

# HUNTER BIDEN PROSECUTOR DEREK HINES CONFESSES HE FAILED TO DO BASIC DUE DILIGENCE, AGAIN

I've written about how David Weiss' prosecutors indicted Hunter Biden before they had taken basic investigative steps – like obtaining a warrant to search the President's son's digital data for evidence of gun crimes, or sending the gun to the FBI lab for testing, or figuring out what the evidence actually showed.

But wow, this one is a doozy.

Prosecutors just filed a late Motion in Limine (it was signed by Derek Hines, the sloppier of two sloppy AUSAs calling themselves Senior Assistant Special Counsels), seeking to prevent Hunter Biden from introducing evidence about how the guys at the gun store belatedly added information to the form on which he allegedly lied. They want to prevent Hunter's team from telling the jury about how three years after the purchase, people in the gun store added information to the form to make it look like they had properly demanded a second form of identification after Hunter used his passport to buy a gun.

In other words, the original scanned form...

felony under Federal law, and may also violate State and/or local law. I further understand that one representative gun store or other person who resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferor's/ Buyer's Signature: [Signature] 15. Certification Date: 10-12-18

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):  
 Handgun  Long Gun  Other Firearm (frame, receiver, etc.)  
(rifles or shotguns) (See Instructions for Question 16.)

17. If transfer is at a qualifying gun show or event:  
Name of Function: \_\_\_\_\_  
City, State: \_\_\_\_\_

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.a.)  
Issuing Authority and Type of Identification: U.S. PASSPORT  
Number on Identification: [Redacted]  
Expiration Date of Identification (if any):  
Month: 01 Day: 05 Year: 2027

18.b. Supplemental Government Issued Documentation (if any) (See Instructions for Question 18.b.)  
[Redacted]

19. Declaration to the Nonimmigrant Alien Prohibition: If the transferor/buyer answered "YES" to 12.d.2, the transferor/seller must record the type of

Differs from the physical form that prosecutors

would need to submit at trial.

tenny under Federal law, and may also violate state laws that may be a violation of Federal law. (See Instructions for Question 14.)  
resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferor's Signature: *[Signature]* 15. Certification Date: 10.12.18

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):  
 Handgun  Long Gun  Other Firearm (frame, receiver, etc. See Instructions for Question 16.)  
*(rifles or shotguns)*

17. If transfer is at a qualifying gun show or event:  
Name of Function: \_\_\_\_\_  
City, State: \_\_\_\_\_

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.a.)  
Issuing Authority and Type of Identification: U.S. PASSPORT  
Number on Identification: [REDACTED]  
Expiration Date of Identification (if any):  
Month: 01 Day: 05 Year: 2027

18.b. Supplemental Government Issued Documentation (if identification document does not show current residence address) (See Instructions for Question 18.b.)  
DE VEHICLE REGISTRATION

18.c. Exception to the [REDACTED]

The government says – citing what they claim is an interview with the gun shop owner, Ronald Palimere – that the gun store guy insists the original form is accurate (and it may well be).

Following the hearing on May 14, 2024, the government interviewed Palimere on May 16, 2024. Exh. 2. He confirmed that Certified Form 4473 was the accurate version of the form as it existed on the date the defendant purchased his firearm:

**For the sale to Biden, all the fields completed on the certified 4473 were done before Biden left the store. . . Palimere scanned and emailed the certified 4473 to Reisch . . . The form was then filed away. Palimere did not handle the form again for three years and until he was requested to turn it over to ATF SA Veronica Hnat on September 23, 2021.**

Id. at p. 3. According to the report, before he produced the form to ATF SA Hnat:

Palimere decided to write Delaware registration in the box labeled 18.b. Palimere does not know why that was chosen but he knew it had to be an official document and it was all they could think of. Turner was the one who wrote Delaware vehicle registration in the box.

Palimere thinks that if Biden presented a vehicle registration on the day of the sale, it would have been documented on the certified 4473.

Id. at p. 4. With respect to annotating box 18.b., the report of Palimere's interview states:

**No one thought to get supplemental information because everyone in the area knows who lives at [the defendant's father's address].** The address is a celebrity address. At the time and to Palimere and the employees, the address was obvious. If a second form of identification with an address was presented by Biden, Palimere was not present when it happened.

Id. at p. 2. [my emphasis]

Only, these brain surgeons *didn't* include Palimere's interview 302. Exhibit 2 is, instead, the 302 from a guy named Gordon Cleveland – the guy who sold Hunter the gun. He told the FBI that he *thinks* Hunter got some kind of additional record, but “can not say with certainty.” But he “would not have paid attention to the paperwork side of the sale” because he had already made the sale.

When Biden presented his passport as identification, Cleveland went into the back and asked Ronald Palimere and Jason Turner if it could be used. Cleveland recalls going back out to Biden and saying something to the effect that if Biden was going to use a passport, they would need another form of identification.

Cleveland thinks Biden went outside and got something, but he can not say with certainty. Cleveland would not have paid attention to the paperwork side of the sale because he had already done his part by working with the customer and making the sale. Cleveland does not think they would have completed the sale without the second identification, though.

In other words, the guy who sold Hunter Biden the gun testified that he didn't much care about the paperwork.

Palimere's described testimony (that no one bothered getting secondary ID because everyone knew Hunter's father) is inconsistent with

Cleveland's (who claimed maybe he got the Delaware Registration).

The word "impeach" does not appear in this MIL. Instead, prosecutors complain that Palimere – the guy whose 302 they apparently didn't provide – is not on trial and Hunter Biden shouldn't be able to put him on trial.

Palimere is not on trial. Nor does his decision to annotate the Form 4473 years after the defendant bought his gun change anything the defendant did in 2018.

And while David Weiss' guys are demanding that Hunter not get any extensions, they're asking for one to clear this up.

1 The defense did not raise this issue until a hearing on May 14 and the government respectfully requests leave to file its motion in limine after the May 13 deadline imposed by the Court.

Meanwhile, Hunter Biden's team is trying to subpoena these gun shop guys (Palimere, Cleveland), apparently thus far with no success.

Prosecute Hunter Biden, if you must. But for goodness sake, please try to exercise the most basic due diligence before you do so.

Update: David Weiss' crack team has now submitted the exhibit they wanted to submit, as opposed to the one they did: the 302 from a video teleconference interview with gun shop owner Ronald Palimere. It revealed a number of things:

1. Palimere has a proffer agreement, seemingly offering a gun shop owner legal protection for failures to fill out gun forms properly so long as

his testimony is deemed truthful. In other words, David Weiss is now in the position of prosecuting Hunter for a 5-year old gun crime rather than doing anything about a gun shop owner who fudges on paperwork.

2. The interview was conducted by Derek Hines and an FBI Agent Erika Jensen, with no second FBI Agent present. Jensen did the follow-up interview with Cleveland, linked above, by herself. Jensen is the witness through whom prosecutors want to introduce all the digital evidence, which means she'll have to take the stand and therefore be available for questioning based on these 302s.
3. Derek Hines told Palimere that Agent Jensen found the discrepancies with the gun form, not Hunter Biden's lawyers. That's not a big deal, yet (the FBI is allowed to lie to witnesses), but could become one.
4. In the filing, Hines relies on Palimere's testimony to claim that, "For the sale to Biden, all the fields

completed on the certified 4473 were done before Biden left the store.” Except he also testified that he, “never interacted with Biden” because he was “in the back of the building.” I assume the store has security cameras, but Palimere is not a direct witness to the documentation being completed while Hunter Biden was present. Jensen didn’t ask Cleveland (who is the witness they want to put on the stand) whether it was all completed while Hunter was still there.

Update: David Weiss has now gotten the DE Clerk to memory hole the Cleveland 302 that substantially conflicts with that of his boss.

05/20/2024	<a href="#">157</a>	MOTION in Limine to Admit Certified Form 4473 an to Exclude Evidence of Annotated Form 4473 by USA as to Robert Hunter Biden. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Text of Proposed Order)(Hines, Derek). Modified on 5/21/2024 (mdb). (Entered: 05/20/2024)
05/20/2024	<a href="#">158</a>	TRIAL BRIEF by USA as to Robert Hunter Biden (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Hines, Derek) (Entered: 05/20/2024)
05/20/2024	<a href="#">159</a>	Amended EXHIBIT 2 re <a href="#">157</a> MOTION in Limine to Admit Certified Form 4473 an to Exclude Evidence of Annotated Form 4473 by USA as to Robert Hunter Biden (Hines, Derek). (Entered: 05/20/2024)
05/21/2024		CORRECTING ENTRY: Exhibit 2 attached to the motion in limine (DI <a href="#">157</a> ) has been deleted at the request of the government. The correct version has been e-filed at DI <a href="#">159</a> .(mdb) (Entered: 05/21/2024)

Update: Judge Noreika has approved the subpoenas Hunter Biden’s team asked for, including (but not limited to) the gun shop employees, including the guy who altered the document.