

PERJURY TRAPPED: RUDY GIULIANI'S SYNC SINK

As I noted here, I'm just beginning to go through the warrants from SDNY's Lev Parnas and Rudy Giuliani investigation the NYT liberated.

I want to start with a very minor point about the apparent inconsistencies between what SDNY found when they conducted searches on Rudy's cloud and what Rudy claimed – purportedly under penalty of perjury – before Beryl Howell.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of May 2023.

Rudolph Giuliani

Rudolph Giuliani

In the Ruby Freeman case – the first one, not her renewed suit to enjoin him from continued lies about her – Rudy claimed that he didn't need to separately search his messaging accounts, because his phones were all synced to his iCloud.

All of my [redacted]@icloud.com iCloud data would have also been included in the TrustPoint data because I synced my iCloud to my devices.

But SDNY, when they searched his iCloud back in 2019, discovered that known messages were not there.

On or about November 4, 2019, the USAO and FBI sought and obtained from the Honorable J. Paul Oetken, United States District Judge for the Southern District of New York, a warrant (the "November 4 Warrant") for records in iCloud accounts belonging to Giuliani and [Victoria Toensing].

[snip]

As discussed above, on November 4, 2019, the FBI and USAO sought and obtained a search warrant for, among other things, Giuliani's iCloud account. However, the iCloud did not contain many of the text messages outlined above with Parnas and [Fruman] during the December 2018 to April 2019 time frame. Based on my training and experience, as well as my review of records provided by Apple, I believe the iCloud account did not contain text communications from early 2019 because Giuliani did not backup that content, or removed it from the backup, and not because it does not exist. Indeed, for the reasons set forth below, including Giuliani's public statement that he has retained potentially relevant communications on his cellphones, there is probable cause to believe that, unlike the iCloud account, evidence of the Subject Offenses continue to be maintained on the Subject Devices.

But, according to Robert Costello, in a declaration that – unlike Rudy's – was actually notarized and so worth something if you ignore the obvious spin in his representations of what SDNY told him – when SDNY reviewed at least seven of those devices, they were corrupted.

Rudy's messaging wasn't in his iCloud when SDNY looked in 2019. And it wasn't in his phones when SDNY looked in 2021. And yet this year, he claimed the content in both places would be the same.