subjected to incendiary or false accusations, harassment, embarrassment or potential humiliation. Criminal defendants have their liberty on the line, and high-profile trials often stoke intense public passions. Jurors may thus find themselves, in the rare case, subject to intimidation or, even worse, threats of violence, and service under such conditions is neither fair to the individual jurors nor consistent with the impartial administration of justice. All three branches of our government accordingly recognize that courts, in the appropriate case, must have the authority to take practical, commonsense steps to protect jurors from such mistreatment.

That is precisely what occurred here. This case arises out of the widely-publicized trial of Roger Stone, which has in fact exposed the Jurors<sup>1</sup> to harassment, intimidation, and other dangers. The Court accordingly concluded it was necessary to take modest steps to protect the Jurors' safety and privacy, including sealing—with the consent of the parties—the questionnaires the Jurors completed as part of the selection process.

---

<sup>1</sup> As used in this Brief, “Jurors” refers to Jurors A–L who have appeared through Counsel in this case.

The question before the Court now is whether it should reverse those protections and provide Petitioner access to the juror questionnaires. As Petitioner argues, and the Jurors agree, the press unquestionably has an important right of access to judicial proceedings, a right the Court took extensive steps to accommodate during the pre-trial *voir dire* and the trial—both of which were heavily attended and extensively reported upon by the press.

The Supreme Court has been clear, however, that the press’s right of access to judicial proceedings is not unlimited and must be “balanced against” the legitimate privacy and security interests of jurors. *See Press-Enterprise Co. v. Superior Court (Press-Enterprise I)*, 464 U.S. 501, 511–12 (1984). Not a single party or *amicus* contends that the modest steps the Court took to protect the Jurors, both before and during *Stone* trial, struck this balance inappropriately. The relevant equities, moreover, tilt even more strongly in the Jurors’ favor now: the trial itself is over, yet—as the Court has already found during post-trial proceedings—the threats to the Jurors’ safety and privacy persist. Indeed, the record shows that the Jurors have been subject to continued harassment since the trial concluded and that the release of the questionnaires would only exacerbate the significant risks the Jurors face. On the special facts present here, it is necessary—indeed essential—for the Jurors’ protections to remain in place. Otherwise, the balancing required by the Supreme Court to protect jury privacy is no better than lip service.

## STATEMENT OF FACTS

### A. **United States v. Stone**

On January 24, 2019, prosecutors from the Department of Justice’s Office of the Special Counsel indicted Roger Stone for one count of obstructing a congressional proceeding, one count of tampering with a witness to that proceeding, and five counts of making false statements to Congress in the course of the same. Roger Stone is a well-known political consultant and lobbyist with a career that stretches back to service in the Nixon administration. The charges centered on



Stone's testimony before the U.S. House of Representatives Permanent Select Committee on Intelligence about his role as an intermediary between WikiLeaks and the 2016 Trump campaign. At the time of the indictments, former FBI Director and Acting Deputy Attorney General Robert Mueller was the Special Counsel, charged with investigating the Russian Government's possible interference in the 2016 presidential election and the possibility of a criminal conspiracy involving the campaign of then-candidate Donald J. Trump.

Given the high profile of the participants and the explosive charges, Stone's case unsurprisingly attracted a whirlwind of media attention. Every major news outlet, including *The New York Times*, the *Washington Post*, and the *Wall Street Journal*, reported on this case. Print, television, and Internet coverage was extensive. The case, moreover, generated intense public passions and scrutiny from its very outset—including from the highest office in the land. The day after Stone was indicted, President Trump tweeted as follows: "Greatest Witch Hunt in the History of our Country! NO COLLUSION! Border Coyotes, Drug Dealers and Human Traffickers are treated better. Who alerted CNN to be there?" @realDonaldTrump, Twitter (Jan. 25, 2019, 12:16 PM), <https://twitter.com/realdonaldtrump/status/1088832908494888961>. Once the trial proceedings commenced, they became instant fodder for Internet "conspiracy theorists" like Alex Jones and others, as extensively reported in the press.<sup>2</sup> At no point during the trial did this media and public interest wane, and, indeed, it persists to this day.

---

<sup>2</sup> See, e.g., Deanna Paul, *Alex Jones threatened to name a Roger Stone juror. Experts say that might be jury tampering*, Wash. Post, Nov. 7, 2019, <https://www.washingtonpost.com/politics/2019/11/07/alex-jones-threatened-name-roger-stone-juror-experts-say-that-might-be-jury-tampering/>.

## **B. Jury Selection**

In light of this intense publicity and public passion, the Court and parties recognized it would be necessary to implement a special jury selection protocol that protected the privacy of the Jurors, while simultaneously protecting the defendant's rights and ensuring an open and public trial with almost unfettered media access.

### **1. The Juror Questionnaire**

As a first step in this process, both the Court and the parties agreed that using a questionnaire to pre-screen jurors would be the best way to secure a significant amount of information quickly without unduly burdening the prospective jurors. *See Stone* Minute Order dated Aug. 13, 2019; *Stone* ECF Nos. 192, 193. As the Court explained to the prospective jurors on September 12: "In this case we're taking the extra step of posing questions to you first in writing, and that's the only thing that's going to happen today. This way we can obtain important information from all of you at the same time, and that should streamline the process of questioning you individually, if you are brought back to do that later." *Stone* ECF No. 356 (9/12/19 Tr.) at 8:23–9:3.

The jury questionnaires were 20 pages long, and contained 56 questions agreed upon by the Government and counsel for Stone. *Stone* ECF No. 247. They asked prospective jurors to reveal information that is sensitive, personal, and personally identifying. *See id.* For example, the questionnaires asked prospective jurors to disclose, among other things:

- Age and gender (Question 2)
- Marital status (Question 3)
- Education information for prospective juror and partner/spouse (Question 4)
- Employment information for prospective juror and partner/spouse: job title/occupation, name of employer, length of employment (Questions 5–11)

- Explanation of whether prospective juror, close friend, or family member has ever worked in any aspect of the legal field (Question 13)
- Explanation of whether prospective juror, close friend, or family member has ever applied for employment with, was employed by, or received training by any local, state, or federal law enforcement agency (Question 14)
- Organizational affiliations and activities (Question 18)
- Explanation of whether prospective juror, close friend, or family member has ever run for or held a political office (Question 24)
- Explanation of whether prospective juror, close friend, or family member has ever been employed or had any association or connection with Congress or a congressional committee (Question 31)
- Explanation of whether prospective juror, close friend, or family member has been the victim of a crime (Questions 36–38)
- Explanation of whether prospective juror, close friend, or family member has been arrested for, charged with, prosecuted for, or convicted of any crime (Question 41)
- Explanation of whether prospective juror has ever been involved in any legal proceeding in any capacity (Questions 45–47)

Recognizing the sensitive nature of the information at issue, the Court instructed the prospective jurors that, as agreed by the parties, their identities and the information they disclosed would remain private. The first paragraph of the “Instructions for Jury Questionnaire” stated:

The parties and the Court have agreed that all information contained in this questionnaire will be kept confidential; to the extent the Court is ever required to release any responses in the questionnaires, your name will not be publicly released.

*Stone* ECF No. 247 at 1. The Court also provided express verbal assurances to the Jurors about protecting their identity and privacy:

Some of the questions may seem personal, but they’re all designed to help ensure that we have a fair and impartial jury. In case you are concerned about this, I want to assure you that your names are not going to be made public at this time and it’s our intention that your answers to these questionnaires will not be made public.

To protect your identity, the only part of the questionnaire that

includes your name is the certification you will sign on the last page. And if, on the date you return for the completion of the jury selection process, we need to discuss your answers with you, you're not going to have to talk in front of all the other jurors. We're going to let you speak to the parties in the case one at a time.

*Stone* ECF No. 356 (9/12/19 Tr.) at 9:4–16.

Under the protection of this confidentiality and anonymity, the Jurors provided uninhibited, detailed responses to the questionnaires that revealed extensive amounts of personal, sensitive, and identifying information. For example, the Jurors' completed questionnaires contained information including, but not limited to, the following:

- Detailed employment information concerning the Jurors, the Jurors' spouses or partners, and the Jurors' children, including employment by the federal government—some in positions working for or with political appointees—or by organizations dependent on federal funding;
- The names of family members and friends who had either committed or been the victim of a crime;
- Names and descriptions of family members and friends employed at law enforcement agencies;
- Names and descriptions of family members' military service;
- Names and descriptions of family members employed in legal field;
- Religious, personal, and addiction organizational affiliations;
- Case name and description of a personal family law case to which a juror was a party; and
- A description of violent crimes to which a juror was a witness, victim, or friend of the victim, including childhood assaults.

As the Jurors note in the attached declarations,<sup>3</sup> they consider this information deeply personal, included it on the questionnaire with the expectation that it would never be exposed to the public or the press, and are deeply concerned about the ramifications if it is so exposed. Indeed—as the attached expert declaration from a leading privacy and cyberstalking scholar makes clear—the breadth and depth of the information contained in the questionnaires and the relatively small size of the jury pool makes it extremely likely that the Jurors’ responses would identify them even if their names were redacted. *See attached* Declaration of Professor Danielle K. Citron ¶ 7.

## 2. Oral Voir Dire

The next step in the jury selection protocol was oral *voir dire*. Based on the juror questionnaires, the parties called approximately eighty of the over one hundred prospective jurors back to the Court on November 5. The public and press were present in the courtroom as the parties questioned these prospective jurors, who were identified by juror number instead of name. As the Court recognized in greeting observers entering the courtroom, “a trial is a public proceeding,” which everyone is “welcome to observe.” *See Stone* ECF No. 294 (11/5/19 Morning Tr.) at 20:6–13. Consistent with this view, with the exception of a few instances where the Court conducted private bench conferences with prospective jurors who asked to answer certain questions privately, all of the questioning was open to media and members of the public, and the Court subsequently included all of these sidebar conferences in public, unredacted transcripts.

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<sup>3</sup> Per LCvR 5.4(b)(5), by electronically filing the attached Juror Declarations, Jurors’ Counsel certifies that the original signed documents are in his possession and available for *in camera* review if the Court so requests. The original signed Declaration of Professor Danielle K. Citron is likewise in the possession of Jurors’ Counsel, and is available for review by the Court or a party.

Open, oral *voir dire* lasted through the end of the day on November 5, and the press covered it heavily, with many articles discussing the substantive questioning of particular jurors.<sup>4</sup> Attempts to expose and harass prospective jurors began almost simultaneously. For example, on November 5, 2019, Alex Jones of Infowars.com<sup>5</sup> claimed that one of the prospective jurors was a former aide to President Barack Obama, and urged viewers to “look up [the prospective juror’s] husband”—a purported “member of the deep state intelligence community.”<sup>6</sup> A day later, Jones threatened to release the name of a prospective juror, stating that the prospective juror is “one of their minions, and we’ve got her name, and we’re going to release it.”<sup>7</sup>

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<sup>4</sup> See, e.g., Spencer S. Hsu, *Roger Stone excused from court because of illness as jury selection for his trial continues*, Wash. Post, Nov. 5, 2019, [https://www.washingtonpost.com/local/legal-issues/roger-stone-excused-from-court-because-of-illness-as-jury-selection-for-his-trial-continues/2019/11/05/3828ca16-000f-11ea-8bab-0fc209e065a8\\_story.html](https://www.washingtonpost.com/local/legal-issues/roger-stone-excused-from-court-because-of-illness-as-jury-selection-for-his-trial-continues/2019/11/05/3828ca16-000f-11ea-8bab-0fc209e065a8_story.html); Megan Mineiro, *Illness Forces Roger Stone to Leave Trial During Jury Selection*, Courthouse News, Nov. 5, 2019, <https://www.courthousenews.com/illness-forces-roger-stone-to-leave-trial-jury-selection/>; Ashraf Khalil, *Roger Stone leaves Day 1 of trial early over food poisoning*, Associated Press, Nov. 5, 2019, <https://apnews.com/bf3e43dc56f244bda7dd6c4308d38e1d>; Vandana Rambaran, *Roger Stone excused from first day of his trial after claiming food poisoning*, Fox News, Nov. 5, 2019, <https://www.foxnews.com/politics/roger-stone-dismissed-from-jury-selection-in-trial-after-claiming-food-poisoning>; Darren Samuelsohn & Josh Gerstein, *Medical emergencies and Milo Yiannopoulos: Roger Stone’s trial opens*, Politico, Nov. 5, 2019, <https://www.politico.com/news/2019/11/05/roger-stone-trial-opens-065991>.

<sup>5</sup> See *Who is Alex Jones and what is the InfoWar? . . . And why should you care?*, Infowars, <https://www.infowars.com/about-alex-jones/> (quoting *Rolling Stone*’s description of Alex Jones as “a giant in America’s conspiracy subculture”).

<sup>6</sup> The Alex Jones Show, *ABC News Caught Protecting Deep State Child Trafficking Ring + Trump Declares War*, InfoWars, Nov. 5, 2019 (beginning at 2:12:00), <http://tv.infowars.com/index/display/id/10149>.

<sup>7</sup> The Alex Jones Show, *#EpsteinDidntKillHimself Takes Over the Planet As A Global Awakening Accelerates*, InfoWars, Nov. 6, 2019 (beginning at 00:13:45), <http://tv.infowars.com/index/display/id/10153>; see also Deanna Paul, *Alex Jones threatened to name a Roger Stone juror. Experts say that might be jury tampering*, Wash. Post, Nov. 7, 2019, <https://www.washingtonpost.com/politics/2019/11/07/alex-jones-threatened-name-roger-stone-juror-experts-say-that-might-be-jury-tampering/>.

**C. Trial**

In light of these threats, and the high profile nature of the trial, the Court decided to maintain the Jurors' anonymity and put in place modest additional protections. In particular, on October 25, 2019, the Court issued an order that established trial logistics. *See Stone* ECF No. 242. That order provided as follows: "Any attempt to contact or interact with [J]urors, to obtain the locations of their residences or job sites, or to otherwise ascertain their identities in any way is strictly prohibited." *Stone* ECF No. 242, § IX(A). The Court also took steps to safeguard the Jurors' privacy and safety during the trial. As the Court stated during oral *voir dire*: "We will make arrangements, though, for the jurors who are selected to serve to come and go from the courthouse in a private manner so that you do not have to interact with other people or make your way through any crowds that gather at any of the public entrances." *Stone* ECF No. 296 (11/5/19 Morning Tr.) at 13:8–12.

At the same time, the Court took numerous steps to ensure media access to the proceedings. In the order setting forth trial logistics, the Court reserved seats in the courtroom for members of the press, allowed members of the media and the general public to occupy all remaining seats and, set aside both an overflow courtroom and a separate Media Room to help facilitate press and public access to the proceedings:

The second row of the left side of the courtroom (facing the bench) will be reserved for members of the media.

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Members of the general public and the media may occupy all remaining rows of seats.

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Members of the general public and the media are permitted to access the designated "overflow courtroom" to view a live audio/video feed

of the proceedings in Courtroom 3. Signs will be posted indicating the location of the overflow courtroom.

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Members of the media may view a live audio/video feed from Courtroom 3 in the Media Room located in room 1206 on the first floor of the courthouse.

*Stone* ECF No. 242 §§ II(A)(5), (7); IV(A), (B).

During the trial, the Court also made sure that counsel and members of the press were aware of the Media Room. During the public pretrial conference held on November 4, the Court noted that “beginning with the openings, we’re going to have an overflow courtroom available, and we’re going to have the media room available, where there will be a live feed of the sound from this courtroom going to other places.” *Stone* ECF No. 293 (11/4/19 Tr.) at 4:16–19. In the morning of November 6, before opening statements were given, the Court stated, “Members of the media who wish to be transmitting to their organizations in real time what’s going on can listen to the proceedings in the media room, which is established for you for that purpose.” *Stone* ECF No. 296 (11/6/19 Morning Tr.) at 246:19–22.

Given this nearly unfettered access to the proceedings, numerous news outlets covered the trial from *voir dire* to verdict, and have continued to cover the ongoing post-trial proceedings. There are scores—if not hundreds—of videos, articles, and opinion pieces about the *Stone* trial published by major news outlets, such as *Fox News*, *The New York Times*, the *Washington Post*, and the *Wall Street Journal*. Other outlets across every medium—print, television, Internet, and others—have also covered the trial extensively. Moreover, much of this coverage has focused on the Jurors, both during jury selection and after the trial. In light of this intense media scrutiny and focus on the Jurors, immediately after the verdict, numerous jurors expressed concern to the Court



about their privacy, and the Court acknowledged their concerns. *See attached* Juror A Decl. ¶ 6; Juror B Decl. ¶ 6; Juror C Decl. ¶ 3.c; Juror I Decl. ¶ 4.b; Juror J Decl. ¶ 3.c.

#### **D. Post-Trial Developments**

##### **1. Continued Harassment**

Unfortunately, the end of the trial did not bring an end to hostility towards and actual harassment of the Jurors. Prominent commentators continued to attack them.<sup>8</sup> As such, even with the trial long since over, there is still a very real risk that the disclosure of the Jurors' identities or contents of their questionnaires under these circumstances would likely go viral in certain sectors of the Internet and lead to increased harassment. *See Citron Decl. ¶ 7.*

Given this reality, in the several months that have passed since the trial ended, most of the Jurors have chosen to remain completely anonymous. *See attached* Jurors A, B, C, D, E, F, H, I, J, and L Decl. Only two jurors have made any form of public statement since the trial concluded: the foreperson posted on social media about the trial, and another juror made appearances on news networks and wrote two op-eds about the trial and the jury's deliberations. *See attached* Jurors G & K Decl. The foreperson did not make any further public statements about the case except to verify the authenticity of the social media post. *See attached* Juror K Decl. ¶ 5. However, the foreperson continues to face harassment, threats, and vitriolic public criticism, which has included accusatory emails, threatening letters mailed to their home, vituperative attacks on major news

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<sup>8</sup> *See* @realDonaldTrump, Twitter (Feb. 25, 2020, 4:01 PM), <https://twitter.com/realdonaldtrump/status/1232395209125707776> ("There has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of 'Trump' and Stone. She was totally biased, as is the judge. Roger wasn't even working on my campaign. Miscarriage of justice. Sad to watch!"); *see also Tucker Carlson: Why the Roger Stone case should horrify you, whether you're Republican or Democrat*, Fox News, Feb. 14, 2020 (beginning at 3:03), <https://www.foxnews.com/opinion/tucker-carlson-why-the-roger-stone-case-should-horrify-you-whether-youre-republican-or-democrat>.

networks and by public officials, and an onslaught of Tweets (including two from the President of the United States). *Id.* ¶ 6. The other publicly identified Juror has also received criticism on social media and a threatening letter mailed to the Juror’s home address. *See attached* Juror G Decl. ¶ 5. Having witnessed this harassment, all of the other Jurors have remained silent, guarding their privacy out of fear of similar mistreatment. *See attached* Juror A Decl. ¶ 7; Juror B Decl. ¶¶ 8–9; Juror C Decl. ¶ 5; Juror D Decl. ¶¶ 7–8; Juror E Decl. ¶ 6; Juror F Decl. ¶ 6; Juror H Decl. ¶ 6; Juror I Decl. ¶ 6; Juror J Decl. ¶ 7; Juror L Decl. ¶¶ 6–7. They have withdrawn from their normal online activities, and remain concerned that exposure of their identities or questionnaire responses could harm the safety, well-being, and privacy of themselves and their loved ones. *See attached, e.g.,* Juror A Decl. ¶ 7; Juror D Decl. ¶ 8.

## 2. Stone’s Allegations of Bias and Motions for a New Trial

This Court, moreover, has addressed the heavily publicized concerns about jury impartiality in the context of two different motions for a new trial.

Mr. Stone filed his first motion under seal, contesting the Court’s decisions on certain for-cause challenges made during *voir dire*. *See Stone* ECF No. 266 (Sealed). In a public order denying that motion, the Court described written and oral responses by individual jurors during *voir dire* but redacted all personally identifying information. *See Stone* ECF No. 288.

Mr. Stone’s second new trial motion, also filed under seal, argued that the jury foreperson was unfairly biased and failed to disclose as much during *voir dire*. *See Stone* ECF No. 313. The Court held a hearing on that motion in a closed courtroom, while piping a live audio feed of the hearing (including testimony by certain jurors) in the adjacent courtroom. *See generally Stone* ECF No. 347 (2/25/20 Hearing Tr.). As the Court explained, “every single aspect of this proceeding will be public, with a very limited exception of what any testifying jurors look like and

what their names, online account names are, and their juror numbers are.” *Stone* ECF No. 346 (2/25/20 Tr.) at 19:9–13.

The Court supported its decision to partially close the motion hearing with a detailed set of findings under *Waller v. Georgia*, 467 U.S. 39 (1984), *Presley v. Georgia*, 558 U.S. 209 (2010), and *Press-Enterprise I*, 454 U.S. 501 (1984). *Stone* ECF No. 346 (2/25/20 Tr.) at 5:22–7:5. Reviewing the intense publicity surrounding the *Stone* trial, the Court recounted much of the harassment described above, noting that prominent commentators repeatedly “went after the jury” with inflammatory and demonstrably false accusations. *Id.* at 9:10–11:15; 16:12–20. The Court noted that “without question” there remained an “extremely high” risk that any juror identified by name or appearance would be subject to “harassment and intimidation.” *Id.* at 11:16–12:2; 16:4–11. The Court concluded that under *Waller*, *Presley*, and *Press-Enterprise I*, there was a “specific and significant interest in juror safety” that “overr[ode]” the “public interest in an entirely open proceeding.” *Id.* at 15:24–16:3. Thus, on its own motion, the Court crafted a narrowly-tailored partial closure to balance appropriately those interests with the minimum incidental burden imposed on the press. *Id.* at 17:3–6. And indeed, there was significant press coverage of the partially-closed hearing. *See, e.g.*, Bobby Allyn & Ryan Lucas, *Judge Weighs Roger Stone’s Bid For A New Trial As Trump Attacks Her On Twitter*, NPR, Feb. 25, 2020, [npr.org/2020/02/25/809400156/judge-weighs-roger-stones-bid-for-a-new-trial-as-trump-attacks-her-on-twitter](https://www.npr.org/2020/02/25/809400156/judge-weighs-roger-stones-bid-for-a-new-trial-as-trump-attacks-her-on-twitter).

## ARGUMENT

There is no dispute that federal district courts have the authority, in exceptional circumstances, to take reasonable, commonsense steps to protect juror privacy and security. The Congress has expressly granted such authority. The Executive Branch frequently requests that

courts deploy it. The Supreme Court and nearly every federal court of appeals has endorsed the practice. And, under Supreme Court precedent, not only do courts have the authority to protect jurors' privacy and security, they have a duty to do so. *See Press-Enterprise Co. v. Superior Court (Press-Enterprise I)*, 464 U.S. 501, 512 (1984). No party or *amicus* in this case challenges these general rules.

There is also no dispute that this Court appropriately used its authority in withholding the Jurors' identities and questionnaire responses from public disclosure both before and during trial. Under binding D.C. Circuit precedent, courts may put in place juror protections consistent with the Constitution's public trial requirements when the protections are necessary to protect the jurors' privacy and security interests, the jurors desire such protections, and there are no reasonable alternatives available. *Cable News Network, Inc. v. United States (CNN)*, 824 F.2d 1046, 1048 (D.C. Cir. 1987) (*per curiam*). Those criteria were clearly present during the *Stone* trial and, again, no party or *amicus* disputes this.

As such, the only question before this Court is whether it is now necessary to reverse the protections that are already in place. As Petitioner argues, and Jurors agree, the press unquestionably has an important right of access to judicial proceedings, and the Supreme Court has made clear that courts must balance "[t]he privacy interests of . . . juror[s] . . . against the historic values [of open criminal trials]." *See Press-Enterprise I*, 464 U.S. at 512. But it is also plain that the equities tilt even more strongly in the Jurors' favor now than they did during the long period when the protections went unchallenged. The trial—which generated extensive media coverage, even with the protections in place—is over, and Stone has initiated not one, but two, proceedings to contest the jury's impartiality. The Jurors, on the other hand, have continued to face threats, harassment, and invasions of their privacy, and, as the record before the Court shows,

and the declaration submitted by cyberstalking expert Professor Danielle K. Citron confirms, this mistreatment would only worsen if the questionnaires were released, even at this late date. The Court should thus deny Petitioner's motion to release the questionnaires.

**I. All Three Branches of Government Recognize the Importance of Safeguarding Juror Privacy in the Limited Circumstances Where Jury Service Substantially Threatens the Jurors' Security and Privacy.**

Jurors do not elect to serve on juries. Rather, they are “poorly paid conscripts,” compelled by law to sit in judgment of their fellow citizens. *Anderson v. Griffin*, 397 F.3d 515, 519 (7th Cir. 2005). It is one thing to ask jurors to upend their lives while they are performing their civic duty, but quite another to ask them to submit to extreme media scrutiny, harassment, or even threats to their safety and security. Indeed, the jury system demands just the opposite—its “virtue” lies in the “random summoning from the community of twelve ‘indifferent’ persons . . . , and in their subsequent, unencumbered return to their normal pursuits.” *United States v. Scarfo*, 850 F.2d 1015, 1023 (3d Cir. 1988) (citation omitted) (emphasis added); *United States v. Branch*, 91 F.3d 699, 723 (5th Cir. 1996) (quoting *Scarfo*).

Given this, for more than 50 years, Congress has expressly empowered federal courts to protect juror identities under appropriate circumstances. 28 U.S.C. § 1863(b)(7) (originally enacted by Jury Selection and Service Act of 1968, Pub. L. 90-274 § 101, 82 Stat. 53, 56). In particular, in mandating that federal district courts develop plans for random jury selection, Congress made clear that such plans may “permit [district courts] to keep [prospective jurors'] names confidential in any case where the interests of justice so require.” *Id.*

Consistent with that authority, juries empaneled under varying degrees of anonymity—often at the Government's request—are a wholly accepted feature of federal criminal practice. *See, e.g., United States v. Moore*, 651 F.3d 30, 50 (D.C. Cir. 2011) (affirming district court's grant of Government's motion for a completely anonymous jury); *United States v. Mathis*, 932 F.3d 242,

253–54 (4th Cir. 2019) (affirming grant of Government’s request that defense counsel be prohibited from sharing identifying juror information with defendants). And the Supreme Court, along with every federal court of appeals to consider the issue, has recognized that reasonable, commonsense restrictions on public access to juror information—up to and including the empanelment of completely and permanently anonymous juries—can be imposed consistent with the public trial the Constitution requires. *See Presley v. Georgia*, 558 U.S. 209, 215 (2010) (“There are no doubt circumstances where a judge could conclude that threats of improper communications with jurors or safety concerns are concrete enough to warrant closing *voir dire*.”); *United States v. Edmond*, 52 F.3d 1080, 1091 (D.C. Cir. 1995) (“[W]e conclude that the District Court judge permissibly exercised his discretion in impaneling an anonymous jury.”).<sup>9</sup>

As these courts have recognized, appropriately tailored protections for juror anonymity serve a range of crucial interests. At the threshold, such safeguards serve the interests of justice in the particular cases where they are applied. They “encourage honest answers” at *voir dire*, *Press-Enterprise I*, 464 U.S. at 515 (Blackmun, J., concurring), and “promote[] impartial decision making” in the jury room, *Scarfo*, 850 F.2d at 1023, where “explicit threats . . . or even a general fear of retaliation could well affect the jury’s ability to render a fair and impartial verdict,” *United States v. Thomas*, 757 F.2d 1359, 1364 (2d Cir. 1985). These protections are especially valuable in high-profile cases, where “extensive publicity” can “enhance the possibility that jurors’ names . . . become public and expose them to intimidation or harassment.” *Edmond*, 52 F.3d at

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<sup>9</sup> *See also, e.g., United States v. Ramírez-Rivera*, 800 F.3d 1 (1st Cir. 2015); *United States v. Barnes*, 604 F.2d 121 (2d Cir. 1979); *Scarfo*, 850 F.2d 1015; *United States v. Dinkins*, 691 F.3d 358 (4th Cir. 2012); *United States v. Krout*, 66 F.3d 1420 (5th Cir. 1995); *United States v. Deitz*, 577 F.3d 672 (6th Cir. 2009); *United States v. Crockett*, 979 F.2d 1204 (7th Cir. 1992); *United States v. Darden*, 70 F.3d 1507 (8th Cir. 1995); *United States v. Shryock*, 342 F.3d 948 (9th Cir. 2003); *United States v. Ross*, 33 F.3d 1507 (11th Cir. 1994). The Tenth and Federal Circuits have not considered whether an anonymous jury is permissible.

1091; *see also United States v. Wecht*, 537 F.3d 222, 264–65 (3d Cir. 2008) (Van Antwerpen, J., dissenting) (“The privacy of jurors is a significant interest, as protecting that privacy is the best way to avoid harassment . . . .”); *Sheppard v. Maxwell*, 384 U.S. 333, 353 (1966) (public identification of jurors in a highly publicized case had “exposed them to expressions of opinion from both cranks and friends”). And, beyond any particular case, reasonable assurances that jurors will not be roughly “thrust into the role of celebrities,” *see id.*, serve the jury system as a whole, since “harassment of jurors . . . may adversely affect the willingness of citizens to freely [serve],” *United States v. Antar*, 38 F.3d 1348, 1351 (3d Cir. 1994); *see also United States v. Blagojevich (Blagojevich I)*, 612 F.3d 558, 561–62 (7th Cir. 2010) (recognizing fear “that public knowledge of . . . jurors’ identities . . . would discourage others from agreeing to serve in future trials”); *see also Press-Enterprise I*, 464 U.S. at 515 (Blackmun, J., concurring) (noting the Government’s interest in protecting juror privacy “even after the trial—to encourage juror honesty in the future”).

Moreover, as numerous courts—including the Supreme Court—have recognized, protecting juror privacy advances interests beyond the administration of justice. There is independent value in respecting the dignity of jurors, for example, by “protect[ing jurors] from embarrassment” when *voir dire* “touches on deeply personal matters.” *Press-Enterprise I*, 464 U.S. at 511–12. Put simply, jurors “have a right not to be humiliated.” *Anderson*, 397 F.3d at 519.

This Court is no exception in taking care to protect those interests. The Jury Selection Plan for this District provides that the “[n]ames of prospective and sitting petit jurors shall not be disclosed to the public outside of open court, except upon order of the court.” Jury Selection Plan For the U.S. District Court for the District of Columbia, § K.1 (Reviewed February 29, 2016). Moreover, in “widely publicized or sensational criminal cases,” this Court’s Local Rules grant judges further discretion to “issue a special order governing such matters as . . . the seating and

conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.” D.D.C. LCrR 57.7(c). Supreme Court and D.C. Circuit precedent hold that exercises of this authority to protect jurors by partially closing *voir dire* are judged using a three-part standard:

“First, trial courts must make findings that an open *voir dire* proceeding threatens either the defendant’s Sixth Amendment right to a fair trial or a prospective juror’s privacy interests. Second, in order to ‘minimize the risk of unnecessary closure’ trial courts should require prospective jurors to make ‘affirmative request[s] for private *voir dire* examination. Finally, trial courts must consider whether alternatives to closure are available that will adequately protect the interests of prospective jurors.”

*CNN*, 824 F.2d at 1048 (emphasis added) (citing *Press-Enterprise I*, 464 U.S. at 511–12).

Juror privacy, as well as juror safety, are weighty interests under this standard: “Jurors are entitled to be treated with respectful regard for their privacy and dignity, rather than as media prey.” *United States v. Blagojevich (Blagojevich II)*, 614 F.3d 287, 292–93 (7th Cir. 2010) (Posner, J., dissenting from denial of rehearing en banc). As the Supreme Court has recognized, these interests are especially acute during *voir dire*, when a prospective juror is subject not merely to compulsory appearance in a public proceeding, but to “interrogation” that may “touch[] on deeply personal matters that person has legitimate reasons for keeping out of the public domain.” *Press-Enterprise I*, 464 U.S. at 511. Such sensitive information is “deserving of privacy protection,” under *CNN* and *Press-Enterprise I*, and a juror’s “valid privacy right may rise to a level that part of the transcript should be sealed, or the name of a juror withheld, to protect the person from embarrassment.” *Id.* at 512–13.



**II. The Court’s Tailored Protections for Juror Privacy Were and Remain an Appropriate Response to Exceptional Security Threats and Risks of Harassment.**

The *CNN/Press-Enterprise* standard is easily satisfied here. First, the record shows, this Court has already found, and no party or *amicus* disputes, that the highly charged “emotional and political climate” surrounding the *Stone* proceedings has left the Jurors exposed to substantial threats of harassment, retaliation, and physical harm. *See United States v. Bruno*, 700 F. Supp. 2d 175, 185 (N.D.N.Y. 2010). That “extremely high” risk justified partial closure of the hearing on Mr. Stone’s new-trial motion, and likewise supports the questionnaires’ continuing confidentiality. *See Stone* ECF No. 346 (2/25/20 Tr.) at 11:16–12:2, 15:12–19:19; *infra* Part II.A. Second, as this very proceeding and their declarations in support of it demonstrate, the Jurors strongly desire to keep their questionnaires private. *See infra* Part II.B. And, third, no alternative measures realistically exist to protect the Jurors from the threats arising out of their service. *See infra* Part II.C.

**A. As This Court Has Already Found, the Intense Publicity Surrounding the *Stone* Case and the Threats and Harassment the Jurors Continue to Face Make Protecting the Questionnaires from Release Necessary to Safeguard the Jurors’ Privacy and Security.**

As applicable here, the first prong of *CNN* and *Press-Enterprise I* requires explicit “findings that an open *voir dire* proceeding threatens . . . a prospective juror’s privacy interests,” *CNN*, 824 F.2d at 1048, or “safety concerns,” *Presley*, 558 U.S. at 215. Those findings must articulate the “particular interest[s], and threat[s] to th[ose] interest[s],” that justify closure, “along with findings specific enough that a reviewing court can determine whether the closure order was properly entered.” *Id.* (quoting *Press-Enterprise I*, 464 U.S. at 510).

Under any reasonable assessment, the record supports the necessary findings. The prosecution of Mr. Stone has attracted intense media and public attention from its very beginnings. *Supra* at 3. It arose out of perhaps the most pervasive and divisive news item of the past several

years—investigations into alleged Russian interference in the 2016 presidential election, *id.*—and has been the subject of running commentary by the President of the United States, *id.* And in the midst of that highly charged atmosphere, the Jurors have been subject from the first day of *voir dire* to a continuing campaign of harassment and attempted exposure—primarily but not exclusively on the Internet. *Supra* at 7–8, 11–12.

There is every reason, moreover, to think that release of the questionnaires would only lead to more and potentially greater harassment. The Jurors have already been attacked online, *see supra* at 7–8, 11–12, and expert opinion (that is fully congruent with common sense) makes clear that “[d]isclosing the identity of the [J]urors (and potentially their families, friends and close associates) or the contents of their juror questionnaires would . . . likely transform the [J]urors (and potentially their families, friends and close associates) into victims of an online information cascade” leading to “harassment and conspiracy theories,” including “repeated, unwanted, intrusive, and frightening communications,” *see attached* Citron Decl. ¶ 7.c, mob-driven workplace retaliation, *id.* at ¶ 7.d, and a chilling effect on the Jurors’ own speech and expressive activity, *id.* at ¶ 7.e.

Indeed, these special dynamics here create precisely the sorts of harms that courts—including the Supreme Court—have long recognized as posing a danger to jurors and the integrity of criminal trials. *See Estes v. Texas*, 381 U.S. 532, 545 (1965) (noting that it is “highly probable that [the presence of television cameras in the courtroom] will have a direct bearing on [a juror’s vote],” because “[i]f the community be hostile to an accused a televised juror, realizing that he must return to neighbors who saw the trial themselves, may well be” unable to remain impartial); *Sheppard*, 384 U.S. at 354 (finding a violation of due process when, *inter alia*, months of “virulent publicity” had “made the case notorious,” including the defendant’s examination before a crowd

of hundreds in a televised coroner’s inquest that ended with a “public brawl”); *Press-Enterprise Co. v. Superior Court (Press-Enterprise II)*, 478 U.S. 1, 8 (1986) (noting that “town meeting”-style trials risk creating a “lynch mob’ ambience [that] is hardly conducive to calm, reasoned decision-making based on evidence”).

The unique nature of social networks on the Internet, moreover, exponentially increases these risks, by providing “cyber mobs” with unprecedented opportunities to reach straight into the same devices and online media the Jurors—like all of us—use for everything from grocery shopping to managing their medical care to sharing pictures of their children.<sup>10</sup> The bad actors can then use this access to harass, to threaten, and to cause significant harm to victims’ livelihoods and well-being. The examples are legion.<sup>11</sup>

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<sup>10</sup> The Supreme Court has long made decisions to protect personal privacy in the face of new technologies, the role of the new technology in society, and the corresponding changes in public expectations affecting individual privacy and security. *See, e.g., Riley v. California*, 573 U.S. 373, 385–86 (2014) (noting that mobile phones “are now such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy” while holding that the search-incident-to-arrest doctrine is inapplicable to cell phones that “place vast quantities of personal information literally in the hands of individuals”); *see also Carpenter v. United States*, 138 S. Ct. 2206 (2018) (holding that the Fourth Amendment protects an individual’s privacy in historical cell site location information); *Kyllo v. United States*, 533 U.S. 27, 33–34 (2001) (holding that use of a thermal imager constituted a search and that it “would be foolish to contend that the degree of privacy secured to citizens by the Fourth Amendment has been entirely unaffected by the advance of technology”); *Katz v. United States*, 389 U.S. 347 (1967) (holding that use of a wiretap on a public phone booth intruded on a reasonable expectation of privacy notwithstanding the traditional third-party doctrine); *cf. Ontario v. Quon*, 560 U.S. 746, 759 (2010) (cautioning that privacy implications of “emerging technology” turn on “its role in society . . . becom[ing] clear”); *United States v. Jones*, 565 U.S. 400, 427 (2012) (Alito, J., concurring in judgment) (noting that “[t]he *Katz* test rests on the assumption that this hypothetical reasonable person has a well-developed and stable set of privacy expectations. But technology can change those expectations. Dramatic technological change may lead to periods in which popular expectations are in flux and may ultimately produce significant changes in popular attitudes”).

<sup>11</sup> *See, e.g.,* Harmon Leon, *How Internet Mob Justice Can Easily Destroy Innocent Lives*, *The Observer*, May 31, 2019, <https://observer.com/2019/05/internet-mob-justice-innocent-lives/> (collecting examples); *see also* Aja Romano, *What We Still Haven’t Learned from Gamergate*, *Vox*, Jan. 20, 2020, <https://www.vox.com/culture/2020/1/20/20808875/gamergate-lessons->

Given the foregoing, there can be little question that the facts present here support findings that continued protection of the questionnaires is necessary to protect the Jurors' privacy and security interests. Indeed, when the Court considered virtually the same question *only two months ago*, it concluded as much. As described in detail *supra*, at 12–13, when the Court partially closed a hearing on Mr. Stone's second new trial motion, it found that this is a widely publicized case, that "the particular issues related to the composition of the jury have also been widely publicized," and that numerous commentators have taken advantage to publish repeatedly "incendiary and false information" about the composition and selection of the *Stone* jury. *Stone* ECF No. 346 (2/25/20 Tr.) at 9–12. The Court further found that that "the risk of harassment and intimidation" of any Juror who is identified in the media is "extremely high and that individuals who may be angry about Mr. Stone's conviction or other developments in the news may choose to take it out on them personally." *Id.* at 11. In other words, for the Jurors, anonymity *is* safety. There is no basis to find otherwise now.

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cultural-impact-changes-harassment-laws (collecting examples, arguing that business and law enforcement have been slow to learn how to handle bad-faith mass action online); Matt Shapiro, *Conservatives Need More Than Courage*, The National Review, Aug. 28, 2019, <https://www.nationalreview.com/2019/08/conservatives-need-more-than-courage/> (discussing ubiquity of mass pressure campaigns targeted at procuring the termination of conservative corporate employees); Zoe Quinn, *What It's like to Be Targeted by an Online Mob*, KQED, Jan. 30, 2018, <https://www.kqed.org/futureofyou/438097/what-its-like-for-a-woman-to-be-targeted-by-an-online-mob> (systematic, years-long, campaign of harassment and threats against independent videogame developer based on disparaging post by ex-boyfriend); Cecilia Kang & Adam Goldman, *In Washington Pizzeria Attack, Fake News Brought Real Guns*, N.Y. Times, Dec. 5, 2016, <https://www.nytimes.com/2016/12/05/business/media/comet-ping-pong-pizza-shooting-fake-news-consequences.html> (active shooter incident based on mass hoax accusing Bill and Hillary Clinton of operating a pedophiliac human trafficking ring out of a Northwest Washington, DC, pizza shop).

**B. The Jurors Are Affirmatively Requesting that the Questionnaires Remain Sealed Because They Believe that Continued Protection of the Questionnaires Is Necessary to Safeguard Their Privacy and Security.**

The second prong of *CNN* and *Press-Enterprise I* requires the Jurors to make an “affirmative request” for privacy protection. As no party or *amicus* denies, such a request has plainly been made here.

It does not require guesswork or speculation to see that the Jurors would face unreasonable infringements of their privacy and security if the Court’s protections were relaxed. Certain jurors have been subjected to harassment already, and there is every reason to believe that others likely will as well, unless their questionnaires remain private. *See attached* Citron Decl. ¶ 7. To that end, the Jurors have provided declarations describing the factual basis for their pervasive fears of harassment and abuse. *See attached* Jurors A–L Decls. These declarations describe risks not only to their own personal safety, but also to the safety of their family members—many of whom can be easily identified based on information disclosed in their questionnaires. Jurors—including some who are federal employees, and work with or are supervised by political appointees, or who work for organizations that depend on federal funding—also have justifiable fears that online harassment would threaten their employment and hard-earned professional reputations.

Given these risks, there can be no question that the Jurors want their questionnaires kept private post-verdict, and have affirmatively sought that protection from the earliest opportunity. Indeed, as noted *supra*, at 10–11, the Jurors made that request directly of the Court shortly after trial. And having been afforded a formal opportunity to be heard through counsel, they make it again here. No more can reasonably be required to satisfy the second prong of *CNN* and *Press-Enterprise I*.

**C. There Is No Alternative Means Available to Protect the Jurors' Privacy and Security.**

The final prong of *CNN* and *Press-Enterprise I* asks whether there are “alternative” means of protecting the Jurors’ interests without sealing all or part of the trial. Compelling evidence in the record makes clear that the answer to this is no. The questionnaires must remain sealed in full.

As explained above, the Jurors’ safety depends on their anonymity. Their anonymity, in turn, depends on the Court’s withholding public access to the questionnaires *in any form*. As Professor Citron explains, “[c]onsiderable academic scholarship, regulatory requirements and practical guidance has addressed the subject of the ease of personal re-identification of individuals based on a relatively small number of data points.” *Attached Citron Decl.* at ¶ 7.f; *see also generally* Gina Kolata, *Your Data Were ‘Anonymized’? These Scientists Can Still Identify You*, N.Y. Times, July 23, 2019, <https://www.nytimes.com/2019/07/23/health/data-privacy-protection.html>.

In fact, redacted jury questionnaires would be a uniquely attractive target. “[T]he intimate—and the quotidian—details of the [J]urors’ lives that are contained in the questionnaires would easily provide more than enough information for layperson[s] . . . to re-identify the [J]urors—all of whom live in the District of Columbia—without the need to involve any complex data science.” *Attached Citron Decl.* at ¶ 7.g. Professor Citron’s conclusion is straightforward: it is not “reasonably possible to protect the [J]uror’s privacy and identity by merely removing the obviously identifying information,” such as name, address, and place of work, “from publicly released versions of the questionnaires.” *Id.* at ¶ 7.f. Or, in other words, “the disclosure of jury questionnaires containing particularly significant and highly personal elements of the [J]urors’ life stories would not be realistically consistent with protecting [their] anonymity.” *Id.* at ¶ 7.g.

The Government and *amici*'s proposed resolutions of this case short-change these re-identification concerns. The Government recommends that the questionnaires be stripped of information "which could be used to readily identify a juror." Govt. Br. at 4–5. The Government, however, does not explain from where it draws this "readily identifiable" standard, and points to no case law endorsing it. This is unsurprising. Jurors are entitled to more than Potemkin privacy—the appearance of protection that falls away when put to a real test. As Professor Citron opines, "the intense motivations and capabilities of cyber-mobs [would enable them to re-identify jurors] . . . even if the Court made an effort to remove the readily identifying details." *Attached Citron Decl.* ¶ 7.g. Given the harms that could befall the Jurors if their identities become publicly known—harms that this court has already recognized, *Stone* ECF No. 346 (2/25/20 Tr.) at 11:16–12:2; 16:4–11—the risk that redacted questionnaires could enable re-identification is simply too high to impose on the Jurors. The information sought by Petitioner and the "privacy protected information is so intertwined that meaningful redaction is unavailable." *Bruno*, 700 F. Supp. 2d at 185 n.9.

*Amici*'s position is even less tenable. *Amici* appear to argue that redactions should be permitted only for matters that are either "deeply personal" or that bear directly on each Juror's safety. *See* Reporters Comm. Br. at 10–11. In other words, *amici*'s redaction theory would do nothing to protect the Jurors' identities (though the omission of "deeply personal" material might soften the damage to their dignity). Simply stated, both the Government's and *amici*'s proposals create an essentially inescapable risk that the release of questionnaires, even in redacted form, would lead to "some, many or all" of the Jurors being identified. *See attached Citron Decl.* at ¶ 7.h. These are no "alternatives" at all.

**III. Petitioner Has Not Shown that His General Interest in Obtaining Additional Information Overcomes the Jurors' Continued Privacy and Security Interests or Requires Reversing the Court's Tailored Juror Protections.**

Petitioner, the Government, and *amici* all agree that there is a presumption in favor of public access to *voir dire* and juror identities. *See* Petition at 6–7; Govt. Br. at 2; Reporters Comm. Br. at 11 n.5. That is surely correct. And in the ordinary case, there will be no inconsistency between unfettered public access to juror information and jurors' ability to “inconspicuously fade back into the community once their tenure is completed.” *Scarfo*, 850 F.2d at 1023.

But there has never been an “absolute right of access.” *United States v. Blagojevich (Blagojevich III)*, 743 F. Supp. 2d 794, 800 (N.D. Ill. 2010); *see also* Reporters Committee For Freedom of the Press, *The Right of Access to Juror Names and Addresses*, available at <https://www.rcfp.org/journals/news-media-and-law-summer-2016/right-access-juror-names-an/> (“Although strong, the First Amendment right of access is not absolute”). The Supreme Court “has made clear that the right to an open trial may give way in certain cases to other rights or interests,” *Waller*, 467 U.S. at 45, and “no one contends (or should contend) that jurors' names *always* must be released,” *Blagojevich I*, 612 F.3d at 561.

Here, no one objected to the modest protective measure at issue before or during the trial, and, as laid out in detail above, *see supra* at 7–13, the Court took numerous steps to ensure copious press access to the proceedings. These steps facilitated extensive print, television, and Internet coverage, which continues to this very day.

But it is only now that Petitioner and *amici* claim that release of the juror questionnaires is necessary for the press and the public to act as “a check on the fair functioning of the criminal justice system.” Reporters Comm. Br. at 12 (quoting *In re Jury Questionnaires*, 37 A.3d 879, 889 (D.C. 2012)); Petition at 6. The Jurors do not deny the validity of that interest, or that the Court is required—“even after the verdict is in”—to balance it carefully against the Jurors' interest in



privacy. Reporters Comm. Br. at 12 (quoting *In re Jury Questionnaires*, 37 A.3d at 889). The fact of the matter, however, is that the case for anonymity has only grown stronger post-trial; and the balance of equities tips even more clearly in favor of the Jurors' now than during the long period when the juror protections were in place without objection.

**A. The Exceptional Threats to the Jurors' Privacy and Security Have Not Diminished Since Trial's End.**

The Court's "power to prevent harassment and protect juror privacy does not cease when the case ends." *United States v. Brown*, 250 F.3d 907, 918–19 (5th Cir. 2001). In other words, even though the jury's verdict extinguished the instrumental interest in securing the integrity of deliberations in this particular case, powerful reasons remain to preserve juror anonymity where doing so is necessary to prevent harassment and other threats. And that is the case here.

The Fifth Circuit's decision in *Brown* is a case in point. Like this dispute, *Brown* arose out of the politically charged trial of a colorful figure—the former Governor of Louisiana—accused of corrupt interference with official proceedings. *Id.* at 916 (“This particular prosecution involved . . . attempted bribery of a judge, attempting illegally to terminate a federal investigation, and influencing a court-appointed special master.”). An anonymous jury was empaneled at the Government's request, with jury selection conducted in part through “questionnaires [that] assured the jurors that all information would remain confidential.” *Id.* at 912. After a guilty verdict, various media organizations intervened seeking access to the jurors' names, addresses, places of employment, and questionnaires. *Id.* The district court denied the request. *Id.*

On appeal, the Fifth Circuit affirmed. At the outset, it noted that the grant of post-verdict anonymity “must be placed in context. It rests on an earlier promise of anonymity, which itself was grounded in well-documented threats by the media and the defendants to jurors' privacy and independence. The drumbeat of publicity surrounding the [Governor's] prosecutions continues to

this day.” *Id.* at 919–20. The court further emphasized that, unlike in some prior cases, there was no prohibition on interviewing jurors who decided they wanted to speak publicly, and jurors could consent to their questionnaires being released if they wished. The order, in other words, was “narrowly tailored to prevent [the] real threats to the administration of justice” posed by post-verdict juror harassment and invasions of privacy. *Id.* at 921.

The court likewise rejected the media’s argument that juror anonymity, as a matter of law, “should have ceased when the trial ended.” *Id.* It explained that, “[n]o caselaw requires this result, and the question appears closely tied to the rationale for initially convening an anonymous jury, an order [the media] did not appeal. Threats of intimidation and harassment do not necessarily end with the conclusion of trial.” *Id.* It continued, in terms that unmistakably parallel this case, that anonymity was particularly important because “several post-verdict motions have assailed jurors’ conduct; without continuing anonymity, jurors would remain vulnerable to abuse by those acting for the defendants.” *Id.* at 921–22.

This case is plainly on all fours with *Brown*, and other courts have indicated that they would apply the same logic. *See, e.g., Press-Enterprise I*, 464 U.S. at 511–12 (noting that “[w]hen limited closure [of *voir dire*] is ordered, the constitutional values . . . may be satisfied later by making a transcript of the closed proceedings available . . . , if the judge determines that disclosure can be accomplished while safeguarding the juror’s valid privacy interests. Even then a valid privacy right may rise to a level that part of the transcript should be sealed . . . .”); *Globe Newspaper Co. v. Hurley*, 920 F.2d 88, 91 (1st Cir. 1990) (“[T]here could be circumstances necessitating withholding of juror identities after verdict . . . . Failure of the court to shield jurors from threatened harm could seriously damage the functioning of the courts and the jury system. Were jurors to feel that their personal safety was at risk, they might not only be reluctant to serve but

might tailor verdicts so as to forestall harm to themselves, thus depriving the parties of an impartial jury.”); *Bruno*, 700 F. Supp. 2d at 184–85 & n.9 (denying motion for press access to jury questionnaires during deliberations on grounds that jurors had disclosed “extraordinarily personal and sensitive” information, court had assured jurors of confidentiality, and disclosure would potentially make the jury “the subject of relentless public scrutiny simply because they honored their constitutional duty” in a trial surrounded by a highly charged “emotional and political climate”).

Here, just like in *Brown*, the Jurors have relied on an “earlier promise of anonymity, which itself was grounded in well-documented threats by the media and the defendants to jurors’ privacy and independence.” *See* 250 F.3d at 919–20. Here, just like in *Brown*, the “drumbeat of publicity . . . continues to this day.” *See id.* Here, just like in *Brown*, the Jurors can consent to their identities being made public, as two Jurors already have. And, here, just like in *Brown*, “without continuing anonymity, [the] [J]urors would remain vulnerable to abuse by those acting for the defendants.” *See id.* at 921–22. This Court should thus, just as the *Brown* court did, reject the request to reverse the juror protections.

Indeed, the interest in protecting the Jurors from harassment and other threats that animates *Brown* is not the only interest that supports continuing the Jurors’ anonymity post-verdict. As noted above, the Jurors have an independent interest in preserving the privacy of information that “deserve[s] protection because it is extraordinarily personal and sensitive”—an interest that the declaration each Juror submitted to this Court makes clear. *See Bruno*, 700 F. Supp. 2d at 185 & n.9 (denying motion for press access to questionnaires, holding that “disclosures includ[ing] information about divorce, living arrangements with significant others, unemployment, union activity, personal financial investments, victimization, political activity, and personal views about

public officials” “deserve[d] protection” because they were “extraordinarily personal and sensitive,” further denying release of redacted questionnaires because “the pre-screening and privacy protected information [was] so intertwined that meaningful redaction [was] unavailable”); *see also In re Washington Post*, 1992 WL 233354, at \*2 (D.D.C. July 23, 1992) (“The court shall redact those portions of prospective jurors’ answers which contain deeply personal and private information that the prospective jurors would wish to keep out of the public domain”).

The interests of the legal system and the administration of justice are also served by protecting juror privacy. As another district court has said:

[R]eleasing the jurors’ [information]—after the jurors had relied on the Court’s express pledges of confidentiality—“would undermine the ability of judges in the future to use anonymous juries to ensure fair trials . . . . It is not difficult to imagine a future juror reacting incredulously—perhaps with good reason—to a judge’s promise of anonymity if it becomes clear that it is merely a fleeting promise, revocable upon the conclusion of the trial. In order to ensure that judges are able to use anonymous juries to promote fairness, anonymity must not be illusory. It is essential that jurors have confidence in a judge’s promise of anonymity.

*United States v. Calabrese*, 515 F. Supp. 2d 880, 885 (N.D. Ill. 2007); *see also Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 222 (1979) (noting that, in considering the effects of a disclosure of grand jury transcripts, “courts must consider not only the immediate effects upon a particular grand jury, but also the possible effect upon the functioning of future grand juries,” as those “called upon to testify will consider the likelihood that their testimony may one day be disclosed to outside parties”); *Blagojevich I*, 612 F.3d at 562 (labeling as a “legitimate interest[]” the fear that “public knowledge of the jurors’ identities . . . would discourage others from agreeing to serve in future trials”). The end of the *Stone* trial did not diminish either of these interests. Jurors’ interest in privacy is manifestly at least as strong as when they were first empaneled.

*Amici* are thus simply wrong to suggest that the fact that two jurors have made public statements “substantially weaken[] any argument for continued secrecy.” *See Reporters Comm.*

Br. at 12. In fact, *amici* have it precisely backwards, at least with respect to the other Jurors. The decision of the two Jurors who have spoken publicly was theirs alone, and cannot be imputed to the other members of the panel who have chosen to remain anonymous. And the significant harassment and threatening communications the two publicly-acknowledged Jurors were forced to suffer after disclosing their involvement in the trial hardly “weaken[s]” the remaining Jurors’ argument for privacy. To the contrary, it greatly strengthens it.

Moreover, *amici*’s suggestion ignores the fact that the two Jurors who spoke publicly retain a substantial interest in maintaining the secrecy of their questionnaires, which contain significant intimate information about them and their associates. Their questionnaires, for example, identify friends and relatives by name, with additional information ranging from employment histories to criminal backgrounds. Disclosing one’s involvement in the case in no way constitutes implicit consent to the release of information the Jurors had every reason to believe would remain confidential. As this Court has already found, “given the extraordinary events that have transpired since [the two jurors spoke publically] . . . and the number and derogatory and intimidating nature of the statements that have been published about them since then . . . it is incumbent upon the Court to ensure that neither it nor the parties . . . disseminate the information further.” *Stone* ECF No. 346 (2/25/20 Tr.) at 17:21–18:4.

**B. In Contrast, the Trial’s End Weakens Petitioner’s Interest in Accessing the Questionnaires, Particularly Because Alternate Proceedings Are Fully Evaluating Potential Juror Bias.**

As the Supreme Court has recognized, the “significant community therapeutic value” of press coverage is plainly at its height during the trial itself. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 570 (1980). Post-verdict, it is “too late” to salvage the trial by seating alternate jurors, or to save resources by declaring an early mistrial. *See Blagojevich I*, 612 F.3d at

562. Given this, “[t]he value of any right of access . . . can only be diminished after trial has begun, and diminished even further once a verdict has been rendered.” *Wecht*, 537 F.3d at 239.

This is particularly true where, as here, there is no danger that the primary interest identified in Petitioner’s motion—the risk of alleged jury bias—will go unscrutinized. Mr. Stone has filed a pair of new trial motions on exactly that ground, one of which is still pending before the Court after a public evidentiary hearing. Counsel for Mr. Stone—undoubtedly the actors most motivated to examine the Jurors for any indicators of undisclosed bias—have full access to the questionnaires during that proceeding, and they will undoubtedly draw on them as relevant to their client’s bias claims. Put simply, the issue before this Court is not whether Roger Stone received a fair trial, but rather, whether Petitioner is entitled to the contents of the questionnaires.

For the reasons laid out above, he is not.

### CONCLUSION

The Court should deny the Petition.

Date: April 15, 2020

Respectfully submitted,

/s/ Alan Raul

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\* Jurors’ Counsel also wishes to acknowledge the invaluable contributions of Laura Sorice, Associate in the New York office of Sidley Austin LLP, whose swearing-in as a member of the Bar of the State of New York is delayed in light of the present public health emergency.

**CERTIFICATE OF SERVICE**

I certify that on April 15, 2020, I served upon all counsel of record the foregoing Brief, the Declaration of Danielle K. Citron with exhibits, and the Declarations of Jurors A–L with exhibits, by filing said documents using the Court’s Electronic Case Filing System.

Date: April 15, 2020

*/s/ Alan Raul*

\_\_\_\_\_  
Alan Charles Raul

# Ex. 3



# **DECLARATION OF JUROR A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR A**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR A**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, I believed that the information I disclosed in the questionnaire would be kept private and confidential. My belief was based on the following:
  - a. Judge Jackson stated that both sides had agreed to keep the questionnaires confidential.
  - b. The Judge also said that she wanted the jurors to be honest in completing the questionnaire, and that keeping the questionnaires confidential would ensure that

the jurors completed the questionnaires honestly. The Judge also explained that the questionnaires were to help screen out people that would be unable to serve on the jury.

- c. My interpretation of the instructions was that I could be uninhibited in completing the questionnaire, without being concerned that the answers I gave would become public.
4. My understanding that the questionnaires would be kept confidential induced me to be especially forthcoming regarding the amount of detail I provided in my responses without inhibition.
5. The information I disclosed is highly identifying.
6. After the jury rendered its verdict, Judge Jackson came into the jury room and spoke with the jurors. During that conference, one of the jurors asked the Judge whether someone from the public or public could access our information. I recall that the Judge responding that the jurors could speak to the press if we chose to, but that she would try to protect our anonymity.
7. Because of my concerns about possible harassment, intimidation and attacks on my personal security, I have not made and likely would not any time soon want to make any public statements or social media comments, or spoken with anyone from the press, about my jury service. I do not want my identity exposed, and I do not want the public to have access to my jury questionnaire.
8. I feel that serving on the jury was a true privilege and an opportunity to demonstrate my values as an American citizen. It frustrates me that I have had to listen to people in the press trying to smear or distort what we did as jurors performing our civic duty.

9. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

/s/ Juror A

Juror A

# **DECLARATION OF JUROR B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR B**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR B**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. When I completed my jury questionnaire, I thought that it was private and confidential, based on the following:
  - a. When I was handed the 20-page jury questionnaire, I recall being told repeatedly that it would be kept confidential and completely private, and that our names were only to be located on the last page where we signed.
  - b. It was my understanding that last page of the questionnaire with our names would be removed before circulating the questionnaires to the attorneys, and that the

attorneys could ask us questions about our questionnaires without our names attached.

4. Relying on the repeated assurances of confidentiality, I completed the questionnaire by writing down everything I could think of that was accurate and responsive to the questions. That included different pieces of information in my questionnaire that are personal and identifiable. I think that various portions of the questionnaire could identify me and my family.
5. The information I disclosed in my questionnaire is highly personal. I do not want this information revealed to the public.
6. After the trial, Judge Jackson came into the jury room to speak with the jurors. One of the jurors asked whether the questionnaires would be kept confidential. The Judge stated that she would try to keep the questionnaires sealed or to redact any identifying information, but she could not foresee a reason why anyone would need access to the questionnaire.
7. When I learned that someone was seeking to access the juror questionnaires, I was concerned that my family would be exposed to harassment.
8. Since the trial has ended, I learned about the salacious things that some Internet attack personalities had posted about the jurors in the trial. I do not feel that any of the information was presented in a balanced or reasonable way. In my view, those internet attacks were horribly unfair and I fear that information from my juror questionnaire could be similarly taken out of context to tell a false story.
9. Due to this environment, I feel extremely vulnerable. I am concerned about how public exposure could impact those close to me – my family, my job, and my neighbors. I did

not seek to be a juror in the Roger Stone trial. I reported for jury duty to fulfill by civic responsibility knowing nothing about the court's docket. I was then compelled to reveal personal information which I believed would be kept confidential. Now, I am frightened that someone could harm my family simply because I was summoned and then chosen to serve on the jury.

10. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 14, 2020

/s/ Juror B  
Juror B



# **DECLARATION OF JUROR C**

**IN THE UNITED STATES DISTRICT FGHDGFGH  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR C**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR C**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. I understood that there would be precautionary measures taken to keep my personal information and identity confidential, based on the following:
  - a. At the time of jury selection, both the Judge and the Courtroom Deputy gave assurances that our questionnaires would be kept confidential as much as possible due to the high-profile nature of the case.
  - b. During the trial, the Court took precautions to protect us. Every day, we arrived at a specified location and were taken to the courthouse by security officers.

- c. After the trial, the Judge came back to the jury deliberation room to thank us for our service. Jurors asked the Judge what would happen to their personal information, since they were concerned for the safety of themselves and their families.
4. I am particularly concerned about certain pieces of information in my questionnaire becoming known to the public, as they are personally identifying even if they are not associated with my name.
5. I am concerned about by privacy, and I am also concerned about my physical safety and about being harassed.
  - a. I saw the example of what happened to the foreperson when she was identified, and I believe that if the public gets ahold of the questionnaires, some people will go after the jurors and tear us to pieces.
  - b. Since being selected as a juror, I have received phone calls at inappropriate hours and throughout the day. I will not pick up the calls, but I suspect that it may be people calling about this case. Whenever the topic of this case hits the media, the phone calls increased significantly. I am concerned that the phone calls are just the beginning. If my identity is exposed, I do not know what some people are capable of.
6. My jury service was a learning experience, and I would not give it up for anything. I served willingly, but I did not sign up for what it has become. I find the current situation disheartening.
7. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and

security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

/s/ Juror C  
Juror C

# **DECLARATION OF JUROR D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR D**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR D**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, I thought that my identity would be protected. Judge Jackson told the jurors that we would be identified only by our juror numbers. It was my impression that our names would not be attached to the copies of the questionnaires that were circulated to the lawyers.
4. Based on that understanding, I disclosed several items in my questionnaire that would concern me if the public got access to them. These items are personally identifying, even if they are not attached to my name.

5. During the trial, there were discussions amongst the jurors about whether our names would get out. Some of the jurors asked the courtroom deputy, Mr. Haley, who reported from Judge Jackson that the Court would wipe the jurors' names from the record.
6. Even if my name is removed from the questionnaire, I am concerned that someone could still identify me using the employment and other information I shared in my questionnaire.
7. Given that the case involved criminals and intimidation, I am extremely fearful of what would happen if my identity were to be exposed. I fear that people would show up to my home, workplace, or my family member's workplace. I do not feel comfortable with people knowing where I live and being able to approach my family and me.
8. Due to these concerns, I have not spoken with the press or posted anything publicly about my jury service. I will never post anything about the trial or my experience as a juror on any social media account because I am concerned about harassment and threats.
9. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror D  
\_\_\_\_\_  
Juror D

# **DECLARATION OF JUROR E**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR E**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR E**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, my understanding was that the questionnaires would not be released to the public and that not even counsel for the parties would know our names.
  - a. I recall being told that the last page, which listed our names, would not be shared with anyone, and that it would be removed before it was shared with the lawyers.

- b. I see the questionnaire responses as the equivalent of a private bench conference during oral questioning. If I had been asked certain questions orally, I believe I would have requested the white noise machine.
4. During the trial itself, Judge Jackson went to great lengths to make sure that the press did not harass or bother the jurors. We received even more protection throughout the trial, as the situation got more intense.
5. I included several pieces of highly personal information on my juror questionnaire that I do not want released to the public.
6. Given the current climate of polarization and harassment, I do not want to draw any attention to myself, my family, or my employer in any way, shape, or form. It is intimidating when the President of the United States attacks the foreperson of a jury by name.
7. Serving on a jury was no small sacrifice, and it involved leaving work and disrupting my normal life for days on end. But I took my duty as a juror seriously, and I am grateful for having the opportunity to serve. The threat of being exposed and harassed for jury service creates a situation where people may not be willing to serve as jurors.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror E

Juror E

# **DECLARATION OF JUROR F**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR F**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR F**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, my understanding was that counsel for the parties had access to the questionnaires but that the questionnaires would not be released to the public or the press.
4. I recall receiving assurances that the questionnaires would be kept confidential, and that the information in the questionnaires would not be tied to the juror names or numbers.

5. Based on my understanding that the questionnaires would be kept confidential, I disclosed several pieces of information in my questionnaire that could be used to identify me or my family members.
6. In the current political atmosphere, I do not want my questionnaire to become public because of how individuals on both sides of the aisle might twist the information.
7. I found the experience of serving on a jury fascinating, and I enjoyed seeing the justice system at work. It was fair for me to have to fill out the questionnaire to help the lawyers choose a jury, but it would not be fair for my questionnaire to become public or for my name to be associated with it.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror F  
Juror F

# **DECLARATION OF JUROR G**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR G**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR G**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. My belief at the time I completed the jury questionnaire was that the questionnaires would remain private and confidential. I formed this belief because:
  - a. The questionnaire itself said that it would be confidential.
  - b. Judge Jackson said at some point that she would try to make sure the questionnaires remained confidential.
  - c. I had the impression that the last page of the questionnaire, with our names, would be removed before distribution to counsel for the parties.



4. I was especially forthcoming about details regarding certain sensitive topics without inhibition as a result of the promises of confidentiality.
5. After the trial ended, I witnessed how unfairly some quarters of the Internet treated the foreperson who spoke out publicly about the case. I felt that it was important to defend the foreperson and the jury's fair and rigorous deliberation process, so I spoke with several news outlets.
6. After I appeared publicly, I received negative messages on social media and a concerning postcard sent to my house. The postcard reads: "[Juror G]—thanks so much for being dumb enough to try to rationalize the selective prosecution of Roger Stone. Take comfort knowing the fraud is helping trump with fair-minded moderates... 'thanks again, dummy.'"<sup>1</sup> This message is an implied threat, indicating that the sender knows where I live.
7. I do not want information about my work or my family being broadcast widely. I have a strong interest in keeping my jury questionnaire confidential, to ensure that my family and employer do not face harassment or threats.
8. It felt important to take the case seriously, and I am very proud of the work that we did as jurors.
9. However, attacks on the process and attacks on jury service felt to me like attacks on core values of us as a society and as a republic. I am concerned about the potential impact that attempts to expose and harass jurors could have on other people's willingness to serve and to answer questions honestly.

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<sup>1</sup> Photographs of the front and back of the postcard postmarked February 28, 2020, are attached as Exhibit A.

10. Additionally, given the implied threat that I received, I am concerned about the potential for threats or negative actions against other members of this jury who have not spoken publicly or revealed their participation in this case.

11. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

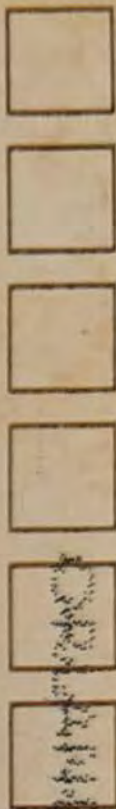
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2020

/s/ Juror G

Juror G

**EXHIBIT A TO THE  
DECLARATION OF JUROR G**



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

NO POSTAGE  
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UNITED STATES

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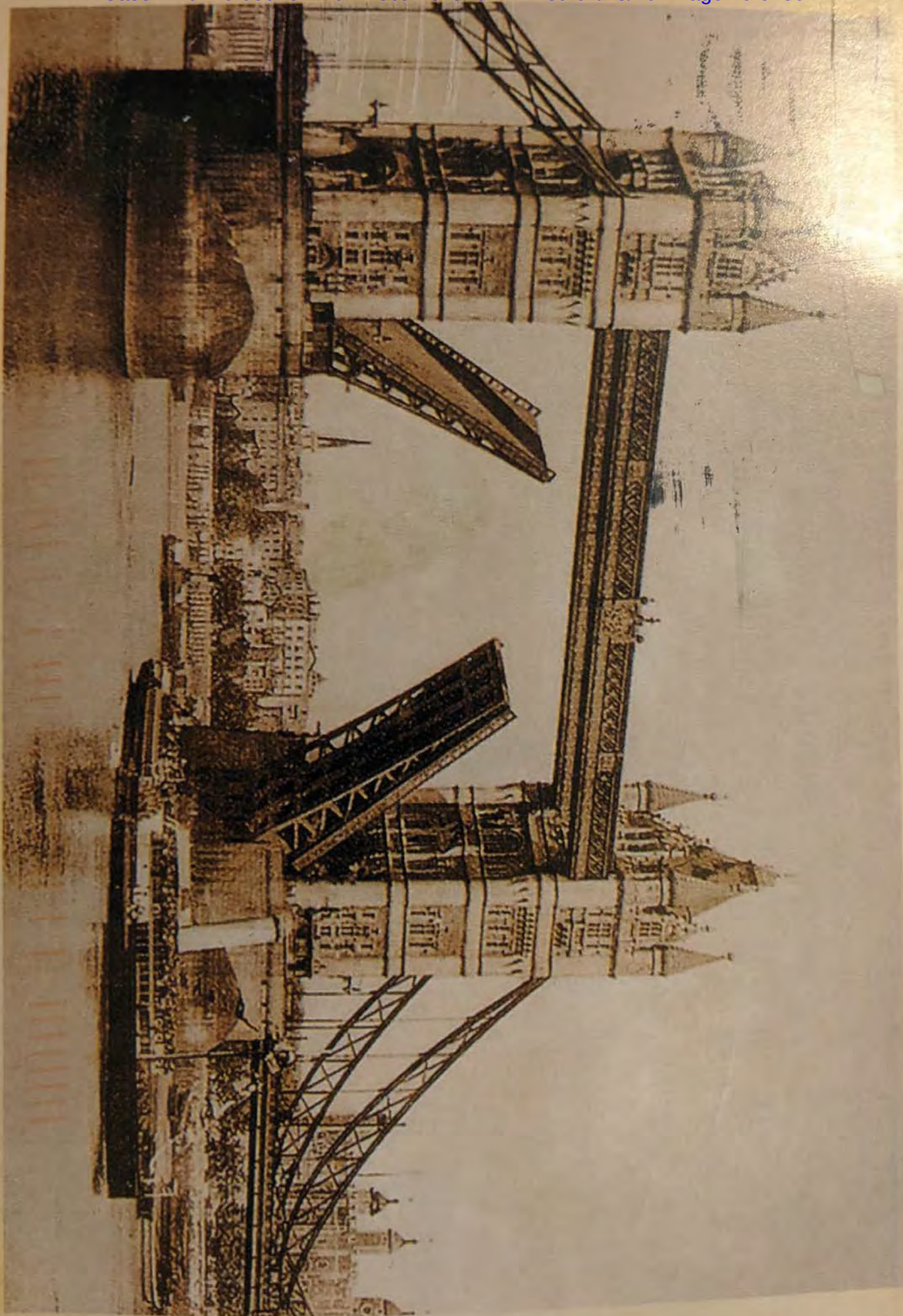
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# **DECLARATION OF JUROR H**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR H**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR H**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, my understanding was that it would be confidential. I did not know that our questionnaire or any information about us would ever be part of the public record.
4. Knowing that the questionnaire was being sealed and my information was private, I answered each question not only truthfully and completely, but in great uninhibited detail.
5. I disclosed private and highly identifying information in my questionnaire.

6. I am a private person, and I do not want my information or my family member's information to become public. I try to stay away from danger, but now it seems like the danger is coming to me.
7. This whole situation blows me away, because all that I expected before the trial was simply appearing for jury duty. I feel that I should be protected for performing my civic duty.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror H

Juror H



# **DECLARATION OF JUROR I**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR I**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR I**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. When I completed the questionnaire, I had an understanding that the questionnaires would be kept confidential:
  - a. I recall being instructed not to put our names on any pages other than the last page, which would be kept separate from the rest of the questionnaire.
  - b. I thought that our names would be kept separate from the attorneys.
4. The Court took other steps to ensure our anonymity during the trial:

- a. During the trial, we met at a secret location in the morning. From there, marshals guarded us and took us to the courtroom through back ways.
  - b. Even after the case was over, Judge Jackson spoke with us and said that the attorneys might want to speak to us and asked if we wanted to be contacted. We all told her that we did not want to be contacted. She assured us that was fine, and that she would make sure we were not contacted by the attorneys.
5. If I had known that the jury questionnaire might be made public, I would have been more inhibited about providing information in such detail, since much of the information could be personally identifying even without my name.
  6. I am concerned about harassment, and particularly people who want to run the jurors names' through the mud. I did my civic duty, and now I just want to move on with my life.
  7. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2020

/s/ Juror I  
Juror I

# **DECLARATION OF JUROR J**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR J**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR J**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. Before filing out the jury questionnaire, I understood that it was going to be used by the lawyers and otherwise be kept confidential. That seemed to be the agreement between the prosecution and the defense. I formed this understanding based on the following:
  - a. The Court told the jurors that the information would be private, and only used by the lawyers in this case.

- b. I believe that the Court and the parties were using the questionnaires as a tool to help better understand the jurors because there were so many of us from which to choose.
  - c. I also recall several jurors asking about confidentiality several times throughout the course of the trial, including one instance where Judge Jackson spoke with us.
4. In completing the questionnaire, I listened to the Judge and followed her rules. I answered honestly and thoroughly. I spent a great deal of time in filling out the questionnaire, and I wanted to ensure I gave answers that were thoroughly complete and accurate.
  5. Absent the Court's assurances of confidentiality, I would certainly have answered truthfully, but I would have been more inhibited about the degree of detail I provided.
  6. Even without my name being attached to the jury questionnaire, there is enough information in my answers that anyone could figure out who I am as a result of the very substantial detail I provided. Further, the questionnaire contains enough information about my family that their right to privacy would be violated as well if the questionnaire was revealed publicly.
  7. I fear personal threats and attacks from partisan channels. I have seen what Judge Jackson, other jurors, and many others have had to deal with over the past three years, and it scares me.
  8. I filled out the jury questionnaire in good faith. I was told that it would not be made public and would only be used by the Judge, prosecution, and defense. No one should be allowed to use us—publicizing our lives and maybe ruining our careers—so that they can tweet or post bogus innuendo about this case.

9. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2020

/s/ Juror J

Juror J

# **DECLARATION OF JUROR K**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR K**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR K**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. When I completed the questionnaire, I expected that it would be kept confidential by counsel and the Court.
4. If I had known that the questionnaires would become public, I would likely have been more inhibited about listing certain personal information about other people who are connected to me, since their stories are not mine to tell.
5. After the trial, I posted on social media about the trial. Although several members of the media contacted me, I only spoke to the press to confirm the authenticity of the post. I

stopped responding publicly when the media attention felt frenzied. I have not spoken with the press since.

6. Since then, I have received a dizzying volume of messages on my social media accounts, email, and even home address. I have been subject to significant harassment, including:
  - a. I received a letter that reads: “Thank you so very much for being as stupid as you must be! Your ignorance that your online history would surface, proves once again: You buffoons are a joke. Look forward to the day you are on trial you idiot—”<sup>1</sup>
  - b. I received several insulting emails, two of which accused me of perjury.
  - c. I have been named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others.
7. After facing this barrage of harassment, I still feel unsafe. Any more information connected to me that becomes public puts me in more danger, and puts the people I identified in my questionnaire in danger without any legitimate reason.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

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<sup>1</sup> Photographs of the letter dated February 14, 2020, the envelope in which the letter arrived, and two businesses cards that were included in the envelope are attached as Exhibit A. The United States Marshall Service has the original.

Executed on: April 13, 2020

/s/ Juror K

Juror K

**EXHIBIT A TO THE  
DECLARATION OF JUROR K**

2/14/20

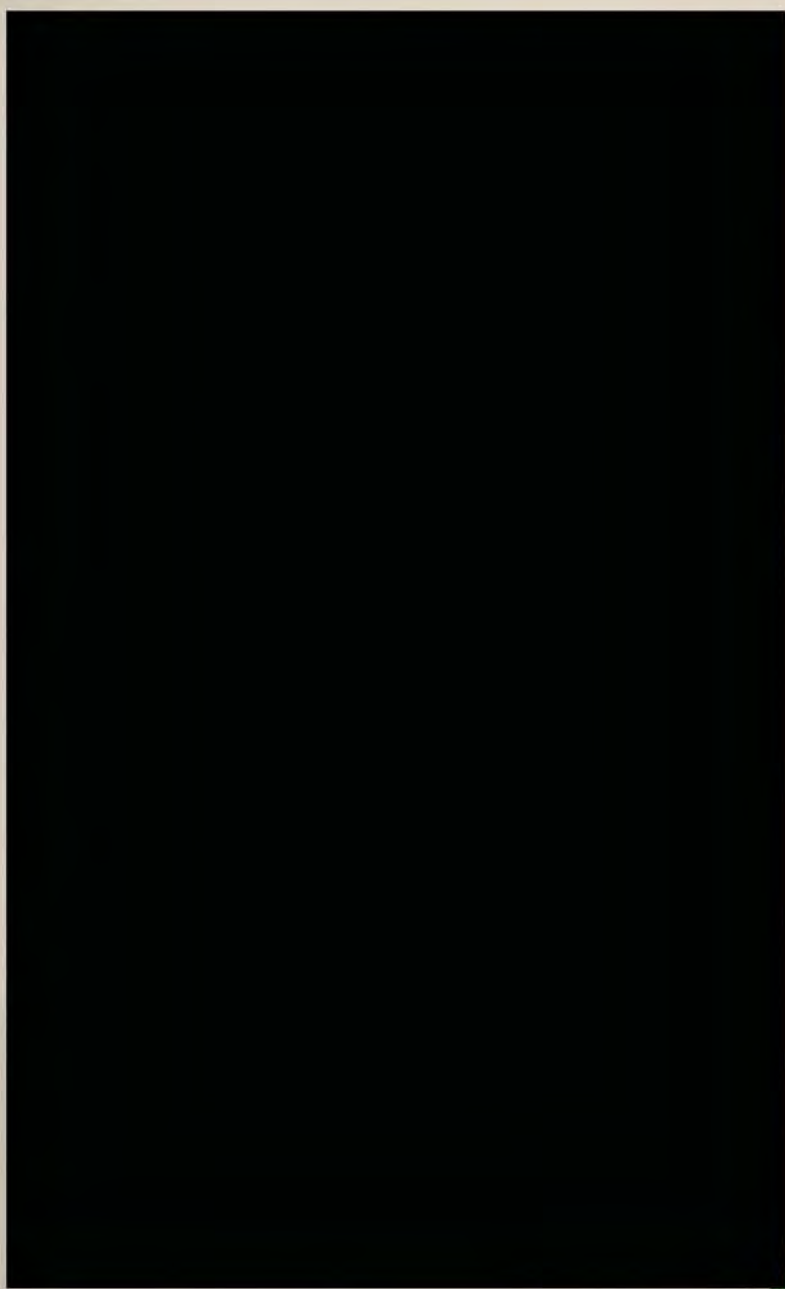
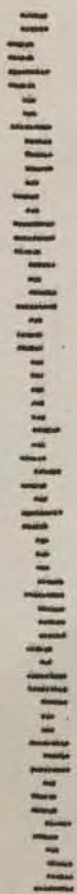


Thank you <sup>so very</sup> much for being as stupid as you must be! Your ignorance that your online history would surface, proves once again: You buttocks are a joke. Look forward to the day you are on trial you idiot

All our Love,

J + D

20011-360802



ORLANDO FL 32813  
14 FEB 2020 PM 7:1

ORLANDO FL 32813



# **DECLARATION OF JUROR L**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR L**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR L**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. I completed the jury questionnaire based on assurances that my answers would be kept confidential. I recall being told on numerous occasions by Judge Jackson that the questionnaires would be kept confidential.
4. In my questionnaire, I disclosed employment information that would allow someone to identify my spouse or me, including our job titles and employers. It would be easy to figure out who I am based on that information.

5. I have nothing to hide, but I am a private person and I do not want anyone to probe into my life. I do not want the public to know about my family, or know where I live or work.
6. Since being chosen as a juror, I have begun to receive many phone calls from unknown numbers. The phone calls tend to increase when the case appears in the news. For example, they picked up a lot the week when the jurors testified back in February.
7. I enjoyed serving as a juror, but I did not anticipate all of this publicity surrounding the jurors. I simply want to remain private and live my life.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

/s/ Juror L  
Juror L

# Ex. 4

# Roger Stone Jurors, Citing Trump Tweets, Say They've Been Threatened and Fear Harassment

New York Law Journal

April 17, 2020 Friday

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## New York Law Journal

**Section:** Pg. p.2, col.1; Vol. 263; No. 74

**Length:** 872 words

**Byline:** JACQUELINE THOMSEN WASHINGTON, D.C.

### Body

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ROGER Stone's jurors are speaking out in court against the potential release of their questionnaires, saying they fear harassment after attacks by President Donald Trump on the jury's foreperson.

Right-wing figure Mike Cernovich, represented by Connecticut lawyer Norm Pattis, in February petitioned for the release of the forms amid Stone's bid for a new trial. U.S. District Judge Amy Berman Jackson of the District of Columbia—who presided over Stone's trial—tapped Sidley Austin partner Alan Raul to represent any jurors who wanted to get involved in the case, and on Wednesday Raul filed a motion on their behalf opposing the release of the questionnaires. The filing, citing remarks made by figures from Trump to InfoWars host and conspiracy theorist Alex Jones, says "the threats to the jurors' safety and privacy persist" since the trial's conclusion in November.

"Indeed, the record shows that the jurors have been subject to continued harassment since the trial concluded and that the release of the questionnaires would only exacerbate the significant risks the jurors face," the filing reads. "On the special facts present here, it is necessary—indeed essential—for the jurors' protections to remain in place. Otherwise, the balancing required by the Supreme Court to protect jury privacy is no better than lip service."

Included in the filing are declarations from each of the jurors who convicted Stone in November on charges of lying to Congress, impeding the House Intelligence Committee's Russia probe and witness tampering.

In the declarations, the jurors describe how they were told the questionnaires they filled out would remain confidential. That meant they included information that could be used to easily identify them and their family members.

"These declarations describe risks not only to their own personal safety, but also to the safety of their family members—many of whom can be easily identified based on information disclosed in their questionnaires," the document states. "Jurors—including some who are federal employees, and work with or are supervised by political appointees, or who work for organizations that depend on federal funding—also have justifiable fears that online harassment would threaten their employment and hard-earned professional reputations."

Stone's trial found itself at the center of a media and political melee earlier this year, over the federal government's recommendation for his sentence. The four prosecutors who secured Stone's conviction initially told Jackson she should sentence him to up to nine years. But after intervention from Main Justice, which said that sentence was too

## Roger Stone Jurors, Citing Trump Tweets, Say They've Been Threatened and Fear Harassment

tough, all of the D.C. prosecutors withdrew from the case and one resigned from DOJ entirely. Jackson in February sentenced Stone to 40 months in prison.

In response to that controversy, the foreperson of Stone's jury spoke out in support of the prosecutors. But prior social media posts she made were uncovered as a result, spurring claims from conservatives, including Trump, that she was biased against Stone and may have made false statements in her questionnaire.

Stone's attorneys filed a motion for a new trial, and Jackson held a hearing on the motion in late February. During the hearing, she called two members of the jury to the stand to testify about the conduct of the foreperson, as well as the foreperson to discuss the social media posts.

Jackson indicated throughout those proceedings that the safety of the jurors was paramount, and sealed the courtroom itself during the hearing. Audio of the hearing was streamed to the media room in the D.C. federal courthouse.

In the declarations filed Wednesday, the jurors said Jackson and her courtroom deputy committed to protecting their privacy if they wished, including keeping the questionnaires sealed. They said they were allowed to speak publicly if they wanted, but the vast majority of them did not want to do so.

"Given the current climate of polarization and harassment, I do not want to draw any attention to myself, my family, or my employer in any way, shape, or form. It is intimidating when the President of the United States attacks the foreperson of a jury by name," one juror wrote.

Several jurors said that while they took their civil service seriously, the experience has since soured.

"I served willingly, but I did not sign up for what it has become. I find the current situation disheartening," one juror said.

The jury's foreperson wrote that she has experienced "significant harassment" since she spoke out publicly, and "received a dizzying volume of messages on my social media accounts, email, and even home address."

"I have been named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others," she wrote.

Another juror who has spoken publicly wrote in his declaration that he too has been harassed. He said he received a handwritten postcard at his home about the trial, which he said is "an implied threat, indicating that the sender knows where I live."

Jackson has yet to rule on Stone's motion for a new trial, which means he has not had to report to federal prison to serve his 40-month sentence.

@| Jacqueline Thomsen can be reached at [jathomsen@alm.com](mailto:jathomsen@alm.com)

**Load-Date:** April 17, 2020

# Ex. 5

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

DONALD JOHN TRUMP,  
RUDOLPH WILLIAM LOUIS GIULIANI,  
JOHN CHARLES EASTMAN,  
MARK RANDALL MEADOWS,  
KENNETH JOHN CHESEBRO,  
JEFFREY BOSSERT CLARK,  
JENNA LYNN ELLIS,  
RAY STALLINGS SMITH III,  
ROBERT DAVID CHEELEY,  
MICHAEL A. ROMAN,  
DAVID JAMES SHAFER,  
SHAWN MICAH TRESHER STILL,  
STEPHEN CLIFFGARD LEE,  
HARRISON WILLIAM PRESCOTT FLOYD,  
TREVIAN C. KUTTI,  
SIDNEY KATHERINE POWELL,  
CATHLEEN ALSTON LATHAM,  
SCOTT GRAHAM HALL,  
MISTY HAMPTON a/k/a EMILY MISTY HAYES  
Defendants.

CASE NO.

23SC188947

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**STATE'S MOTION TO RESTRICT JURORS' IDENTITY**

COMES NOW, the State of Georgia, by and through Fulton County District Attorney Fani T. Willis, and requests this Honorable Court to restrict the dissemination of jurors' identities by any Defendant, members of the press, or any other person during the pendency of this trial.

**INTRODUCTION**

"In a widely publicized case, the right of the accused to a trial by an impartial jury can be seriously threatened by the conduct of the news media prior to and during trial." *U.S. v. Gurney*, 558 F.2d 1202, 1209 (5<sup>th</sup> Cir. 1977).

This Court's "primary responsibility [is] to govern judicial proceedings so as to ensure that the accused receives a fair, orderly trial comporting with fundamental due process . . . and [this Court] is therefore granted broad discretion in ordering the daily activities of his court." *Id.* This Court further has an "obligation to protect jurors from unwanted harassment." *U.S. v. Scrushy*, 2005 U.S. Dist. LEXIS 42127 (U.S. Dist. Ct. N. Dist. Ala. 2005) (citing *U.S. v. Brown*, 250 F.3d 907 (5<sup>th</sup> Cir. 2001); *U.S. v. Edwards*, 823 F.2d 111, 120 (5<sup>th</sup> Cir. 1987)).

The State fears that "the Defendants' Sixth Amendment rights to a fair trial [will] be endangered if the identities of the jurors become known to the public" during the upcoming, and likely highly-publicized, trial. *See U.S. v. Al-Arian*, 2005 U.S. Dist. LEXIS 62070 at 7 (U.S. Dist. M. Dist. Fla. 2005).

Therefore, the State files this motion requesting this Court issue an order restricting any Defendant, members of the press, or any other person from disseminating potential jurors' and empanelled jurors' identities during voir dire and trial. Specifically, the State requests this Court:

- 1) Prevent any Defendant, members of the press, or any other person from videotaping, photographing, drawing, or otherwise creating or publishing images of the jurors or prospective jurors inside or outside the courtroom; and
- 2) Prevent any Defendant, members of the press, or any other person from publishing any verbal or written descriptions of any information that would assist persons in determining the identity of any jurors or prospective jurors, specifically physical descriptions, telephone numbers, addresses, employer names, and membership affiliations of all jurors or prospective jurors.

*See Al-Arian*, at 10.

#### **STATEMENT OF FACTS AND LAW**

The present case has been highly covered by the media thus far since indictment. Numerous articles have been published about this case, not only in local news outlets, but also in



national and international media outlets.<sup>1</sup> The State anticipates that press coverage of this case will continue, and likely increase, throughout the pendency of pretrial motions and the trial itself.

The effects of the widespread national and international media coverage on individuals associated with this case is real and substantial. Immediately following the filing of the indictment, anonymous individuals on conspiracy theory websites “shared a list of the 23 grand jurors [who approved the indictment] with their supposed full names, ages and addresses” with the intent to harass and intimidate them.<sup>2</sup> This incident has resulted in law enforcement officials, including the Atlanta Police Department, Fulton County Sheriff’s Office, and other police departments in the jurisdiction, putting plans in place to protect the grand jurors and prevent harassment and violence against them. *See Exhibit A*, Affidavit of Atlanta Police Department Chief Darin Schierbaum.

Additionally, members of the Fulton County District Attorney’s Office, including the District Attorney herself and members of her family, have been doxed, causing their personal information to be displayed permanently on the internet. *Id.* This personal information includes the District Attorney’s name, her family members’ names, ages with dates of birth, home physical addresses, phone numbers, GPS coordinates, places of employment, work physical addresses, e-mail addresses, and social media accounts. The personal information was intertwined with derogatory and racist remarks. The United States Department of Homeland Security determined that this information is hosted by a Russian website company and cannot be

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<sup>1</sup> Those publications include, but are not limited to, the New York Times, the Washington Post, CNN, MSNBC, Fox News, Rolling Stone, Vice, NPR, Time Magazine, the New Yorker, USA Today, the Atlanta Journal Constitution, TMZ, and the Daily Mail.

<sup>2</sup> Odette Yousef, Sam Gringlas, *Threats, Slurs and Menace: Far-right Websites Target Fulton County Grand Jurors*, NPR (August 18, 2023), <https://www.npr.org/2023/08/18/1194471162/trump-indictment-fulton-county-grand-jurors-threats>

removed from public view. See **Exhibit B**, Affidavit of Fulton County District Attorney's Office Assistant Chief Investigator Gerald Walsh.

Therefore, the State now raises concerns about the defendants' Sixth Amendment rights to a fair trial if press outlets or any other person publishes jurors' and potential jurors' identifying information. See *Gurney*, 558 F.2d at 1209; *U.S. v. Al-Arian*, 2005 U.S. Dist. LEXIS 62070 (U.S. Dist. M. Dist. Fla. 2005). Based on the doxing of Fulton County grand jurors and the Fulton County District Attorney, it is clearly foreseeable that trial jurors will likely be doxed should their names be made available to the public. If that were to happen, the effect on jurors' ability to decide the issues before them impartially and without outside influence would undoubtedly be placed in jeopardy, both placing them in physical danger and materially affecting all of the Defendants' constitutional right to a fair and impartial jury.

The United States Supreme Court has "placed an *affirmative duty* on trial courts to guard against prejudicial pretrial publicity." *U.S. v. Noriega*, 917 F.2d 1543, 1549 (11<sup>th</sup> Cir. 1990) (emphasis in original) (citing *Gannett Co. v. DePasquale*, 443 U.S. 368, 378, 99 S. Ct. 2898, 2904, 61 L.Ed 2d 608 (1979)). Citing the United States Supreme Court, the Eleventh Circuit Court of Appeals held:

To safeguard the due process rights of the accused, a trial judge has an affirmative constitutional duty to minimize the effects of prejudicial pretrial publicity. And because of the Constitution's pervasive concern for these due process rights, a trial judge may surely take protective measures even when they are not strictly and inescapably necessary.

*Id.* A trial court "has broad discretion to strike the balance between protecting the defendant's Sixth Amendment rights and the press and public's First Amendment rights." *U.S. v. Hernandez*, 124 F. Supp. 2d 698, 703 (U.S. Dist. Ct. So. Dist. Fla. 2000).

Within this discretion, therefore, the district court can place restrictions on parties, jurors, lawyers, and others involved with the proceedings despite the fact that such restriction

might affect First Amendment consideration. Sixth Amendment rights of the accused must be protected always.

*Hernandez*, 124 F. Supp. At 703 (citing *Noriega*, 917 F.2d at 1548).

The State believes that the above-described remedy – an order from this Court restricting the publication of jurors’ and prospective jurors’ appearance and identifying information – is the “only realistic solution to preserve juror impartiality.” *Al-Arian*, at 8-9. As in *Al-Arian*, “other measures, such as jury sequestration, are simply not realistic in light of the anticipated length of the trial, estimated to last from six months to one year.” *Id.*

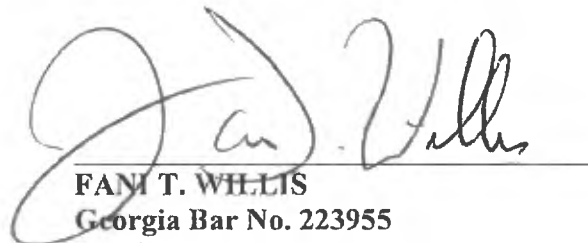
Therefore, the State moves this Court to issue an order restricting the publication of juror and potential juror likeness and identifying information, as described above.

### **CONCLUSION**

The State wishes to ensure that the defendants’ Sixth Amendment rights to a fair trial are protected. Therefore, State now moves this Court to issue an order:

- 1) Preventing any Defendant, members of the press, or any other person from videotaping, photographing, drawing, or otherwise creating or publishing images of the jurors or prospective jurors inside or outside the courtroom; and
- 2) Preventing any Defendant, members of the press, or any other person from publishing any verbal or written descriptions of any information that would assist persons in determining the identity of any jurors or prospective jurors, specifically physical descriptions, telephone numbers, addresses, employer names, and membership affiliations of all jurors or prospective jurors.

Respectfully submitted this 6th day of September 2023,



**FANI T. WILLIS**  
Georgia Bar No. 223955  
District Attorney  
Atlanta Judicial Circuit  
136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303  
Fani.WillisDA@fultoncountyga.gov

/s/ F. McDonald Wakeford

**F. McDonald Wakeford**

**Georgia Bar No. 414898**

Chief Senior Assistant District Attorney

Fulton County District Attorney's Office

136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303

fmcdonald.wakeford@fultoncountyga.gov

A handwritten signature in black ink, appearing to read 'John W. Wooten', is written over a horizontal line. The signature is stylized and somewhat cursive.

**John W. "Will" Wooten**

**Georgia Bar No. 410684**

Deputy District Attorney

Fulton County District Attorney's Office

136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303

will.wooten@fultoncountyga.gov

# Exhibit A

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.


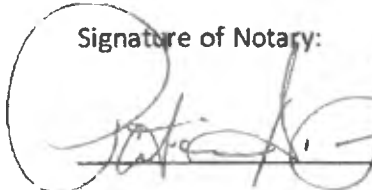
Signed:



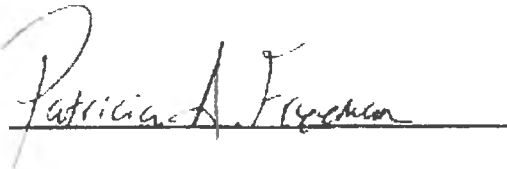
Darin Schierbaum  
Chief of Police  
City of Atlanta  
226 Peachtree Street, SW  
Atlanta, GA 3030

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

Signature of Notary:



Printed Name of Notary:



# **Exhibit B**



**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

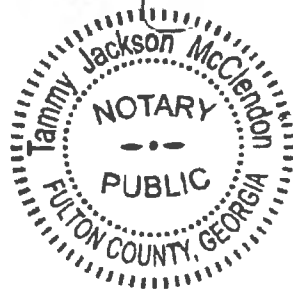
Subscribed and sworn to

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

And notarized by me on this date.

Tammy Jackson McClendon

Notary Public



IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

DONALD JOHN TRUMP,  
RUDOLPH WILLIAM LOUIS GIULIANI,  
JOHN CHARLES EASTMAN,  
MARK RANDALL MEADOWS,  
KENNETH JOHN CHESEBRO,  
JEFFREY BOSSERT CLARK,  
JENNA LYNN ELLIS,  
RAY STALLINGS SMITH III,  
ROBERT DAVID CHEELEY,  
MICHAEL A. ROMAN,  
DAVID JAMES SHAFER,  
SHAWN MICAH TRESHER STILL,  
STEPHEN CLIFFGARD LEE,  
HARRISON WILLIAM PRESCOTT FLOYD,  
TREVIAN C. KUTTI,  
SIDNEY KATHERINE POWELL,  
CATHLEEN ALSTON LATHAM,  
SCOTT GRAHAM HALL,  
MISTY HAMPTON a/k/a EMILY MISTY HAYES  
Defendants.

CASE NO.

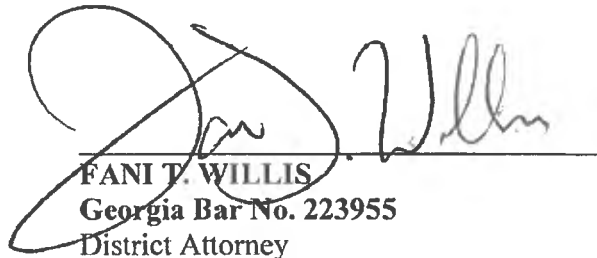
23SC188947

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of this STATE'S MOTION TO RESTRICT JURORS' IDENTITY, upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This 6th day of September 2023,

  
FANI T. WILLIS  
Georgia Bar No. 223955  
District Attorney

Atlanta Judicial Circuit  
136 Pryor Street SW, 3rd Floor  
Atlanta, Georgia 30303  
Fani.WillisDA@fultoncountyga.gov

# Ex. 6

**ORIGINAL**

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

OCT 25 2023

By  Kevin P. Weimer, Clerk  
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).

*True*  
A 10-25-23 BILL  
*Ryan Buchanan*  
FOREPERSON

RYAN K. BUCHANAN  
*United States Attorney*



  
BRET R. HOBSON  
*Assistant United States Attorney*  
Georgia Bar No. 882520

  
BRENT ALAN GRAY  
*Assistant United States Attorney*  
Georgia Bar No. 155089

600 U.S. Courthouse  
75 Ted Turner Drive SW  
Atlanta, GA 30303  
404-581-6000; Fax: 404-581-6181

Exhibits to People's Motion for an Order Restricting  
Extrajudicial Statements (Feb. 22, 2024)

**Ex. 7**

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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 INTERVIEW OF: RUBY FREEMAN

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Tuesday, May 31, 2022

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Washington, D.C.

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20 The interview in the above matter was held in Room 4480, O'Neill House Office  
21 Building, commencing at 4:59 p.m.

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Present: Representative Schiff.

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Appearances:

For the SELECT COMMITTEE TO INVESTIGATE  
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

- [REDACTED], STAFF ASSOCIATE
- [REDACTED], INVESTIGATIVE COUNSEL
- [REDACTED], PROFESSIONAL STAFF MEMBER

For RUBY FREEMAN:

- MICHAEL J. GOTTLIEB, PARTNER, WILLKIE FARR & GALLAGHER LLP
- ELEANOR WALKER, ASSOCIATE, WILLKIE FARR & GALLAGHER LLP
- MERYL GOVERNSKI, ASSOCIATE, WILLKIE FARR & GALLAGHER LLP
- JOHN TYLER KNOBLETT, ASSOCIATE, WILLKIE FARR & GALLAGHER LLP
- RACHEL GOODMAN, COUNSEL, PROTECT DEMOCRACY
- JOHN LANGFORD, COUNSEL, PROTECT DEMOCRACY
- DAVID A. SCHULZ, SENIOR COUNSEL, BALLARD SPAHR

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2 Ms. [REDACTED]. Good afternoon. This is a transcribed interview of Ruby Freeman,  
3 conducted by the House Select Committee to Investigate the January 6th Attack on the  
4 United States Capitol pursuant to House Resolution 503.

5 At this time, I'd like to ask the witness to please state your full name and spell  
6 your last name for the record.

7 Ms. Freeman. Ruby Jewel Freeman. My name is Ruby Jewel Freeman. And  
8 the spelling of the last name is F-r-e-e-m-a-n.

9 Ms. [REDACTED]. Thank you very much.

10 And, counsel for Ms. Freeman, could you please identify yourselves for the  
11 record?

12 Mr. Langford. Sure. My name is John Langford.

13 Ms. Governski. Meryl Governski, with Willkie Farr & Gallagher.

14 Mr. Gottlieb. Michael Gottlieb, with Willkie Farr & Gallagher.

15 Mr. Knoblett. John Tyler Knoblett, for Willkie Farr & Gallagher.

16 Ms. [REDACTED]. And I think we have some co-counsel here participating virtually.

17 Are you able to hear us?

18 Ms. Goodman. Yes. This is Rachel Goodman, with Protect Democracy.

19 Ms. [REDACTED]. Let's see. And it looks like -- is there someone else? Ms. Walker,  
20 can you hear us?

21 Ms. Walker. Yes. This is Eleanor Walker, with Willkie Farr & Gallagher.

22 Ms. [REDACTED]. Great. Thank you very much.

23 So thank you all for being here this afternoon. I will go over some preliminaries  
24 before we get started today.

25 So, as I mentioned before we went on the record, this is going to be a staff-led

1 interview today. Members of the select committee may join us. When they do so,  
2 they will do so virtually. We will do our best to announce their arrival for the record and  
3 for your awareness. And if any of them choose while they are here to ask questions,  
4 they may do so. We probably won't announce when they leave because it can be hard  
5 to keep track, and they will hopefully come in and out if they are able to join us.

6 Again, as I said off the record, my name is [REDACTED]. I am an investigative  
7 counsel for the select committee. And I am joined in the room today by my colleague  
8 [REDACTED], professional staff member for the committee.

9 And before we begin, Ms. Freeman, I'd just like to go over some ground rules for  
10 our interview today. They're the same rules we give to everyone. So thanks for your  
11 patience as I go through them.

12 So there are official reporters here. They are going to be creating a transcript of  
13 the interview today. As I mentioned before, we are recording this through the video  
14 camera here, but the official record of the interview is the transcript that our official  
15 reporters are creating. You and your attorneys will have an opportunity to review the  
16 transcript and suggest any corrections before it's finalized.

17 And because we're creating the official record in the transcript, we'll ask that you  
18 please wait until our questions are finished before you start talking, and I will similarly try  
19 my best not to start a new question before you've been able to answer your own, just so  
20 that the record is as clear as possible.

21 We'll also ask that you give verbal responses to our questions as opposed to a  
22 shaking head or nodding head, because the reporters can only record a verbal response.

23 I also say, you know, we appreciate your appearance here voluntarily, and we're  
24 pleased to be able to meet with you in person. So thank you for making the trip up here  
25 to do that.

1           Although today's interview is not under oath like a deposition would be, I do want  
2 to remind you, as we remind all of our witnesses, that it is unlawful to deliberately  
3 provide false information to Congress. Do you understand that?

4           Ms. Freeman. Yes, ma'am.

5           Ms. [REDACTED]. Okay.

6           So, again, it's really important that you understand our questions and are able to  
7 answer them to the best of your ability today. So, if anything I ask you is unclear or if  
8 you need any clarification, please don't hesitate to ask, and I'd be happy to rephrase. I  
9 have been known to ask an unclear question every once in a while, so please don't  
10 hesitate.

11           And, again, we ask that you respond only to your ability to do so truthfully. So, if  
12 you don't know the answer to a question, please say that, or if you don't recall, please  
13 just tell us that that's the case.

14           And, logistically, we are happy to take any breaks that you need during our time  
15 today. I don't want to -- we are going to try not to keep you here overly long. But if  
16 you need any breaks, either to go outside, have a bathroom break, get something to  
17 drink, or if you need to consult with your attorneys, please just let us know and we're  
18 happy to do that. You could have a brief sidebar in here, or we can take you back to the  
19 other room we have available if you'd like to have a longer conversation.

20           So any questions about all of those throat-clearing -- the preliminaries here?

21           Ms. Freeman. No questions.

22           Ms. [REDACTED]. Okay. Wonderful.

23           Counsel, anything to address?

24           Mr. Gottlieb. Nothing to address, and no questions.

25           Ms. [REDACTED]. Okay. Great.

1 Ms. Freeman, I understand that you've prepared something, a statement that  
2 you'd like to share with us. Is that right?

3 Ms. Freeman. That is correct.

4 Ms. [REDACTED]. Okay. Please go ahead. We're happy to listen.

5 Ms. Freeman. Well, thank you for inviting me here to tell me story.

6 I should not be here. You should not know me or my name. My name is Ruby  
7 Freeman. I've always believed it when God says that he'll make your name great, but  
8 this is not the way it was supposed to be. I could've never imagined the events that  
9 followed the Presidential election in 2020.

10 For my entire professional life, I was Lady Ruby. My community in Georgia  
11 where I was born and lived my whole life knew me as Lady Ruby. I built my own  
12 business around that name, LaRuby's Unique Treasures, a pop-up shop catering to ladies  
13 with unique fashions.

14 I wore a shirt that proudly proclaimed that I was and I am Lady Ruby. Actually, I  
15 had that shirt in every color. I wore that shirt on election day 2020. I haven't worn it  
16 since, and I'll never wear it again.

17 Now I won't even introduce myself by my name anymore. I get nervous when I  
18 bump into someone I know in the grocery store who says my name. I'm worried about  
19 who's listening. I get nervous when I have to give my name for food orders. I'm  
20 always concerned of who is around me.

21 I've lost my name, and I've lost my reputation. I've lost my sense of security -- all  
22 because a group of people, starting with Number 45 and his ally Rudy Giuliani, decided to  
23 scapegoat me and my daughter, Shaye, to push their own lies about how the Presidential  
24 election was stolen.

25 Some of his supporters and right-wing media organizations repeated those lies



1 over and over. They accused me of committing crimes, of helping to steal the election.  
2 They accused me of hiding ballots in suitcases, of counting ballots multiple times, of  
3 passing around some kind of flash drive by hacking machines that they said were being  
4 controlled by foreign governments.

5 None of this is true. None of it. Not one single piece of it.

6 What is true is that I signed up as an election worker because I believe in our  
7 democracy. I signed up to support my daughter, Shaye, whose entire professional  
8 career has been devoted to making sure that Fulton County elections are fair and that  
9 every vote is counted.

10 I taught my daughter that if you are going to something, you do it right, and you  
11 do it well. And she did. Shaye was dedicated to her job and making sure that it was  
12 done right. It made me proud to watch her succeed in a profession that she loved.

13 We showed up to work on election night, proud to be playing a small role in  
14 American democracy. That's the thing that people who attack us refuse to accept: For  
15 us, like countless other election workers, we don't show up to help any candidate or  
16 political party. We show up to help the voters -- the millions of voters who take time off  
17 from their work or school, who travel for miles and stand in line for hours to have their  
18 voices heard.

19 Our work honors those voters, those who fought and sacrificed to make sure that  
20 all people have the right to vote in America. Doing this work is not about politics; it is  
21 about democracy, fairness, and respect for our fellow citizens.

22 But because some people didn't like the outcome of the fair and accurate election  
23 in Fulton County, they decided to attack Shaye and me by name and by picture. I  
24 received hundreds of racist, threatening, horrible calls and messages that I do not even  
25 feel comfortable describing here.

1 I had to move out of my house because the FBI said it wasn't safe. Strangers  
2 came by my home the week of January 6th. One person told me I had 48 hours to give  
3 them some sort of statement to avoid going to jail -- to admit to something I never did.

4 They tried to force their way into my mom's house to do a citizens' arrest on  
5 Shaye and me. Friends and members of my community were afraid to even be  
6 associated with me because they didn't want to get caught up in the harassment.

7 There is nowhere I feel safe -- nowhere.

8 Do you know how it feels to have the President of the United States to target you?  
9 The President of the United States is supposed to represent every American, not to target  
10 one. But he targeted me, Lady Ruby, a small-business owner, a mother, a proud  
11 American citizen who stood up to help Fulton County run an election in the middle of the  
12 pandemic. He said my name 18 times -- 18 times -- to the Georgia secretary of state,  
13 accusing me of election fraud.

14 The President of the United States made up lies about two ordinary Americans for  
15 his own personal gain. Then he and he allies like Rudy Giuliani and those in the media  
16 who repeat whatever they say spoon fed us as enemies and villains to their mob. They  
17 said we were like drug dealers passing out ballots. Targeted American election workers  
18 as a prop in the "big lie."

19 And, lo and behold, when someone as powerful as the President of the United  
20 States eggs on a mob, that mob will come. They came for us with their cruelty, their  
21 threats, their racism, and their hats. They haven't stopped even today.

22 Number 45 and his crew have destroyed our lives. So I won't call Number 45 by  
23 his name. He and his allies took my name, so I won't utter his.

24 This isn't political for me. This is about truth and decency. I'm here today for  
25 more than myself and my daughter. I hope that by me telling my story that you all can

1 help prevent the next Ruby becoming a target, the next Shaye. Something needs to be  
2 done. I'm here. The people need to be held accountable.

3 Congress needs to protect our election workers. It needs to take steps to  
4 prevent the spread of lies that threaten our democracy. I am just one name, one  
5 reputation, one life devastated by disinformation, but there are so many more, and there  
6 will be even more if things don't change.

7 Throughout all of this, I have been blessed by my family, friends, and my faith.  
8 And despite it all, I've never questioned my faith, and I still do not. My faith is all I have,  
9 because I'm reminded in the Word that faith is the substance of things hoped for and the  
10 evidence of things unseen.

11 But faith alone is not enough to save our country and democracy. Faith without  
12 works is dead. This requires action and change to ensure that what happened to us will  
13 never happen again. And in order to get something different, you have to do something  
14 different to get it.

15 Thank you.

16 Ms. [REDACTED]. Thank you very much. I'm not sure that I should continue with any  
17 questioning because there's not very much that I can add to that.

18 So thank you very much for being here. Thank you for sharing those thoughts.  
19 I know this has all been very difficult, has been hugely difficult for you. So, especially in  
20 light of that, thank you for sharing it, and thank you for your patience as we have a  
21 conversation about it.

22 I just want to state, before we go into some of the, you know, history here and  
23 what you've gone through, that we really appreciate for all of the reasons that you just  
24 identified, because, on behalf of the select committee, I know that the members of the  
25 committee feel that what happened to you and to your daughter is not only wrong and

1 unjust but they hope that our work here can have something, you know, positive to do to  
2 make sure that it doesn't happen again.

3 Ms. Freeman. Thank you.

4 Ms. [REDACTED]. So thank you for that.

5 I also just want to say that our hope today is to be able to get as much of your  
6 story to be a part of our record and our work here as possible, but we don't want to make  
7 what is a difficult circumstance for you any harder.

8 So, if there are, sort of, some areas here that we're going to talk about today that  
9 are particularly sensitive or difficult for you to relive, I hope that you'll let me know that,  
10 and we can find a way to work around it, because I don't want to make this any more  
11 difficult for you.

12 So thank you in advance for your patience with my questions, and please let me  
13 know if there's anything that you want to take off the record. Okay?

14 Ms. Freeman. Okay.

15 EXAMINATION

16 BY MS. [REDACTED]:

17 Q So, Ms. Freeman, thank you very much again for those comments.

18 I would love to just rewind a little bit and talk a bit more about your personal  
19 background before we get into the fact of what happened around the November 2020  
20 election.

21 So where are you from originally?

22 A Georgia.

23 Q From Georgia. Have you lived in Georgia your whole life?

24 A I have, yes, ma'am. I have lived in Georgia my entire life.

25 Q That's great.

1           And what's your educational background?

2           A    I finished high school. I went to secretarial school, my educational  
3 background. And I -- that's it. Went to secretarial school, and I -- yeah.

4           Q    That's great.

5           A    That's my educational background.

6           Q    And I know you mentioned in your opening, your statement there, that you  
7 are a small-business owner --

8           A    Yes.

9           Q    -- that you started your own pop-up boutique. Can you tell us a little bit  
10 more about that? How long have you -- or, when did you first start your company?

11          A    I first started my company in 1987. I was a street vendor for Atlanta-Fulton  
12 County Stadium. I started out then when the Braves went to the World Series, from the  
13 worst to the first. And later I did the Olympics. I was the first one to start taking  
14 charge card machines. We had the big black bag phones then.

15          So a lot of authentic merchandise, mainly, and so I was always known as "the  
16 Neiman Marcus lady" that the merchandise just like inside. And I did that for a while,  
17 and then once it got to be just kind of -- well, everybody sold Braves merchandise then, so  
18 I stopped.

19          And I went back to working Fulton County, and I saw vendors downstairs. And I  
20 was like, wow, what are they doing? What are they doing down there? And I noticed  
21 that they were selling purses and stuff. And I heard a voice that told me, it's not over,  
22 it's just time to change gears.

23          So I started selling merchandise for the boutique. And I started off with purses,  
24 then moved on to jewelry, and then I sell clothes. So I sell unique ladies accessories and  
25 apparel.

1 Q That's great.

2 And forgive me. I just wanted to note, we had somebody else in the waiting  
3 room, a David Schulz. Is that another counsel for your team?

4 Ms. Freeman. Yes.

5 Ms. [REDACTED]. Okay. Well, if he reappears, we'll know who he is. We don't want  
6 to admit anybody unaffiliated.

7 BY MS. [REDACTED]:

8 Q Okay. So, Ms. Freeman, if you could tell us -- first of all, had you ever  
9 worked on the tabulation process in an election before 2020?

10 A I worked the election for President Obama, the first one. Uh-huh, I did  
11 that, for Fulton County Registration and Elections.

12 Q Okay. Great.

13 And so how did you come to be employed by Fulton County for the 2020 election?

14 A I started out with Fulton County years ago, and then I went to do temporary  
15 work for the elections. So that's how I got there.

16 Q Okay. Great. And --

17 A Through a temporary agency.

18 Q Oh, great.

19 And I think you mentioned that your daughter has been -- as reflected in public  
20 reporting, your daughter had been employed with the Fulton County Registration and  
21 Elections Department for some time at that point. Is that right?

22 A Yes, she was employed with Fulton County Voters Registration and Elections.

23 Q Okay. That's great.

24 So why don't you tell us a little bit in your own words about your experience of  
25 work on election day, on November 3, 2020.

1           A    Well, we went in on election day 2020 as a normal workday to count the  
2 ballots. Came in from different precincts. And that's what we did; we counted ballots.

3           Q    It's a long -- it was a long day?

4           A    It was a very long day. Yes, it was.

5           Q    Yeah, even in a normal election, but especially -- it's my understanding from  
6 our work that, because there were so many more absentee ballots and mail-in ballots in  
7 2020, that that further added to the burden for election workers on election day. Is that  
8 consistent with your experience?

9           A    Yes. And that was what we were doing at the State Farm Arena; we were  
10 there to count the absentee ballots.

11          Q    Okay. Great.

12                And we don't need to go into too much technical detail, but, generally speaking,  
13 what were your responsibilities at State Farm Arena in the tabulation process?

14          A    My responsibility for that day was to be an opener, which was to open the  
15 ballots after they had been cut, just to open the ballots from the precincts to make sure  
16 that everything added up, the ballots and the envelopes they came in, just to make sure  
17 that everything was added up.

18          Q    Okay. Great.

19                And -- let's see. Did you work before election day also, or was your work for  
20 Fulton County in 2020 limited to election day only?

21          A    I started working with Fulton County Voters Registration and Elections as a  
22 temporary employee in August. They had a runoff, so I worked there then.

23                And then I left because that was over, and they called us back when it was time to  
24 really get busy for the election. So I went to the government center and I worked there.

25                And then when it was close to the time, because of my work ethics, they called me

1 to come and work with the -- at State Farm for the finishing part of it.

2 Q That's great.

3 And so it's my understanding, especially because of how many absentee ballots  
4 were submitted in the 2020 election, that the counting continued after election day on  
5 November 3rd. Is that right?

6 A Well, you always have the provisionals. So, yes, that is correct; you have  
7 voting after the election day.

8 Q Great. And did you continue to work for the Fulton County Registration  
9 and Elections Department?

10 A Yes, I did, at the State Farm. I worked there until that was over with. So  
11 we worked at State Farm to do the -- the other ballots.

12 Q That's great. And do you remember about how many days total after the  
13 election you continued to work at State Farm Arena?

14 A After the election, really we just did cleanup work. And, after that, we  
15 went back to the Fulton County Government Center.

16 Q Okay. Great.

17 So, during the process, you know, I would expect that the day, on election day,  
18 while long and hard work, went as you expected. Is that fair?

19 A Yes, that is fair. It went long like I expected, because I had experienced it  
20 with President Obama's election, to know that the last ballots would come in would be  
21 from Milton, Georgia, and Johns Creek, which is farther off. So that meant that  
22 their -- the time was still the same, but then they had to get everything together and back  
23 up to send to the State Farm Arena, for those ballots to be counted, because people were  
24 still voting, you know, so --

25 Q That's great.



1           So at what point after your work on tabulating the ballots or during it did you start  
2 to realize that there was something amiss, that there was, you know, attention brought  
3 to you for the first time?

4           A     Repeat that again.

5           Q     Yeah, it wasn't a very well phrased question, so apologies for that.

6           A     That's okay.

7           Q     I'm basically wondering, when did you first realize that this problem that,  
8 you know, was caused for you here -- when did you first realize that?

9           A     December the 3rd was when I first realized.

10          Q     Okay. And is that -- that's the date that Rudy Giuliani and several  
11 associates appeared at a hearing of the Georgia State Senate. Is that right?

12          A     I've heard that.

13          Q     Okay.

14          A     Yes, ma'am. I've heard that that was the date that he did what he did.

15          Q     So how did you first learn of it?

16          A     I first learned about what all was going on that night, the December the 3rd,  
17 on the phone with a girlfriend. And I had -- someone wanted me to accept them as a  
18 friend on Facebook, and she began to talk about stuff. So I asked my girlfriend, I said,  
19 "What is going on?" She looked in Messenger, and she said, "Yeah, she's a real person.  
20 She is a reporter."

21                 So I did not accept her as a friend, but I responded to her message. And she was  
22 saying that she wanted to interview me. And I'm like, interview me for what? And she  
23 began to talk about stuff. And that's when it all got started. That's how I found out  
24 about it.

25          Q     Got it. So did you speak to the reporter or to the friend?

1           A    I was on the phone with the friend, but I never talked with the reporter,  
2 because after that point -- first, I said yes, you know, because I don't know what's going  
3 on. It was new. I didn't have an attorney or a lawyer at that time. So I said, yes, we  
4 can talk.

5           And then after my phone just started blowing up all night and that next morning  
6 and -- I notified her and I said, "I think I need an attorney. I won't be able to talk to  
7 you." And she said, "Yes, you do, but if you want to talk, then let me know."

8           Q    Okay.

9           So when you first -- you know, your friend started mentioning this to you and you  
10 realized that the reporter wanted to talk to you, what did you understand to have caused  
11 it? Did you learn about the video that they played during the hearing?

12          A    No, I didn't know about the video at that moment. All I knew at that  
13 moment was they said that I was stealing ballots, I was trying to steal ballots for President  
14 Biden.

15          Q    And what did you think when you first --

16          A    I did not -- I did not understand anything. I didn't -- I didn't know what they  
17 was talking about. I just knew it sound like something serious.

18          So that next morning I left and I went to -- because it was Fulton County. And I  
19 had worked with Fulton County Police Department, so I was like, I need to go to Fulton  
20 County Police Department and let them know.

21          So I went to -- I called Voters Registration and Elections, I was letting them know  
22 about all the phone calls. And they immediately said that they wanted to talk to me,  
23 and so I went to their office.

24          And then I went to the police department. And they got my phone, and it was  
25 just blowing up, and people were talking and cursing, and they were gonna -- you know,

1 all the threats. So she handled a lot of the calls, you know, and that's how that got  
2 started.

3 Q Okay. So I didn't realize that people got your phone number so quickly  
4 after that video was posted on -- or aired on December 3rd. But that's really when the  
5 calls and text messages started arriving?

6 A Yes. And you said there was a video. I did not know about the video at  
7 that time. So all I know is that the phone started blowing up about it. So I didn't know  
8 at that point. I didn't even think how they got my phone number. I just didn't know  
9 what was going on.

10 Q Right.

11 So, after you went to talk with folks at the Registration and Elections Department  
12 and then at the police department, what happened next?

13 A What happened after I finished talking with the police department and  
14 Voters Registration and Elections, I was then told that we had to come downtown to  
15 meet with different departments that wanted to interview us to find out exactly what  
16 happened each -- you know, those days. And so they set up an appointment for us to  
17 meet with them.

18 Q And were those individuals associated the secretary of state's office --

19 A It was --

20 Q -- who wanted to meet with you?

21 A That was one of them, was the secretary of state.

22 Q Do you remember the others?

23 A Yes. It was the secretary of state -- the ones we met with was the secretary  
24 of state, it was the FBI, the GBI, the county manager's office, Fulton County manager's  
25 office. And there was one more. County manager's -- attorney's office.

1 Q And the county attorney. Okay.

2 A Fulton County attorney's.

3 Q Do you remember when that meeting took place?

4 A No, not -- I don't know the exact date. Everything was a blur. Everything  
5 just kind of was, like, happening. So I didn't keep a record of what happened what day.  
6 I just was trying to live at that point because --

7 Q Sure.

8 A -- I was being threatened.

9 Q Yeah, totally understand. But it was probably within a day or two of when  
10 the phone calls started arriving? Is that fair?

11 A I would say within the week.

12 Q Within the week. Okay. That's very helpful.

13 So tell us about --

14 A I think.

15 Q I'm sorry?

16 A I think.

17 Q Oh, yeah. No problem.

18 So, within that timeframe when you met with the law enforcement and county  
19 officials, tell me just generally, what do you remember about the meeting? What were  
20 the topics of discussion?

21 A I don't remember the exact topics, but I know they were investigating,  
22 like -- they were asking what happened that night, you know, with the ballots. And the  
23 reporters, they were just asking a lot of different questions as to what happened that  
24 night. They were trying -- they were investigating to see if we did something wrong, if  
25 we crossed every "t" and dotted every "i," whatever we did. That's what they wanted to

1 know.

2 Q Sure. Understood.

3 And was your daughter, Ms. Moss, also interviewed at that time?

4 A Yeah. All the ones that were interviewed were the ones that was at the  
5 State Farm Arena that night.

6 Q Okay. Great.

7 Did you ever get interviewed again by any of those law enforcement or  
8 government officials, or was it just that one time?

9 A No, ma'am. It was just that one time.

10 Q Okay. Great.

11 Anything else that sticks out in your memory about the process of going in and  
12 being interviewed? I'm sure it was intimidating, with all of these various government  
13 officials and law enforcement officers.

14 A That was it.

15 And it wasn't -- I wouldn't say it was intimidating, because I worked for the police  
16 department for 12 years. You know, I maintained the database for 911 for 8 years. So  
17 it wasn't really intimidating. It was just a lot.

18 Q I shouldn't have suggested that, because I sense that you're not a woman  
19 easily intimidated, so --

20 A Thank you.

21 Q -- I apologize for that. But that makes good sense.

22 A Uh-huh.

23 Q So what else -- what happened after that? Well, let me ask you, at that  
24 point, when you had the interview with the law enforcement officials, were you aware of  
25 the video at that point?

1           A    No.  No, I wasn't aware of the video at that point.

2           Q    Okay.

3           A    I did not look at a lot of stuff.  I didn't listen to the news.  I would have  
4   some people that would call me and tell me certain things or they would send me  
5   different clips of something, you know, but I didn't get many of those.  I didn't watch  
6   them.  I didn't want to know anything.

7           Q    Did you later come to learn about this video that had been circulating?

8           A    Which video are you speaking of?

9           Q    I was thinking of the one that was shown during the hearing.  My  
10   understanding is that there was a hearing of a senate committee and a long video was  
11   shown, and then there was a shorter clip that was kind of made and posted onto social  
12   media and other places, including by Mr. Giuliani.

13          A    What did it entail?  What did -- I don't know which one you're speaking of.  
14   Which video are you speaking of?

15          Q    Oh, sure.  So my understanding is that there was a short clip -- and we  
16   could pull it up if that would be easier to look at -- but where Mayor Giuliani posted a  
17   video that was, like, screens of a surveillance camera about ballot processing during the --

18          A    Okay.

19          Q    -- you know, election night at State Farm Arena.

20          A    Okay.  I can somewhat recall that one, yes, ma'am.  So what was your  
21   question about it?

22          Q    I'm just wondering if you came to be familiar with it, and if so, you know,  
23   how did you learn about this video that was circulating.

24          A    How did I learn about the video?  Hmm.  I think someone probably told  
25   me to look on the YouTube.

1 Q What did you think when you saw it?

2 A I thought it was horrible. I thought it was -- it was horrible, it was  
3 degrading. It was all a lie. They felt that -- they made it to be what they wanted it to  
4 be, not what it actually was.

5 Q Understood.

6 Did you see any interviews or statements by -- well, let me rephrase.

7 I'm aware that individuals associated with or employed by the secretary of state's  
8 office started speaking out very quickly after this to try to debunk the video, to provide  
9 context and provide knowledge that what was being said about the video was not true.

10 Did you learn of any of those things around this time period in early December  
11 2020?

12 A I did hear that, you know -- after I heard about my name being mentioned 18  
13 times by Number 45 and the secretary of state, I did hear a lot about that they said it was  
14 not true. There was found -- after the recounts and the recounts, that they found it to  
15 be incorrect, that we did not steal the ballots, we did not have anything to do with  
16 changing the numbers.

17 Q Okay.

18 And I'm also aware that President Trump appeared in Georgia at the beginning  
19 part of December -- I think it was around December 6th -- for a campaign rally in  
20 connection with the Senate runoff, the next election that was going on in Georgia, and he  
21 played a news clip that focused on this video.

22 Were you aware of this at the time when he did that?

23 A Not at the time.

24 Q Okay. When did you learn of it?

25 A Probably much later. Ma'am, I did not follow the news. I was not

1 interested in seeing it, because it was -- it was a horrible experience. So I wasn't trying  
2 to keep up with anything.

3 Q Sure.

4 A I wanted it all to go away, because it was all a big lie, and there was nothing I  
5 could do at the moment. I was just trying to find me an attorney.

6 Q Understood.

7 When you did learn that the President had stopped the campaign rally to air this  
8 news clip focusing on these lies, these allegations, how did that make you feel?

9 A I don't even think I remember hearing about him and a campaign -- about  
10 what you just said.

11 Q Okay. Got it.

12 But it sounds like you certainly did hear about it when you had the phone call with  
13 Georgia Secretary of State --

14 A Right. Yes.

15 Q -- Brad Raffensperger. Is that right?

16 A Yes.

17 Q Okay. So tell me about the circumstances. How did you learn about that  
18 phone call having taken place?

19 A On the news. Just, I heard about it from just listening to the news.  
20 Sometimes, every now and then, I would turn on the news just to hear something, or I  
21 would put my name in Google or something, and it would bring up different things.

22 Q Okay. So what did you learn when you saw this call had taken place? Did  
23 you find out that your name was mentioned during the phone call?

24 A Yes, I found out my name was mentioned during that phone call, later. I  
25 don't know exactly when.



1 Q So I know you discussed this a little bit in your statement, so --

2 A Okay.

3 Q -- thank you in advance for your patience as I go over this stuff a little bit  
4 more.

5 But tell me about, you know, sort of, how you learned about the President using  
6 your name in that call and what the impact was for you.

7 A Once again, I heard about it on the news. I don't know how, whether it  
8 was YouTube, Google, or if someone called me to tell me, I'm not really sure.

9 But the way that it made me feel was horrible. It's like, really? The President  
10 of the United States is mentioning my name and saying to find some ballots. I'm sure  
11 you can just find -- all we need is -- however many they said. All you need is that.

12 And to mention my name over and over, I thought -- it was horrible. It's like,  
13 really? You have nothing else to do other than to mention my name several times, over  
14 and over?

15 Q And, at that point, it was almost a month or about a month after this lie, this  
16 allegation, had first arisen, and as I think we were, you know, referring to earlier, there  
17 were plenty of opportunities for the truth about what happened to have come out at that  
18 point.

19 Did that factor into your, sort of, interpretation, your understanding of what the  
20 President was doing, the fact that it had already been proven to be a lie at that point?

21 A At that point, it had been proven to be a lie, but he -- I felt that that wasn't  
22 good enough for him. He still was trying to say that I committed a crime. He and all of  
23 the threats and everything that I got, they was trying to say I committed a crime. So  
24 that wasn't enough for him.

25 Q Right.

1           Did you learn -- did you ever learn about the President's speech on January 6th  
2           itself on the Ellipse?

3           A     I'm not sure.

4           Q     Okay.

5           A     What did the speech say?

6           Q     Well, the President spoke from the Ellipse, which is the area in front of the  
7           White House here in Washington. There was a large crowd, and he spoke to them at  
8           length. But included in his comments was a reference to the allegation about suitcases  
9           of ballots.

10          And so I just wondered whether you became aware of the President including a  
11          remark about this lie that we've been discussing today in his speech on January 6th.

12          A     No, ma'am, I did not. I was not aware of him with the speech, January 6th,  
13          no.

14          Q     Okay. Great.

15          Well, I would like to talk with you a little bit more about the threats that you  
16          received and the impact on you, but before I do that, I just want to see if there are any big  
17          points in the story of, sort of, where this lie originated and where you, kind of, saw it  
18          appear that you'd like to talk about.

19          A     Where did I see the lie appear? I saw the lies appear in the -- like I said, it  
20          was either Google or somebody called to tell me.

21          I didn't watch television. I did not want to see it, because it was horrible lies, and  
22          I did not want to live that over and over. So I don't remember a lot of what happened  
23          when it happened.

24          Q     Okay.

25          A     And if sometimes I would have people to tell me, I'd say, "I don't want to

1 hear that. I'm not interested." You know, I didn't want anybody calling me to tell me  
2 anything. Don't send me an email, no text message, no nothing. I don't want to know.

3 Q Understood.

4 So let's talk a little bit more about the threats, as much as you are comfortable  
5 discussing, that you received.

6 So I know you've already told us that in the early December time period, right  
7 around December 3rd or 4th --

8 A Uh-huh.

9 Q -- your phone started ringing and that you went to the police department.  
10 What happened after that? What impact on your life did you experience after that  
11 point?

12 A The impact that it had on my life? It turned my whole life around.

13 I was afraid to go out. I was afraid for people to call my name. Like I said, I was  
14 afraid to order food and somebody would ask, what's your name? That was -- I was,  
15 like, just standing there looking at them, you know, and then I would have to come up  
16 with some name.

17 Or if I was at the red light and somebody was staring, you know, it was like, I didn't  
18 know why they were staring, why -- you know.

19 So I was always fearful, I was always afraid.

20 Q And I think you told us earlier in your statement, you remarked about a time  
21 where you had to move out of your house. Is that right?

22 A Yes, ma'am, that's right. I had to move out of my house.

23 Q Okay. So tell us a little bit more about that. What prompted you to  
24 decide that you needed to leave your house for your own safety?

25 A Around the week of January 6th, the FBI informed me that I needed to leave

1 my home for safety. And I left my home for safety around that time.

2 Q Understood. How long did you, you know, remain outside of your home  
3 for your own safety?

4 A I stayed away from my home for approximately 2 months.

5 Q And it's obvious, but I have to say these things for the record --

6 A Yes, ma'am.

7 Q -- so thanks for your patience, but how did that impact you?

8 A It was horrible. I felt homeless. I felt, you know, I can't believe -- I can't  
9 believe this person has caused this much damage to me and my family, to have to leave  
10 my home that I've lived there for 21 years. And, you know, I'm having to have my  
11 neighbors watch out for me, you know, and I have to go and stay with somebody. It was  
12 hard. It was horrible.

13 Q And your conversation with the FBI about needing to leave your home for  
14 your own safety, or perhaps recommending it, do you remember, was there a specific  
15 threat that prompted that, or was it the accumulation of threats that you had received?

16 A What prompted it was, it was getting ready to -- January 6th was about to  
17 come. And they did not want me to be at home because of all the threats and  
18 everything that I had gotten. They didn't want me to be there, in fear of, you know, that  
19 people would come into my home. And I had a lot of that, so they didn't want me to be  
20 there, just in case something happened.

21 I asked, how long am I gonna have to be out of my home? They said, at least  
22 until the inauguration.

23 Q Wow.

24 A Because it was just that bad, with people coming to my home and  
25 threatening me and me getting mail, letters, and phone calls, you know, the phone calls

1 saying different stuff, like, "We know where you live. We're coming to get you." It was  
2 a lot of different horrible, racist threats. And -- yeah.

3 Q Understood.

4 So, just generally speaking, what were the types of threats that you received? I  
5 know you've told us you got a lot of phone calls.

6 A Uh-huh.

7 Q Were you also getting text messages or other types of email, electronic  
8 communications containing threats?

9 A The type threats that I received was email, text messages, Messenger,  
10 LinkedIn, mail, people coming to the house.

11 And the types were -- they would say things like, "We know where you live, and  
12 we're coming to get you, nigger." Or, "You're going to jail, and you're gonna rot in hell."  
13 Or, you know, "Your voicemail says about your faith and you're a Christian. Do you think  
14 Biden is gonna help you now that you have given him all these ballots? Do you think  
15 he's gonna come to help you out? He's not. He don't care anything about you."  
16 "You and your daughters are" -- they would just use a lot of curse words. Yeah.

17 Q And did people come to your home and either protest or make threats  
18 directly in the vicinity of your home?

19 A Yes, people did come to my home. There was pizzas being delivered that I  
20 didn't order, to my home and my mom's home. And I found out later what the thing  
21 was behind the pizza.

22 And the day that I left, when FBI advised me that I needed to leave, that same day  
23 my neighbor called and -- one of my neighbors -- and asked if I was at home. I was like,  
24 no. And that's when she advised me that there were people that were on the bullhorns  
25 talking negative about me and, you know, they were coming to get me and -- they were

1 coming to get me.

2 And people did -- the lady did come to my home to say that -- well, that was later.  
3 I don't know. Everything kind of ran together. But that lady did come to my home and  
4 said that she was coming to help me; they had sent her from Chicago to help me. And  
5 my definition of "help" was help -- help me. But I later found out that that wasn't what  
6 she meant. She was trying to help me to safety from me doing something wrong, and so  
7 she was gonna put me in safety.

8 Q And is this the -- you referred to it in your statement, about someone trying  
9 to get you to sign something or admit to something that you didn't do. Is that the same  
10 circumstance that you're remembering?

11 A Yes, that is the same circumstance. Yes.

12 Q Okay.

13 And I think you mentioned earlier, and I think it's in your complaint and litigation,  
14 a story about people trying to force their way into your mother's house, saying that they  
15 wanted to effectuate a citizens' arrest. Is that right?

16 A Yes, that is right. That is the same person.

17 Q Same person. Okay. So tell us, how did that happen? And what was the  
18 impact on both you and your mother when that occurred?

19 A And I'm pretty sure it was -- I remember it was 48 hours before the 6th, this  
20 person came to my home. And, at that point, I was just scared to go to the door for  
21 anybody, so I called my neighbor, and I was like, "Who is that at my house? Who is that  
22 outside?"

23 And so she came out, and she was -- she was yelling. And I remember hearing,  
24 the lady said, "Can we come and talk to you? We didn't want to yell." And she said  
25 that we want to talk to Ms. Freeman, they sent me from Chicago, we want to talk to her

1 and get her some help.

2 And she said, "Well, she's not at home, so leave your number, and I'll have her  
3 call." So I immediately called the police. And when the police came, she stayed there  
4 for a long time. And I was telling her about it. And I said, "Well, I have a contact  
5 person with the FBI."

6 And she called the FBI, and they talked and asked if it was okay for this lady to  
7 meet me at the police department to talk about how she could help me. And there was  
8 a police report made. And she -- we went to the police department.

9 So I found out, the time that it took her to leave my house and to get to the police  
10 department, that's when she had been to my mom's house, and they tried to force their  
11 way into that house, which I didn't know at that moment, but I found out later. And  
12 then she -- we met at the police department.

13 Q Okay.

14 About how many times during this period between election day and January 6th,  
15 just to start, about how many times do you think you needed to call the police or the FBI  
16 because of the threats that you were receiving?

17 A How many times did I have to call the police department? Probably about  
18 six, seven, or eight times. I wanted to make a police report for different people coming  
19 to the house. And some would make a police report, and some wouldn't.

20 Q Understand. Okay.

21 Ms. [REDACTED]. So, Ms. Freeman, we're joined by a member of the select committee,  
22 Congressman Adam Schiff.

23 Good afternoon, Mr. Schiff.

24 BY MS. [REDACTED]:

25 Q So, Ms. Freeman, let me go back over my notes. I think you have covered

1 most of what we were going to talk about in your earlier statement or in response to my  
2 questions.

3 Did you keep documents reflecting the threats that you received, either emails or  
4 text messages, anything like that?

5 A Yes, I kept a lot of them. I was advised that I needed to keep them.

6 Q Okay. And what about police reports that you made? Did you keep  
7 copies or anything like that about police reports that were made?

8 A No, ma'am, I didn't keep copies. I figured they would be held at the police  
9 department so I didn't need to go and pick up a copy.

10 Q Sure. Okay.

11 And I think that, to the extent that you're comfortable sharing, we'd love to work  
12 with your attorneys to incorporate some of the threats that you received into our record  
13 in connection with this. And we can talk with your counsel about that afterwards.

14 So we talked a lot about the time period leading up to January 6th. What was  
15 your experience on January 6th itself? I think that fell during the time period when you  
16 had left your house for your own safety. Is that right?

17 A That is right. That's when I left my home.

18 Q Okay. So, hopefully, there was nobody able to physically threaten you, but  
19 did you continue to receive any other types of threats during the time period and on  
20 January 6th?

21 A I did. I did receive other threats, via text message. LinkedIn had shut my  
22 account down, because they said I was -- it was creating -- I don't know the word they  
23 used, but it was creating something that would keep them -- they didn't want me on  
24 LinkedIn anymore.

25 And I had to change my Facebook page and my business. That was hard.



1 Because now I don't have -- I couldn't -- my customers couldn't find me --

2 Q Right. And --

3 A -- in --

4 Q Oh, I'm sorry.

5 A -- in the middle of a pandemic.

6 Q Right. Exactly.

7 So tell us a little bit more, if you're able to, about the impact on your business. I  
8 know you just mentioned that you had to change your social media profiles. How did  
9 that impact your ability to carry on, you know, doing business as Lady Ruby?

10 A It impacted my business to the point where I really didn't have any  
11 customers at that moment, because I had to change -- they couldn't contact me. I had  
12 to have my phone number changed. And when they received my phone to pull all of the  
13 threats and everything off of it, my phone just crashed. It was so many, it was hundreds  
14 and hundreds of text messages and emails.

15 So it affected my business because -- as I say, now I don't have the same business  
16 name. I had to shut down everything for the business.

17 Q And have you been able to rebuild any of the business that you had before  
18 that?

19 A I'm getting there with rebuilding my business. I'm getting there.

20 Q Understood.

21 You talked a little bit in your opening remarks, your statement, about your sense  
22 of personal safety and how hard this experience has been.

23 A Uh-huh.

24 Q It's now been more than a year since this all took place, but I understand  
25 from your comments and from public reporting that these threats and the impact on you

1 from this lie continue to this day. Is that right?

2 A That is correct. The impact is great. The lie continues. Yeah, it  
3 really -- it really affect me. Personally is my name. My name is out there. It's just  
4 destroyed.

5 So it's hard for me to -- I had to get -- because of all of that, I had -- my security  
6 level was high -- I had to have cameras in my home. Never had. I have 11 cameras. I  
7 have three motion sensors. I have Ring. I have Nest. So, even if the light comes on  
8 outside and I'm in the kitchen, you know, I'm always afraid. And it can be a cat going by,  
9 you know, but I'm always afraid that it's somebody at the door, you know. Or if the Ring  
10 goes off if I'm sleeping or whatever -- but it could be just, I don't know, the sun. And  
11 during the day or at night, I don't know what happens, but it's just scary.

12 Sometimes I sleep with the light on. Sometimes I leave a light out in the  
13 bathroom, you know, on, not directly in the room. It depends on how scared I am. I  
14 might sleep with the light on. And I've always been a person for the dark, no light, no  
15 television. So I find myself sleeping with the television on sometimes.

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2 [4:58 p.m.]

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BY MS. [REDACTED]:

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Q Understandable. You made some comments at the beginning about seeing yourself as a part of the larger or -- I interpreted them as placing yourself as part of the larger community of election workers throughout the country. And I appreciated what you said about the purpose of doing so is to enable our fellow citizens to be able to -- and I'm sorry for roughly paraphrasing you, but to have their voice heard and cast their votes.

So I wondered if you could talk a little bit more about what you think your experience after the 2020 election, what impact that has on other election workers across the country?

A The impact it had on me, it made me believe that it wasn't just about who was a scapegoat. That's how I felt about it. It was -- it was about keeping citizens -- keeping people from voting, from even working the elections. It was to keep us from voting. It was -- yeah. It was to scare us.

Q Do you think that you would ever work as an election worker again after this experience?

A Do you think -- do I think I would ever work the elections? Definitely not.

Q Do you think it has the effect of discouraging others from participating --

A I pray that it does not. I -- I don't want people to be discouraged. I want this to teach them, even the more so is to go out and vote. I want people to know that they shouldn't be afraid. You should go and vote. Your voice counts. Your voice needs to be heard. You need to be that number. You need to be in that number of voters for all -- wherever you live, yeah. Go and vote.

And also to work -- work the elections to make sure you can do the job. You can

1 do it. Don't let what happened to me stop anyone from doing that.

2 But I wouldn't do it, because it did happen to me, and I need to just stay out of the  
3 picture totally.

4 Q Yep.

5 A Because I think that could cause a problem for the next person that wants to  
6 do that, so I want them to feel safe by going to vote and make their voice be heard.

7 Q Understood.

8 So I know that you have pursued litigation following these efforts and have a case  
9 pending, a defamation case. So I wondered if there is anything you'd like to share with  
10 us about your thought process around initiating litigation?

11 A No. I would like -- not like to talk about anything with the litigation.

12 Q Okay. That's understandable.

13 Ms. [REDACTED]. So let me pause for a moment here, see if any of my colleagues or  
14 Mr. Schiff, if you have anything that you'd like to ask?

15 Mr. Schiff. Yes. Thank you.

16 And I appreciate -- I very much appreciate your coming in today. As you can see,  
17 I'm in a less than luxurious environment, being in a car. But I -- I want to thank you for  
18 the courage you displayed. I want to thank you for coming in testify today. And I feel  
19 terrible about what you've been through and what other elections officials are incurring  
20 around the country.

21 I know you covered this earlier, but if you wouldn't mind covering it again, I would  
22 just love to hear it. I'm sorry I wasn't able to join you earlier. But can you tell me  
23 when you first came to learn -- how you first came to learn that -- that people were  
24 pushing this big falsehood about -- upon you and your mom and what was -- what took  
25 place? When did that first come to your attention? When did someone first alert you

1 that, Hey, there are people out there saying that you did such and such? How did that  
2 come to your attention?

3 Ms. Freeman. I first found out about the lies -- I don't know a certain date that I  
4 found out, but what I do know is that I was afraid. How did I -- you know, I was afraid  
5 when it happened. I just felt that this is horrible. This whole thing is horrible.

6 And trying to force your way into my mom's house, that -- that did -- and I didn't  
7 find out that until later when my daughter mentioned it. And I just got quiet, and she  
8 says, Well, grandmother knew that you were under a lot of stress, and she didn't say  
9 anything.

10 And I was just done. It's like how could you -- I was already bothered with that  
11 lady. But then, when I found out that, I really was -- she was not on my good side.

12 Mr. Schiff. I can't imagine.

13 Going back to that first time that you became aware that people were pushing this  
14 lie about you and about your mom, was it -- did you find out about it watching television?  
15 Did it come to your attention on social media? Do you recall how you first came to learn  
16 that somebody was making this outlandish claim about you?

17 Mr. Gottlieb. One thing, Congressman. I think you -- I think there are two  
18 different threads that may be getting crossed here. One is the story relating to your  
19 mom's house. The other is, I think, Congressman, you may be referring to  
20 Ms. Freeman's daughter, Shaye Moss, who was caught up in the -- caught up in the lies  
21 about what happened on election night. And I just want to make sure that we're talking  
22 about the same thing here.

23 Mr. Schiff. Yes. And I was talking about when you first learned about the lies  
24 about the balance and false claims along those lines.

25 Ms. Freeman. Mr. Rudy Giuliani and Number 45 Campaign started the lies about

1 me and made my name become public.

2 Mr. Schiff. And how did you first learn about that --

3 Ms. Freeman. I first --

4 Mr. Schiff. -- if you can remember?

5 Ms. Freeman. I first learned about it -- I think it was -- everything began to kind  
6 of run together for me, but I do remember seeing a video about the -- on YouTube about  
7 the -- what they said appeared to be a flash drive that we were passing around. And  
8 that's -- that's when I first learned about that, if that's what you're speaking of?

9 Ms. [REDACTED]. And I think --

10 Mr. Schiff. Yes.

11 Ms. [REDACTED]. Mr. Schiff, hey, sorry. It's [REDACTED]. If I could just interject, too.

12 BY MS. [REDACTED]:

13 Q Ms. Freeman, I think you -- you told us earlier in your interview about when  
14 your phone started ringing --

15 A Right.

16 Q -- on December 3rd.

17 A Right.

18 Q And you went to the elections department, but also to the police  
19 department.

20 Mr. Schiff wasn't able to join us for that part, so --

21 A Okay.

22 Q -- at the risk of having you repeat yourself --

23 A Okay.

24 Q -- maybe you could tell him a little bit about that.

25 A Okay. On December -- thank you. Thank you. Yes.

1           When I first heard about everything was December the 3rd. That's when my  
2 phone started blowing up, and I had the news reporter that was trying to get in touch  
3 with me through Messenger, and wanted to interview me. And so, I guess, on  
4 December the 3rd, my phone just started blowing up, and I was getting all these text  
5 messages and emails and -- and that's when that -- couldn't wait for that next morning.

6           I went to the police department for Fulton County, because I previously worked  
7 for Fulton County, and it all happened -- even though it happened in city of Atlanta, but it  
8 was Fulton County Voter Registration and Election, and I went there.

9           I went to talk with the election workers, the supervisors there, and then I went to  
10 talk with the police department to make a police report. And she got my phone, and the  
11 calls were coming in, and she was answering those calls, you know, and talking to them.  
12 And they were, you know, threatening me even on the phone, and them coming to get  
13 me.

14           Mr. Schiff. Yeah. And so the first you learned about all this was your phone  
15 started blowing up and all of these texts and email messages?

16           Ms. Freeman. Yes.

17           Mr. Schiff. And were they from strangers, or was it people that you knew that  
18 were -- that you had to find out what was going on?

19           Ms. Freeman. No. These was from strangers. I didn't know any of these  
20 people. I did have one of my customers to call me and ask me -- he said, We hear about  
21 it. Are you okay? They were calling about my safety.

22           But all of the calls really that was coming in was death threats and terroristic  
23 threats and harassments and those type calls and text messages and emails.

24           Mr. Schiff. Thank you for sharing that with me, and I -- we'll look forward to  
25 reading the rest of your interview today. Once again, I really appreciate your willingness

1 to come and testify before our committee.

2 And having been on the receiving end of a small number of death threats myself, I  
3 know what that's like tragically. And, again, I want to thank you for your courage and  
4 the public service that you have performed and will continue to perform. And it's nice  
5 to meet you, even at a distance.

6 Ms. Freeman. Thank you, sir.

7 Ms. [REDACTED]. Okay. Great.

8 Mr. Schiff. Thanks, [REDACTED].

9 Ms. [REDACTED]. Thanks, Mr. Schiff.

10 So, Ms. Freeman, I think we've walked through what I planned to cover today, but  
11 I wanted to give you the opportunity if there is anything else that you think that we've  
12 missed that you'd like to discuss, or if your counsel have anything they would like to add.

13 Ms. Freeman. I just want to make sure that this doesn't happen to anybody else.  
14 I want to make sure that the -- I really want to call her name. I want to make sure that  
15 she never goes to anybody else's house. I don't want her to feel like she's gotten by  
16 with it and she is acceptable and she should come to anybody's house. You should  
17 never go to anybody else's house again.

18 Ms. [REDACTED]. Understood.

19 Anything else about the -- about the experience and that I have, you know,  
20 neglected to cover about having to leave your own home and the security precautions  
21 that you now have to take, the impact on your personal sense of safety and on your  
22 business? Anything else that you would like to cover that we haven't asked you about?

23 Ms. Freeman. No. I just -- I really don't want anybody else to have to  
24 experience this, because I have to leave my home now. I'm afraid to stay at my home.  
25 I have to leave.



1 I can't use my name again, you know? I'm just afraid. It's like I'm afraid to live,  
2 and I just thank God for the faith that I do have knowing that, you know -- that He said all  
3 things work together for the good, the good of those that love Him and called according  
4 to his purpose. I know that I'm called, and I know I have a purpose in life, and I just -- I  
5 just want the works that I do speak for me. I want my life -- I want to -- I want this to be  
6 known as -- people ask me, Why you? Why you? Why did this happen to you?

7 And my -- my answer has always been, Why not? Why not me? Why did things  
8 happen to Jesus the way it did? He didn't do anything. So he showed us that it could  
9 be done, so I'm here, and it happened to me. Why not me?

10 It doesn't feel good at all. It hurts. It hurts. It hurts when, you know, you've  
11 been lied on, you've been threatened, death threats. You know, threats came from  
12 people in -- that was arrested for the Capitol offense, and I was on a -- and then, when  
13 they went through that thing, that I was on a death list, that hurts. That hurts to know  
14 that your name was mentioned by the President of the United States several times.

15 All of that doesn't feel good, but I'm here to say that, you know, we as Christians  
16 always have a saying. It's that -- but I'm okay. I'm okay. It's not what it feels like, and  
17 not what it looks like. I'm okay. In the end, I win. All I do is win, win, win.

18 So I'm thankful for my attorneys, the team that we have, and I'm really grateful for  
19 them, because they are the best.

20 Ms. [REDACTED]. Thank you for that, and thank you for your courage.

21 Is there anything that your counsel would like to address before we --

22 Mr. Gottlieb. I don't think we can improve on that, so we appreciate your time  
23 and your questions today. So thanks for having --

24 Ms. [REDACTED]. Okay.

25 Mr. Gottlieb. Thanks for having Ms. Freeman up.

1           Ms. [REDACTED]. Great. Thank you again, Ms. Freeman. Thank you for your  
2 testimony today, and thank you for your cooperation. Thank you for coming to see us in  
3 person. We really appreciate it.

4           Ms. Freeman. Thank you.

5           Ms. [REDACTED]. Okay. With that --

6           Mr. Schiff. Thank you, again, Ms. Freeman.

7           Ms. Freeman. Thank you, sir.

8           Mr. Schiff. Thank you.

9           Ms. [REDACTED]. All right. We'll go off the record. Thank you very much.

10          [Whereupon, at 5:13 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

---

Witness Name

---

Date

# Ex. 8

UNITED STATES DISTRICT COURT

August 11, 2023

Nathan Ochsner, Clerk of Court

for the  
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.

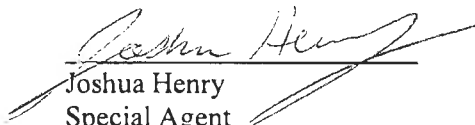
The following incident occurred during a phone call to United States District Judge Tanya Chutkan's chambers in Washington, DC from Alvin, TX using phone number 832-537-2180. SHRY and left a threatening voicemail message intended for Judge Chutkan and mentioned United States Congresswoman Sheila Jackson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



# Ex. 9

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:

I. 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

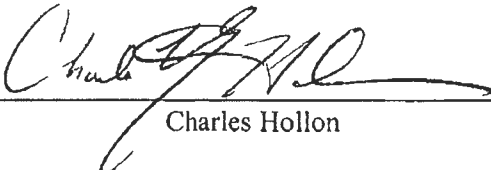
there's dumb. I love black people. But you know what? You guys want to make it all about. Identity and you know. What dirty Jews and stupid? Go die. I hope you all die. We're not going to kill you. I'm not going to kill you. I don't want anybody else to kill you because I don't want them to get in trouble. 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

November21, 2023

# Ex. 10



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

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRAIG DELEEUW ROBERTSON,

Defendant.

Case No. [REDACTED]

FELONY COMPLAINT

**SEALED**

COUNT 1

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]

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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

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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:

554.0 110046372926851134 03/18/2023 05:19 PM 10

03/18/2023 05:37 PM By author

**winston4eagles**  
Account Banned

204 Posts 0 Followers 40 Following

BIO  
74, Air Force Vietnam Era vet, Retired welding inspector, gunsmith and woodworker. NRA Life Member, 2A Advocate and owner of many AR Rifles + many other rifles, shotguns, and handguns. As Patrick Henry said, so shall I: "GIVE ME LIBERTY OR GIVE ME DEATH."

**ALVIN BRAGG**  
Heading to New York to fulfill my dream of iradicating another of George Soros two-bit political hach 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 bright red blood oozes from the hole as his life ebbs away to hell!!  
BYE, BYE, TO ANOTHER CORRUPT BASTARD!!!

OK Mark as not sensitive. Sensitive Mark as sensitive. Delete Mark as deleted.

Moderator Actions

- escalated report # 10975991 March 18, 2023 at 05:58pm
- decided delete status #110046372926851134 March 18, 2023 at 05:58pm
- decided ok status #110046372926851134 March 18, 2023 at 05:47pm

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.

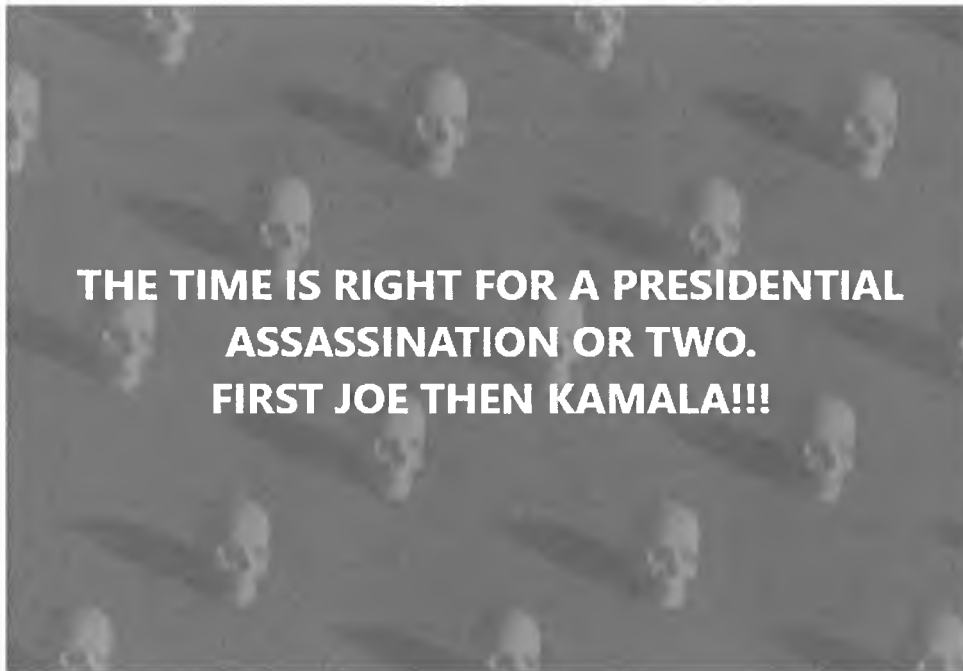
10. As part of this investigation, I have also reviewed public posts from Company-2’s social media platform made by ROBERTSON. Based on my review of those posts by ROBERTSON from that account, I know that ROBERTSON does, in fact, appear to own a sniper rifle and a ghillie suit, has made violent threats 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).



Craig Robertson  
September 21 2022 · 🌐



👍 Like

💬 Comment

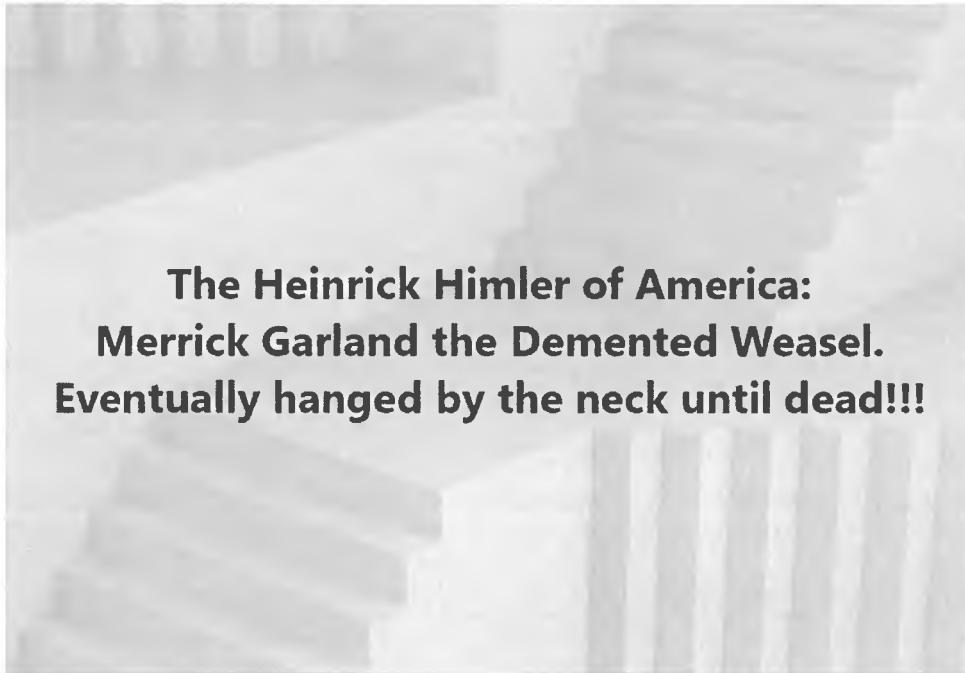
➦ Share

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 · 🌐

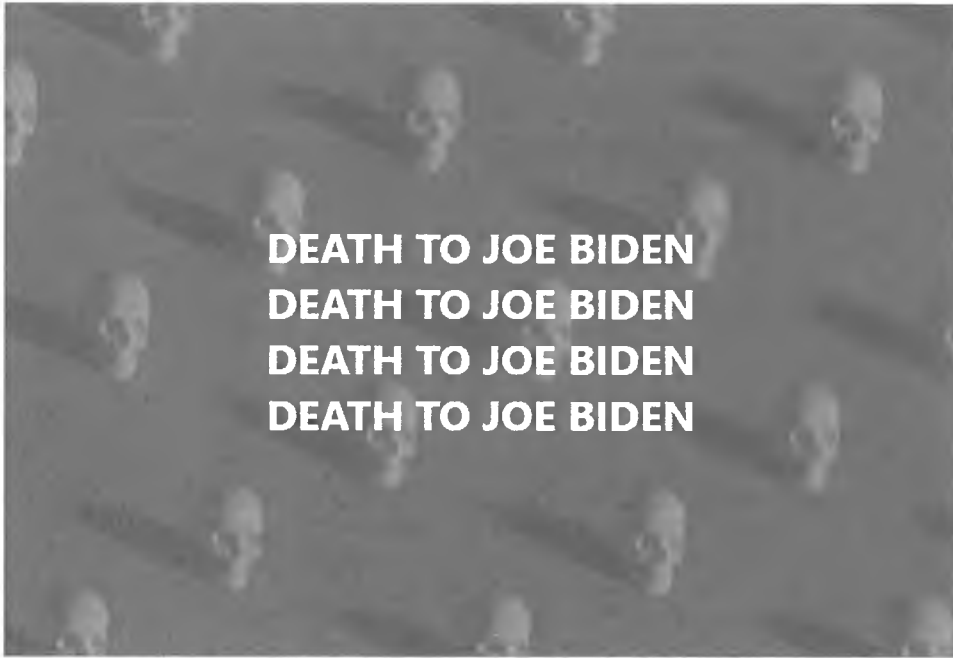


c.

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 · 🌐

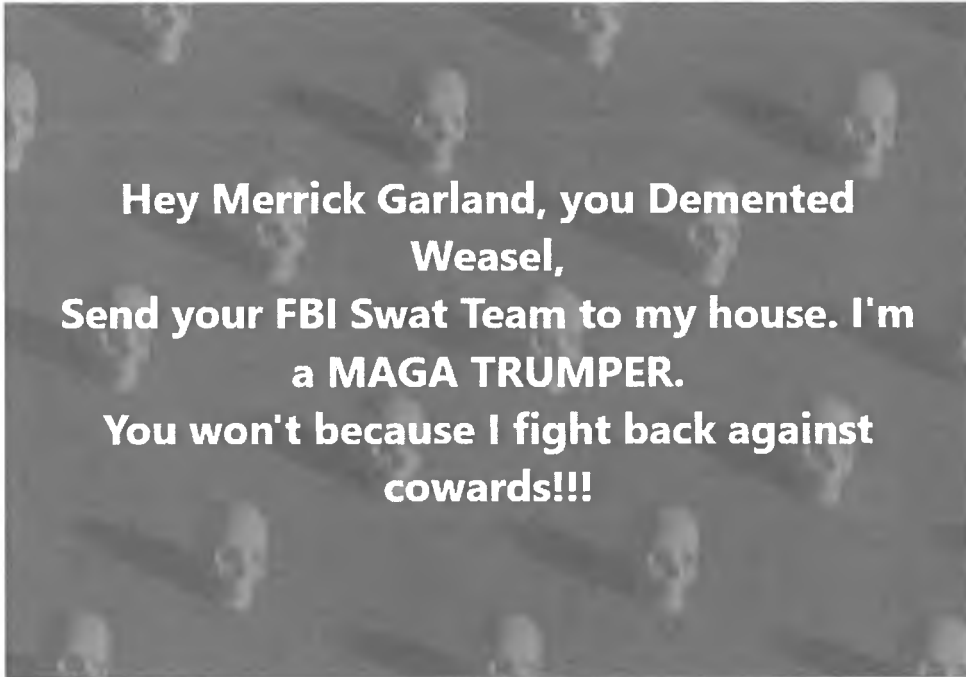


d.

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



Craig Robertson  
September 26 2022 · 🌐



e.

👍 Like

💬 Comment

➦ Share

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.



Craig Robertson

October 3, 2022 · 🌐



MY DEMOCRAT ERADICATOR!!!  
A GAS OPERATED "POINT-N-SH\*\*T" NAIL DRIVER.



👤 1

👍 Like

💬 Comment

➦ Share



Write a comment...

Press Enter to post.

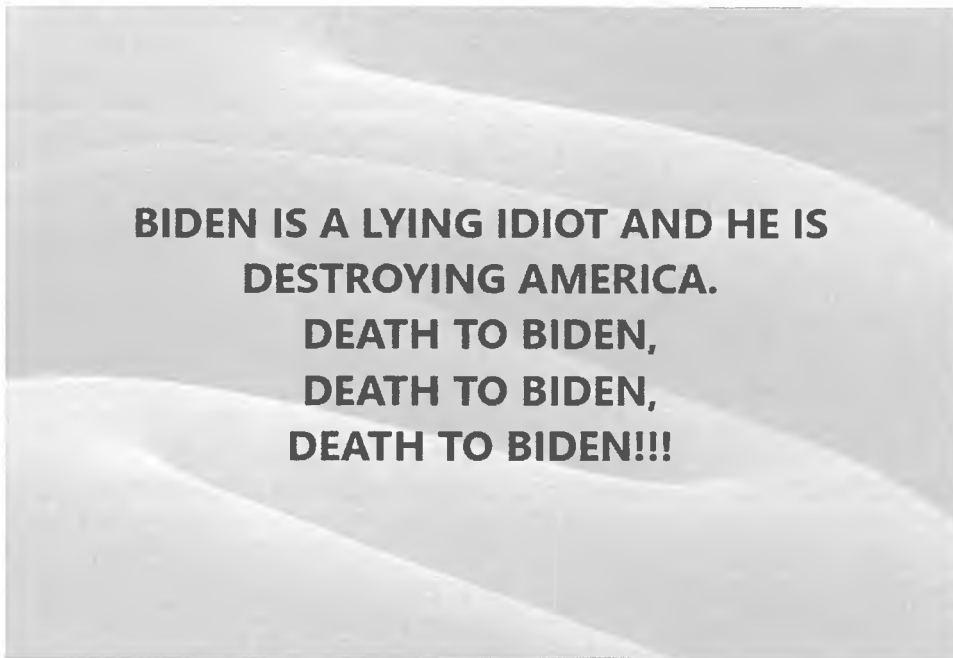


f.

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.



Craig Robertson  
October 3, 2022



Like

Comment

Share



Write a comment...



Press Enter to post.

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?????

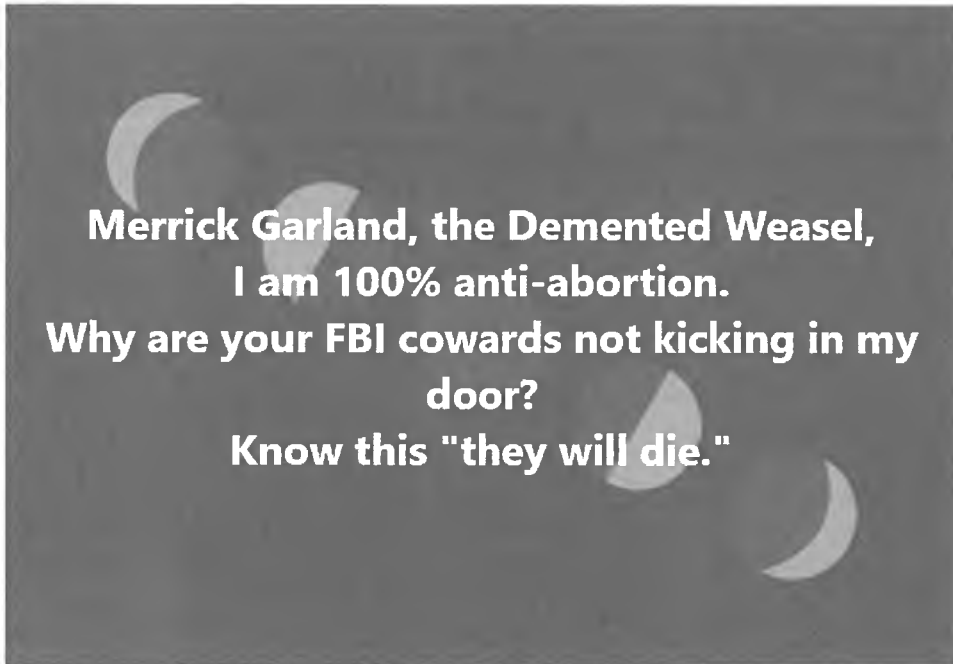


i.

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



**Craig Robertson**  
October 11, 2022 · 🌐



j.

👍 Like

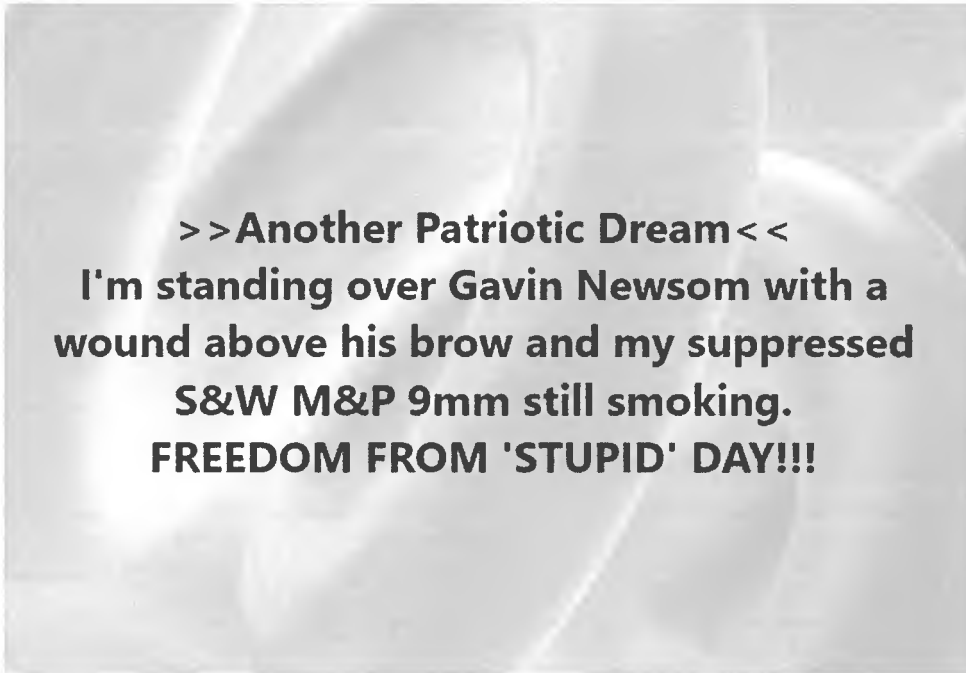
💬 Comment

➦ Share

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.



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!”



Craig Robertson

March 3 at 7:20 PM



Well, I did it to Jefferson right on the temple.  
Bet I can do it to old Joey and save the world!!!



2

1 comment

Like

Comment

Share

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



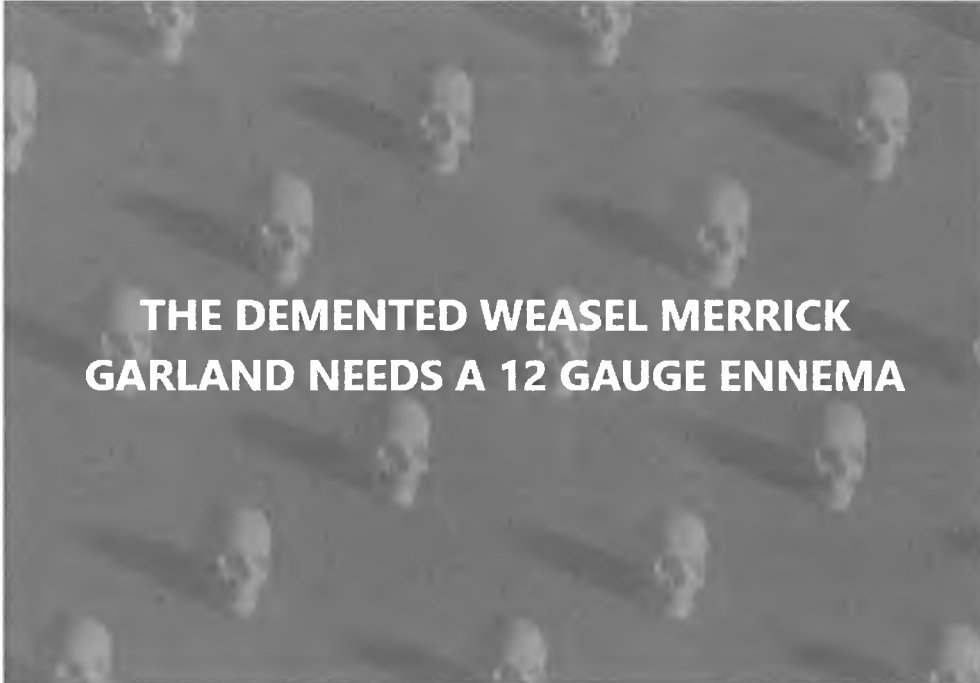
Because this post was posted on March 21, 2023, subsequent to SA-1 and me speaking with ROBERTSON, I believe “jackboot Nazi FBI” refers to the FBI in general and to SA-1 and me in particular.

Press Enter to post.



Craig Robertson

March 21 at 7:32 AM · 🌐



👍 Like

💬 Comment

➦ Share

Write a comment...



Press Enter to post.

p.

I believe “MERRICK GARLAND” refers to AG Garland.

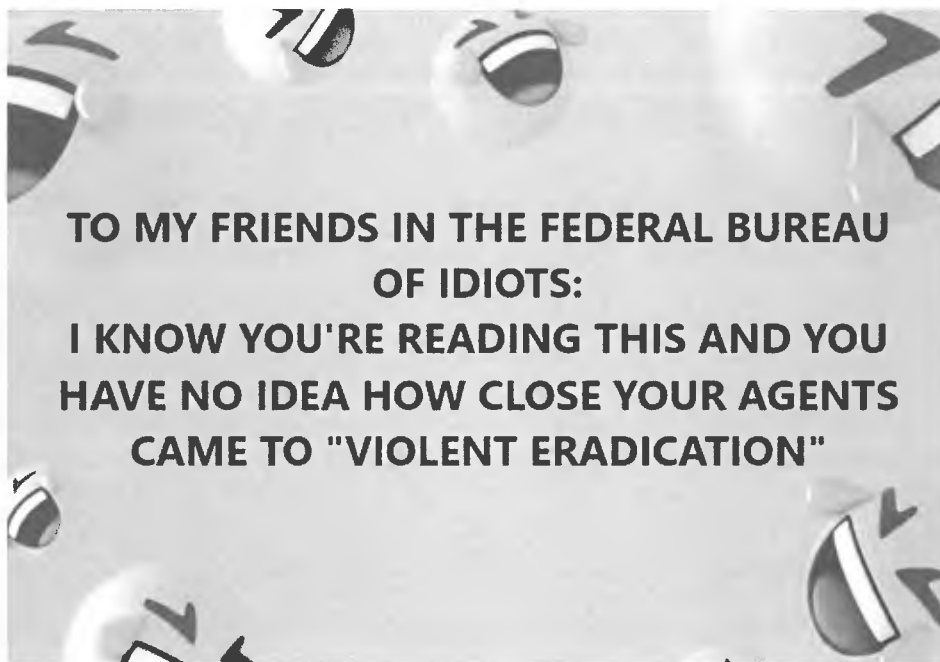


Press Enter to post.



Craig Robertson

March 24 at 7:39 PM · 🌐



👍 Like

💬 Comment

➦ Share



Write a comment...



Press Enter to post.

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.

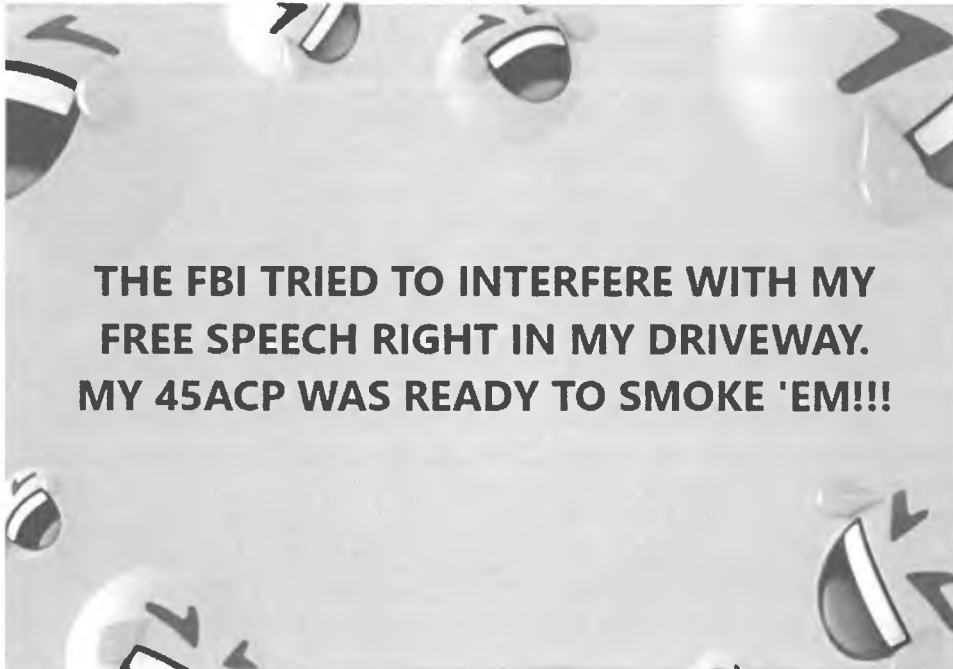
I believe this was posted on March 25, 2023, as it was discovered on March 30, 2023. Additionally, I believe “YOUR AGENTS” refers to SA-1 and me who spoke with ROBERTSON on March 19, 2023, and “BANG’ to be referring to being shot. Like the previous posting, I believe he made this threat with the intent 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.

press enter to post.



Craig Robertson

March 30 at 7:59 PM



Like

Comment

Share



Write a comment...

Press Enter to post.



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.



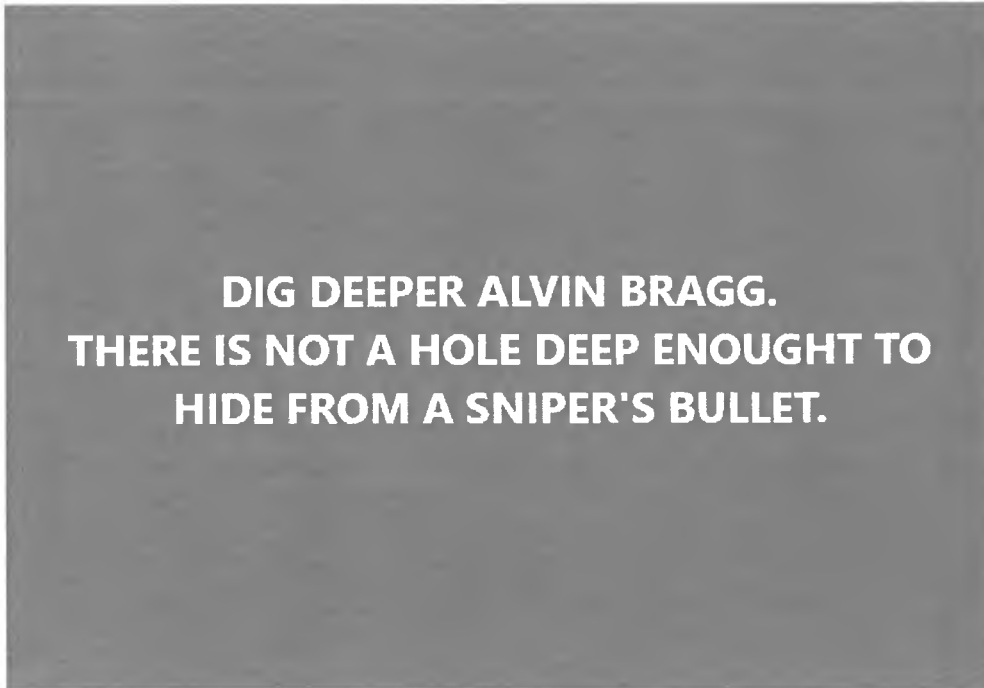
u.

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.



Craig Robertson

April 4 at 2:02 PM · 🌐



Like

Comment

Share



Write a comment...

Press Enter to post.



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

# Ex. 11



# **TRUMP**

## **How to Get Rich**

**Donald J. Trump**  
with Meredith McIver



RANDOM HOUSE  
NEW YORK

---

## Contents

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Half Title Page

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**Five Billion Reasons Why You Should Read This Book**

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**The Donald J. Trump School of Business and Management**

PART II

**Your Personal Apprenticeship (Career Advice from The Donald)**

PART III

**Money, Money, Money, Money**

PART IV

**The Secrets of Negotiation**

PART V

**The Trump Lifestyle**

PART VI

**Inside *The Apprentice***

Endnotes

Acknowledgments

Appendix

Behind the Scenes at the Trump Organization

About the Author

Also by Donald J. Trump

Copyright

*To my parents,  
Mary and Fred Trump*



When somebody hurts you, just go after them as viciously and as violently as you can. Like it says in the Bible, an eye for an eye.

Be paranoid. I know this observation doesn't make any of us sound very good, but let's face the fact that it's possible that even your best friend wants to steal your spouse and your money. As I say every week in *The Apprentice*, it's a jungle out there. We're worse than lions—at least they do it for food. We do it for the thrill of the hunt.


Recently, I've become a bit more mellow about retribution and paranoia. Although I still believe both are necessary, I now realize that vengeance can waste a lot of time better spent on new developments and deals, and even on building a better personal life. If you can easily dismiss a negative from your life, it's better to do so. Seeing creeps as a form of corruption that you're better off without is a great time-saving device.

Still, sometimes you've just got to screw them back.

For example, a while ago I agreed to invest a small amount in a new restaurant venture. I did this with the full expectation that I was throwing this money down the drain, because most of these clubs are not successful. I liked the two young guys who approached me to invest and figured I'd give them a break—plus a good friend of mine had asked me to help them.

When the restaurant opened, it was a smash hit. Crowds of people lined up to get in. Money was pouring in. It was incredible.

About a year later, I realized that I hadn't received a single dollar from the owners—no repayment of my initial investment and certainly no profit. I called two of the guys who got me into the deal and said, "Fellas, come on, I know success when I see it. You ought to



### Sometimes You Still Have to Screw Them

For many years I've said that if someone screws you, screw them back. I once made the mistake of saying that in front of a group of twenty priests who were in a larger audience of two thousand people. I took some heat for that. One of them said, "My son, we thought you were a much nicer person."

I responded, "Father, I have great respect for you. You'll get to heaven. I probably won't, but to be honest, as long as we're on the earth, I really have to live by my principles."

When somebody hurts you, just go after them as viciously and as violently as you can. Like it says in the Bible, an eye for an eye.

Be paranoid. I know this observation doesn't make any of us sound very good, but let's face the fact that it's possible that even your best friend wants to steal your spouse and your money. As I say every week in *The Apprentice*, it's a jungle out there. We're worse than lions—at least they do it for food. We do it for the thrill of the hunt.

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Still, sometimes you've just got to screw them back.

For example, a while ago I agreed to invest a small

# Ex. 12

# TRUMP

AND BILL ZANKER  
President/Founder The Learning Annex

A black and white photograph of Donald Trump, wearing a suit and tie, pointing his right index finger directly at the viewer. He has a serious, intense expression with his mouth slightly open.

THINK  
BIG

"This book is Donald Trump's version of *The Secret*.  
It's a must read!" —JACK CANFIELD  
COAUTHOR OF *CHICKEN SOUP FOR THE SOUL*

MAKE IT HAPPEN IN  
BUSINESS AND LIFE

DONALD J.  
**TRUMP**

and **BILL ZANKER**

President/Founder

The Learning  
**Annex**

**THINK  
BIG**

MAKE IT HAPPEN  
IN BUSINESS AND LIFE

HARPER

NEW YORK • LONDON • TORONTO • SYDNEY



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First Collins paperback edition published 2008.

*Designed by Jamie Putorti*

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p. cm.

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and life.

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ISBN 978-0-06-154784-3 (pbk.)

22 23 DIX / LSC 30 29

DEDICATION FROM DONALD J. TRUMP

*To my parents, Fred and Mary Trump,  
my brother Fred Trump Jr., my sisters Judge  
Maryanne Trump Barry and Elizabeth Trump Grau,  
my brother Robert Trump, my children Donald Jr.,  
Ivanka, Eric, Tiffany, and Barron, and to  
my beautiful wife, Melania.*

DEDICATION FROM BILL ZANKER

*This book is dedicated to my loving wife Debbie  
and my children Ediva, Dylan, and Vera, who have  
always supported me to dream BIG and to all  
The Learning Annex employees who THINK BIG  
AND KICK ASS every day.*

*The Apprentice* was doing so well, they figured, "Hey, let's do another one."

The fact is Martha, instead of taking responsibility for the failure of her show, blamed it on me. I did nothing but promote Martha. I said she was a brave woman and she was working hard. I did not see the show until it aired. When I looked at the show, however, I realized it was never going to make it and she was terrible!

Martha told everybody her show was supposed to be the only *Apprentice* and that I had agreed to be fired by her on the air. That's just stupid. What moron would believe she was going to fire the guy with one of the top shows on television? The fact is her show did not work. For some reason Martha was not very good at it. She tried; she put in the effort, but she did not have what it took to make a successful show. In life, you have failures, and there is really nothing wrong with that, but when you have a failure, try not to blame other people. Martha's version of *The Apprentice* was a failure. Mine got great ratings. One worked—one did not.

What I am really most upset with Martha about, though, is her ingratitude. I was her single biggest promoter. I promoted her on every show, and I said what a wonderful woman she is, and I still believe that. Never once did she thank me. Never once did she call and say, "Donald, thank you very much." I de-

fended Martha many, many times and I never got a note. I never got a phone call. One thing about life: when someone helps you, it's always nice to say thanks. I got tired of her attitude.

Then, when her show failed, she blamed me on top of everything else, but rather than play dead, I went on the attack. I wrote a scathing letter telling her that she had only herself to blame for her tanked show. I wrote, "Your performance was terrible. The show lacked mood, temperament and just about everything a show needs for success." I added, "I knew it would fail as soon as I first saw it—and your low ratings bore me out." My motto is: Always get even. When somebody screws you, screw them back in spades.

Sir Richard Branson and Mark Cuban also failed with their poor copies of *The Apprentice*. Richard Branson, who owns Virgin Atlantic Airways, is a good guy. He called me recently, but I have to tell you this story.

Last year I was upset with him because he was doing a new show, a copy of *The Apprentice*, named *The Rebel Billionaire: Branson's Quest for the Best*. Nobody ever remembers the name of his show. Two months before the show was going to air he started promoting it with hot air balloons and media hype. They call him a billionaire, but how can anyone become a billionaire owning an airline? The fact is, he has other good

again, because you are a schmuck!" I have not spoken to the guy since. He calls me once in a while, but I don't ever talk to him, because he is a loser. You have to show people you can't be pushed around. His next manager, whoever it may be—and he does not have long to go in his career—will probably steal the money he is making now. Why shouldn't he? This guy is not going to go after him, because he is a jerk.

So do not hesitate to go after people. This is important not only for the person you are going after but for other people to know not to mess around with you.

When other people see that you don't take crap and see you are really going after somebody for wronging you, they will respect you. Always have a good reason to go after someone. Do not do it without a good reason. When you are wronged, go after those people because it is a good feeling and because other people will see you doing it.

Getting even is not always a personal thing. It's just a part of doing business. An example is my dealings with Merv Griffin. Merv Griffin recently passed away—he was an interesting character. He and I fought quite a bit, but in the end I think we gained a mutual respect. He would tell people that Donald Trump was a genius (I think he even wrote it in his book), but one thing never changed—Merv would state to everybody that he beat me in a deal when in actuality he knew better and admitted such to me.

I sold him a company called Resorts International for a very high price. I had most of the voting stock so there was nothing he could have done unless I was willing to sell, but his price was so high that it would have been insane not to take his offer. Immediately after the deal was made, Merv went around telling everybody that he beat me. "I beat Donald Trump at the deal!" he would shout.

Newspapers and magazines were calling me and exclaiming that Merv beat Donald in a deal. I'll never forget telling one of the reporters, "Deals are funny—tell me about it in five years, but in the meantime I got a very high price, much more than he would have had to pay, because I would have taken far less."

In any event the deal turned out to be a disaster for Merv, and to the best of my knowledge he filed for Chapter 11 on this transaction at least two times. I believe that is why he called me a genius, but I can also say he was an amazing competitor; very nice and smooth on the outside but a real tiger from within. He did say, at a certain event, "I used to have a lot of coconuts," jokingly referring to how much the Resorts International deal with me cost him. Because of business Merv and I were not friends—but I will miss him.

I love getting even when I get screwed by someone—yes, it is true, people still try to take me for a ride, and sometimes they succeed, rarely, but when they do I go after them. You

# Ex. 13

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

# Ex. 14

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.

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. Conners 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

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 \_\_\_\_\_ )

# Ex. 15

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

PRESENT: HON. ARTHUR F. ENGORONPART 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, 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 \_\_\_\_\_ )

# Ex. 16



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

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

**PART 37**

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>.

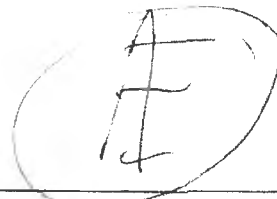
As I have stated on the record, seemingly to no avail, my law clerks are public servants who are performing their jobs in the manner in which I request. This includes providing legal authority and opinions, as well as responding to questions I pose to them. Plainly, defendants are not entitled to the 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.

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 \_\_\_\_\_ )