AILEEN CANNON DISMISSES STOLEN DOCUMENTS CASE BASED ON SPECIAL COUNSEL APPOINTMENT

Here's the 93-page opinion, which I'm still reading.

Procedurally, this may actually not help Trump in the way he'd like (because DOJ has the option of appealing it or having a US Attorney charge Trump).

But it's also hilarious, since Aileen Cannon has been treating herself like an Appellate Judge that she hasn't been confirmed to be.

Update: One thing Cannon appears upset about is Merrick Garland's invocation of Section 533, which appoints FBI-like figures.

> Special Counsel Smith argues that Section 533(1) confers on the Attorney General the authority to appoint special counsels, specifically, constitutional officers wielding the "full power and independent authority . . . of any United States Attorney." 28 C.F.R. § 600.6. After careful review, the Court is convinced that it does not. Congress "does not . . . hide elephants in mouseholes." Whitman v. Am. Trucking Associations, 531 U.S. 457, 468 (2001). Special Counsel Smith's interpretation would shoehorn appointment authority for United States Attorney-equivalents into a statute that permits the hiring of FBI law enforcement personnel. Such a reading is unsupported by Section 533's plain language and statutory context; inconsistent with Congress's usual legislative practice; and threatens to undermine the "basic separation-of-

> powers principles" that "give life and content" to the Appointments Clause. Morrison, 487 U.S. at 715 (Scalia, J., dissenting). The Court explains below.
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> 33 Order No. 5730-2023 (appointing David C. Weiss); Order No. 5588-2023 (appointing Robert K. Hur).

That is her only mention of Robert Hur, whose appointment would be unconstitutional under her theory as well. (I'm still trying to figure out whether Cannon will help Hunter Biden go free, too.)

Update: Okay, I've read the thing.

It's hilarious.

It's hilarious, because it doesn't create any delay that Cannon was not pursuing anyway. Indeed, Jack Smith could immediately appeal this and try to get her tossed, so it may hasten things (unless Trump wins!).

It's hilarious because it is unbelievably hubristic. The only credible future for Judge Cannon now is Trump's first SCOTUS appointment in a second term.

It's hilarious because the way she did this, if it were upheld (not an *impossibility* given how nutty SCOTUS has gotten), it would be even more useful for Hunter Biden than Donald Trump (especially if Trump didn't win reelection), because the statutes of limitation on Hunter's alleged crimes have started to expire.

Update: Jack Smith has announced he will appeal.