

58A-PG-3250958: CURIOSITIES ABOUT THE ALEXANDER SMIRNOV CASE

I wanted to flag two details of the Alexander Smirnov case – the FBI informant arrested upon arriving in Las Vegas last week on charges he made up a false claim that Mykola Zlochevsky had bribed Joe Biden.

First, the indictment repeatedly includes the assessment case number.

As part of that process, FBI Pittsburgh opened an assessment, **58A-PG-3250958**, and in the course of that assessment identified the 2017 1023 in FBI holdings and shared it with USAO WDPA. USAO WDPA then asked FBI Pittsburgh to reach out to the Handler to ask for any further information about the reference in his 2017 1023 that stated, “During this call, there was a brief, non-relevant discussion about former [Public Official 1]’s son, [Businessperson 1], who is currently on the Board of Directors for Burisma Holdings [No Further Information]”.

[snip]

By August 2020, FBI Pittsburgh concluded that all reasonable steps had been completed regarding the Defendant’s allegations and that their assessment, **58A-PG-3250958**, should be closed. On August 12, 2020, FBI Pittsburgh was informed that the then-FBI Deputy Director and then-Principal Associate Deputy Attorney General of the United States concurred that it should be closed. [my emphasis]

In my experience, it is exceedingly unusual to include case file numbers in public documents. One big exception to that rule – the Crossfire Hurricane-related case filings – is instructive: Trump had those case numbers released as part of his effort to burn the investigation.

This case number – 58A – marks this as a bribery assessment.

That makes Bill Barr’s project sketchier than it already was. Here’s how Chuck Grassley described the genesis of this lead:

Although investigative activity was scuttled by the FBI in 2020, the origins of additional activity relate back to years earlier. For example, in December 2019, the FBI Washington Field Office closed a “205B” Kleptocracy case, 205B-[redacted] Serial 7, into Mykola Zlochevsky, owner of Burisma, which was opened in January 2016 by a Foreign Corrupt Practices Act FBI squad based out of the FBI’s Washington Field Office. This Foreign Corrupt Practices Act squad included agents from FBI HQ. In February 2020, a meeting took place at the FBI Pittsburgh Field Office with FBI HQ elements. That meeting involved discussion about investigative matters relating to the Hunter Biden investigation and related inquiries, which most likely would’ve included the case against Zlochevsky. Then, in March 2020 and at the request of the Justice Department, a “Guardian” Assessment was opened out of the Pittsburgh Field Office to analyze information provided by Rudy Giuliani.

So during Trump’s impeachment for extorting a bribery investigation, Bill Barr’s DOJ shut down a kleptocracy investigation of Mykola Zlochevsky, then, weeks later, opened up a back channel for Rudy Giuliani that led to an assessment of whether Mykola Zlochevsky had

bribed Joe Biden.

Close a corruption investigation into Zlochevsky, then open a corruption investigation into an make-believe bribe Zlochevsky made to Joe Biden.

Somehow Scott Brady's team found a passing notice about Hunter Biden in a 2017 informant report from Smirnov – he offered conflicting explanations of how he found this FD-1023 in his House Judiciary Committee interview – which led to the interview where Pittsburgh's FBI allowed Smirnov to make allegations about Zlochevsky claiming to have bribed Biden that should have easily been debunked.

And then, after the assessment had been shut down, days after Trump yelled at Bill Barr about the Hunter Biden investigation, David Weiss' team was ordered, by Richard Donoghue (who had concurred in closing the assessment), to accept a briefing on it. Barr's story and the indictment conflict about whether Weiss should have investigated in 2020, which would have led him to discover these lies then, or was only asked to investigate further after Republicans (and Bill Barr!) had made a stink about the informant report again.

Meanwhile, it seems to have escaped notice that Weiss' team is seeking to detain Smirnov pretrial.

Case title: USA v. Smirnov Date Filed: 02/15/2024
Other court case number: 2:24-cr-00091-ODW Central District of California

Date Filed	#	Docket Text
02/15/2024		Case assigned to Magistrate Judge Daniel J. Albrechts. (KL) (Entered: 02/15/2024)
02/15/2024	1	Rule 5(c)(3) Documents Received as to Alexander Smirnov. Documents received from Central District of California include Indictment. (JQC) (Entered: 02/16/2024)
02/15/2024	2	MINUTES OF PROCEEDINGS - Initial Appearance in Rule 5(c)(3) Proceeding as to Alexander Smirnov held on 2/15/2024 before Magistrate Judge Daniel J. Albrechts. Ctfrm Administrator: J. Ries; AUSA: Leo Wise. Central District of California. Def Counsel: Margaret Lambrose; PTS: Emily McKillip; Recording start and end times: 3:22:19 - 3:59:45 Courtrooms 3A & 3B; Courtroom: 3A; Defendant is present in custody without restraints. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Waiver of Identity Hearing filed. ORDERED defendant identified as named defendant in indictment and is held to answer in the Central District of California. Government counsel seeks detention and requests a continuance of the detention hearing, which is GRANTED. This hearing is under seal 3:30:19 - 3:58:58 crms 3A & 3B. Hearing proceedings on the record 3:59:45. Defendant is remanded to custody. Rule 5 deadline set for 2/29/2024. Detention Hearing set for 2/20/2024 at 03:00 PM in LV Courtroom 3A before Magistrate Judge Daniel J. Albrechts. (no image attached) (Copies have been distributed pursuant to the NEF - IAR) (Entered: 02/16/2024)
02/15/2024	4	ORDER APPOINTING COUNSEL as to Alexander Smirnov. FPD appointed as counsel for Defendant. Subpoenas issued upon request, with exception to out-of-state subpoenas which will require court approval. Appearance by: Maggie Lambrose. Signed by Magistrate Judge Daniel J. Albrechts on 2/15/2024. (Copies have been distributed pursuant to the NEF - DLS) (Entered: 02/16/2024)
02/15/2024	5	WAIVER of Rule 5 and 5.1 Hearings by Alexander Smirnov. (DLS) (Entered: 02/16/2024)
02/15/2024	6	ORDER SCHEDULING A DETENTION HEARING. Detention Hearing set for 2/20/2024 at 3:00 PM in LV Courtroom 3A before Magistrate Judge Daniel J. Albrechts. Signed by Magistrate Judge Daniel J. Albrechts on 2/15/2024. (Copies have been distributed pursuant to the NEF - DLS) (Entered: 02/16/2024)

It is almost unheard of to seek detention for a false statements case. Even assuming Weiss argues that Smirnov is a flight risk, people usually aren't detained on such charges.

So detention may be more about the other claims

Smirnov made to investigators last September: That he had (faked) recordings of Hunter Biden from a hotel in Kyiv, and that he had been working with some Russians since May 2023 to end the Ukraine war, a plan that had some tie to the 2024 election.

51. The Defendant also shared a new story with investigators. He wanted them to look into whether Businessperson 1 was recorded in a hotel in Kiev called the Premier Palace. The Defendant told investigators that the entire Premier Palace Hotel is “wired” and under the control of the Russians. The Defendant claimed that Businessperson 1 went to the hotel many times and that he had seen video footage of Businessperson 1 entering the Premier Palace Hotel.

52. The Defendant suggested that investigators check to see if Businessperson 1 made telephone calls from the Premier Palace Hotel since those calls would have been recorded by the Russians. The Defendant claimed to have obtained this information a month earlier by calling a high-level official in a foreign country. The Defendant also claimed to have learned this information from four different Russian officials.

53. The Defendant told investigators that the four different Russian officials are all top officials and two are the heads of the entities they represent. These Russians said that conversations with Ukrainians about ending the war will include the next U.S. election. The Defendant told investigators he is involved in negotiations over ending the war and had been for the previous four months. According to the Defendant, **the Russians want Ukraine to assist in influencing the U.S. election, and the Defendant thinks the tapes of Businessperson 1 at**

the Premier Palace Hotel is all they have. The Defendant told investigators he wants them to ask Businessperson 1 how many times he visited and what he did while at the Premier Palace Hotel. [my emphasis]

That is, seemingly of the belief that the FBI would be amenable to this plan, Smirnov claimed to be involved in an information operation for the third straight election.

Remember, the indictment ties Smirnov to the Andri Derkach influence operation in 2020 by tying the genesis of Smirnov's 2020 bribery claims to this article, reporting on probably fabricated tapes between Joe Biden and Petro Poroshenko.

A Ukrainian lawmaker who met with Rudolph W. Giuliani late last year released recordings of private phone calls several years ago between Vice President Joe Biden and Petro Poroshenko, then Ukraine's president, in a new broadside against the presumptive Democratic nominee for U.S. president that has raised questions about foreign interference in the 2020 election.

The recordings played at the news conference Tuesday shed relatively little new light on Biden's actions in Ukraine, which were at the center of President Trump's impeachment last year. They show that Biden, as he has previously said publicly, linked loan guarantees for Ukraine to the ouster of the country's prosecutor general in 2015. But Derkach used the new clips to make an array of accusations not proven by the tapes.

Smirnov even claimed to have met with Poroshenko and Viktor Shokin in 2016.

One of the two AUSAs on this case, Sean Mulryne,

is a Public Integrity prosecutor who has worked FARA cases (including that of Elliott Broidy-related Nickie Lum Davis, who was represented by Abbe Lowell).

There may be – likely is! – more to this case than a simple false statement. But that's another reason why David Weiss has no business overseeing a case in which he is a direct witness.