

EXHIBIT 8



TODD BLANCHE

October 9, 2023

Via Email

Jay Bratt
Julie Edelstein
David Harbach
Senior Assistant Special Counsels
950 Pennsylvania Avenue NW
Room B-206
Washington, D.C. 20530

Re: United States v. Donald J. Trump, No. 23 Cr. 80101 (AMC)

Dear Mr. Bratt, Ms. Edelstein, and Mr. Harbach:

We write on behalf of President Trump, pursuant to Rule 16(a)(1)(E), *Brady*, and *Giglio*, to request the documents and information set forth below. In light of the current motions schedule, we respectfully request a response no later than October 16, 2023.

I. Background

Each of the Requests set forth below calls for production of documents irrespective of their classification level. As used herein, the term “documents” includes (i) all communications, including memoranda, reports, letters, notes, emails, text messages, and other electronic communications; (ii) hard copies and electronically stored information, whether written, printed, or typed; and (iii) all drafts and copies.

The Requests call for specified documents in the possession of the prosecution team. For the avoidance of doubt, based on our review of discovery to date, the term “prosecution team” means:

- All personnel of the Special Counsel’s Office, irrespective of an assignment to a particular investigation or matter;
- The following components of the Department of Justice: Office of the Attorney General, Office of the Deputy Attorney General, Office of Legal Counsel, National Security Division, Public Integrity Section, and the United States Attorney’s Office for the District of Columbia;
- The National Archives and Records Administration, including but not limited to NARA’s General Counsel’s Office, Office of the Inspector General, and White House Liaison Division;

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- Members of the Intelligence Community, as that term is defined in 50 U.S.C. § 3003(4), including ODNI and the IC's Office of the Inspector General;
- In addition to those components of the FBI that are a part of the IC, the FBI's Washington Field Office and Miami Field Division; and
- The White House Counsel's Office.

Please let us know if you disagree about our inclusion of any particular agency or component in the definition of the prosecution team.

II. Requests

1. Please provide all documents relating to security clearances, read-ins to compartmented programs, non-disclosure agreements, and training relating to the handling of classified information that were signed by or provided to President Trump at any time before, during, or after his time as President of the United States.

2. With respect to the search warrant executed at Mar-a-Lago, please provide the following:

- a. All documents relating to the planning and execution of the search, including all sketches;
- b. All documents relating to personnel present for the search, including sign-in logs; and
- c. The complete version of the photo log from the search.

3. Please provide the FBI's "database inventory of the classified documents" and a list of the "FBI-assigned index code[s]" used during the investigation, including the production number of each document listed in the "database" and "index." (*See* USA-00941764).

4. Please provide all communications relating to concurrences obtained to use documents during witness interviews.

5. For each search warrant obtained in connection with the investigation, please identify the "scoped" returns seized pursuant to the warrant by the Special Counsel's Office or DOJ.

6. Please disclose all steps taken by the FBI's Computer Analysis Response Team (CART) and Multimedia Exploitation Unit (MXU) in connection with CCTV from Mar-a-Lago, including the use of any software to expedite the review.

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7. Please disclose all steps taken by Deloitte in connection with the investigation, including but not limited to the processing, handling, and review of evidence and other case-related data.

8. Please identify by production number the documents referenced in the FBI FD-1057, titled "Corrections to Classification of Evidence Items" and bearing production number USA-00950313.

9. Please describe the scope and basis of the FBI's declassification of certain case-related records on or about June 5, 2023. (*See, e.g.*, USA-00940000 ("Declassified By: NSICG [REDACTED] On 06-05-2023")).

10. Please provide a description of the following documents, including the author of the document, when the document was created, and the purpose of the document:

- a. USA-00940116;
- b. USA-00940123;
- c. USA-00940131;
- d. USA-00940152;
- e. USA-00940156;
- f. USA-00940295;
- g. USA-00940301;
- h. USA-00940303;
- i. USA-00941498 – 00941500; and
- j. USA-00941506 – USA-00941509.

11. Please provide the enclosures and/or attachments referenced in the following FBI documents:

- a. USA-00950276;
- b. USA-00950280;
- c. USA-00939793;
- d. USA-00940081;
- e. USA-00940220;
- f. USA-00940221;
- g. USA-00940230;
- h. USA-00940232;
- i. USA-00940236;
- j. USA-00940242;
- k. USA-00940248;
- l. USA-00940271;
- m. USA-00940410;
- n. USA-00940420;
- o. USA-00940422;
- p. USA-00940470;
- q. USA-00940473;

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r. USA-00940477;
s. USA-00940486;
t. USA-00940490;
u. USA-00940492;
v. USA-00940497;
w. USA-00940533;
x. USA-00940539;
y. USA-00940550;
z. USA-00940555;
aa. USA-00940557;
bb. USA-00940659;
cc. USA-00940737;
dd. USA-00940752;
ee. USA-00940762;
ff. USA-00940765;
gg. USA-00940904;
hh. USA-00940912;
ii. USA-00941287;
jj. USA-00941309;
kk. USA-00941316;
ll. USA-00941325;
mm. USA-00941327;
nn. USA-00941352;
oo. USA-00941451;
pp. USA-00941784;
qq. USA-00941967;
rr. USA-00942279;
ss. USA-00942366;
tt. USA-00942518;
uu. USA-00943088;
vv. USA-00944069; and
ww. USA-00944317.

12. For the period from January 20, 2021 to the present, please provide all communications by or including any NARA personnel relating to:

a. The collection of records from President Trump and any other members of President Trump's administration;

b. NARA's practices under, and application of, the Presidential Records Act with respect to President Trump, other members of President Trump's administration, and former presidents and other members of those presidents' administrations; and

c. NARA's historical practices with respect to the collection of records from former presidents and other members of those presidents' administrations.

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13. Please identify all instances in which NARA has referred a matter to any other federal agency, including but not limited to DOJ, FBI, or a member of the IC (including IC-OIG) pursuant to 44 U.S.C. § 2112(c), 44 U.S.C. § 2905(a), or any other authority.

14. Please provide all documents relating to decisions pursuant to 44 U.S.C. § 2205(2), including documents relating to:

a. The FBI's April 4, 2022 request to DOJ for "coordination with White House Counsel on this matter" (USA-00940483);

b. The "past practice" referenced in the FBI's April 4, 2022 memorandum (*id.*); and

c. "[T]he incumbent President's request" referenced in the FBI's April 4, 2022 memorandum (USA-00940484).

15. Please provide all documents relating to the "authority obtained by the Department of Justice" for the FBI's May 16, 2022 "operation" at NARA. (USA-00940546).

16. With respect to the November 22, 2022 memorandum from the FBI to NARA's General Counsel bearing production number USA-00940729:

a. Please explain the basis for the redaction of the first paragraph of the memorandum; and

b. Please provide or identify all materials that NARA provided in response to the November 22, 2022 request, including (i) "All records or information demonstrating a declassification decision by the 45th Presidential Administration," (ii) "Initial and periodic training for handling classified information for all White House personnel during the 45th Presidential Administration," (iii) "Signed classified non-disclosure agreements for all White House personnel during the 45th Presidential Administration," and (iv) "Initial and periodic training for handling classified information for all White House personnel during the 45th Presidential Administration."

17. Please provide all documents relating to the January 26, 2023 video conference between the Special Counsel's Office and NARA General Counsel Gary Stern, including but not limited to any recording of the video conference itself and notes and memoranda relating to "compliance considerations." (USA-00941291).

18. With respect to the meeting on or about May 4, 2023 between the Special Counsel's Office, FBI, and NARA General Counsel Gary Stern:

a. Please identify by production number the "81 unclassified documents responsive to Grand Jury Subpoena 42-0064" that were discussed during the meeting (USA-00943085); and

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b. Please provide all documents relating to the discussion of “multiple legal options relating to potential additional NARA records, that would ensure proper protocol . . .” (*id.*).

19. Please provide all documents relating to the February 2022 “Congressional Inquiry” to NARA referenced in the email bearing production number USA-00309425.

20. Please provide all documents stored in the FBI’s Guardian system relating to this case, including but not limited to:

a. Communications and submissions from or relating to NARA; and

b. FBI communications regarding the status of any open Guardian leads and matters related to the investigation.

21. Please provide all documents relating to Hillary Clinton’s mishandling of classified information while serving as Secretary of State between 2009 and 2013, including all documents reflecting assessments of any damage to national security interests and/or spills of classified information.

22. Please provide all documents relating to James Comey’s mishandling of classified information relating to meetings with President Trump in 2017 Mr. Comey was serving as FBI Director, including all documents reflecting assessments of any damage to national security interests and/or spills of classified information.

23. Please provide all documents relating to the July 15, 2021 *New Yorker* article titled “Letter From Biden’s Washington: ‘You’re Gonna Have a Fucking War’: Mark Milley’s Fight To Stop Trump From Striking Iran,” including all documents reflecting assessments of any damage to national security interests and/or spills of classified information. (USA-00370509).

24. Please provide descriptions of all classified documents, and all documents bearing classification markings, that were seized or otherwise collected from Mike Pence, Joseph Biden, and any other current or former elected federal official between January 2021 and the present.

25. Please provide all documents relating to briefings—including briefings by DOJ, FBI, and ODNI—to the Senate Intelligence Committee and the so-called “Gang of Eight”¹ regarding documents collected from Mike Pence and Joseph Biden, any other current or former elected federal official.

26. With respect to the February 28, 2023 “briefing” and related “G of 8” review referenced in the discovery, please disclose the following:

¹ For purposes of this Request, “Gang of Eight” refers to one or more of Senator Chuck Schumer, Senator Mitch McConnell, Senator Mark Warner, Senator Marco Rubio, Representative Kevin McCarthy, Representative Hakeem Jeffries, Representative Mike Turner, and Representative Jim Himes.

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a. The substance of the “Member’s interests articulated at the February 28 briefing” (USA-00941832);

b. The documents included in “tranche 1” and “tranche 2” of the review and the corresponding production numbers (USA-00941831); and

c. All documents reflecting communications and interactions between members of the prosecution team and the Office of Congressional Affairs (*see* USA-00941829).

27. Please provide a description of the FBI investigation identified using the FBI “Special Case Code” [REDACTED] and its connection to this case. (*See* USA-00941747, USA-00941750).

28. Please provide all documents regarding the establishment of secure facilities at Mar-a-Lago and President Trump’s Bedminster residence, including communications with or regarding the White House Military Office or Per. 46 [REDACTED].

29. Please provide all documents relating to the handling, storage, and classification status of the recordings and other materials provided to the Special Counsel’s Office and/or DOJ by Per. 43 [REDACTED] (including through Per. 43 [REDACTED] counsel).

30. Please provide all records relating to the classification and declassification processes referenced by General Mark Milley during his November 2021 testimony before the U.S. House Select Committee on the January 6 Attack. (*See* Tr. 169 (“I classified the document at the beginning of this process We can get this stuff properly processed and unclassified.”)).

31. Please disclose all documents relating to the alleged statements attributed to President Trump on or about June 3, 2022 in the email thread bearing production number USA-00940265.

32. Please disclose how the Special Counsel’s Office plans to address the witness-advocate problems arising from the following:

a. Mr. Bratt’s presence during the alleged statements attributed to President Trump on or about June 3, 2022; and

b. The presence of Assistant Per. 23 and 6 [REDACTED] at Mar-a-Lago during the execution of the search warrant on or about August 8, 2022.

33. Please provide all documents relating to the call on or about August 3, 2022 between DOJ and FBI during which, according to the August 4, 2022 email from FBI FBI 10 [REDACTED] bearing production number USA-00940276, the following occurred:

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a. George Toscas stated “that ‘he frankly doesn’t give a damn about the optics’ of the anticipated search at Mar-a-Lago;

b. It was acknowledged that Mr. Bratt “has built an antagonistic relationship with FPOTUS’s attorney over the service of the Grand Jury Subpoena”; and

c. “DOJ said” that “DOJ contact with Per. 18 just prior to the execution of the warrant will not go well.”

34. With respect to Special Agent FBI 19 August 9, 2022 email bearing production number USA-00940286:

a. Please disclose, and provide all documents regarding, the “additional detail WRT to FLOTUS” referenced by Special Agent FBI 19 and

b. Please disclose, and provide all documents regarding, the basis for Special Agent FBI 19 assertion that President Trump “maintain[s] a [SCIF] with him”;

c. Please disclose, and provide all documents regarding, the communications referenced in the following assertion by Special Agent FBI 19 “This tenet of the case has been discussed repeatedly and with DOJ.”

35. With respect to the instruction by Ms. Edelstein to FBI personnel on or about December 9, 2022 to not create an FBI FD-302 report relating to a conversation with counsel for Per. 34 please provide the following:

a. A description of the basis for Ms. Edelstein’s instruction;

b. All notes and communications reflecting or relating to the instruction; and

c. All notes and communications relating to conversations with Per. 34 counsel.

36. Please disclose any other instances in which an attorney participating in the investigation instructed or authorized investigative personnel not to create reports or other documentation relating to case-related communications and interviews.

37. Please provide all documents, including but not limited to internal emails and court filings, relating to the Rule 6 violation during the February 2023 grand jury testimony of Per. 44.

38. With respect to your representations to the Court regarding current compliance with Rule 16 and *Brady*, please confirm that you have conducted a case-file review consistent with Justice Manual § 9-5.002.

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39. With respect to your representation to the Court that “all” witness statements have been produced, please confirm that your review of materials potentially subject to the Jencks Act and *Giglio* has included all electronic facilities used by each witness, including both classified and unclassified email accounts, classified and unclassified chat and messaging programs, personal email accounts, personal phones, and personal messaging apps.

We expect to submit additional questions and requests on a rolling basis. Please let us know if you would like to discuss any of these issues.

Respectfully Submitted,

/s/ Todd Blanche

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