

# **THE SCOLDING THAT HUNTER BIDEN SHOULD HAVE PLED GUILTY IGNORES THE COMPLEXITY OF WHAT HAPPENED**

The problem with most pieces scolding Hunter Biden for not pleading out before his gun trial is that Leo Wise and Derek Hines have made clear their intent to humiliate Hunter Biden no matter what he does.

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## **“CASE CHANGING:” THE 7-ELEVEN MESSAGES**

On the morning of closing arguments, prosecutors in the Hunter Biden case surprised Abbe Lowell with October 10 texts they claimed proved Naomi Biden was wrong about her impression of her father over a week later.

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## **HUNTER BIDEN FOUND GUILTY ON ALL CHARGES**

The jury found Hunter Biden guilty off all three charges against him.

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## **WHAT JURORS NOTICED ABOUT HALLIE BIDEN'S TESTIMONY**

Jurors noticed that, while Hallie Biden was testifying, she was exchanging words of support with her husband, who was in the courtroom.

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## **LEO WISE MAKES EXCUSES FOR THE REAMS OF EVIDENCE FROM PERIODS HUNTER DIDN'T OWN A GUN**

Before Leo Wise started presenting his evidence he made excuses for presenting so much from times when Hunter Biden did not own a gun.

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## **HALLIE BIDEN WAS FIRST COMPELLED TO TESTIFY AGAINST HUNTER BIDEN IN 2022**

Judge Maryellen Noreika first approved an order compelling Hallie Biden to testify against her brother-in-law in 2022.

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# THE AT&T ASSOCIATIONS UNDERLYING THE SHODDY LAPTOP VALIDATION

Hunter Biden's prosecutors may have knowledge of more problems with the laptop attributed to him than they've let on.

As I've described and quoted here, *all* the validation they've provided for the laptop is that the serial number for the device matches one of the seven or eight laptops he was using in the year leading up to John Paul Mac Isaac receiving it and the invoice from John Paul Mac Isaac's shop was sent to Hunter's publicly available email address; the invoice submitted at trial doesn't even show the metadata.

As I noted, when Derek Hines asked summary witness Erika Jensen (who is not a cybersecurity expert) to describe the genesis of the digital evidence, he only asked her to show the subscriber records.

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.

He did not ask her to show the list of devices, obtained from Apple, that had been associated with Hunter's account. We're just taking Agent Jensen's word that the laptop is associated with the computer (it is, but I find it notable that prosecutors didn't submit the list into evidence).

Q. How?

A. Among other things, there was a serial number that's on the back of this laptop that matches the Apple subpoena records that they obtained in 2019, so it matches the registration of this particular device to the iCloud account at a particular date.

Q. And is that serial number FVFXC2MMHB29?

A. Yes.

Q. And that's also in the Apple records, you said?

Note: even though elsewhere she describes that the Apple information obtained "purchase history by device," Jensen doesn't claim that there's a receipt showing Hunter buying it from Apple. We know there are receipts for the laptop Hunter bought on September 1 (the one that ended up with Keith Ablow), and the two phones replaced the same day he bought a gun. As far as I know, no one has ever seen a receipt for the laptop that ended up in FBI custody.

For each of the two device iCloud backups used at trial, Jensen made sure that the devices were associated with one of three phone numbers shown on the subscriber subpoenas to AT&T.

Q. What did that response show?

A. It showed – it would be considered supplier records, so it showed purchase history by device associated with Apple ID's, which are associated with a person, and registration information for devices, and other subscriber information for devices associated with Robert H. Biden or Hunter Biden.

Q. Did those records correlate in some respects to the phone records you received from AT&T?

A. Yes. You could see in the records that the phone numbers that came back from AT&T were associated with various devices every time.

[snip]

Q. Are there two back up files that investigators utilized for evidence in this case?

A. Yes.

Q. What back up files were those?

A. So we named them Apple back up one, two, three and four. Three is a back up of an iPad pro. So that one was one that we used. The second one we used was Apple back up four, which was an iPhone SR.

Q. Were both of these devices registered to the defendant based on the Apple records?

A. Yes, so the extraction report that comes from these back ups show that there were information, including things like the phone number and MIMEI that associated these devices to Mr. Biden.

Q. Did you independently verify the Apple records to make sure they correlated with the AT&T phone records that we saw produced by AT&T?

A. Yes.

While Jensen described that devices could be backed up either via iCloud (to the cloud) or via iTunes (to a device), she didn't describe that the most important texts in the case were backed up to iTunes on the laptop, and that that device was also using a number in Hunter's name at the time (actually, he reactivated it the same day he bought the gun).

More notably, she didn't do the same for a range of other communications obtained from the laptop:

- An August 8, 2018 SMS exchange about Chore boy that predates Hunter's use of the laptop by two months
- An October 8 iMessage, sent from Hunter's iCloud email before Hunter resumed using Kathleen's old number
- An October 22 picture taken with the iPhone 8 Plus activated that same day, which nevertheless was found on the backed up XS
- An October 24 picture taken with what is likely a third device
- The November 3 text I've raised before, the source device of which is redacted
- Two pictures taken while at Keith Ablow's
- Two sets of drug purchases, one via iMessage in February 2019 and one via SMS in March 2019

That is, she was not asked to apply her secondary method of validation for a good number

of the comms submitted.

## Transcript

Q. What phone records did law enforce initially obtain?

A. We had phone records, subscriber and call records, which show the back and forth between numbers for three phone numbers that were used by Mr. Biden.

Q. And I'm showing you Exhibit 22(a), 23(a), and 24(a). Take a moment to look at those. What are those three exhibits, Agent Jensen?

A. So this is wireless subscriber information from AT&T for three telephone numbers, subscribed to Robert Biden.

MR. HINES: Move for the admission of 22(a), 23(a) and 24(a).

MR. LOWELL: No objection.

THE COURT: All right. Thank you, they're admitted. ( Exhibit Nos. 22(a), 23(a) and 24(a) were admitted into evidence.)

MR. HINES: Ms. Vo, if you could display 22(a).

BY MR. HINES: Q. Agent Jensen, can you describe what this record shows?

A. So this record, which does have some redaction boxes for personal information shows on the top, you can see, financial liable party, billing party, this is information for a telephone number, 202-552-9396.

Q. And Ms. Vo, if we zoom in on the middle of that page where it says user information. Is that the phone number you read right there under MSISBN?

A. Yes.

Q. Is this a record you received in response to a subpoena your investigators received? A. Yes, this is a record we received approximately April 5th of 2019.

Q. It identifies the defendant's name, as well associated with that number?

A. Yes.

Q. Turning to the next record, 23(a), is this another response to a subpoena from AT&T?

A. Yes, so this came back as part of the same subpoena return, so as part of the same subscriber record. This phone number is 302-377-3313. Also user name Robert H. Biden.

Q. That's a second phone number that you learned was affiliated with Mr. Biden?

A. Yes.

Q. Turning to Exhibit 24(a), what is the phone number listed here?

A. This is a telephone number 202-285-2473.

Q. Who is it listed under?

A. Robert Biden.

Q. And is this the party that's the listed financial liable party?

A. It's both, so at the top it shows Robert Biden as well, and then the user information will typically be the person the phone number is associated with, at least per the AT&T record.

Q. If we zoom out a second Ms. Vo, and look at the date on the top left-hand corner of this document. When were these records provided to law enforcement?

A. On or about, they were generated on 4/5 of 2019, so we would have received them on or just after that date.

Q. After receiving this information from AT&T about the defendant's phone numbers, did investigators issue other subpoenas?

A. Yes.

Q. What is an example of an entity that the investigator issued a subpoena to?



A. After that April 16th of 2019 there was a subpoena issued to Apple Incorporated.

Q. What is Apple Incorporated?

A. Apple as in Apple iPhones, iPads, MAC computers.

Q. Did Apple provide a response?

A. Yes.

Q. What did that response show?

A. It showed – it would be considered supplier records, so it showed purchase history by device associated with Apple ID's, which are associated with a person, and registration information for devices, and other subscriber information for devices associated with Robert H. Biden or Hunter Biden.

Q. Did those records correlate in some respects to the phone records you received from AT&T?

A. Yes. You could see in the records that the phone numbers that came back from AT&T were associated with various devices every time.

Q. Was there an iCloud account associated with the Apple records that Apple provided?

A. They didn't provide at that time contents, so it was just subscriber records, but you can see in some of the records that there were iCloud like services, subscribed to.

Q. What is an iCloud service?

A. So iCloud is essentially a way to replicate your data across your devices, for those who have multiple devices, or as a way to back up your phone and get your – you can find your phone, you can get your information put back on your new phone, it's essentially a remote server controlled by Apple where you can subscribe to and leave your data on a server.

Q. So as opposed to needing to physically plug it into something, there is a way to also upload it to the cloud?

A. Right. The service changed overtime, but essentially you can back up your devices to a cloud, and the other option is you can back up a device to a computer, any computer actually that uses iTunes in that case to back up a device on a mobile computer.

Q. So the subpoena did not provide content at that time, correct?

A. Correct.

Q. Did it provide an e-mail address or iCloud address for Mr. Biden?

A. Yes. So there were Apple ID's, which are typically an e-mail address, sometimes it's not an e-mail address, but you can use your e-mail address, your Apple ID, and there was some provided.

Q. What was one of those iCloud addresses?

A. RHBDC@iCloud.com.

Q. Did investigators ultimately obtain content from Mr. Biden's iCloud account?

A. Yes.

Q. How did they do that?

A. They sought and obtained a search warrant from this court house actually for content for the iCloud account, RHBDC@iCloud.com.

Q. So a judge issued a search warrant for that information?

A. I believe that was August 29th of 2019 that warrant was issued.

Q. How did the investigators get the data?

A. Apple requested a hard drive for the data, so the investigators sent a clean or new hard drive to Apple, Apple provided the data, and sent it back to the investigators.

MR. HINES: Your Honor, may I approach the witness?

BY MR. HINES:

Q. Agent Jensen, I'm showing you what's been marked as government's Exhibit 15. Do you recognize that?

A. Yes.

Q. What is it?

A. This is the hard drive that was sent to Apple and then returned to the investigators with the search warrant returned.

MR. HINES: I move Exhibit 15 into evidence.

MR. LOWELL: No objection.

THE COURT: Thank you. It's admitted. ( Exhibit No. 15 was admitted into evidence.)

BY MR. HINES: Q. Can you please hold that up, Agent Jensen, for a moment? Did investigators ultimately review data from government's Exhibit 15, that hard drive from Apple?

A. Yes.

Q. What kind of data did investigators derive from that hard drive?

A. There were e-mails that were obtained from the iCloud returned for iCloud back ups, so basically a back up for four different devices was recovered or extracted from the data.

Q. Did these back ups, these extractions have evidence of the defendant's addiction on them?

A. Yes.

Q. Did that include evidence of addiction in the year 2018?

A. Yes.

Q. Are there two back up files that investigators utilized for evidence in this case?

A. Yes.

Q. What back up files were those?

A. So we named them Apple back up one, two, three and four. Three is a back up of an iPad pro. So that one was one that we used. The second one we used was Apple back up four, which was an iPhone SR.

Q. Were both of these devices registered to the defendant based on the Apple records?

A. Yes, so the extraction report that comes from these back ups show that there were information, including things like the phone number and MIMEI that associated these devices to Mr. Biden.

Q. Did you independently verify the Apple records to make sure they correlated with the AT&T phone records that we saw produced by AT&T?

A. Yes.

Q. Separately, did law enforcement also later obtain the defendant's laptop and an external hard drive?

A. Yes.

Q. How did they come to receive it?

A. So in late 2019, the FBI received a tip that there was a laptop at a computer repair shop called the MAC Store, here in Wilmington, Delaware, that had been abandoned by its owner, and they ultimately obtained a subpoena and recovered the equipment from the computer store.

MR. HINES: May I approach, Your Honor?

THE COURT: You may. You may freely approach.

MR. HINES: Thank you, I appreciate that.

BY MR. HINES: Q. I'm showing you what has been marked as government's Exhibit 16. Can you look at government's Exhibit 16? What is government's Exhibit 16, Agent Jensen?

A. This is a laptop that was recovered from the computer store.

Q. Did investigators ultimately extract data from that laptop?

A. Yes.

Q. How?

A. So they used forensics, FBI and other federal officials used forensic tools. Actually I think it was just the FBI that used forensic tools to extract data from the laptop.

Q. And was the FBI or law enforcement authorized to look in that laptop?

A. Yeah, so after the – after this laptop was received, the search warrant was obtained for data on the laptop.

Q. Ultimately in examining that laptop, were investigators able to confirm that it was Hunter Biden's laptop?

A. Yes.

Q. How?

A. Among other things, there was a serial number that's on the back of this laptop that matches the Apple subpoena records that they obtained in 2019, so it matches the registration of this particular device to the iCloud account at a particular date.

Q. And is that serial number FVFXC2MMHB29?

A. Yes.

Q. And that's also in the Apple records, you said?

A. Yes.

Q. So from the data from the laptop and the hard drive, did you – what did you do next, or what did the FBI do next when assessing the addiction evidence?

A. So from the data that was extracted from both the iCloud back ups and this – the laptop, investigators were able to go through largely WhatsApp messages, iMessages, and text messages, and found evidence of addiction within the messages.

MR. HINES: Move for the admission of Exhibit 16 and 15 if I did not already, Your Honor.

MR. LOWELL: As we discussed, yes, we understand what that is, so we have that preliminarily, I have no objection.

THE COURT: Okay. It's admitted. ( Exhibit Nos. 15 and 16 were admitted into evidence.)

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## **ROE V. WADE**

SCOTUS opinions are intended in part to persuade as well as to explain. Is Blackmun's opinion in Roe persuasive?

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## **DEFINITION OF AN ADDICT: WHY HUNTER'S PARAPHERNALIA AROUND KIDS MATTERS**

We have no idea what jurors will decide in the Hunter Biden trial in days ahead. What we do know is what definition they'll use to decide whether he was an addict.

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## **PROSECUTORS PLAN TO USE THEIR FAILURE TO**

# **EXPLOIT THE ABLOW LAPTOP AGAINST HUNTER BIDEN**

David Weiss' prosecutors will use the fact that the DEA didn't check the Hunter Biden laptop found at Keith Ablow's office for evidence of drug crimes to excuse the fact that they have no direct evidence of drug use for the period when Hunter Biden owned a gun.