

RIGHT WING “NEWS” SITE DELETED ONE OF THE VIDEOS PROSECUTORS WANTED TO USE AT ROGER STONE’S TRIAL

Roger Stone and the government are beginning their fight over what evidence will be included and excluded in his November trial. The motions in limine submitted yesterday include:

- A government motion to exclude any discussion about 1) Russian involvement in the hack of the DNC and 2) any coordination – or lack thereof – with Russia
- A Stone motion to admit evidence that WikiLeaks did not receive the DNC, DCCC, or John Podesta emails from the Russian state (note the careful phrasing, which avoids addressing whether Russia did the hack itself); Stone does not explain *what* evidence he wants to submit, aside from mentioning his earlier motions related to this, which Amy Berman Jackson is sure to ding him for
- A government motion to exclude claims of misconduct about the investigation

- A government motion to admit this video from the Godfather II to explain what Stone's allusions to Frank Pentangeli mean
- A sealed government motion to submit two newspaper articles as part of 404(b) evidence (if I had to guess, I'd say these articles show that Stone not only had records of communications he denied having to HPSCI, but shared them with journalists when it became convenient)
- A future government motion to admit the transcript of Stone's HPSCI testimony (the government had tried to get Stone to stipulate to the accuracy of this transcript, but Stone ultimately refused a few days ago)
- A government motion to admit the upload dates for various videos mentioned in the Indictment

The last motion is partly an attempt to lay out the timeline in these paragraphs of the indictment:

Starting in early August 2016, after receiving the August 2, 2016 email from Person 1, STONE made repeated statements about information he claimed to have learned from the head of Organization 1.

a. On or about August 8, 2016, STONE attended a public event at which he

stated, "I actually have communicated with [the head of Organization 1]. I believe the next tranche of his documents pertain to the Clinton Foundation, but there's no telling what the October surprise may be."

b. On or about August 12, 2016, STONE stated during an interview that he was "in communication with [the head of Organization 1]" but was "not at liberty to discuss what I have."

c. On or about August 16, 2016, STONE stated during an interview that "it became known on this program that I have had some back-channel communication with [Organization 1] and [the head of Organization 1]." In a second interview on or about the same day, STONE stated that he "communicated with [the head of Organization 1]" and that they had a "mutual acquaintance who is a fine gentleman."

d. On or about August 18, 2016, STONE stated during a television interview that he had communicated with the head of Organization 1 through an "intermediary, somebody who is a mutual friend."

When the government requested the upload times for the videos in paragraphs a through c on June 5 (the August 18 appearance was on CSPAN, from whom the government asked separately and even earlier for that upload time), they asked for the upload times of seven videos, including the ones linked above, this video of Julian Assange talking about WikiLeaks' upcoming dump on Hillary Clinton, this August 4 interview with Alex Jones alleging Russia didn't do the hack, and a Media Matters version of Stone's August 8 Broward appearance (they posted it over 24 hours before Stone did).

But, as noted, one of those videos – described

as a August 16 Alex Jones interview of Roger Stone – is not linked. As Google noted,

Regarding your attached legal request, after a diligent search and reasonable inquiry, we have found no records for any YouTube video file(s) identified as HXXwf-9otzU, as specified in your request. Therefore, we do not have documents responsive to your request.

The video was a mirror of the Alex Jones interview hosted by the right wing “news” channel, OpenMind.

There actually is a video of the interview (which actually appears to have taken place on August 15, not August 16), available from another site that mirrors Jones. But it appears that other site deleted the video; I’m fairly sure that happened after the government asked for it (the request was revealed the day it was filed).

The discrepancy of a day is not that great (and the government covered itself in any case with the “on or about” language. But I do find it mildly interesting that a propaganda channel tried to make the video unavailable.