

TEA LEAVES: BRANDON VAN GRACK REMAINS ON THE MIKE FLYNN CASE

When the government moved Sunday to have Emmet Sullivan recognize that Mike Flynn had waived attorney-client privilege so Flynn's former attorneys could testify about how he lied to them, Brandon Van Grack was not on the filing. In the wake of yesterday's resignations from the Roger Stone team, however, Van Grack is on the filing the government submitted today in Flynn's case, their response to Flynn's second attempt to have the entire prosecution thrown out.

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That suggests that, as seemed likely at the time, the government is prepared to put Van Grack on the stand if Sullivan does have a hearing with sworn witnesses.

Meanwhile, today's filing reads like this:

Flynn's complaints have nothing to do with the crime he pled guilty to, lying to the FBI on January 24, 2017.

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Across 11 pages, prosecutors really did mention the irrelevance of Sidney Powell's latest complaints to the charges against her client ten different times. Just one other thing broke up the monotony of that and repeated descriptions of how FBI misconduct pertaining to FISA applications targeting Carter Page don't affect Flynn. That's when the government noted that Powell's accusation that the government committed a Brady violation for not turning over 302s from the interviews of Flynn's lawyers in advance of the Bijan Kian trial would require a time machine.

Moreover, the government could not have disclosed those interview reports to the defendant before he pleaded guilty

because they occurred six months later.

I still think Judge Emmet Sullivan might ask prosecutors for an ex parte version of the Electronic Communication that came out of the August 17, 2016 briefing.

But otherwise, he's likely to agree with prosecutors: Powell continues to raise shit that has nothing to do with the case at hand.