

JUDGE SULLIVAN WAS PREPARED FOR POTENTIAL FLYNN PERJURY AND FRAUD ON THE COURT

Okay, that was
quite a morning
at the E. Barrett
Prettyman
Courthouse in DC
in regard to the
Flynn plea and



sentencing. In the windup this morning, well before the proceeding began, I cautioned that Flynn and his attorney Rob Kelner would have to back off the right wing Fox News Trumpian nonsense they stupidly included in their sentencing memo. See this report from Marcy on the sentencing memo, and this one as to how the FBI 302's the Flynn team stupidly demanded be made public ate them alive. And, they really did.

There is already simply a ton of discussion on the Flynn proceeding today, I will leave that to others. But there was one little nugget I say from, I think, Glenn Kirshner, as almost a throwaway comment, on MSNBC that Judge Sullivan insisted Mike Flynn be sworn in before proceeding today. I was not really ready to write about this until confirming it from others in the courtroom this morning. I have now received that corroboration from multiple sources. In fact, Judge Sullivan directly said he was doing so because "he was doing basically an extension of the plea colloquy". Wow!!

This is fairly notable. Defendants can get sworn in for their plea allocution, but not their sentencing. Judge Emmet Sullivan was laying in the weeds for Flynn from moment one. To be specific, here is what I said in a tweet well

before the sentencing began regarding Flynn and Kelner having included the right wing nonsense about Flynn being innocent and tricked by the FBI in their sentencing memo:

“Keep in mind that this argument, if pursued to success, then makes his plea allocution effectively a fraud on the court.”

Well, apparently Judge Sullivan was on to the problem that such a direct repudiation by Flynn of his underlying guilt, and the previously sworn voluntariness of his plea, would pose if he was stupid enough to continue down that path. Sullivan was ready, because continuing down that path would have directly undermined everything Flynn swore to in his plea allocution on December 1, 2017.

What Judge Sullivan effectively did was set the first real “perjury trap” to date in the greater Mueller investigation (despite the idiocy purveyed relentlessly on Fox News and by Rudy Giuliani). And it was a federal court and judge that did it, *not* Mueller or his deputies. Emmet Sullivan was loaded for bear today on multiple fronts, but this is one the media does not seem to have caught on to yet.

Flynn and his attorneys were ready for it after the searing followup sentencing memo filed by the government, but clearly were not ready for just how seething Judge Sullivan really was. Frankly, I think the canard, as suggested by Sullivan himself, that “further cooperation” by Flynn really will change the dynamics for sentencing at this point is absurd. That said, assuming they can keep their client from doing further stupid things in the interim, giving Emmet Sullivan 90 days to calm down is not a bad idea for the defense I guess. What a mess. I remain convinced, however, that Flynn could have walked out of court sentenced to probation today if he had not included that right wing Fox News nonsense in his sentencing memo. Oh well!