

NOW THAT DOJ HAS RUDY GIULIANI'S PHONE CONTENTS, LEV PARNAS PREPARES TO PLEAD

Back on January 21, Special Master Barbara Jones reported on the status of her privilege review of Rudy Giuliani's devices. For eight of Rudy's devices, she had turned over over 27,000 items that post-dated January 1, 2018. For eight others, she had turned over the 3,000 items dated between December 1, 2018 and May 31, 2019.

Content	Phones	Warrant date	Known Warrant Scope	Privilege Review Scope	Status	Special Master Results
Rudy's iCloud		11/4/19	5/1/18 to 11/4/19	5/1/18 to 11/4/19	Filter completed -5/21	
Rudy's email		11/4/19	5/1/18 to 11/4/19	5/1/18 to 11/4/19	Filter completed -5/21	
Toensing's iCloud		11/4/19	5/1/18 to 11/4/19	5/1/18 to 11/4/19	Filter completed -5/21	
Toensing's email		12/13/19	5/1/18 to 12/13/19	5/1/18 to 11/4/19	Filter completed -5/21	
Rudy's historical and prospective cell site		4/13/21	unknown			
Toensing's historical and prospective cell site		4/13/21	unknown			
Devices of Rudy and Giuliani partners	7 devices	4/21/21	8/1/18 to 12/31/19	1/1/18 through seizure	Completed 11/2/21	2,223 items provided to govt 3 items deemed privileged
	Device 1805	4/21/21	8/1/18 to 12/31/19	1/1/18 through seizure	Initial release 11/15/21 Balance released 1/19/22	25,533 items provided with no privilege claim 49 items deemed privileged 56 privilege claims withdrawn, provided to govt
	8 devices	4/21/21	8/1/18 to 12/31/19	Initial review 12/1/18 through 5/31/19	Completed 1/19/22	3,204 items provided to govt
Toensing's phone	Firtash hits	4/22/21	8/1/18 to 12/31/19	1/1/18 through seizure	4,229 initial items to Firtash 12/21/21 2 addition items	Pending
	Initial review	4/22/21	8/1/18 to 12/31/19	Initial review 12/1/18 through 5/31/19	Ongoing	2,756 items provided to govt 1/20/22 2 items to Firtash 98 items pending privilege claim

While she had started to turn over materials as early as November, Jones turned over the balance on January 19. From there, a filter team at the FBI would have to scope the contents to make sure the investigative team only got items covered by whatever warrants the government has gotten.

The one known warrant that SDNY has covers Rudy's efforts – assisted by Lev Parnas – to get Maria Yovanovitch fired in 2019. Those charges were included on the original October 2019 indictment against Parnas, but removed when the charges against him were superseded in September 2020.

If DOJ is going to charge Rudy for ousting Yovanovitch at the behest of Yuri Lutsenko and others, they are probably preparing to do so now.

Which makes it interesting that yesterday, Parnas asked for a change of plea hearing on the

remaining already-charged count for which he still has to stand trial.

Remember: Back in March 2020, Parnas tried, unsuccessfully, to flip.

Lev Parnas spent much of January 2020 claiming to want to cooperate with the impeachment inquiry – though those claims were often suspect. At the same time, SDNY seemed to want to stall those efforts. The Senate acquitted Trump in February.

Only after that, on March 5, 2020 (and apparently just March 5), did Parnas proffer testimony in what he had been publicly claiming for some time was an interest in cooperating. But apparently after making statements that support the government case against him at trial next month, nothing came of the proffer.

On March 5, 2020, Parnas and his counsel met with members of this Office and the FBI, to proffer Parnas's potential testimony about the charges at issue here and other matters. In advance of the proffer, the Government provided a written proffer agreement to Parnas's counsel, setting forth the terms under which statements Parnas made during the proffer could and could not be used against him.

[snip]

During a lengthy proffer, Parnas made several statements that tend to prove the charges at issue here, or facts underlying those charges. An FBI agent took detailed notes of the proffer, and later produced a formal report memorializing it (the "302"). Those notes, and the 302, have been provided to

In a pretrial hearing last October, Parnas' lawyer Joseph Bondy revealed that at that early point, SDNY had insisted Parnas plead to all the charges against him (which at that point still included the Yovanovitch charge).

But now that DOJ has – after 30 months of work – obtained all Rudy's communications about the Yovanovitch plot (and already facing prison based off his October 2021 guilty verdict), Parnas appears to have a deal that's worth pleading guilty to.

Remember: When Parnas was previously trying to flip, it wasn't just the Yovanovitch plot he wanted to cooperate on. He also wanted to help SDNY prosecute obstruction of the investigation into that effort, including efforts to delete iCloud content as impeachment started. Parnas has receipts – not just against Rudy (and Mike Pompeo), but also videos implicating Trump.

Meanwhile, as Parnas prepares to plead guilty, Yovaovitch is using her book tour to highlight the damage done by autocrats like Putin and Trump.