

THE SUSSMAN TRIAL

Here is the Sussmann indictment as filed by Durham. It is an absurd 27 pages long. I could have written it in 2-3 pages, including signature page.

As you can see, excepting all the run on horse manure Durham penned, the indictment is for a single count of false statement under 18 USC §1001. That is it. One lousy count. That is it.

I will save you the niceties and simply quote you the DOJ guidance on §1001, and here it is:

Section 1001's statutory terms are violated if someone:

"falsifies, conceals or covers up by any trick, scheme or device a material fact,"

"makes any false, fictitious or fraudulent statements or representations,"

"makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry"

and, for cases arising after the 1996 amendments, the item at issue was material.

Whether the above acts are criminal depends on whether there is an affirmative response to each of the following questions:

Was the act or statement material?

Was the act within the jurisdiction of a department or agency of the United States? and

Was the act done knowingly and willfully?

[cited in JM 9-42.001]

907. Statements Warranting Prosecution.

False Statement >

Updated January 21, 2020

We all think this trial is a cutout for Trump and Trumpism. It is not. Sussman's ass lies in the lurch. There is a live defendant. Actual jury trials are about what is charged. One count of §1001 is charged here. Keep your eye on that ball. Criminal trials are about crimes, and elements of crimes. This one will be too.