

SIDNEY POWELL WANTS TO HAVE MIKE FLYNN'S ACCEPTANCE OF RESPONSIBILITY AND CLAIMS OF INNOCENCE TOO

Eight days ago, in a filing moving to withdraw Mike Flynn's plea deal, Sidney Powell said this:

Michael T. Flynn is innocent.

Today, in her sentencing memo, Sidney Powell makes no such claim. Instead, she claims that since November 2017 – 8 months after the second of two lies he pled guilty to, under oath, twice – he has mostly told the truth (a claim that is probably not true).

Since November 2017 (and before), Mr. Flynn told the government the truth about every question it asked him, including what he knows concerning the Flynn Intel Group's ("FIG") involvement with Inovo BV, Ekim Altepkin, and the Government of Turkey.

Her only mentions of the primary crime to which Mike Flynn pled guilty are – first – to nod to a brief that backfired when it was filed the first time and which Flynn disavowed under oath before Judge Emmet Sullivan.

Mr. Flynn previously briefed the unique circumstances of the January 24, 2017 FBI "interview" at issue. ECF No. 50 at 7-9.

And, then, to call his out and out lies to the FBI about what he said to the Russian Ambassador an "alleged false statement."

Admittedly, Mr. Flynn was a high-ranking government official, as was Mr. Wolfe who was charged with a § 1001 violation. That is the only similarity. Mr. Flynn did not participate in any “repeated” conduct. He did not use his position to participate in illegal conduct. Additionally, Mr. Flynn’s alleged false statement did not result in the “significant disruption of an important governmental function” nor did it “significantly impact national security.”

The rest of her sentencing memo, aside from competent arguments about base level sentences and reminding over and over that Flynn served in the military for a long time (which backfired when Rob Kelner raised it in December 2018), consists of the same arguments she made in her motion to withdraw his plea, arguments that conflict in key ways with his sworn grand jury testimony and blame everyone else for false claims that not only reflect what he told his lawyers but which he signed his name to, repeatedly.

The government also continues its campaign to hold Mr. Flynn responsible for false statements in a FARA filing. It ignores the facts in its possession as well as the decision of another court. Any misstatements in the March 2017 FARA filing at issue were not the fault of Mr. Flynn. He gave his lawyers complete and accurate documents and information. Moreover, he did his part to make sure any FARA filing was accurate. The FARA statements listed in the Statement of Offense (ECF No. 4) are either not false or not attributable to Mr. Flynn.

To counter these claims, government can and will lay out:

- How the Covington notes and lawyers' 302s show Flynn lied to his lawyers, which led directly to false statements in his FARA filing
- Show how Flynn's sworn grand jury testimony (which she doesn't mention) undermines her claims that the EDVA prosecutors tried to get Flynn to lie last year
- Lay out how Powell is making utterly misleading claims about what the government said about Flynn's exposure to false statements and conspiracy charges
- Explain that the reason Judge Anthony Trenga ruled there wasn't sufficient evidence to support a guilty verdict against Bijan Kian was precisely because Flynn reneged on the testimony laid out in his sworn grand jury transcript

That will leave Flynn with his motion to withdraw his guilty plea in tatters, and any claim he is taking responsibility for his crimes shot to hell.