

JURY ACQUITS MICHAEL SUSSMANN; SUSSMANN LAWYER CALLS PROSECUTION “EXTRAORDINARY PROSECUTORIAL OVERREACH”

The Michael Sussmann jury just announced its verdict.

Michael Sussmann was acquitted of lying to the FBI.

The jury deliberated for six hours. This morning, they asked for exhibits that include the taxi receipts showing that Sussmann did not bill the Hillary campaign for the meeting with the FBI. They also asked whether they all had to agree on the elements of the offense, suggesting some people believed Durham had not proven some aspects (such that Sussmann had lied or that he did so intentionally) whereas others believed Durham had not proven other parts (such as that it was material – remember that FBI largely proceeded *as if* this were a tip from the Hillary campaign).

Durham released a statement:

While we are disappointed in the outcome, we respect the jury’s decision and thank them for their service. I also want to recognize and thank the investigators and the prosecution team for their dedicated efforts in seeking truth and justice in this case.

Sussmann read a statement:

I have a few thoughts to share, now that trial has ended.

First, I told the truth to the FBI, and the jury clearly recognized that with their unanimous verdict today.

I am grateful to the members of the jury for their careful and thoughtful service. Despite being falsely accused, I am relieved that justice ultimately prevailed in this case.

As you can imagine, this has been a difficult year for my family and me. But right now, we are grateful for the love and support of so many during this ordeal, and I'm looking forward to getting back to the work that I love.

Finally, I want to thank my legal team at Latham & Watkins—Sean Berkowitz, Michael Bosworth, Natalie Rao, & Catherine Yao. They are the finest lawyers, and they worked tirelessly on my case.

Thank you.

The statement from his attorney, Sean Berkowitz, is more interesting.

We have always known that Michael Sussmann is innocent and we are grateful that the members of the jury have now come to the same conclusion.

But Michael Sussmann should never have been charged in the first place. This is a case of extraordinary prosecutorial overreach. And we believe that today's verdict sends an unmistakable message to anyone who cares to listen: politics is no substitute for evidence, and politics has no place in our system of justice.

	Mueller	Durham
Month 1	May 17, 2017: appointed	May 13, 2019: appointed
Month 2		
Month 3	July 2017: George Papadopoulos arrested Paul Manafort searched	
Month 4		
Month 5		September 2019: Boondoggle to chase Papadopoulos conspiracy theories
Month 6	October 2017: George Papadopoulos plea Paul Manafort and Rick Gates charged	
Month 7		
Month 8	December 2017: Mike Flynn plea	
Month 9		
Month 10	February 2018: Alex Van der Zwaan plea Richard Pinedo plea 12 IRA trials, Yevgeniy Prigozhin, & 3 companies charged Manafort and Gates superseding indictment; Rick Gates plea	
Month 11		
Month 12		
Month 13		
Month 14	June 2018: Konstantin Kilimnik charged; Manafort superseded	
Month 15	July 2018: 12 GRU officers charged	
Month 16	August 2018: Manafort found guilty in EDVA Michael Cohen pleads guilty in conduct referred to SONY Sam Patten pleads guilty in conduct referred to DC	August 2020: Kevin Cinesmith plea
Month 17	September 2018: Manafort plea, forfeiture pays for most of investigation	September 2020: Nora Dannehy quits because of political pressure
Month 18		October 2020: Special Counsel appointment
Month 19	November 2018: Michael Cohen plea	
Month 20	December 2018: Brian Kian charged in related prosecution	
Month 21	January 2019: Roger Stone charged	January 2021: Cinesmith sentenced
Month 22		
Month 23	March 22, 2019: Mueller delivers completed report	March 18: Durham continues
Month 24	Mueller ties up loose ends	
Month 25	May 29, 2019: Mueller gets Andrew Miller testimony	May 7, 2021: WaPo reports its journalists have had phone records seized
Month 26		Still nadda
Month 27		Nadda nadda and nadda
Month 28		Maybe we'll invent a lying to people who spoke to FBI crime?
Month 29		September 16, 2021: Durham charges Michael Sussmann with 1 false statement
Month 30		
Month 31	November 2019: DC US Attorney convicts Roger Stone	November 3, 2021: Durham charges Igor Danchenko with 5 false statements
Month 32		December 2021: Durham tells Sussmann what his alleged false statement is
Month 33	January 2020: Barr attempts to save Mike Flynn from the damage Sidney Powell did	January 2022: Durham discovers details he should have learned years earlier
Month 34	February 2020: Barr makes unprecedented interference in Roger Stone sentencing	February 2022: Durham engages in stunt to levy more uncharged accusations
Month 35		March 2022: Durham gets proof Sussmann was not hiding his client from Baker
Month 36		April 2022: Durham's "professional embarrassment" [sic] exposed
Month 37	May 2020: Barr redefines materiality in a bid to undercut Flynn prosecution	May 31, 2022: A jury acquits Michael Sussmann

Update: Here's what happened with the jury's two questions from the end of the day on Friday.

The jury is present and deliberating. We received two notes at the very end of the day on Friday, which I will read for the record. Two questions in the same note.

The first question: "To deliver a verdict does the jury need to have consensus on each element (the 5 elements of offense) or just consensus on the verdict?"

And then second, they say they seem to be missing two government exhibits, 306 and 403.

So as to the first question, the Court has printed out a proposed response as follows:

"In order to reach a guilty verdict, each of you must find that the government has proven all five elements of the offense beyond a reasonable

doubt. In order to reach a not guilty verdict, each of you must find that the government has not proven one or more of the five elements beyond a reasonable doubt. You need not agree on which element the government has failed to prove."

I think that directly answers the jury's questions, unless there are any comments or suggestions.

MR. BERKOWITZ: No comments from us. I think that's correct, Your Honor.

THE COURT: Okay.

MR. DeFILIPPIS: No, Your Honor.

THE COURT: All right. So we will send that back. Our records do not have Government Exhibits 306 or 403 even being referenced, let alone admitted. Do you folks have a different recollection of that?

MR. DeFILIPPIS: Your Honor, we don't have a different record. That's, I think, our record as well.

THE COURT: Okay.

MR. BERKOWITZ: I think one of the exhibits is also a defense exhibit, 436. I don't know if they have that one, but I'm assuming they have them available, if they're in evidence.

THE COURT: Okay. We will just let them know that those exhibits are not admitted into evidence.

MR. BERKOWITZ: And, Your Honor, I'm told that Government Exhibit 403 is Defense Exhibit 436, which was admitted into evidence. It was one that likely went in as part of our group admission at the end so they may not be familiar. I would ask that they be told Government Exhibit 403 is also Defense Exhibit 436.

MR. DeFILIPPIS: No objection, Your Honor.

THE COURT: Okay. And how about 306? Any record of that?

MR. BERKOWITZ: We're trying to find it.

THE COURT: Okay. (Discussion off the record)

THE COURT: Okay. Well, we'll just leave it at 436 and not comment on the other one.

Update: Corrected table – I've lost track of the end of May.