

LEO WISE HAS A SEX WORKER [AND OTHER FALSE STATEMENT] PROBLEM

It took a while to get a transcript for the motions hearing in Hunter Biden's Los Angeles case. Now that I've read it, I want to revisit two claims Leo Wise made in the same blustery attack on Hunter Biden's motion to dismiss for outrageous conduct.

His attack was a response to two things that Abbe Lowell said. First, Lowell claimed that the details included in the speaking indictment against Hunter Biden were precisely the details that Gary Shapley and Joseph Ziegler raised in their testimony and public comments, including lifestyle, luxury, drugs, escorts, and sex clubs.

Look in the indictment that you have on your desk.

Each one of the charges is exactly what those two agents said should happen.

What else did they say? They went on and they said, "And this is what he did as opposed to paying his taxes." And they talked about all of his lifestyle, luxury, drugs, escorts, sex clubs, whatever they put in.

What happened? It's exactly the phraseology that the special counsel put in, which is abhorrent. It doesn't happen in pure government tax cases, where they go on for 36 pages, but that's exactly what the agents demanded and said. So Walters is not just –

The other was that the IRS agents' testimony set off a series of dominoes in May.

So what we know today is they did the causation. It was those two agents that started the dominoes. That's what happened here.

They started in May to complain about what they say is done wrong in the case. The next thing, they're on the airwaves. The next thing is members of Congress put them in their hearing. The next thing, they reveal what they were – said in the hearing, and release the transcripts wholesale, in the midst of those famous negotiations that were happening.

The next thing that happens is members of Congress complain about the June agreement. The next thing that happens is – while they're still out there complaining, you know, in May, when they were removed from the case, they didn't go home. They didn't go work on some other case, or if they did, they had plenty of time to go on their publicity tour.

So then the next thing that happens is Chairman Smith of the Ways and Means Committee tries to intervene to squirrel the deal in Delaware. All that starts with these agents.

Here's Wise's response:

Well, they said, "Oh, they started the dominoes." What dominoes? Where is the proof of any of that?

Other than insulting us, where is the proof that anything these two agents – who I couldn't have picked out of a lineup – had anything to do with our decision-making?

The idea that every American knows this story, that's absurd. I mean, the myopia of people that live in Washington, to

think that everyone in America cares what Gary Shapley and – I don't even know what Ziegler's first name is – what Ziegler says. That's not proof.

You know, he talks about, "Well, did the – where did the prosecutors get the concept of a speaking indictment?"

I've been a white-collar prosecutor for 18 years. I've been writing speaking indictments the entire time. We didn't have to get the idea from Gary Shapley saying, "Oh, Biden – Biden was involved with drugs and escorts."

Biden wrote about that in his book. I mean, we could read about it in the book. America can read about it in the book. You don't have to watch some obscure pundit on some podcast I've never heard of talk about it

So, I mean, this is as weak, as factless as the vindictive selective motion was. This one is even worse, because here, they can't even articulate a theory of causation. It's just these guys are hyenas, baying at the moon, and that must have had something to do with us, and there's simply no proof of it.

Wise does something he and Derek Hines have done over and over: Make up claims that Lowell has insulted them, when instead Lowell has insulted the Republicans targeting Hunter (in the Delaware hearing, Hines also falsely claimed that Lowell was trying to delay the trial).

Then, Wise totally reframes Lowell's argument, shifting Lowell's focus to things that happened in May to "our decision-making" that happened in December. That wasn't what Lowell was arguing, at all.

There may be no proof that Gary Shapley and Joseph Ziegler had any influence on the decision to charge Hunter with precisely the crimes they

demanded he be charged with. But as I've noted, the proof that they were the dominoes that started the reversal of David Weiss' initial prosecution decision is in Thomas Sobocinski's still-unreleased transcript, which describes how Shapley's May appearances led to threats and stalking of the investigative team. There's proof. It's just that everyone is withholding it from Hunter.

Then, for good measure, Wise suggests that it would be myopic to suggest that the non-stop focus on Hunter Biden on Fox News has led people outside of DC to know who Hunter Biden is.

And then – this is the most amazing thing – Leo Wise claimed that, “America can read about it’ – a reference to both drugs and use of escorts – “in the book.”

Nope. There's one mention of an escort (as a sex worker) in the book – but it's a description of a way to get drugs. There's lots of mention of clubs in the book, but not sex clubs. The indictment mentions strippers twice, but only as one of the kind of human detritus a junkie hangs out with.

thieves, junkies, petty dealers, over-the-hill strippers, con artists, and assorted hangers-on,

[snip]

my merry band of crooks, creeps, and outcasts

[snip]

An ant trail of dealers and their sidekicks rolled in and out,

[snip]

Their stripper girlfriends invited their girlfriends, who invited their boyfriends.

Nevertheless, Wise suggested he got his focus – and false suggestion that the women payments to

whom Hunter allegedly wrote off improperly were sex workers –from Hunter’s book rather than Ziegler’s obsession with them (or watching Fox News or accessing public content attributed to the laptop).

Remember, Weiss’ team was so excited to include a payment to an exotic dancer in the indictment that they appear to have gotten the date wrong (as I suggested, this may mean that prosecutors didn’t do enough due diligence on what happened to Hunter’s Venmo account after two new devices accessed it in different cities at almost the same time).

Wise did so in a passage where he called Lowell’s motion “factless.” He did so in a hearing where he pounded the table, pretended to be a victim, and used the old “pound the table adage.”

And Judge Mark Scarsi appears to have adopted Weiss’ false claim about escorts being in the book when he said that, “Defendant himself brought notoriety to his conduct through the publication of a memoir.”

I get it: All three parties involved here have been caught making factual errors. Abbe Lowell claimed that public reports of the threats David Weiss faced were death threats and also misstated the timing of threats Trump made. Judge Scarsi claimed that an email said only the parties were involved in revising the diversion agreement, when the email in question said that Probation was involved. And Weiss’ team claimed sawdust is cocaine.

I get it. Much of Wise’s bluster is just totally banal prosecutorial dickishness. Leo Wise has been relying on prosecutorial dickishness for a very long time, at least since the prosecution of Joseph Nacchio bulldozed through Nacchio’s claim that he was prosecuted because he refused to let Qwest participate in Stellar Wind. It works! Especially with judges like Scarsi!

But this is the second time Weiss’ team has made a claim about Hunter’s memoir that was

inaccurate (the other being a claim that the state of Hunter's addiction in February 2019 after ketamine treatment exacerbated it was the state of his addiction when he purchased a gun in October 2018) even while arguing that the memoir is what distinguishes Hunter from other memoir writers like Roger Stone. That, along with the sawdust error and the belated warrant to search the laptop for materials supporting the gun crime raise real questions about what these prosecutors did do before obtaining these indictments. They don't appear to have read the memoir, they don't appear to have reviewed the actual laptop, they never indexed the laptop.

Abbe Lowell may not have proved his case that the IRS agents were the dominoes here. I don't dispute Scarsi's judgement that the standard here is incredibly high and Lowell didn't meet it.

But if Weiss' team didn't get their sex worker obsession and errors from Ziegler and Shapley, the alternatives – given the evidence that they didn't look where such evidence is known to be in hand – are actually worse. That is, it may well be they didn't get their sex worker obsession from Ziegler. Does that mean they got it from Rudy Giuliani?