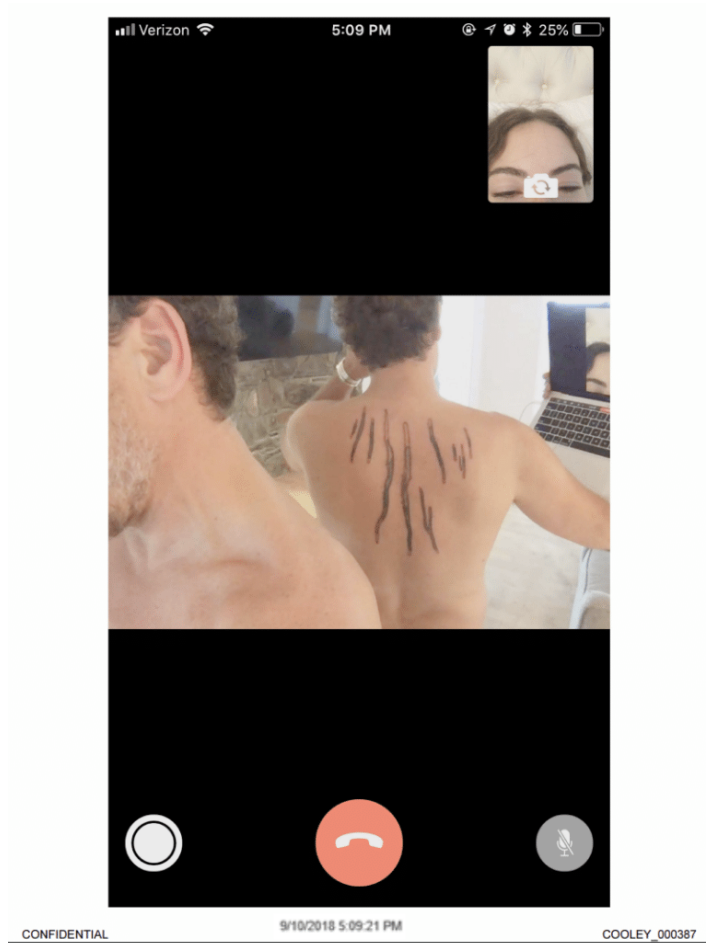


# **PROSECUTORS PLAN TO USE THEIR FAILURE TO EXPLOIT THE ABLOW LAPTOP AGAINST HUNTER BIDEN**

There are actually at least two laptops admitted into discovery in the Hunter Biden trial: First, the laptop obtained from John Paul Mac Isaac, from which prosecutors obtained about half of their digital evidence. It was introduced as a physical object. Sadly neither side has submitted a picture of it, so there's no exhibit showing what the famous laptop actually looks like.

There's also a laptop depicted in this picture Zoe Kestan took, which prosecutors appear to have obtained from a subpoena to her, which she got off her phone.



According to the draft jury instructions, one of the immunized female witnesses against Hunter, Hallie Biden or Kestan, had a non-prosecution agreement, as opposed to testimonial immunity.

You have heard evidence that [PARTIES TO FILL IN] have \_\_\_\_\_] has received a promise from the government that she will not be prosecuted;

And you have heard evidence that [\_\_\_\_\_] has received a promise from the government that her testimony will not be used against her in a criminal case; or [my emphasis]

Given Abbe Lowell's elicitation of Kestan's role in buying Hunter drugs, and Leo Wise's question that elicited the age difference between Hunter and Kestan in response, it seems likely Kestan is the one from whom prosecutors obtained full cooperation by waving around the possibility of criminal charges.

But back to the second laptop. By date – September 10, 2018 – and appearance (to the extent we can see it), the laptop in the picture is likely to be the laptop that ended up in Keith Ablow’s cottage in February 2019. Hunter started using that laptop around September 1, 2018.

Prosecutors have already revealed that they plan to explain away the fact that they have none of the kind of evidence showing Hunter purchasing crack in the period in which he owned a gun as they do from May 2018 and December 2019 and February 2019 by pointing to testimony – they originally claimed it would come from Hallie – that Hunter frequently lost phones.

Witness 3 observed that the defendant frequently lost phones and changed phones, which explains gaps in time where there are no messages.

I guess they realized that the texts with Hallie in the 11 days in question discredit the claim that his texts weren’t being sent and saved, so instead Leo Wise had Kestan describe all the phones Hunter lost in this period.

Q. Did that happen on more than one occasion where he lost a phone or had to replace a phone?

A. Yes.

Q. Approximately how many times would you say that happened during the period you were with him?

A. Maybe 5 or 6.

Note: I think she would not have known that he lost that many phones in that period; though he did lose that many *devices*.

They will show, however, that in a screenshot that is undated but which she *may have* described as coming, “a day or so before Thanksgiving [2018]” or may have included among texts she

kept sending afterwards, in which she marks that Hunter had a new phone (or new phone number).

After Abbe Lowell points out that prosecutors wasted hours and hours of jurors' time showing them communications from periods no time close to the events in question, whoever does the reply to Lowell's closing argument will point to that Kestan testimony and explain that the reason there are no comms from that period in October must be that Hunter lost the phones on which he arranged drug deals.

They're not wrong, in theory.

I mean, it's a rich theory given that in August 2023, prosecutors said they wouldn't rely on the laptop at all because it was all backed up to the iCloud, and Derek Hines was misleading Judge Noreika about how much really was backed up to the cloud as recently as May 22. But I'm used to this kind of stuff from these guys.

The problem with this argument, though – or it would have been a problem if Noreika had forced prosecutors to do what is normally required in criminal cases, the actual validation of the data – is that the laptop on which any communications Hunter sent to drug dealers between October 11 and October 23 *probably passed through the custody of the DEA*.

Hunter Biden initiated a bunch of new devices at the tail end of the period he owned a gun.

On October 21, 2018 the laptop used as evidence at trial was first logged into his iCloud.

On October 22, a new iPhone XS was first logged into his iCloud (functionally, I believe this replaced a phone Hunter lost on October 11 or earlier).

On October 23, a new iPhone8 was first logged into his iCloud (functionally, I believe this also replaced a phone Hunter lost on October 11).

The laptop presented at trial *does* have evidence from before it was first put in service (largely

in the form of an iTunes backup saved to the device itself), but prosecutors will argue that it wouldn't have everything.

When Derek Hines had Erika Jensen present the cherry pick of evidence they're using in this case, he relied on Subscriber records (one, two, three) and Jensen's testimony to tie the comms depicted in the summary chart to Hunter. She didn't show Apple's records of which devices were associated with his account at any given time, which would give jurors a sense of – for example – the precise turmoil in his devices in this period (but would also give some idea of real anomalies that should have led to the exclusion of the laptop). Prosecutors *could* have shown that Hunter went through a lot of devices by showing that list from Apple. Instead, they're going to rely on Kestan's testimony.

But no one has mentioned that one of the devices Hunter lost – the one that would most likely have collected the equivalent set of comms to those introduced at trial – was found, found *by the DEA* when they searched the office of Hunter's shrink, Keith Ablow.

David Weiss' prosecutors are going to argue that they have gaps in their evidence precisely where that evidence would otherwise show ongoing crack use. What they're not going to admit is that over a year *after the investigation of Hunter Biden started*, over a year after Federal authorities learned about the gun, the Federal government was in possession of the laptop that, according to this theory, would have the smoking ~~gun~~ crack communications to prove their case.

Instead of searching it for the comms that David Weiss will claim would prove their case, they simply gave the laptop back to Hunter Biden.

Having not done anything with the laptop when they had it in 2020, prosecutors will use their failure to do anything with the laptop in 2020 as an excuse for evidence they don't have.