

Jack Smith withheld exculpatory evidence – attorney

 cnav.news/2023/08/06/news/jack-smith-withheld-exculpatory-evidence-attorney/

By Terry A. Hurlbut

August 6, 2023



Several developments suggest Special Counsel Jack Smith either willfully or carelessly withheld evidence that could exculpate Donald J. Trump.

What did Jack Smith have, and when did he have it?

The first report came from CBS News on Thursday evening (August 3). Attorney Tim Parlatore, counsel for former New York Police Commissioner Bernard Kerik, reminded CBS that Kerik turned over “thousands of pages” of records relating to the 2020 Presidential transition. That trove contains documents bearing directly on whether Donald J. Trump believed that some person or persons unknown stole the Election of 2020 from him – or instead cynically set in motion a scheme to defraud Biden of victory and the American people of their rightful President-elect. The latter lies at the heart of the charges against Trump.

CBS revealed several emails showing that Kerik surrendered the documents to Jack Smith on July 23. Those records also show a sincere effort to investigate claims of electoral fraud in key States. Then on August 2, a prosecutor from Smith’s office sent another email to Parlatore, demanding those documents again – as if Jack Smith never got them. That suggested to Parlatore that Jack Smith never even read what he had. Note that the email came *after* Smith’s office filed the indictment.

These documents clearly show that Trump genuinely believed that fraud decided the election. They don’t even include other evidence that clearly shows election irregularities in Georgia, Pennsylvania, Michigan, Wisconsin, Arizona, Nevada, and Minnesota.

Yesterday (per *The Gateway Pundit*), Parlatore appeared on *Fox and Friends Weekend* that Jack Smith had an opportunity to download the documents in question. And he did not do so until two days after he filed the indictment.

How can Jack Smith and Judge Chutkan withhold discovery evidence from President Trump?

They are trying to convict Trump on fake crimes and don't want anyone seeing their "evidence".

Do you think this is prosecutorial misconduct and Jack Smith should be prosecuted?

YES or NO?...

— The Trump Train 🚂🇺🇸 (@The_Trump_Train) August 5, 2023

An incorrect presentation

That's not all. In the separate criminal case involving the Mar-A-Lago documents, Jack Smith had to file a "supplemental response to standing discovery order."

This filing contains surveillance footage from Mar-A-Lago that Smith did not furnish to Trump's attorneys. But it also contains the key admission that the "representation" that his office had furnished all evidence was *incorrect*.

Ironically Jack Smith had accused Trump's staff of erasing a surveillance footage storage server. That accusation seems to pale in comparison to this latest revelation in this case.

JUST IN: Donald Trump accuses special counsel Jack Smith of "prosecutorial misconduct" as he flat out denies the accusation that he told his head of maintenance to delete security footage.

According to the indictment, head of maintenance Carlos De Oliveira told an employee that... pic.twitter.com/ZfH711mQs3

— Collin Rugg (@CollinRugg) July 30, 2023

Prosecutors MUST NOT WITHHOLD EVIDENCE that can be exculpatory. The rule was crystallized in *Brady v. Maryland*, a 1963 Supreme Court decision.

"Suppression by the prosecution of evidence favorable to an accused who has requested it VIOLATES DUE PROCESS where the evidence is...

— Chuck Callesto (@ChuckCallesto) March 12, 2023