

# **CARLOS DE OLIVEIRA'S UNCHARGED SUSPECTED OBSTRUCTION HAPPENED ON AILEEN CANNON'S WATCH**

I'd like to make something explicit that's implicit in this post. Some of Carlos De Oliveira's suspected obstruction of the investigation into stolen documents happened on Aileen Cannon's watch.

To be sure, it's not charged, and the timing of all this is not made explicit in the indictment. De Oliveira is charged with four counts:

- **Count 33: Conspiracy to Obstruct Justice (18 USC 1512(k)) from May 11, 2022 until August 2022**
- **Count 40: Corruptly asking Trump Employee 4 to destroy surveillance footage (18 USC 1512(b)(2) from June 22, 2022 until August 2022**
- **Count 41: Corruptly attempting to alter surveillance footage (18 USC 1512(c)(1)) from June 22, 2022 until August 2022**
- **Count 42: False statements in a January 13, 2023 interview with the FBI at his residence**

The timeline of this is actually quite interesting. All the conspiracy charges go through August 2022, with no specific end date. That adopts the convention used in the first

indictment.

By description, the conspiracies described in the first indictment might otherwise have ended on August 8, 2022, when the FBI seized the documents the obstruction attempted to hide. There was no overt act that post-dates August 8 in the first indictment.

There is in the superseding indictment. There's this key paragraph, which describes that on August 26, 2022, after Trump confirmed De Oliveira's loyalty, Trump called him and told him he would get him an attorney.

Just over two weeks after the FBI discovered classified documents in the Storage Room and TRUMP's office, on August 26, 2022, NAUTA called Trump Employee 5 and said words to the effect of, "someone just wants to make sure Carlos is good." In response, Trump Employee 5 told NAUTA that DE OLIVEIRA was loyal and that DE OLIVEIRA would not do anything to affect his relationship with TRUMP. That same day, at NAUTA's request, Trump Employee 5 confirmed in a Signal chat group with NAUTA and the PAC Representative that DE OLIVEIRA was loyal. That same day, TRUMP called DE OLIVEIRA and told DE OLIVEIRA that TRUMP would get DE OLIVEIRA an attorney.

That paragraph is important to prove the conspiracy because Trump Employee 5 appears to have testified independently about it. But it's not about the June 2022 effort to destroy the surveillance footage. It's an apparent effort to keep De Oliveira quiet about the June 2022 effort.

Witness tampering, a different *kind* of obstruction. But it is not charged as such.

At least not yet.

So the overt acts on the three conspiracies appear to go from May and June until August 26,

2022. But the indictment doesn't include that as the specific end date.

On August 27 – the day after the last overt act in the three alleged conspiracies charged against De Oliveira – Judge Aileen Cannon issued an order providing preliminary notice that she would intervene in the case. On September 5, Judge Cannon issued an order enjoining the government from further investigation of the materials seized on August 8.

De Oliveira's other alleged crime happened on January 13, 2023.

It happened after, on December 1, 2022, the 11th Circuit ruled that Aileen Cannon "improperly exercised equitable jurisdiction" to – among other things – stay any investigation using non-classified documents.

[T]he district court lacked jurisdiction to consider Plaintiff's initial motion or to issue any orders in response to it.

[snip]

The law is clear. We cannot write a rule that allows any subject of a search warrant to block government investigations after the execution of the warrant. Nor can we write a rule that allows only former presidents to do so. Either approach would be a radical reordering of our caselaw limiting the federal courts' involvement in criminal investigations. And both would violate bedrock separation-of-powers limitations. Accordingly, we agree with the government that the district court improperly exercised equitable jurisdiction, and that dismissal of the entire proceeding is required.

The district court improperly exercised equitable jurisdiction in this case. For that reason, we VACATE the September 5 order on appeal and REMAND with

instructions for the district court to  
DISMISS the underlying civil action.

It happened after, on December 12, Aileen Cannon dismissed the civil suit before her.

De Oliveira's first three alleged crimes happened before Aileen Cannon intervened, up through the day she did, in fact. All of Trump's and Nauta's alleged crimes ended before or on the day before she intervened.

De Oliveira's fourth charge happened *after* the 11th Circuit ruled that she had improperly halted any investigation using unclassified materials seized from Mar-a-Lago from September 5 to December 1, a total of 87 days.

De Oliveira was not charged for something else, though, that – according to CNN's report of it – was suspected to be *another* attempt to damage surveillance equipment, a flood of the IT room that, by description, happened in October.

An employee at Donald Trump's Mar-a-Lago residence drained the resort's swimming pool **last October** and ended up flooding a room where computer servers containing surveillance video logs were kept, sources familiar with the matter told CNN.

While it's unclear if the room was intentionally flooded or if it happened by mistake, the incident occurred amid a series of events that federal prosecutors found suspicious.

At least one witness has been asked by prosecutors about the flooded server room as part of the federal investigation into Trump's handling of classified documents, according to one of the sources.

**The incident, which has not been previously reported, came roughly two months after** the FBI retrieved hundreds of classified documents from the Florida

residence and as prosecutors obtained surveillance footage to track how White House records were moved around the resort. Prosecutors have been examining any effort to obstruct the Justice Department's investigation after Trump received a subpoena in May 2022 for classified documents.

Prosecutors have heard testimony that the IT equipment in the room was not damaged in the flood, according to one source.

Yet the flooded room as well as conversations and actions by Trump's employees while the criminal investigation bore down on the club has caught the attention of prosecutors. The circumstances may factor into a possible obstruction conspiracy case, multiple sources tell CNN, as investigators try to determine whether the events of last year around Mar-a-Lago indicate that Trump or a small group of people working for him, took steps to try to interfere with the Justice Department's evidence-gathering.

Agents first subpoenaed the Trump Organization for Mar-a-Lago surveillance footage last summer, before the August search by the FBI. But as more classified documents were found through the end of last year, investigators sought more surveillance footage from the Trump Organization, sources tell CNN. **That included an additional subpoena after the FBI search in August and a request from the Justice Department for the Trump Organization to preserve additional footage in late October,** according to one of the sources.

[snip]

Prosecutors from the special counsel's

office have focused their obstruction inquiries around Trump, Trump's body man Walt Nauta and a maintenance worker who helped Nauta move boxes of classified documents ahead of federal agents searching the property last summer, and potentially others, sources told CNN.

The sources say that the maintenance worker is the person who drained the pool that led to the flooding of the IT room where the surveillance footage was held. [my emphasis]

If that really happened, if it really was *another* attempt to destroy surveillance video (as I noted, video that might show De Oliveira and Nauta's earlier attempt to destroy the surveillance video, a cover up of the cover up), then it happened during the period when DOJ's investigation was largely halted thanks to Aileen Cannon's improperly exercised equitable jurisdiction.

It's not yet clear whether Cannon's injunction required DOJ to delay the January 13, 2023 interview until after the 11th Circuit ended it. After all, DOJ interviewed Christina Bobb in October and Kash Patel in November.

As of now, the overt acts in the apparent overlapping conspiracies to obstruct the investigation stop one day short of the moment when Aileen Cannon got involved, improperly, according to the 11th Circuit. And if DOJ were to substantiate the flooded server room was yet another attempt to tamper with surveillance footage, it would mean the obstruction happened on Judge Cannon's watch.

Thus far, Cannon has issued one after another after another and yet one more not unreasonable order.

But we are butting against the date when Trump's continued conspiracy to obstruct the investigation happened during the window she created by improperly intervening in the case.