AFFIDAVIT OF UNITED STATES ATTORNEY W. ELLIS BOYLE

As evidenced by my signature below, the following statements are made under oath and in support of the Government's Response to Defendant James Comey's Motion to Dismiss for Vindictive and Selective Prosecution.

1. I was appointed interim U.S. Attorney for the Eastern District of North Carolina on August 7, 2025.
2. I took the oath of office and was sworn in on August 11, 2025. I was later confirmed by the U.S. Senate as the United States Attorney for the Eastern District of North Carolina on May 18, 2026.
3. Upon being sworn into office, I received rolling briefings on ongoing matters. This included the preexisting threat investigation concerning Defendant James Comey's May 15, 2025, social media post.
4. That investigation was initiated by the United States Secret Service on May 15, 2025.
5. The Secret Service usually first investigates threats made against the U.S. President and other high-ranking officials with a protective detail.
6. Sometimes Secret Service remains in charge of such investigations throughout the entire investigative and prosecutorial process. But other times, Secret Service passes off investigations to the Federal Bureau of Investigations. Neither is unusual.
7. This existing investigation was aided by and eventually taken over by the Federal Bureau of Investigations in conjunction with my office.

8. Upon learning of the investigation in August 2025, I familiarized myself with all investigative steps.

9. Our office and the Federal Bureau of Investigation took additional investigative steps.

10. No one ordered, directed, or pressured me or my office to continue the investigation.

11. Leading up to the decision to present the evidence to the grand jury, the prosecution team reviewed all evidence collected up to that point. In consultation with the prosecution team in my office, I came to the determination that the evidence supported a finding that Defendant James Comey committed the threat offenses under 18 U.S.C. §§ 871(a), 875(c), and that a jury could find that beyond a reasonable doubt.

12. In reaching that determination, the prosecution team in my office considered only the facts and evidence the investigation uncovered. The prosecution team did not act with animus nor was it in any way motived by animus in making this determination.

13. In making the determination, I did not feel pressured, coerced, or motivated in any way from any individual.

14. I made that determination independently. I did not receive a direction, command, or suggestion to seek an indictment against Comey for any crime.

15. I did not communicate, directly or indirectly, with Attorney General Pam Bondi or then-Acting Attorney General Todd Blanche prior to making that determination.

16. In making that determination, I did not review nor consider any statement ever made by President Donald J. Trump or any personal feelings President Trump may or may not have towards James Comey.

17. The evidence was presented to a grand jury in the Eastern District of North Carolina on April 28, 2026.

18. The grand jury returned a true bill on April 28, 2026.

19. I had no communication with Attorney General Blanche about this case until the day before the grand jury returned a true bill indicting Defendant, notifying him of the potential that a grand jury might indict Defendant as required by the Justice Manual.

20. My involvement in matters concerning Defendant James Comey is limited to this prosecution. I was not involved in the investigation or prosecution of Defendant in the Eastern District of Virginia. Neither was any member of the current prosecution team.[1]

[1] Prior to my time as U.S. Attorney, in May 2025, AUSA Gabriel Diaz was assigned to handle the investigation of Comey in EDNC related to this case. After the indictment in the EDVA, AUSA Diaz was detailed to EDVA to assist with the criminal prosecution of Comey in that district. Although AUSA Diaz initially handled some of the initial investigations on this matter, he stopped working on this case after his detail to the EDVA occupied the majority of his time in October 2025 and November 2025. And as of late December 2025, AUSA Diaz is no longer a prosecutor in this office.

Respectfully submitted this 18th day of August, 2026.

W. ELLIS BOYLE

/s/ W. Ellis Boyle
United States Attorney
Eastern District of North Carolina
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601