

Appendix D

U.S. Department of Justice

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APPENDIX D

SPECIAL COUNSEL'S OFFICE TRANSFERRED, REFERRED, AND COMPLETED CASES

This appendix identifies matters transferred or referred by the Special Counsel's Office, as well as cases prosecuted by the Office that are now completed.

A. Transfers

The Special Counsel's Office has concluded its investigation into links and coordination between the Russian government and individuals associated with the Trump Campaign. Certain matters assigned to the Office by the Acting Attorney General have not fully concluded as of the date of this report. After consultation with the Office of the Deputy Attorney General, the Office has transferred responsibility for those matters to other components of the Department of Justice and the FBI. Those transfers include:

1. United States v. Bijan Rafiekian and Kamil Ekim Alptekin

U.S. Attorney's Office for the Eastern District of Virginia
(Awaiting trial)

The Acting Attorney General authorized the Special Counsel to investigate, among other things, possible criminal conduct by Michael Flynn in acting as an unregistered agent for the Government of Turkey. See August 2, 2017 Memorandum from Rod J. Rosenstein to Robert S. Mueller, III. The Acting Attorney General later confirmed the Special Counsel's authority to investigate Rafiekian and Alptekin because they "may have been jointly involved" with Flynn in FARA-related crimes. See October 20, 2017 Memorandum from Associate Deputy Attorney General Scott Schools to Deputy Attorney General Rod J. Rosenstein.

On December 1, 2017, Flynn pleaded guilty to an Information charging him with making false statements to the FBI about his contacts with the Russian ambassador to the United States. As part of that plea, Flynn agreed to a Statement of the Offense in which he acknowledged that the Foreign Agents Registration Act (FARA) documents he filed on March 7, 2017 "contained materially false statements and omissions." Flynn's plea occurred before the Special Counsel had made a final decision on whether to charge Rafiekian or Alptekin. On March 27, 2018, after consultation with the Office of the Deputy Attorney General, the Special Counsel's Office referred the investigation of Rafiekian and Alptekin to the National Security Division (NSD) for any action it deemed appropriate. The Special Counsel's Office determined the referral was appropriate because the investigation of Flynn had been completed, and that investigation had provided the rationale for the Office's investigation of Rafiekian and Alptekin. At NSD's request, the Eastern District of Virginia continued the investigation of Rafiekian and Alptekin.

2. United States v. Michael Flynn

U.S. Attorney's Office for the District of Columbia
(Awaiting sentencing)

3. United States v. Richard Gates

U.S. Attorney's Office for the District of Columbia
(Awaiting sentencing)

4. United States v. Internet Research Agency, et al. (Russian Social Media Campaign)

U.S. Attorney's Office for the District of Columbia
National Security Division
(Post-indictment, pre-arrest & pre-trial¹)

5. United States v. Konstantin Kilimnik

U.S. Attorney's Office for the District of Columbia
(Post-indictment, pre-arrest)

6. United States v. Paul Manafort

U.S. Attorney's Office for the District of Columbia
U.S. Attorney's Office for the Eastern District of Virginia
(Post-conviction)

7. United States v. Viktor Netyksho, et al. (Russian Hacking Operations)

U.S. Attorney's Office for the Western District of Pennsylvania
National Security Division
(Post-indictment, pre-arrest)

8. United States v. William Samuel Patten

U.S. Attorney's Office for the District of Columbia
(Awaiting sentencing)

The Acting Attorney General authorized the Special Counsel to investigate aspects of Patten's conduct that related to another matter that was under investigation by the Office. The investigation uncovered evidence of a crime; the U.S. Attorney's Office for the District of Columbia handled the prosecution of Patten.

9. Harm to Ongoing Matter

(Investigation ongoing)

The Acting Attorney General authorized the Special Counsel to investigate, among other things, crime or crimes arising out of payments Paul Manafort received from the Ukrainian government before and during the tenure of President Viktor Yanukovich. *See* August 2, 2017 Memorandum from Rod J. Rosenstein to Robert S. Mueller, III. The Acting Attorney General

¹ One defendant, Concord Management & Consulting LLC, appeared through counsel and is in pre-trial litigation.

later confirmed the Special Counsel's authority to investigate **Harm to Ongoing Matter**
[REDACTED]

On October 27, 2017, Paul Manafort and Richard Gates were charged in the District of Columbia with various crimes (including FARA) in connection with work they performed for Russia-backed political entities in Ukraine. On February 22, 2018, Manafort and Gates were charged in the Eastern District of Virginia with various other crimes in connection with the payments they received for work performed for Russia-backed political entities in Ukraine. During the course of its **HOM**, the Special Counsel's Office developed substantial evidence with respect to individuals and entities that were **Harm to Ongoing Matter**
[REDACTED]

² On February 23, 2018, Gates pleaded guilty in the District of Columbia to a multi-object conspiracy and to making false statements; the remaining charges against Gates were dismissed.³ Thereafter, in consultation with the Office of the Deputy Attorney General, the Special Counsel's Office closed the **Harm to Ongoing Matter** and referred them **HOM** for further investigation as it deemed appropriate. The Office based its decision to close those matters on its mandate, the indictments of Manafort, Gates's plea, and its determination as to how best to allocate its resources, among other reasons; [REDACTED]

At **Harm to Ongoing Matter** continued the investigation of those closed matters.

10. United States v. Roger Stone

U.S. Attorney's Office for the District of Columbia
(Awaiting trial)

11. **Harm to Ongoing Matter**

[REDACTED]
(Investigation ongoing)

B. Referrals

During the course of the investigation, the Office periodically identified evidence of potential criminal activity that was outside the scope of the Special Counsel's jurisdiction established by the Acting Attorney General. After consultation with the Office of the Deputy Attorney General, the Office referred that evidence to appropriate law enforcement authorities, principally other components of the Department of Justice and the FBI. Those referrals, listed

² **Harm to Ongoing Matter**
[REDACTED]

³ Manafort was ultimately convicted at trial in the Eastern District of Virginia and pleaded guilty in the District of Columbia. See Vol. I, Section IV.A.8. The trial and plea happened after the transfer decision described here.

alphabetically by subject, are summarized below.

1. **HOM**

Harm to Ongoing Matter

2. Michael Cohen

During the course of the investigation, the Special Counsel's Office uncovered evidence of potential wire fraud and FECA violations pertaining to Michael Cohen. That evidence was referred to the U.S. Attorney's Office for the Southern District of New York and the FBI's New York Field Office.

3. **HOM**

Harm to Ongoing Matter

4. **HOM**

Harm to Ongoing Matter

5. Gregory Craig **HOM** Skadden, Arps, Slate, Meagher & Flom LLP

During the course of the FARA investigation of Paul Manafort and Rick Gates, the Special Counsel's Office uncovered evidence of potential FARA violations pertaining to **HOM** Gregory Craig, Skadden, Arps, Slate, Meagher & Flom LLP (Skadden), and their work on behalf of the government of Ukraine.

After consultation with the NSD, the evidence regarding Craig **HOM** was referred to NSD, and NSD elected to partner with the U.S. Attorney's Office for the Southern District of New York and the FBI's New York Field Office. NSD later elected to partner on the Craig matter with the U.S. Attorney's Office for the District of Columbia. NSD retained and handled issues relating to Skadden itself.

6. **HOM**

Harm to Ongoing Matter

Harm to Ongoing Matter

7. HOM

Harm to Ongoing Matter

8. HOM

Harm to Ongoing Matter

9. HOM

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10. HOM

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11. HOM

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12. HOM

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13. HOM

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Harm to Ongoing Matter

14. **HOM**

Harm to Ongoing Matter

Harm to Ongoing Matter

C. Completed Prosecutions

In three cases prosecuted by the Special Counsel's Office, the defendants have completed or are about to complete their terms of imprisonment. Because no further proceedings are likely in any case, responsibility for them has not been transferred to any other office or component.

1. United States v. George Papadopoulos

Post-conviction, Completed term of imprisonment (December 7, 2018)

2. United States v. Alex van der Zwaan

Post-conviction, Completed term of imprisonment (June 4, 2018)

3. United States v. Richard Pinedo

Post-conviction, Currently in Residential Reentry Center (release date May 13, 2019)