

# WHAT THE EXHIBIT DECISIONS AND THE WITNESS LIST SAY TO EXPECT FROM ROGER STONE'S TRIAL (UPDATED)

Today, jury selection begins in the the Roger Stone trial. The final jury questionnaire, which got released, includes a list of witnesses or people who will be mentioned at trial. I've italicized the people who'll surely just be mentioned. I've marked the people whose communications may be entered by stipulation with asterisks (meaning they don't necessarily have to testify to prove they had communications with Stone); in addition, the numbers for people like Rhona Graff and Keith Schiller have also been stipulated). Bill Binney and Peter Clay probably will not testify, as Amy Berman Jackson has excluded that line of defense for Stone.

- *Julian Assange*
- Jason Aubin
- Steve Bannon\*
- William Binney (probably excluded)
- Zachary Blevins
- Matthew Boyle (Breitbart guy in the loop between Bannon and Stone)
- Michael Caputo (said in September that he appeared on the witness list and so was banned from contact, but says he will not be a witness)
- Peter Clay (probably

excluded)

- *Hillary Clinton*
- Jerome Corsi\*
- Randy Credico\*
- Richard Gates\* (this is his last testimony as part of his cooperation agreement before he moves towards sentencing)
- Jason Fishbein
- David Gray (Corsi's lawyer)
- John Kakanis
- Margaret Kunstler (who probably won't testify; Credico emailed her on request of Stone)
- David Lugo
- Theodore Malloch (testified that Corsi told him Stone knew John Podesta emails were coming)
- Paul Manafort\*
- Rebekah Mercer (Stone told Bannon he wanted funding from her)
- Andrew Miller
- Tyler Nixon
- Sam Nunberg (Stone told him he had just spoken with Julian Assange on August 4)
- *John Podesta*
- Alexandra Preate (Bannon's assistant)\*
- Erik Prince\* (probably the campaign associate that Stone WhastApped with in October 2016)

- Bill Samuels
- Michael Strum
- Jason Sullivan
- Michelle Taylor (FBI Agent)
- *Donald Trump\**

Yesterday ABJ also made final decisions about witnesses and testimony (see this thread for live tweeting that didn't make it into the coverage).

The issue people care about (but is fairly minor for the trial) is what will happen with the Godfather II clip that will explain a Frank Pentangeli reference Stone made to try to convince Credico to lie to Congress. An FBI case agent will introduce it, in concept, and after Credico testifies, the government may move to introduce the clip itself.

More interesting are debates about what Stone will do to discredit Credico, Jerome Corsi (if he testifies), and Steve Bannon. With Credico, ABJ seemed intent on leaving out stuff that discredits him, possibly including his fondness for Julian Assange.

Stone wanted to submit Jerome Corsi's entire book (which I agree discredits him pretty readily). But ABJ will only permit him to use it to discredit Corsi if he says something inconsistent.

Most interesting has to do with Bannon, who (given the witness list) is necessarily the person that worked in the transition and the White House discussed in yesterday's hearing. Stone says there's something Bannon has done recently that would discredit his testimony. To be honest, I wouldn't be surprised if the government doesn't call Bannon at all, not least because the government only released his derogatory interview over the weekend (where he clearly lied), not the one from October 26, 2018 that would be relevant to the trial (and as a result, the government didn't release his proffer agreement, as they did with Michael

Cohen). He's relevant because of some emails exchanged in early October 2016 between Breitbart journalist Matthew Boyle and Stone, then Stone and Bannon (which appear to be exhibits 31 and 32). The thing is, the email for Bannon (at least) and his assistant, at least, are stipulated, meaning an FBI Agent can enter those into evidence. The big reason why Bannon might be called personally is to explain the reference to this email.

FROM: Roger Stone

TO: Steve Bannon

EMAIL:

Don't think so BUT his lawyer Fishbein is a big democrat .

I know your surrogates are dumb but try to get them to understand Danney Williams case

chick mangled it on CNN this am

<https://www.dailymail.co.uk/news/article-3819671/Man-claiming-Bill-Clinton-s-illegitimate-son-prostitute-continues-campaign-former-president-recognize-him.html>

He goes public in a big way Monday—Drudge report was a premature leak.

I've raise \$150K for the targeted black digital campaign thru a C-4

Tell Rebecca to send us some \$\$\$

We know from an earlier ABJ ruling that the government will introduce how Stone also lied to HPSCI about coordinating his dark money efforts with the campaign, before he later cleaned it up. And Bannon may be necessary to explain this. I understand that Stone's specific late election targeting efforts suppressing the black vote in a surprise swing state — on top of his efforts to suppress the vote — would look very damning given what we otherwise know about suppression

efforts. Stone clearly believes Bannon is testifying, but then he also has a grudge against him so would love to smear him publicly. But I leave open the possibility that the government enters this information via other means (especially given that they said they only need one witness in addition to the FBI Agent to introduce this stuff).

Curiously, nothing public suggests Stone is doing much to discredit Rick Gates (who will almost certainly testify to witnessing Trump get a call on his cell phone from Stone telling him of upcoming dumps) or Michael Cohen (who would testify to witnessing Trump being informed in advance about the July 22 WikiLeaks dump, if he is sprung from prison to do so), whose testimony would in some ways be far more damning.

Otherwise, ABJ seems to have made remarkably favorable rulings for the government yesterday on several counts.

On September 25, 2019, for the reasons stated on the record in the courtroom at the Pretrial Conference, the following government exhibits ("GX") were ruled on as follows: GX 21, 22, 24, 42, 43, 44, 165, 166, and 167 are admitted. GX 148 will be admitted with redactions.

These involve:

- June 13 and 15 emails with someone – possibly Corsi? – which would bracket the revelation of the DNC hack; there's an email involving Corsi and Stone where they talk about "phishing with John Podesta" and given Stone's argument that these emails would be prejudicial, I wonder if that's it?

- A July 29 email, (possibly to Manafort?), at the time when Trump was ordering people to get Stone to chase down these emails
- Some texts that appear to involve Jerome Corsi from January 2018; remember there are allegations that Corsi was paid by InfoWars to keep silent (though that's also the period when Stone was talking about getting Assange a pardon with Credico in texts that Stone didn't challenge)
- Three charts showing Stone's comms with – probably – Credico (to show that he wasn't talking to Credico until he needed a cover story) and Trump campaign officials; normally defense attorneys succeed in getting such charts excluded but the government won this fight, apparently
- A redacted set of Stone's toll records, which will show who he called when (there's a 212 line that may be Trump's cell phone)

In addition, ABJ generally limited Stone's use of HPSCI majority and minority Russian reports to the parts that affect him; she specifically excluded the section on Christopher Steele, which is a testament to how desperate Stone is.

Among the only emails that Stone successfully got admitted to discredit Credico are ones from February 9, February 24, and June 3, 2017, the first two of which will be redacted.

The case against Stone is strong. He appears to be preparing to argue that he was never really subpoenaed for all the documents he told HPSCI he didn't have (which the government will argue is why he lied about not having any). But that's about all he seems prepared to do – besides attacking Credico, Corsi, and Bannon – to defend himself.