

DOJ GOT ALL THE PROUD BOY TELEGRAM TEXTS FROM ETHAN NORDEAN'S PHONE

Judge Tim Kelly just wrapped up a status hearing with three of the four Leadership Proud Boy conspiracy defendants: Ethan Nordean, Joe Biggs, and Charles Donohoe (Zach Rehl's attorney is still arranging her appearance before the DC court).

A really important detail came out about the Telegram texts that have been central to the conspiracy case against the defendants: According to Nordean's attorney Nick Smith, they call came from Nordean's phone.

He said that, in part, to anticipate some of the challenges he'll make to the evidence. First, he's going to claim the search was illegal and move to suppress it based off a ruling that the government has dropped that theory of crime (that won't work under Fourth Amendment precedents, but you have to try).

More importantly, he said the government had gotten into the phone – rather than be forced to crack it, as they are doing with everyone else's phone – because Nordean's wife gave the FBI the passcode.

It *had* seemed like someone listed as Unindicted Co-Conspirator 1 may have shared them with the government. That person says some pretty damning things in the chats.

39. On after Chairman's January 4, 2021, shortly after Proud Boys Chairman's arrest pursuant to a warrant issued by D.C. Superior Court, DONOHOE expressed concern that encrypted communications that involved Proud Boys Chairman would be compromised when law enforcement examined Proud Boys Chairmans' phone.

DONOHOE then created a new channel on the encrypted messaging application, entitled, "New MOSD," and took steps to destroy or "nuke" the earlier channel. After its creation, the "New MOSD" channel included NORDEAN, BIGGS, REHL, DONOHOE, and a handful of additional members.

40. On January 4, 2021, at 7:15 p.m., DONOHOE posted a message on various encrypted messaging channels, including New MOSD, which read, "Hey have been instructed and listen to me real good! There is no planning of any sorts. I need to be put into whatever new thing is created. Everything is compromised and we can be looking at Gang charges." DONOHOE then wrote, "Stop everything immediately" and then "This comes from the top."

41. On January 4, 2021, at 8:20 p.m., an unindicted co-conspirator ("UCC-1") posted to New MOSD channel: "We had originally planned on breaking the guys into teams. Let's start divying them up and getting baofeng channels picked out."

42. On January 5, 2021, at 1:23 p.m., a new encrypted messaging channel entitled "Boots on the Ground" was created for communications by Proud Boys members in Washington, D.C. In total, over sixty users participated in the Boots on the Ground channel, including NORDEAN, BIGGS, REHL, DONOHOE, and UCC-1.

That, in turn, had led to speculation, and in no way just from me, that UCC1 had already flipped on his buddies and was cooperating.

What was said today appears to be inconsistent with that. Indeed, it seems all the talk of four informants from the Proud Boys working with the FBI mostly pertained to helping Attorney General

Billy Barr gin up claims against Antifa, and not
(yet, at least) informing on each other.