

THE GEOGRAPHY OF MARIA BUTINA'S COOPERATION

The government had another embarrassing docket fail Friday, like the cut-and-paste release that disclosed charges filed in EDVA against Julian Assange.

Yesterday, a motion for permission to transport Maria Butina was briefly published to the docket, then withdrawn, but not before reporters who get automatic docket updates got copies. And the details in the filing suggest that Butina's cooperation may be more limited than Mueller watchers would like.

The docket fail may stem from complaints that the judge in Butina's case, Tanya Chutkan, made back on December 6, about how many details of Butina's imminent plea deal attorneys were trying to keep sealed.

THE COURT: Why? Why is the fact that – you know, Mr. Driscoll, I have to tell you, I'm a little perplexed. In this case, you've filed several motions for transportation of your client to the U.S. Attorney's Office, and you asked that that information be placed under seal; and that was certainly appropriate, and the government joined in that request. And I placed those requests under seal because the possibility of a defendant's cooperation is always something that is very sensitive.

Since Butina's plea, those prior motions to transport her that Chutkan referenced in her complaint – one dated September 21 asking to move her for a September 26 interview but lasting through October 25, and one dated October 23 specifically authorizing transport on November 7 but lasting through December 6 – were

unsealed. Presumably, that's why Friday's order got filed unsealed, as well.

The problem, per CNN's report, is that the latest one reveals Butina may be transported to testify before a grand jury in DC.

Russian political conspirator Maria Butina is set to meet with federal prosecutors in Washington and Virginia over the next several weeks, according to a court filing that was posted and quickly removed from a federal docket Friday afternoon.

Butina pleaded guilty Thursday to one criminal count of acting as an illegal foreign agent in the United States. US attorneys may want to interview Butina in their offices well into January, according to the filing. She may also be requested to appear at the grand jury in Washington, according to the filing, which is a request to a federal judge to allow the currently detained Russian to be transported by the FBI for cooperation interviews.

"The purpose of the transfer is to interview the Inmate concerning an ongoing federal investigation," the filing says.

So in addition to providing details about Butina's future travel (possibly even a date) that might pose a security risk or put her in physical danger, it includes grand jury information that is supposed to remain secret.

All the filings together, however, reveal something of more interest: Butina has been proffering information to the Feds, probably primarily against her boyfriend, Paul Erickson, since September 26.

She was submitting to interviews in this investigation at a time when Erickson was regularly visiting her in jail.

Despite the ongoing investigations and his reported ties to Butina's activities, Erickson frequently visits her in jail, two individuals with knowledge of the meetings told The Daily Beast. Erickson apparently expressed frustration to friends over the fact that jail staff forced him to sign into the main visitor log, fearing the media would find out.

You know how everyone hopes that a cooperating witness might wear a wire? In Butina's case that could, potentially, have happened during her meetings with Erickson (though in the context of a jail visit, would hardly be necessary to capture the couple's conversations). The period of her cooperation also sort of matches the time when she got moved from protective custody into the general population in Alexandria (67 days after her arrest would be September 20); she was subsequently put back in solitary, possibly because (as was discussed at the December 6 hearing) she had been communicating with the outside world via other detainees and at least one journalist.

While those revelations are of interest, what's equally notable is the geography described, at least in the public filings. As noted, CNN says she's cooperating on a federal investigation, singular, which is what the past motions said as well. And the locales to which she can be transported in the public filings – an interview room attached to the Alexandria jail, the DC US Attorney's office, and a DC grand jury – don't include Robert Mueller's office, which is a different location in DC. There may be some involvement of the EDVA US Attorney's Office (which might bode ill for the NRA, which is headquartered in that district). But thus far, there's no sign that she's being transported to cooperate with Mueller's office.

That's consistent with her plea, which only describes cooperation with the DC US Attorney's office.

Your client agrees to cooperate with the Office of the United States Attorney for the District of Columbia on the following terms and conditions:

The plea deal is in no way definitive – after all, Mike Flynn’s plea said he’d cooperate “with this Office,” meaning SCO, but he has recently told us about cooperating with “other components of the Government” and the addendum to the government’s sentencing memo seems to reflect at least one criminal investigation outside of Mueller’s mandate (which is widely believed to involve Turkey).

But Butina has already been in custody almost as long as she’s likely to be sentenced to, meaning to do much more would entail holding her in jail to get her to cooperate for no benefit, something her lawyers presumably would be unwilling to countenance. So it may well be that she has told investigators about her boss (who, of course, retired suddenly not long ago) and her boyfriend. She may well even had gotten Erickson to incriminate himself in a venue where prosecutors easily collected it.

There’s no evidence, however, that she’s cooperating with Mueller or expected to.