

SPECIAL COUNSEL WEISS DEMANDING THAT HUNTER BIDEN SHOW UP FOR INITIAL APPEARANCE

David Weiss and Abbe Lowell are already having fights that suggest Weiss wants to give the GOP a bread and circus proxy fight with Trump's perceived enemies.

Weiss is demanding that Hunter Biden appear in person for his initial appearance; Hunter believes that's unnecessary, in significant part because he already did the things – like getting a mug shot and getting processed through probation – in this docket, before Judge Marylin Noreika, that he would otherwise do at an initial appearance for the gun charge.

Republicans will complain that one reason he cited – the Secret Service expenses – weren't a consideration for Trump's two federal arraignments.

Mr. Biden also seeks this procedure to minimize an unnecessary burden on government resources and the disruption to the courthouse and downtown areas when a person protected by the Secret Service flies across the country and then must be transported to and from a downtown location. Without getting into specifics, numerous agents and vehicles are required for what would have to be a two-day event (for a proceeding that may be very short in duration). This includes agents and vehicles in California and in Delaware, as well as agents who must travel with him on the plane. In addition, as the Court is aware of from the last appearance, security also requires shutting down

local roadways in downtown Wilmington, advance coordination with local law enforcement and the U.S. Marshals Service, and several other logistical challenges.

As Hunter's filing notes, though, the DE Court has already waived personal appearances this year.

arraignments by video when it is more efficient to do so.² In this regard, the request by Mr. Biden is not out of the ordinary arraignments by video when it is more efficient to do so.² In this regard, the request by Mr. Biden is not out of the ordinary.

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The government's opposition to this common-sense request is puzzling because Mr. Biden is not asking for special treatment with this request, as individuals without the additional considerations described herein regularly make such appearances by video.

Note, these appearances would have taken place before Hunter's father ended the federal COVID emergency – but it is true that people are still permitted to make initial appearances remotely.

It sounds like Weiss (and Leo Wise, who has insisted on public humiliation as part of this procedure), wants to argue for a change in release conditions, and do so while Hunter is there in public.

Since that proceeding, Mr. Biden has scrupulously complied with his conditions since returning home to California (D.E. 15), and it is his expectation that those conditions will remain in place until the Court orders otherwise. Moreover, should there be any

discussion of revising Mr. Biden's existing conditions of release, there is no reason why these discussions cannot take place with the Court and the government present by video conference.

That will be an interesting discussion, given that these charges were charged 59 months after the alleged crime, for something that Weiss already agreed merited a diversion. Perhaps Weiss will use his larded on charges and the felony punishment to make an argument that Hunter would be more likely to flee – but again, Weiss already agreed this merited diversion.

This may also be a tactical fight, in advance of the challenge Lowell has already promised about whether Weiss can indict Hunter for charges he already agreed to divert. As Hunter noted, it got put in the same docket, with the prior initial appearance noted, affirming that it is the same proceeding.

Things are going to get testy. They're going to get testy in a way that will provide yet more evidence that Republicans are demanding – and Weiss is acceding – to treat this as a proxy prosecution for Trump's opponent, even though it is, instead, the prosecution of a private citizen. They're going to get testy in a way that will justify a stunt that was premature when Hunter's attorneys threatened it last year – to put the President on the stand to lay out how this is a proxy fight designed to get to him.

Judge Noreika ordered Weiss to respond by tomorrow.