

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
	)	
WALTINE NAUTA, and	)	
CARLOS DE OLIVEIRA,	)	
	)	
Defendants.	)	
		)

**THE UNITED STATES’ SUPPLEMENT IN RESPONSE TO THE COURT’S
JANUARY 11, 2025 ORDER**

In response to the Court’s January 11, 2025, order (Dkt. No. 691), and without waiving its jurisdictional objection, the United States hereby files this supplement to its Opposition To Defendants’ Motion To Extend Temporary Injunction (Dkt. No. 690). As the United States has previously noted, the Final Report of Special Counsel Jack Smith comprises two volumes. Volume One concerns the Special Counsel’s investigation and prosecution relating to the 2020 presidential election in Washington, D.C. (Election Case). Volume Two concerns the Special Counsel’s investigation and prosecution of defendants Waltine Nauta and Carlos De Oliveira, as well as President-elect Trump, relating to the mishandling of classified documents (Classified Documents Case).

In response to the Court’s order, the United States believes that nothing in Volume One of the Final Report of the Special Counsel “directly or indirectly refers, relies, or bears in any respect upon any evidence or argument relevant to any of the charges alleged against

Defendants Nauta and De Oliveira in this case.” Dkt. No. 691. Without referencing Defendants Nauta or De Oliveira, any conduct by them, any evidence against them, or the charges against them, Volume One does makes two references to the Classified Documents Case. The government will provide the relevant text in a sealed filing.

As noted in the Attorney General’s January 8, 2025, letter to Congress (Dkt. 685, Ex. A), the Special Counsel’s transmission of the Final Report to the Attorney General included a transmittal letter, a letter from counsel for President Trump, and a letter from the Special Counsel in response. The letter from counsel for President Trump (which was submitted to the Court by defendants, *see* Dkt. 679, Ex A) requested that, if the Special Counsel’s Report were disclosed, the letter from counsel for President Trump and the Special Counsel’s response be incorporated into the Report. Dkt. 679, Ex. A at 12. If the Department is permitted to publicly disclose Volume One or to make Volume Two available to Congress for limited in camera review, the Department intends to also share the transmittal letter from the Special Counsel, the letter from counsel for President Trump, and the letter from the Special Counsel in response, if permitted by the Court. Defendants have not sought to block transmission of these documents, but the Department will provide all three documents as attachments to its sealed filing in an abundance of caution.

Dated: January 12, 2025

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARKENZY LAPOINTE
United States Attorney

s/ Elizabeth J. Shapiro
ELIZABETH J. SHAPIRO
D.C. Bar No. 418925
Special Bar ID #A5502352

United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which sends notice to all counsel of record.

/s/ Elizabeth J. Shapiro
Elizabeth J. Shapiro