

LINDSEY THE INSURANCE LAWYER CONFESSES THERE IS NO INDICTMENT

As I have suspected since at least Friday, there is no Jim Comey indictment.

That's because, rather than re-presenting the case after the jury no-billed on one count, Lindsey Halligan never re-presented the remaining two counts.

Here's CNN. (See also Politico, ABC, and WaPo.)

In a shocking back and forth, prosecutors said that instead of presenting a new indictment to the grand jury after it declined to approve one of the counts, Halligan simply brought an altered version to the magistrate's courtroom for the grand jury's foreperson to sign.

"The new indictment wasn't a new indictment," Lemons said, attempting to justify that it was only reviewed by the foreperson.

Judge Michael Nachmanoff quickly called Halligan, who was the only prosecutor who presented the case to the grand jury, to the lectern, asking her to confirm that the entire grand jury was never presented the altered indictment.

The judge started, "Am I correct -"

"No, you're not," Halligan interrupted. She said that there was one additional grand juror in the magistrate's courtroom and quoted her back-and-forth with that judge.

"I'm familiar with the transcript," Nachmanoff said. He then told her to sit

down.

Apparently Michael Dreeben declared, correctly, that therefore there is probably no indictment, period, because the full grand jury did not vote to support it.

The problem goes beyond just the basics of how a grand jury works. As I noted here, Lindsey's Loaner AUSAs already confessed that they want to rely on the no-billed count to support their obstruction case.

[A]s provided in discovery and via the indictment, the government intends to seek the admission of evidence at trial on this count regarding the defendant's statements to senators during the September 30, 2020, committee hearing. For instance, the defendant's statements to Senators Grassley and Cruz regarding his use of Richman as an anonymous source concerning the Clinton email investigation and his statements to Senators Graham and Hawley regarding his alleged lack of memory concerning the so-called Clinton plan to "tie Trump" to Russia.

And it's worse than the poor Loaner AUSAs seem to realize.

The September 30, 2020 hearing had a specific scope, which could fairly be taken as the scope of the investigation the Senate was pursuing at the time. The Clinton email investigation was not included in that scope.

¹ Before the hearing, the committee agreed that it would be limited to four specific topics: (i) "Crossfire Hurricane," (ii) the December 2019 Department of Justice Inspector General report's "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation," (iii) the Carter Page

FISA applications, and (iv) Christopher Steele's source network and primary sub-source.

Without the no-billed count, nothing charged against Comey would be included in the scope of the hearing.

Her fuck-ups continue to snowball!