

KASH PATEL'S PLOT AGAINST JIM COMEY THICKENS!

The two sides have submitted additional filings in advance of a hearing about the attorney-client and Fourth Amendment violations in the Jim Comey case:

- Comey filing
- Government filing (once again, authored by James Hayes)
 - Affidavit from Agent who read privileged comms
 - Affidavit describing how grand jury witness Miles Starr was verbally briefed on them

The government claims that Comey hasn't demonstrated a need to see what happened in the grand jury because there's no way any privileged or Fourth Amendment violative material was presented, and even if it were, that would be insufficient to dismiss the indictment, which is the standard.

Even assuming the defendant could prove that the government violated the Fourth Amendment or attorney-client privilege in its grand jury presentation (and to be clear, he cannot), the remedy would be to suppress that evidence at

trial—not to dismiss the indictment. So, the defendant has not shown that “a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury.” Fed. R. Crim. P. 6(e)(3)(E)(ii). He is not entitled to access grand jury material.

There are problems with both these claims.

First, Miles Starr was briefed orally on the comms between Dan Richman and Mike Schmidt and Jim Comey *the morning of the grand jury presentment*. Then, the FBI Agent who was tainted provided a written document that only covered stuff on May 11.

On the morning of September 25, 2025, the team was preparing for an indictment of James Comey, to occur later that afternoon. SA Warren provided case agent SA Miles Starr and an FBI Office of General Counsel (OGC) attorney a limited overview of the text message communications to and from “Michael Garcia” (now understood to be Daniel Richman). SA Warren advised SA Starr and the FBI OGC attorney that some of the messages appeared to reference potential future legal representation. The FBI OGC attorney immediately advised that any of the text message communications referencing potential future legal representation should not be part of the indictment preparation. SA Warren provided the indictment preparation team a two-page document containing limited text message content only from May 11, 2017, predating the reference to potential future legal representation.

But DOJ itself recognizes that anything after May 9, the day Comey was fired, may be privileged.

4 The defendant was removed as FBI

Director on May 9, 2017. He told the Office of Inspector General that “the day after his removal, or ‘very shortly thereafter,’ he retained attorneys Patrick Fitzgerald, David Kelley, and Daniel Richman.” Dkt. No. 138-11 at 33 (Aug. 2019 Office of the Inspector General Report). Any claim of privilege involving those attorneys would necessarily arise after May 9, 2017.

So they took insufficient steps to prevent taint of the grand jury, because materials between Richman and Comey from May 9 and 10 may well be privileged.

Even if that were sufficient, there’s no reason why communications between Comey and Richman in May could be deemed relevant to the grand jury. That’s because he admitted sharing information with Richman back in 2017. He didn’t hide it from the Senate Judiciary Committee.

Meanwhile, the government has no fucking clue whether it presented other Fourth Amendment violative content to the Grand Jury. They confessed *last night*, days after telling Magistrate Judge William Fitzpatrick they had complied with his order to provide this information, that they had no fucking clue whether they were looking at data that included both scoped and unscoped content (though this passage *suggests* that the materials obtained from Columbia, which includes the only material that remotely matches the first charge, with the second warrant were scoped).

5 The Order also required the government to provide, in writing, by the same deadline: “Confirmation of whether the Government has divided the materials searched pursuant to the four 2019 and 2020 warrants at issue into materials that are responsive and non-responsive to those warrants, and, if so, a detailed explanation of the methodology used to make that determination; A

detailed explanation of whether, and for what period of time, the Government has preserved any materials identified as non-responsive to the four search warrants; A description identifying which materials have been identified as responsive, if any; and A description identifying which materials have previously been designated as privileged." ECF No. 161 at 1-2.

Despite certifying on November 6 that it had complied with the Court's Order, ECF No. 163, the government did not provide this information until the evening of November 9, 2025, in response to a defense inquiry. The government told the defense that it "does not know" whether there are responsive sets for the first, third, and fourth warrants, or whether it has produced those to the defense, and said that in that regard, "we are still pulling prior emails" and the "agent reviewed the filtered material through relativity but there appears to be a loss of data that we are currently trying to restore."

Remember, this entire investigation started when Kash discovered documents that had been handled improperly. And now, because these documents have been handled improperly, his own team has been violating Jim Comey's Fourth Amendment rights.

There are several more alarming details in today's filings. First, both FBI agents exposed to tainted information (in addition to Miles Starr, from whom DOJ didn't bother to obtain an affidavit, and who has not been withdrawn from this or any other investigative teams) are part of the Director's Advisory Team, meaning they work directly for Kash Patel.

The agent who first saw the privileged material claims:

- They didn't know who Michael Garcia was (a pseudonym Richman used for these communications), but nevertheless reviewed them as part of a search for communications between Comey and Richman
- They were handed the entire extraction of Dan Richman's devices, suggesting it did not extract the privilege reviewed content

Indeed, the materials DOJ provided Comey – the ones they had been accessing – had not been filtered for privilege or responsiveness.

4 On November 6, 2025, the government produced various copies of what appear to be the raw returns for the search warrants at issue, unscoped for responsiveness and filtered for Mr. Richman's privileges. But the government provided incorrect passwords to large subsets of those materials. The defense engaged a vendor who worked throughout the weekend to load and process those materials; the government provided the correct passwords on November 9, 2025.

Effectively, Kash has been investigating Comey using a general warrant on his friend Dan Richman.

It's not just Kash and his personal squad of Jim Comey hunters who've violated Comey's Fourth Amendment rights, Comey's filing suggests.

Pam Bondi's imagined "ratification" of the grand jury proceedings – the ones based on incomplete records – would have exposed her, too, to unlawful material.

2 Concerns about taint arising from the improper use of potentially privileged and unconstitutionally-obtained materials are heightened because of the government's continued use of the materials obtained pursuant to the warrants and grand jury transcripts. On October 31, 2025, the Attorney General purported to ratify the indictment based on her review of the grand jury proceedings. ECF No. 137-1 at 2-3. If that review entailed further improper use of privileged or unconstitutionally-obtained materials insofar as they were presented to the grand jury, it casts further doubt on the propriety of the government's conduct of this case. The government produced the grand jury materials on November 5, 2025 to Judge Currie for in camera review, and thus could quickly produce the same materials to the defense. See ECF No. 158.

The Loaner AUSAs are trying to cut their losses, by asking Fitzpatrick to conduct a review of the grand jury materials himself – no doubt to prevent Comey from using grand jury material in his challenge of these warrants, which is currently due on November 19.

But there's virtually no way he would be able to figure out if Lindsey the Insurance Lawyer presented material that violated Comey's Fourth Amendment rights.

This should all be sorted out at a hearing at 4PM ET.

Update: Fitzpatrick came in ready to accept the government's request he review this in camera. But after it became clear he would not budge on that, Rebekah Donaleski asked to submit something ex parte tomorrow to lay out where they believe the violations are.