

RE: THE BOGUS MANAFORT CHALLENGE TO MUELLER'S JURISDICTION

I said
from the
outset
that the
Manafort
challenge
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Mueller's
authority
, both in



DC District and Eastern District of Virginia were bogus and ill taken. Not that his attorneys should be faulted for protecting that record for later appeal, that is simply what decent criminal defense lawyers do. But the siamesed motions were never the compelling "legitimate question" the press made them out to be. Even taking into account the cantankerous probing of Judge T.S. Ellis in EDVA at oral argument on May 4, 2018, the claims of Manafort, and later blithely parroted by Trump that same day, Manafort's arguments were discredited by Dreeben's argument. Even at that hearing, that Trump Parroted, Judge Ellis indicated there could well not exist a convincing argument in the long run.

Well, okay. We still don't know how Judge Ellis will rule, but we do now know how Judge Amy Berman Jackson ruled on pretty much the identical argument in DDC. Her decision was handed down yesterday.

This was a spanking of Manafort's dismissal motion, from top to bottom. On every prong, and at every turn, Berman Jackson dismissed Manafort's arguments. She even went so far as to opine that Mueller would have been effectively derelict *not* to have pursued these matters. The

matter will proceed to trial in DDC, before Judge Berman Jackson, currently set for September 7, 2018.

So, that leaves the EDVA matter in front of the aforementioned cantankerous Judge Ellis. The decision by Berman Jackson will have to weigh heavily on Ellis as he drafts his decision on the parallel arguments in EDVA. Despite all the probing and disdain Ellis displayed at oral argument on May 4, Ellis is famous for just that. Over decades. Ellis could certainly find differently than Berman Jackson, that is his prerogative, but it is hard to see how he is going to. First off, the facts, pleadings and scope of authority demonstrated by Mueller, via Dreeben, simply do not warrant it. But, secondly, there is now a marker by Berman Jackson. Judge T.S. Ellis III may be commonly known as cantankerous, but he is not commonly known as a fool.

We shall see, but if I were Paul Manafort, I would not be sleeping easy. And Trump might want to stop cackling. So, enjoy the decision by Berman Jackson, it is worth the read if you are interested. And it is exactly why a few of us here were more than skeptical of Manafort's motions.