

# DAVID WEISS TREATS IRS AGENTS WHO ACCUSED HIM OF MISCONDUCT AS “WHISTLEBLOWERS”

Hunter Biden is attempting to appeal the adverse decisions from both Maryellen Noreika and Mark Scarsi, both attempts for which there is no obvious basis to make an interlocutory appeal. As I'll return to, in the Delaware case, David Weiss' prosecutors are trying to prevent the appeal from delaying a not-yet established deadline for Hunter to reveal what he knows.

After the Ninth Circuit set a normal briefing schedule, with Hunter's opening brief due on July 5 and the response a month later, after the scheduled trial date, Weiss moved to have that appeal dismissed on – facially at least – sound jurisdictional grounds, asking the court to dismiss this appeal by May 14, in time for existing pretrial deadlines.

Aside from its treatment of three prior Ninth Circuit plea agreement appeal attempts – two successful (including one Abbe Lowell cited in the Third Circuit) and one not – that motion is uninteresting. Except on one point: it calls the media campaign by the disgruntled, debunked IRS agents at the core of Hunter's egregious misconduct claim “whistleblower disclosures.”

Defendant moved to dismiss the indictment for due process violations based on outrageous government conduct, specifically pointing to **whistleblower disclosures** to Congress and the media of alleged grand jury information in violation of Federal Rule of Criminal Procedure 6(e) and confidential tax return information in violation of 26 U.S.C. § 6103 by two IRS agents involved

in the investigation of defendant. (GEX 55)

While it's true that Congress made a big stink over covering the release of otherwise prohibited disclosures of taxpayer materials under a whistleblower claim, Hunter's claim includes conduct that precedes that stink, and also includes grand jury materials and a non-jurisdictional committee not covered by such stink.

Plus, I find it especially weird for David Weiss, who testified to Congress that the disgruntled IRS agents were wrong about their claims as to his charging authority, to call them whistleblowers. Similarly, he told Congress that Lesley Wolf is "a person of integrity" and agreed that Wolf, "did her work on the Hunter Biden matter in a professional and unbiased manner without partisan or political considerations?" He even described remembering Gary Shapley's "body language" at the October 7 meeting whence Shapley invented claims that formed the basis of his later media campaign. David Weiss' testimony is inconsistent with calling those disclosures whistleblower disclosures.

So I find it odd that Weiss, here, treats the IRS agents as whistleblowers. He didn't do so in his response to Hunter's motion. Derek Hines called them whistleblowers once in the motions hearing before Judge Scarsi. Leo Wise, in his brazenly false claim that there's no proof the IRS agents affected the case, instead called them, "hyenas, baying at the moon."

But then Abbe Lowell noted that the record before Scarsi included an instance where the agents "blew by" whistleblower procedures.

I'll ask you to look at what we've put in as – and what the record shows about just compare what the IRS – and by the way, earlier, you called them whistleblowers. I know that that's a

word. I am going to put that word in quotes for a variety of reasons because they were told what whistleblowers are supposed to do. They were even admonished to do anything they do the right way, and they blew past those warnings. And they blew past those warnings by doing that at a congressional committee. That's not covered by the whistleblower statute or the whistleblower procedure.

It won't matter for this appeal. And while I expect Weiss has totally misapprehended the nature of Lowell's appeal, it is still highly likely that Weiss' motion to dismiss this appeal will work.

But along the way, Weiss has ceded whistleblower status to the IRS agents who invented conspiracy theories about his own actions.