

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Case No.: 1:19-CR-00018-ABJ

UNITED STATES OF AMERICA,

v.

ROGER J. STONE, JR.,

Defendant.

_____ /

**MOTION TO COMPEL UNREDACTED VERSIONS OF
THE CROWDSTRIKE REPORTS**

Defendant, Roger J. Stone respectfully moves to compel discovery of the unredacted copies of the CrowdStrike Reports. The defense received copies of three, heavily redacted documents via a CD-ROM on March 19, 2019 pursuant to Federal Rules of Criminal Procedure 16. However, these redactions impede Defendant's ability to mount a comprehensive defense against the charges leveled against him.

The defense believes that the unredacted copies of these Reports constitute *Brady* material because they are likely to contain evidence that is material as to Defendant's innocence. *See Brady v. Maryland*, 373 U.S. 83, 87, 83 S. Ct. 1194, 1197 (1963). The full reports will likely aid the defense in its presentation of the motion to suppress, selective prosecution, and to attack the materiality provision of the perjury counts. As to the motion to suppress, Stone has argued that there were reckless misrepresentations in search warrant applications made by government agents relying on the CrowdStrike reports. As to selective prosecution, if the Russian state did not hack the DNC, DCCC, or Podesta's servers, then Roger Stone was prosecuted for obstructing a congressional investigation into an unproven Russian state hacking conspiracy, while others

similarly situated were not. Lastly, if the Russian state did not hack the servers or did not transfer the data to WikiLeaks, the exculpatory evidence regarding materiality, a factual issue for the jury, is amplified. *See United States v. Gaudin*, 515 U.S. 506, 522–23, 115 S. Ct. 2310, 132 L.Ed.2d 444 (1995).

Defendant Stone's attorneys must be allowed to review unredacted versions of these Reports because they contain evidence and information on matters to Stone's defense. Furthermore, these Reports are not subject to redactions or any kind of government oversight.

CrowdStrike is a private company providing cybersecurity services to various clients, including the Democratic National Committee, another private, non-governmental organization. CrowdStrike was the company that reported to the DNC to the alleged hacking by Russian agents. These Reports contain information that has been relied on by the government and media sources to claim that the DNC was a victim of a hostile former government, aka Russia. These Reports were not commissioned by the government, they do not contain any information that would be detrimental to national security, nor does the government have any legitimate reason to redact these Reports. The Reports were created for the DNC, not for or by the government. Consequently, the government has no right to pick and choose which pieces of evidence contained in these Reports it wants to disclose. The Defendant is entitled to full access of these Reports as the issue of whether or not the DNC was hacked is central to the Defendant's defense. Given that all the discovery in this case is subject to a Protective Order issued by the Court, there is no legitimate reason why the government should not provide the defense counsel with unredacted copies of these drafts and final reports.

Respectfully submitted,

By: /s/_____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 10, 2019, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record or pro se parties, via transmission of Notices of Electronic Filing generated by CM/ECF.

BUSCHEL GIBBONS, P.A.

_____/s/ Robert Buschel_____
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ORDER

Before the Court is Roger J. Stone's Motion to Compel Unredacted Versions of the CrowdStrike Reports. The Court, having considered the Defendant's motion and otherwise being fully advised, finds that the Defendant has a right to the report.

It is therefore ORDERED AND ADJUGED that the Government shall, within fifteen days, provide the Reports, in their entirety, to Defense Counsel. The Court's previously imposed Protective Order guiding discovery, (Dkt. #22) remains in effect and applies in full force to the CrowdStrike Reports.

DONE AND ORDERED in Washington, DC, this _____ day of _____, 2019.

AMY BERMAN JACKSON
United States District Judge

cc: all counsel of record