

AFTER THREATS ELICITED BY GARY SHAPLEY'S MISLEADING TESTIMONY, HUNTER BIDEN PROSECUTORS RENEGED ON THE PLEA DEAL

In the wake of two news reports on the communications leading up to the aborted Hunter Biden plea, Jim Jordan et al demanded the documents shared with the Politico and NYT from Hunter's lawyers. In response, Lowell sent the following documents, which Betsy Woodruff Swan published here:

- A letter responding to their request
- A letter sent to David Weiss on August 14 laying out all the leaks
- Four letters Chris Clark sent to various officials about leaks, which were exhibits to the August 14 letter

While the letters include a familiar catalog of the Shapley and Ziegler media tour, there are a few details worth noting.

First, the August 14 letter goes to great lengths to distinguish the topic of Gary Shapley and Joseph Ziegler's purported whistleblowing – prosecutorial misconduct – from the materials released, which focus on investigative material implicating Hunter Biden. That distinction *ought* be a way for DOJ to rein in the two purported whistleblowers, as Merrick Garland quickly did

in the case of Michael Sherwin.

The letter claims, as Abbe Lowell has in the past, that some of the statements Shapley and Ziegler have made are false.

[T]he “facts” disclosed and conclusions reached are either false, legally incorrect, or were otherwise addressed during the various meetings between defense counsel and your Office.

If that’s true, Lowell should ask for a criminal investigation for their false statements before Congress.

It also reveals something that should be obvious but I hadn’t realized: The iCloud warrant which produced a bunch of WhatsApp texts, which Shapley discussed at length in his original testimony, has never been disclosed to Hunter himself, so must be sealed.

On several occasions during their testimony, Mr. Shapley and Mr. Ziegler discussed a sealed search warrant, and showed and discussed with the Committee certain fruits of that sealed search warrant. Because we have never been notified of any such “electronic search warrant for iCloud backup”—nor of any other warrant to search for and seize any property of our client 13—we must presume that Mr. Shapley and Mr. Ziegler were discussing, in violation of a sealing order, a search warrant that has been sealed. Nevertheless, Mr. Shapley purportedly produced WhatsApp messages that are the: fruit of these warrants, and they have now been published.” Moreover, Mr. Ziegler offered to produce to the House Oversight and Accountability Committee additional and more fulsome grand jury materials concerning these messages, with the intent of making such materials public.

So it's not just that Shapley was violating grand jury secrecy (he was authorized by Ways and Means Chief Counsel to share *tax information*, but not grand jury information), he was also almost certainly violating a sealing order that remained in effect almost two months after Hunter Biden received a summons in conjunction with the tax charges (conveniently so for the purported whistleblowers, because the warrant affidavit may rely on poisoned fruit from their mistreatment of "the laptop"). Whatever judge authorized that warrant and gag – presumably DE's Chief Judge, Colm Connolly – might be interested that investigative agents are just blowing off the gag they themselves presumably asked for.

The most alarming thing in the August 14 letter, though, is a claim that Leo Wise – who has taken the lead role in the prosecution – claimed in a July 31 call to be unaware of any grand jury leaks in the investigation, at all!

On a July 31, 2023, call, Assistant United States Attorney Wise stated he was "not aware" of any leak of grand jury information by the Government during the course of the Government's investigation of our client. Such a statement was surprising given that Mr. Biden's counsel have discussed such leaks with the Government on multiple occasions over the past two years and addressed these leaks in at least four prior letters and countless telephone calls with your Office.

[snip]

Yet, given your Office's inaction in the face of a torrent of illegal leaks about your investigation of Mr. Biden, and now your reinvented denial that leaks ever happened at all—your Offices assurances are being rendered false.

It's as if the guy Weiss brought in to salvage

the case believes he has to simply deny what everyone watching can plainly see, that Shapely and Ziegler have set off a torrent of prejudicial information that could make it impossible for Hunter to get a fair trial, much less be exonerated if not charged.

In both the August 14 letter and the one from yesterday, Lowell claims that the political pressure Jordan et al have put on Weiss led the newly minted Special Counsel to ratchet up his charges.

The change to a rare misdemeanor failure to file/pay and a felony diversion for possession of a firearm (and now the actual filing of those firearm charges) occurred only after a chain of events starting with the improper disclosures arranged by you and your Committees of the so-called "whistleblowers" claims of prosecutorial misconduct and your, and the right-wing media with whom you coordinate, taking up those claims.

But there's something that Lowell didn't mention.

It's not just political pressure that this media blitz has created.

It's credible threats of violence.

As Ken Dilanian first reported, after Shapley started representing Lesley Wolf's adherence to DOJ and FBI guidelines as political interference, she was targeted with credible threats. Thomas Sobicinski told the House Judiciary Committee how Shapley's testimony had led to the harassment of employees, employees whose parents got calls and children got followed. He specifically agreed that Wolf "has concerns for her own safety."

It's not just that Shapley's testimony has led to political pressure. It has led directly to credible threats of violence against the prosecutor who crafted the original plea deal.

And in the wake of those credible threats of violence, David Weiss decided to ratchet up the charges against the President's son.

The threats of violence may not have *caused* Weiss' subsequent decision to renege on the plea deal (though that is one thing that is likely to be the topic of litigation going forward). But the public record, at least, makes clear that those threats of violence correlate with a decision to seek more punitive treatment of the President's son.

And that's a very chilling prospect: that MAGA right wingers could bully prosecutors into taking punitive action against Hunter Biden.