

# THE 18TH WARRANT APPLICATION AGAINST ROGER STONE INVESTIGATED HACKING

Update: A later ABJ ruling makes it clear that, true to form, Stone's lawyers are completely disorganized and Exhibit 18 was not in fact the last warrant temporally.

Doug Collins asked some curious questions – amid a series of questions designed to rule out Robert Mueller passing non-public information to Democrats – at Wednesday's hearing. He asked whether Mueller had obtained any additional information since closing up shop in May 2019.

COLLINS: Since closing the special counsel's office in May of 2019, have you conducted any additional interviews or obtained any new information in your role as special counsel?

MUELLER: In the – in the – in the wake of the report?

COLLINS: Since the – since the closing of the office in May of 2019.

MUELLER: And the question was, have we conducted...

COLLINS: Have you conducted any new interviews, any new witnesses, anything?

MUELLER: No.

The conversation served as background to Collins' questions about whether Trump or "those close to him" were involved in Russian conspiracies.

COLLINS: Isn't it true the evidence did not establish that the president or those close to him were involved in the charged Russian computer hacking or

active measure conspiracies or that the president otherwise had unlawful relationships with any Russian official, Volume 2, page 76? Correct?

MUELLER: I will leave the answer to our report.

COLLINS: So that is a yes.

The question is interesting for two reasons.

First, as I noted, Mueller's resignation on May 29 preceded Roger Stone aide Andrew Miller's agreement to testify to the grand jury by minutes. Mueller stayed in place long enough to ensure the subpoena served on Miller a year earlier would be enforced. But he did not, as Special Counsel, obtain that testimony; the DC US Attorney's office did, using a different grand jury.

One thing Collins (who reportedly had lunch with Trump's defense attorney Bill Barr before this hearing) would have done with his question is probe whether Mueller knew what has happened with Miller's testimony to a different grand jury. But it would also mean that Mueller's answer – that no one close to Trump was involved in any Russian computer hacking – would not cover Miller's testimony and aftermath.

And that's interesting because of the history of warrants obtained through February 2019 against Roger Stone.

Between August 2017 and February 2019, the government obtained eighteen search warrants for electronic facilities and properties related to Roger Stone. Doc. 109, Exs. 1-18. Many of these search warrants were issued in the District of Columbia by Chief Judge Beryl A. Howell. Doc. 109, Exs. 1-10, 16, 18. Three warrants were issued in the District by other district judges. See Ex. 11 (Judge Contreras); Ex. 12-13 (Judge Boasberg). Others were issued by magistrate judges

in other districts. Exs. 14 (S.D.N.Y); Exs. 15, 17 (S.D. Fl.).

Fourteen of the affidavits (“the 1030 warrant affidavits”) allege probable cause that the search will yield evidence of a violation of 18 U.S.C. § 1030, which makes it a crime to “intentionally access[] a computer without authorization or exceed[] authorized access and thereby obtain[]...information from any protected computer.” 18 U.S.C. § 1030(a)(2)(C). See Exs. 1- 13, 18. In brief, each of these affidavits (at a minimum) states that Stone communicated with the Twitter account Guccifer 2.0 about hacked materials Guccifer had posted. Each affidavit states that on June 15, 2016, Guccifer 2.0 publicly claimed responsibility for the hack of the computer systems of the Democratic National Committee (“DNC”). Each affidavit states that Organization 1 published materials stolen from the DNC in the hack. Each affidavit describes Stone’s communications (including his own public statements about them) with Guccifer 2.0, Organization 1, and the head of Organization 1. Each affidavit submits that, based on those communications, there was probable cause to believe that evidence related to the DNC hack would be found in the specified location. Many of these affidavits contain additional evidence alleging probable cause to believe evidence will be found of violations of additional crimes, including 18 U.S.C. § 3 (accessory after the fact); 18 U.S.C. § 4 (misprision of a felony); 18 U.S.C. § 371 (conspiracy); 18 U.S.C. §§ 1505 and 1512 (obstruction of justice); 18 U.S.C. § 1513 (witness tampering); 18 U.S.C. § 1343 (wire fraud); 18 U.S.C. § 1349 (attempt and conspiracy to commit wire fraud), and 52 U.S.C. § 30121 (foreign

contribution ban). See, e.g., Exs. 7-13 (all crimes). Stone raises no arguments regarding these other crimes.

In addition, four of the affidavits (the “false statement warrant affidavits”), issued close in time to Stone’s indictment, allege probable cause that the search will yield evidence of false statements, obstruction of justice, and witness tampering. See Exs. 14-17. Those affidavits set forth evidence supporting the allegations in the indictment that Stone made false statements in his September 2017 testimony before the House Permanent Select Committee on Intelligence (“HPSCI”), obstructed ongoing investigations, and tampered with a witness.

Starting in July 2017, the government obtained warrants targeting Stone investigating – among other things – hacking. In the time leading up to Stone’s indictment in January, the government obtained four warrants investigating just the false statements and witness tampering charges he was indicted for.

And then in February 2019, the government obtained one more warrant. It’s possible that’s the warrant, issued on February 13, reflected in the liberated docket of warrants, which would appear to cover searches of devices obtained from the searches on Stone’s homes. That one targeted hacking again.

Stone’s challenge to the search warrants against him started on May 10, and the government filing laying out the warrants issued between July 2017 and February 2019 was submitted on May 31, the same day Miller testified (and before he complied with an additional request for communications with Stone). So any claim to be discussing the totality of the warrants against Stone (even assuming they’d tell him about ones investigating crimes beyond his current indictment) would not reflect any investigative

steps that followed on Miller's testimony.

To be clear: if Collins knows of further investigation for Stone for hacking, then it'd be pretty likely that he learned of it because Barr was tampering with that investigation. So this is not to say that any ongoing investigation of the President's rat-fucker will go anywhere.

But Collins' questions of Mueller would have the effect of cabining off (whether or not that was the intent) any investigation of Stone that continued even in the minutes after Mueller resigned and Stone's aide finally started testifying. And the last warrant obtained before that point shows that the government continued to investigate Stone for hacking crimes.

*As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.*