

STANLEY WOODWARD TESTS JUDGE AILEEN CANNON'S PATIENCE

Just days into Pro Hac Vice admittance before Judge Aileen Cannon, Walt Nauta's lawyer, Stanley Woodward, is testing (as in, probing) her patience, to see how much she will play along with obvious attempts to stall this case.

He and the government have submitted dueling filings about whether the CIPA conference scheduled for Friday should be postponed to some uncertain time.

Before I get into what they say, remember that Woodward is being paid by Trump's PAC, which is also under investigation for raising money promising one thing and then spending it on other things – such as paying for Woodward's legal fees.

Remember, too, that after months of claiming that DOJ had screwed up by not immunizing Walt Nauta – a strategy that got his client charged in an Espionage Act indictment (in some legal circles, a sign of a legal strategy that has backfired, potentially catastrophically), Woodward then adopted a new strategy: belatedly accusing Jay Bratt of bullying him because Bratt tried to prevent him from setting his client up to be charged.

Finally, consider that we've already seen stories suggesting that Trump plans to stall this out past November 4, 2024, so he can pardon both of them.

The pace of hiring an attorney for Nauta has been slow – as has been the speed with which Trump is beefing up his own criminal defense team. Nauta continues to work for Trump's organization and Trump's political committee is financing his employee's legal representation. Inside the former president's orbit, top

aides are prepping for a protracted and litigious fight with prosecutors that draws out the entire legal process through the 2024 general election that Trump hopes to win for a return to the White House.

“If you ask three different people in Trump world what’s going on, you’ll get five different answers,” said the source familiar with discussions. “But the reality is there’s no rush to do this. This seems to be their posture: ‘The case is probably going to happen after the election anyway [on Nov. 5, 2024]. So what’s the rush?’”

And before I present Woodward’s seven (!!!) excuses for not being able to make Friday’s hearing, consider that according to the government, Woodward hasn’t even submitted his SF-86 form required before he can get clearance.

Nauta’s second justification for a continuance is a claim that Mr. Woodward cannot “meaningfully” participate in a discussion about classified discovery or a CIPA discovery schedule at a Section 2 conference until obtaining a security clearance. Motion at 3. But he cites no case holding that a Section 2 conference is contingent on counsel having clearances, which is unsurprising since such a requirement would be inconsistent with Section 2’s language that “[a]t any time after the filing of the indictment or information, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.” 18 U.S.C. App.3 § 2. Perhaps more to the point, as of this writing, Mr. Woodward has yet to complete his Form SF-86, which is necessary for him to receive both an interim clearance and final adjudication, despite having been put in

contact with the Litigation Security Group on June 12, some three-and-a-half weeks ago.

With all that laid out, ready for Woodward's seven complaints?

1) First, that DOJ charged his client in Trump country rather than in DC.

With little notice to Defendant Nauta, the operative indictment in this matter was returned in this District and only recently, on Wednesday, July 5, 2023, did Defendant Nauta retain local counsel, Sasha Dadan.

2) Then, that he opposed having a CIPA conference at all (a claim the government says is not true).

Although government counsel asked whether Mr. Nauta's longtime counsel opposed such a hearing – we did – and provided an electronic courtesy copy of the same, the government did not request any dates when defense counsel would be unavailable for such a conference.

3) Then, that Nauta had delayed so long in hiring a Florida lawyer that poor Stan Woodward had no way to object on his own.

At that time, Mr. Nauta, through counsel was not receiving electronic notices through the Court's CM/ECF filing system, the government did not advise counsel that the pretrial CIPA conference had been scheduled, and even when counsel did learn of the conference, Mr. Nauta had no ability to formally move the Court for relief based upon his counsel's unavailability. Rather, it was not until Wednesday, July 5, 2023, that Mr. Nauta retained local counsel, Sasha Dadan, and Thursday, July

6, 2023, that Chief Magistrate Judge Torres entered an Order permitting Mr. Nauta, through counsel to file electronically with the Court.

4) Then, that Woodward has a trial for Freddie Klein this week (the government says it – this prosecution team – did not know that – it seems that Woodward is relying on prosecutors on a 1,000 defendant crime scene investigation to track Woodward’s other clients).

As the government has long been aware, Mr. Nauta’s longtime counsel, Mr. Woodward, is scheduled to begin a Bench Trial in the United States District Court for the District of Columbia on July 10, 2023.

5) Woodward then says that even though he’s not required to attend, Nauta should be able to demand that he attend.

Presumably, the government will argue that Mr. Woodward’s appearance is unnecessary. But see *Flanagan v. United States*, 465 U.S. 259, 268 (1984) (like the Sixth Amendment right to self-representation, the right to counsel of choice, “reflects constitutional protection of the defendant’s free choice independent of concern for the objective fairness of the proceeding”). And defense counsel is aware of the Court’s admonishment that, “[l]ocal counsel must be ready to adequately represent [Mr. Nauta] at any time.” Paperless Order (July 7, 2023).² However, as the government notes in its application for the hearing, a pretrial CIPA conference permits the Court to, “consider matters related to classified information that may arise in connection with the prosecution.” Motion at 6 (June 23, 2023) (ECF No. 32) (quoting 18 U.S.C. App. III § 2).

6) Woodward doesn't see the point of using CIPA in a case charging 31 of the most sensitive documents ever charged in an Espionage Act case.

To that end, the government only broadly describes the basis for its request for a pretrial CIPA conference: "to establish a discovery and motion schedule relating to any classified information." Motion at 19 (June 23, 2023) (ECF No. 32). Yet, defense counsel cannot meaningfully opine on, "a discovery and motion schedule relating to any classified information," before their provisional security clearances, let alone complete clearances, have been approved.

7) Even though his brand spanking new co-counsel (who mostly does family law kinds of things but also dog bites) is obligated under local rules to hit the ground running, she's not ready to hit the ground running.

Nor is it feasible to expect Mr. Nauta's local counsel to appear at a pretrial CIPA conference and to agree upon, "a discovery and motion schedule relating to any classified information," barely a week after she has been retained by Mr. Nauta.

2 Mr. Nauta respects the Order of the Court and submits that it was not unreasonable for him to retain local counsel and thereafter request this Court accommodate the unavailability of his longtime counsel, Mr. Woodward insofar as Defense counsel would note that Local Rule 4 of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys for the United States District Court of the Southern District of Florida, which pertains to the admission of out-of-state attorneys pro hac vice does not indicate that the sponsoring attorney be

required to, “be ready to adequately represent the defendant at any time.”

Tune in in January, when Presidential candidate Donald Trump says he needs to delay his trial because he has primaries to run in. It won't be *his* fault that the lawyer his PAC is paying invented frivolous cause for day, after all.

As I said, Woodward is testing Judge Cannon's patience. And why wouldn't he? If she conducts herself like she did last summer, he'll be able to buy Trump all the time in the world.