

Jun 8, 2023
ANGELAE NOBLE
UNITED STATES DISTRICT COURT GLERKUS DIST Cr.
SB 101 .C DISTRICT OF FLORIDA
23-80101-CR-CANNON/REINHART

Case No.
18 U.S.C. § 793(e)
18 U.S.C. § 1512(k)
18 U.S.C. § 1512(b)(2)(A)
18 U.S.C. § 1512(6)(1)
18 U.S.C. § 1519
18 U.S.C. § 1001(a)(1)
18 U.S.C. § 1001(a)(2)
18 U.S.C. §2

UNITED STATES OF AMERICA
¥

DONALD J. TRUMP and
WALTINE NAUTA,

Defendants.

INDICTMENT.

'The Grand Jury charges that:

GENERAL ALLEGATIONS

'At times material to this Indictment, on or about the dates and
approximate times stated
below:

Introduction

1. Defendant DONALD J. TRUMP was the forty-fifth President of the United
States
of America, He held office from January 20, 2017, until January 20, 2021.
As president, TRUMP
had lawful access to the most sensitive classified documents and national
defense information
gathered and owned by the United States government, including information
from the agencies
that comprise the United States Intelligence Community and the United
States Department of

Defense.

2. Over the course of his presidency, TRUMP gathered newspapers, press clippings, letters, notes, cards, photographs, official documents, and other materials in cardboard boxes that he kept in the White House. Among the materials TRUMP stored in his boxes were hundreds of classified documents.

3. The classified documents TRUMP stored in his boxes included information regarding defense and weapons capabilities of both the United States and foreign countries; United States nuclear programs; potential vulnerabilities of the United States and its allies to military attack; and plans for possible retaliation in response to @*foreign attack. The unauthorized disclosure of these classified documents could put at risk the national security of the United States, foreign relations, the safety of the United States military, and human sources and the continued viability of sensitive intelligence collection methods.

4. At 12:00 pm. on January 20, 2021, TRUMP ceased to be president. As he departed the White House, TRUMP caused scores of boxes, many of which contained classified documents, to be transported to The Mar-a-Lago Club in Palm Beach, Florida, where he maintained his residence. TRUMP was not authorized to possess or retain those classified documents.

* The Mar-a-Lago Club was an active social club, which, between January 2021 and August 2022, hosted events for tens of thousands of members and guests. After TRUMP's

presidency, The Mar-a-Lago Club was not an authorized location for the storage, possession,

review, display, or discussion of classified documents. Nevertheless, TRUMP stored his boxes containing classified documents in various locations at The Mar-a-Lago Club—including in a ballroom, a bathroom and shower, an office space, his bedroom, and a storage room.

6. On two occasions in 2021, TRUMP showed classified documents to others, as

follows:

a. In July 2021, at Trump National Golf Club in Bedminster, New Jersey ("The Bedminster Club"), during an audio-recorded meeting with a writer, a publisher, and two members of his staff, none of whom possessed a security clearance, TRUMP showed and described a "plan of attack" that TRUMP said was prepared for him by the Department of Defense and a senior military official. TRUMP told the individuals that the plan was "highly confidential" and "secret." TRUMP also said, "as president I could have declassified it," and, "Now I can't, you know, but this is still a secret."

b. In August or September 2021, at The Bedminster Club, TRUMP showed a representative of his political action committee who did not possess a security clearance a classified map related to a military operation and told the representative that he should not be showing it to the representative and that the representative should not get too close.

7. On March 30, 2022, the Federal Bureau of Investigation ("FBI") opened a criminal investigation into the unlawful retention of classified documents at The Mar-a-Lago Club. A federal grand jury investigation began the next month, The grand jury issued a subpoena requiring TRUMP to turn over all documents with classification markings. TRUMP endeavored to obstruct the FBI and grand jury investigations and conceal his continued retention of classified documents by, among other things:

a. suggesting that his attorney falsely represent to the FBI and grand jury that TRUMP did not have documents called for by the grand jury subpoena;

b. directing defendant WALTINE NAUTA to move boxes of documents to conceal them from TRUMP's attorney, the FBI, and the grand jury;

c. suggesting that his attorney hide or destroy documents called for by the grand jury subpoena;

4. providing to the FBI and grand jury just some of the documents called for by the grand jury subpoena, while claiming that he was cooperating fully; and

e. causing a certification to be submitted to the FBI and grand jury falsely representing that all documents called for by the grand jury subpoena had been produced—while knowing that, in fact, not all such documents had been produced.

8. As a result of TRUMP's retention of classified documents after his presidency and refusal to return them, hundreds of classified documents were not recovered by the United States government until 2022, as follows:

a. On January 17, nearly one year after TRUMP left office, and after months of demands by the National Archives and Records Administration for TRUMP to provide all missing presidential records, TRUMP provided only 13 boxes, which contained 197 documents with classification markings.

b. On June 3, in response to a grand jury subpoena demanding the production of all documents with classification markings, TRUMP's attorney provided to the FBI 38 more documents with classification markings.

c. On August 8, pursuant to a court-authorized search warrant, the FBI recovered from TRUMP's office and a storage room at The Mar-a-Lago Club 102 more documents with classification markings.

TRUMP's Co-Conspirator

9. Defendant NAUTA was a member of the United States Navy stationed as a valet in the White House during TRUMP's presidency. Beginning in August 2021, NAUTA became an executive assistant in The Office of Donald J. Trump and served as TRUMP's personal aide or "body man." NAUTA reported to TRUMP, worked closely with TRUMP, and traveled with TRUMP.

The Mar-a-Lago Club

10. The Mar-a-Lago Club was located on South Ocean Boulevard in Palm Beach, Florida, and included TRUMP's residence, more than 25 guest rooms, two ballrooms, a spa, a gift store, exercise facilities, office space, and an outdoor pool and patio. As of January 2021, The Mar-a-Lago Club had hundreds of members and was staffed by more than 150 full-time, part-time,

and temporary employees.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 5 of 49

11. Between January 2021 and August 2022, The Mar-a-Lago Club hosted more than 150 social events, including weddings, movie premieres, and fundraisers that together drew tens of thousands of guests.

12. The United States Secret Service (the "Secret Service") provided protection services to TRUMP and his family after he left office, including at The Mar-a-Lago Club, but it was not responsible for the protection of TRUMP's boxes or their contents. TRUMP did not inform the Secret Service that he was storing boxes containing classified documents at The Mar-a-Lago Club.

Classified Information

13. National security information was information owned by, produced by, produced for, and under the control of the United States government, Pursuant to Executive Order 12958, signed on April 17, 1995, as amended by Executive Order 13292 on March 25, 2003, and Executive Order 13526 on December 29, 2009, national security information was classified as "TOP SECRET," "SECRET," or "CONFIDENTIAL," as follows:

- a, __ Information was classified as TOP SECRET if the unauthorized disclosure of that information reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority was able to identify or describe.
- b. Information was classified as SECRET if the unauthorized disclosure of that information reasonably could be expected to cause serious damage to the national security that the original classification authority was able to identify or describe.
- c. Information was classified as CONFIDENTIAL if the unauthorized disclosure of that information reasonably could be expected to cause damage to the national security that the original classification authority was able to identify or describe.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 6 of 49

14. The classification marking "NOFORN?" stood for "Not Releasable to Foreign Nationals" and denoted that dissemination of that information was limited to United States persons.

15. Classified information related to intelligence sources, methods, and analytical processes was designated as Sensitive Compartmented Information ("SCI"). SCI was to be

processed, stored, used, or discussed in an accredited Sensitive Compartmented Information Facility ("SCIF"), and only individuals with the appropriate security clearance and additional SCI permissions were authorized to have access to such national security information.

16. When the vulnerability of, or threat to, specific classified information was exceptional, and the normal criteria for determining eligibility for access to classified information were insufficient to protect the information from unauthorized disclosure, the United States could establish Special Access Programs ("SAPs") to further protect the classified information. The number of these programs was to be kept to an absolute minimum and limited to programs in which the number of persons who ordinarily would have access would be reasonably small and commensurate with the objective of providing enhanced protection for the information involved. Only individuals with the appropriate security clearance and additional SAP permissions were authorized to have access to such national security information, which was subject to enhanced handling and storage requirements.

17. Pursuant to Executive Order 13526, information classified at any level could be lawfully accessed only by persons determined by an appropriate United States government official to be eligible for access to classified information and who had signed an approved non-disclosure

agreement, who received a security clearance, and who had a "need-to-know" the classified

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 7 of 49

information. After his presidency, TRUMP was not authorized to possess or retain classified documents.

18, Executive Order 13526 provided that a former president could obtain a waiver of the "need-to-know" requirement, if the agency head or senior agency official of the agency that originated the classified information: (1) determined in writing that access was consistent with the interest of national security and (2) took appropriate steps to protect classified information from unauthorized disclosure or compromise and ensured that the information was safeguarded in a

manner consistent with the order. TRUMP did not obtain any such waiver after his presidency.

The Executive Branch Departments and Agencies Whose Classified Documents TRUMP Retained After His Presidency

19. As part of his official duties as president, TRUMP received intelligence briefings from high-level United States government officials, including briefings from the Director of the Central Intelligence Agency, the Chairman of the Joint Chiefs of Staff, senior White House officials, and a designated briefer. He regularly received a collection of classified intelligence from the United States Intelligence Community ("USIC") known as the "President's Daily Brief."

20. The USIC's mission was to collect, analyze, and deliver foreign intelligence and counterintelligence information to America's leaders, including the president, policymakers, law enforcement, and the military, so they could make sound decisions to protect the United States. The USIC consisted of United States executive branch departments and agencies responsible for the conduct of foreign relations and the protection of national security.

21. After his presidency, TRUMP retained classified documents originated by, or implicating the equities of, multiple USIC members and other executive branch departments and

agencies, including the following:

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 8 of 49

'The Central Intelligence Agency ("CIA"). CIA was responsible for providing intelligence on foreign countries and global issues to the president and other policymakers to help them make national security decisions.

The Department of Defense ("DoD"). DoD was responsible for providing the military forces needed to deter war and ensure national security. Some of the executive branch agencies comprising the USIC were within DoD.

The National Security Agency. The National Security Agency was a combat support agency within DoD and a member of the USIC responsible for foreign signals intelligence and cybersecurity. This included collecting, processing, and disseminating to United States policymakers and military leaders foreign intelligence derived from communications and information systems; protecting national security systems; and enabling computer network operations.

The National Geospatial Intelligence Agency. The National Geospatial Intelligence Agency was a combat support agency within DoD responsible for the exploitation and analysis of imagery, imagery intelligence, and geospatial information in support of the national security objectives of the

United States and the geospatial intelligence requirements of DoD, the Department of State, and other federal agencies.

'The National Reconnaissance Office. The National Reconnaissance Office was an agency within DoD responsible for developing, acquiring, launching, and operating space-based surveillance and reconnaissance systems that collected and delivered intelligence to enhance national security.

'The Department of Energy. The Department of Energy was responsible for maintaining a safe, secure, and effective nuclear deterrent to protect national security, including ensuring the effectiveness of the United States nuclear weapons stockpile without nuclear explosive testing.

'The Department of State and Bureau of Intelligence and Research. The Department of State was responsible for protecting and promoting United States security, prosperity, and democratic values. Within the Department of State, the Bureau of Intelligence and Research was a member of the USIC and responsible for providing intelligence to inform diplomacy and support United States diplomats.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 9 of 49

TRUMP's Public Statements on Classified Informat

in

22. As a candidate for President of the United States, TRUMP made the following

public statements, among others, about classified information:

a. On August 18, 2016, TRUMP stated, "In my administration I'm going to enforce all laws concerning the protection of classified information. No one will be above the law."

b. On September 6, 2016, TRUMP stated, "We also need to fight this battle by collecting intelligence and then protecting, protecting our classified secrets. ... We can't have someone in the Oval Office who doesn't understand the meaning of the word confidential or classified."

¢. On September 7, 2016, TRUMP stated, "[O]ne of the first things we must do is to enforce all classification rules and to enforce all laws relating to the handling of classified information."

d. On September 19, 2016, TRUMP stated, "We also need the best protection of classified information."

On November 3, 2016, TRUMP stated, "Service members here in North Carolina have risked their lives to acquire classified intelligence to protect our country."

23. As President of the United States, on July 26, 2018, TRUMP issued the following statement about classified information:

'As the head of the executive branch and Commander in Chief, I have a unique, Constitutional responsibility to protect the Nation's classified information, including by controlling access to it. . . . More broadly, the issue of [2 former executive branch official's] security clearance raises larger questions about the practice of former officials maintaining access to our Nation's most sensitive secrets long after their time in Government has ended. Such access is particularly inappropriate when former officials have transitioned into highly partisan positions and seek to use real or perceived access to sensitive information to validate their political attacks. Any access granted to our Nation's secrets should be in furtherance of national, not personal, interests.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 10 of 49

TRUMP's Retention of Classified Documents After His Presidency

24, In January 2021, as he was preparing to leave the White House, TRUMP and his White House staff, including NAUTA, packed items, including some of TRUMP's boxes. TRUMP was personally involved in this process. TRUMP caused his boxes, containing hundreds of classified documents, to be transported from the White House to The Mar-a-Lago Club.

25. From January through March 15, 2021, some of TRUMP's boxes were stored in The Mar-a-Lago Club's White and Gold Ballroom, in which events and gatherings took place. TRUMP's boxes were for a time stacked on the ballroom's stage, as depicted in the photograph

below (redacted to obscure an individual's identity).

26. In March 2021, NAUTA and others moved some of TRUMP's boxes from the White and Gold Ballroom to the business center at The Mar-a-Lago Club.
Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 11 of 49

27. On April 5, 2021, an employee of The Office of Donald J. Trump ("Trump Employee 1") texted another employee of that office ("Trump Employee 2") to ask whether TRUMP's boxes could be moved out of the business center to make room for staff to use it as an office. Trump Employee 2 replied, "Woah!! Ok so potus specifically asked Walt for those boxes

to be in the business center because they are his 'papers.'" Later that day, Trump Employee 1 and 'Trump Employee 2 exchanged the following text messages:
'Trump Employee 2:

We can definitely make it work if we move his papers into the lake room?

Trump Employee 1:

There is still a little room in the shower where his other stuff is, Is it only his papers he cares about? 'Theres some other stuff in there that are not papers. Could that go to storage? Or does he want everything in there on property

'Trump Employee 2:
Yes - anything that's not the beautiful mind paper boxes can definitely go to storage. Want to take a look at the space and start moving tomorrow AM?
28, After the text exchange between Trump Employee 1 and Trump Employee 2, in

April 2021, some of TRUMP's boxes were moved from the business center to a bathroom and

shower in The Mar-a-Lago Club's Lake Room, as depicted in the photograph below.

1

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 12 of 49

29. In May 2021, TRUMP directed that a storage room on the ground floor of The Mar-a-Lago Club (the "Storage Room") be cleaned out so that it could be used to store his boxes.

The hallway leading to the Storage Room could be reached from multiple outside entrances, including one accessible from The Mar-a-Lago Club pool patio through a doorway that was often kept open. The Storage Room was near the liquor supply closet, linen room, lock shop, and various other rooms.

30. On June 24, 2021, TRUMP's boxes that were in the Lake Room were moved to the Storage Room. After the move, there were more than 80 boxes in the Storage Room, as

depicted in the photographs below.

12

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 13 of 49

31. On December 7, 2021, NAUTA found several of TRUMP's boxes fallen and their

contents spilled onto the floor of the Storage Room, including a document marked "SECRET//REL

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 14 of 49

TO USA, FVEY," which denoted that the information in the document was releasable only to the Five Eyes intelligence alliance consisting of Australia, Canada, New Zealand, the United Kingdom, and the United States, NAUTA texted Trump Employee 2, "I opened the door and found this..." NAUTA also attached two photographs he took of the spill. Trump Employee 2 replied, "Oh no oh no," and "I'm sorry potus had my phone." One of the photographs NAUTA. texted to Trump Employee 2 is depicted below with the visible classified information redacted.

TRUMP's unlawful retention of this document is charged in Count 8 of this Indictment.

TRUMP's Disclosures of Classified Information in Private/Meetings

32. In May 2021, TRUMP caused some of his boxes to be brought to his summer

residence at The Bedminster Club. Like The Mar-a-Lago Club, after TRUMP's presidency, The

Bedminster Club was not an authorized location for the storage, possession, review, display, or

discussion of classified documents.

14

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 15 of 49

33. On July 21, 2021, when he was no longer president, TRUMP gave an interview in his office at The Bedminster Club to a writer and a publisher in connection with a then-forthcoming book. Two members of TRUMP's staff also attended the interview, which was recorded with TRUMP's knowledge and consent. Before the interview, the media had published reports that, at the end of TRUMP's term as president, a senior military official (the "Senior Military Official") purportedly feared that TRUMP might order an attack on Country A and that the Senior Military Official advised TRUMP against doing so.

34. Upon greeting the writer, publisher, and his two staff members, TRUMP stated, "Look what I found, this was [the Senior Military Official's] plan of attack, read it and just show it's interesting." Later in the interview, TRUMP engaged in the following exchange:

TRUMP: Well, with [the Senior Military Official]-uh, let me see that, I'll show you an example. He said that I wanted to attack [Country A]. Isn't it amazing? I have a big pile of papers, this thing just came up. Look. This was him. They presented me this-this

is off the record, but-they presented me this. This was him. This was the Defense Department and him.

WRITER: Wow.

TRUMP: - We looked at some. This was him. 'This wasn't done by me, this was him. All sorts of stuff-pages long, look.

STAFFER: Mm.

TRUMP: - Wait a minute, let's see here.

STAFFER: Laughter] Yeah.

TRUMP: [just found, isn't that amazing? This totally wins my case, you know.

STAFFER: Mm-hm.

TRUMP: Except it is like, highly confidential.

15

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 16 of 49

STAFFER: Yeah. [Laughter]

TRUMP: Secret. This is secret information. Look, look at this. You attack, and-

tee

TRUMP: By the way. Isn't that incredible?

STAFFER: Yeah.

TRUMP: _ I was just thinking, because we were talking about it. And you know, he said, "he wanted to attack [Country A], and what..."

STAFFER: You did.

TRUMP: This was done by the military and given to me. Uh, I think we can probably, right?

STAFFER: _ I don't know, we'll, we'll have to see. Yeah, we'll have to try to-

TRUMP: _Declassify it.

STAFFER: -figure out a-yeah.

TRUMP: See as president I could have declassified it.

STAFFER: Yeah. [Laughter]

TRUMP: - Now can't, you know, but this is still a secret.

STAFFER: Yeah. [Laughter] Now we have a problem.

TRUMP: _Isn't that interesting?

'At the time of this exchange, the writer, the publisher, and TRUMP?'s two staff members did not have security clearances or any need-to-know any classified information about a plan of attack on Country A.

35. In August or September 2021, when he was no longer president, TRUMP met in

his office at The Bedminster Club with a representative of his political action committee (the "PAC

16

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 17 of 49

Representative"). During the meeting, TRUMP commented that an ongoing military operation in Country B was not going well. TRUMP showed the PAC Representative a classified map of Country B and told the PAC Representative that he should not be showing the map to the PAC Representative and to not get too close. The PAC Representative did not have a security clearance or any need-to-know classified information about the military operation.

36. On February 16, 2017, four years before TRUMP's disclosures of classified information set forth above, TRUMP said at a press conference:

'The first thing I thought of when I heard about it is, how does the press get this information that's classified? How do they do it? You know why? Because it's an illegal process, and the press should be ashamed of themselves. But more importantly, the people that gave out the information to the press should be ashamed of themselves. Really ashamed.

TRUMP's Production of 15 Cardboard Boxes to the
ional Archives and Records Administration

37. Beginning in May 2021, the National Archives and Records Administration (<NARA"), which was responsible for archiving presidential records, repeatedly demanded that 'TRUMP turn over presidential records that he had kept after his presidency. On multiple occasions, beginning in June, NARA warned TRUMP through his representatives that if he did not comply, it would refer the matter of the missing records to the Department of Justice.

38. Between November 2021 and January 2022, NAUTA and Trump Employee 2—at TRUMP's direction—brought boxes from the Storage Room to TRUMP's residence for TRUMP to review.

39. On November 12, 2021, Trump Employee 2 provided TRUMP a photograph of his boxes in the Storage Room by taping it to one of the boxes that Trump Employee 2 had placed in

TRUMP's residence. Trump Employee 2 provided TRUMP the photograph so that TRUMP

17

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 18 of 49

could see how many of his boxes were stored in the Storage Room. The photograph, shown below,

depicted a wall of the Storage Room against which dozens of TRUMP's boxes were stacked.

40. On November 17, 2021, NAUTA texted Trump Employee 2 about the photograph Trump Employee 2 had provided to TRUMB, stating, "He mentioned about a picture of the "boxes" he wants me to see it?" Trump Employee 2 replied, "Calling you shortly."

41. On November 25, 2021, Trump Employee 2 texted NAUTA about TRUMP's review of the contents of his boxes, asking, "Has he mentioned boxes to you? I delivered some, but I think he may need more. Could you ask if he'd like more in pine hall?" Pine Hall was an entry room in TRUMP's residence. NAUTA replied in three successive text messages:

Nothing about boxes yet
He has one he's working on in pine hall

Knocked out 2 boxes yesterday

18

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 19 of 49

42. On November 29, 2021, Trump Employee 2 texted NAUTA, asking, "Next you are on property (no rush) could you help me bring 4 more boxes up?" NAUTA replied, "Yes! Of course."

43.' On December 29, 2021, Trump Employee 2 texted a TRUMP representative who
'was in contact with NARA ("Trump Representative 1"), "box answer will be
wrenched out of him
today, promise!" The next day, Trump Representative 1 replied in two
successive text messages:

Hey - Just checking on Boxes...

'would love to have a number to them today
Trump Employee 2 spoke to TRUMP and then responded a few hours later in
two successive text
messages:

12

Ishis number

44. On January 13, 2022, NAUTA texted Trump Employee 2 about TRUMP's
"tracking" of boxes, stating, "He's tracking the boxes, more to follow
today on whether he wants
to go through more today or tomorrow." Trump Employee 2 replied, "Thank
you!"

45. On January 15, 2022, NAUTA sent Trump Employee 2 four successive text
messages:

One thing he asked
Was for new covers for the boxes, for Monday m.
Morning

*can we get new box covers before giving these to them on
Monday? They have too much writing on them..I marked too much

Trump Employee 2 replied, "Yes, I will get that!"

19

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page
20 of 49

46. On January 17, 2022, Trump Employee 2 and NAUTA gathered 15 boxes from
TRUMP's residence, loaded the boxes in NAUTA's car, and took them to a
commercial truck for
delivery to NARA.

47. When interviewed by the FBI in May 2022 regarding the location and
movement
of boxes before the production to NARA, NAUTA made false and misleading
statements as set
forth in Count 38 of this Indictment, including:

a. falsely stating that he was not aware of TRUMP' boxes being brought to
TRUMP's residence for his review before TRUMP provided 15 boxes to

NARA in January 2022;

b. falsely stating that he did not know how the boxes that he and 'Trump Employee 2 brought from TRUMP's residence to the commercial truck for delivery to NARA on January 17, 2022, had gotten to the residence; and

c. when asked whether he knew where TRUMP's boxes had been stored before they were in TRUMP's residence and whether they had been in a secure or locked location, NAUTA falsely responded, "I wish, I wish could tell you. I don't know. I don't—I honestly just don't know."

48. When the 15 boxes that TRUMP had provided reached NARA in January 2022,

NARA reviewed the contents and determined that 14 of the boxes contained documents with classification markings. Specifically, as the FBI later determined, the boxes contained 197 documents with classification markings, of which 98 were marked "SECRET," 30 were marked "TOP SECRET," and the remainder were marked "CONFIDENTIAL." Some of those documents also contained SCI and SAP markings.

49. On February 9, 2022, NARA referred the discovery of classified documents in

TRUMP's boxes to the Department of Justice for investigation,

The FBI and Grand Jury Investigations

50. On March 30, 2022, the FBI opened a criminal investigation.

51. On April 26, 2022, a federal grand jury opened an investigation.

20

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 21 of 49

The Defendants' Conce:

52, On May 11, 2022, the grand jury issued a subpoena (the "May 11 Subpoena") to

The Office of Donald J. Trump requiring the production of all documents with classification

markings in the possession, custody, or control of TRUMP or The Office of Donald J. Trump.

Two attorneys representing TRUMP ("Trump Attorney 1" and "Trump Attorney 2") informed

TRUMP of the May 11 Subpoena, and he authorized Trump Attorney 1 to accept service,

53, On May 22, 2022, NAUTA entered the Storage Room at 3:47 p.m. and left approximately 34 minutes later, carrying one of TRUMP's boxes.

34, On May 23, 2022, TRUMP met with Trump Attorney 1 and Trump Attorney 2 at The Mar-a-Lago Club to discuss the response to the May 11 Subpoena. Trump Attorney 1 and Trump Attorney 2 told TRUMP that they needed to search for documents that would be responsive to the subpoena and provide a certification that there had been compliance with the subpoena. TRUMP, in sum and substance, made the following statements, among others, as memorialized by Trump Attorney 1:

a. I don't want anybody looking, I don't want anybody looking through my boxes, I really don't, I don't want you looking through my boxes.

b. Well what if we, what happens if we just don't respond at all or don't play ball with them?

©. . Wouldn't it be better if we just told them we don't have anything here?

4. Well look isn't it better if there are no documents?

55. While meeting with Trump Attorney 1 and Trump Attorney 2 on May 23, TRUMP, in sum and substance, told the following story, as memorialized by Trump Attorney 1:

[Attorney], he was great, he did a great job. You know what? He said, he said that it – that it was him. 'That he was the one who

deleted all of her emails, the 30,000 emails, because they basically dealt with her scheduling and her going to the gym and her having

21

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 22 of 49

beauty appointments. And he was great. And he, so she didn't get in any trouble because he said that he was the one who deleted them.

TRUMP related the story more than once that day.

56. On May 23, TRUMP also confirmed his understanding with Trump Attorney 1 that

Trump Attorney 1 would return to The Mar-a-Lago Club on June 2 to search for any documents

with classification markings to produce in response to the May 11 Subpoena. Trump Attorney 1

made it clear to TRUMP that Trump Attorney 1 would conduct the search for responsive

documents by looking through TRUMP's boxes that had been transported from the White House

and remained in storage at The Mar-a-Lago Club. TRUMP indicated that he wanted to be at The Mar-a-Lago Club when Trump Attomey 1 returned to review his boxes on June 2, and that TRUMP would change his summer travel plans to do so. TRUMP told Trump Attorney 2 that Trump Attomey 2 did not need to be present for the review of boxes.

57. After meeting with Trump Attorney | and Trump Attorney 2 on May 23, TRUMP delayed his departure from The Mar-a-Lago Club to The Bedminster Club for the summer so that he would be present at The Mar-a-Lago Club on June 2, when Trump Attomey I returned to review the boxes.

58. Between TRUMP's May 23 meeting with Trump Attorney 1 and Trump Attorney 2 to discuss the May 11 Subpoena, and June 2, when Trump Attorney 1 returned to 'The Mar-a-Lago Club to review the boxes in the Storage Room, NAUTA removed-at TRUMP's direction - a total of approximately 64 boxes from the Storage Room and brought them to TRUMP's residence, as set forth below:

a. On May 24, 2022, between 5:30 p.m. and 5:38 p.m., NAUTA removed three boxes from the Storage Room.

22

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 23 of 49

59.

4.

On May 30, 2022, at 9:08 a.m., TRUMP and NAUTA spoke by phone for approximately 30 seconds, Between 10:02 a.m. and 11:51 a.m., NAUTA removed a total of approximately 50 boxes from the Storage Room.

On May 30, 2022, at 12:33 p.m., a Trump family member texted NAUTA:

Good afternoon Walt,
Happy Memorial Day!

I saw you put boxes to Potus room. Just FYI and I will tell him as well:

Not sure how many he wants to take on Friday on the plane. We will NOT have a room for them. Plane will be full with luggage.

'Thank you!

NAUTA replied:

Good Afternoon Ma'am [Smiley Face Emoji]
Thank you so much.

I think he wanted to pick from them, I don't imagine him wanting to take the boxes.

He told me to put them in the room and that he was going to talk to you about them.

On June 1, 2022, beginning at 12:52 p.m., NAUTA removed approximately 11 boxes from the Storage Room.

On June 1, 2022, TRUMP spoke with Trump Attorney 1 by phone and asked

whether Trump Attorney 1 was coming to The Mar-a-Lago Club the next day and for exactly what

purpose. Trump Attorney 1 reminded TRUMP that Trump Attomey 1 was going to review the

boxes that had been transported from the White House and remained in storage at The Mar-a-Lago

Club so that Trump Attorney 1 could have a custodian of records certify that the May 11 subpoena

had been complied with fully.

23

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 24 of 49

60. On June 2, 2022, the day that Trump Attorney 1 was scheduled to review 'TRUMP's boxes in the Storage Room, TRUMP spoke with NAUTA on the phone at 9:29 a.m. for approximately 24 seconds.

61. Later that day, between 12:33 p.m. and 12:52 p.m., NAUTA and an employee of 'The Mar-a-Lago Club moved approximately 30 boxes from TRUMP?' residence to the Storage Room.

62. In sum, between May 23, 2022, and June 2, 2022, before Trump Attomey I's review of TRUMP?'s boxes in the Storage Room, NAUTA-at TRUMP"s direction-moved approximately 64 boxes from the Storage Room to TRUMP?'s residence and brought to the Storage Room only approximately 30 boxes. Neither TRUMP nor NAUTA informed Trump Attorney 1

of this information.

The False Certificate to the FBI and the Grand Jury

63. On the afternoon of June 2, 2022, as TRUMP had been informed, Trump

Attorney 1 arrived at The Mar-a-Lago Club to review TRUMP's boxes to look for documents with classification markings in response to the May 11 Subpoena. TRUMP met with Trump Attorney 1 before Trump Attorney 1 conducted the review. NAUTA escorted Trump Attorney 1 to the Storage Room.

64. Between 3:53 p.m. and 6:23 p.m., Trump Attorney 1 reviewed the contents of TRUMP's boxes in the Storage Room. Trump Attorney 1 located 38 documents with classification markings inside the boxes, which Trump Attorney 1 removed and placed in a Redweld folder. Trump Attorney 1 contacted NAUTA and asked him to bring clear duct tape to the Storage Room, which NAUTA did. Trump Attorney 1 used the clear duct tape to seal the

Redweld folder with the documents with classification markings inside.

24

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 25 of 49

65. After Trump Attorney 1 finished sealing the Redweld folder containing the documents with classification markings that he had found inside TRUMP's boxes, NAUTA took Trump Attorney 1 to a dining room in The Mar-a-Lago Club to meet with TRUMP. After Trump Attorney 1 confirmed that he was finished with his search of the Storage Room, TRUMP asked, "Did you find anything? . . . Is it bad? Good?"

66. TRUMP and Trump Attorney 1 then discussed what to do with the Redweld folder containing documents with classification markings and whether Trump Attorney 1 should bring them to his hotel room and put them in a safe there. During that conversation, TRUMP made a plucking motion, as memorialized by Trump Attorney 1:

He made a fanny motion as though – well okay why don't you take them with you to your hotel room and if there's anything really bad

in there, like, you know, pluck it out. And that was the motion that he made. He didn't say that.

67. That evening, Trump Attorney 1 contacted the Department of Justice and requested that an FBI agent meet him at The Mar-a-Lago Club the next day, June 3, so that he could turn over the documents responsive to the May 11 Subpoena.

68. Also that evening, Trump Attorney 1 contacted another TRUMP attorney ("Trump Attorney 3") and asked her if she would come to The Mar-a-Lago Club the next morning to act as

a custodian of records and sign a certification regarding the search for documents with classification markings in response to the May 11 Subpoena. Trump Attorney 3, who had no role in the review of TRUMP's boxes in the Storage Room, agreed.

69. The next day, on June 3, 2022, at Trump Attorney 1's request, Trump Attorney 3 signed a certification as the custodian of records for The Office of Donald J. Trump and took it to The Mar-a-Lago Club to provide it to the Department of Justice and FBI. In the certification,

Trump Attorney 3—who performed no search of TRUMP's boxes, had not reviewed the May 11

25

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 26 of 49

Subpoena, and had not reviewed the contents of the Redweld folder—stated, among other things,

that "[b]ased upon the information that [had] been provided to" her:

- a. "A diligent search was conducted of the boxes that were moved from the White House to Florida";
- b. "This search was conducted after receipt of the subpoena, in order to locate

any and all documents that are responsive to the subpoena"; and

- c. "Any and all responsive documents accompany this certification."

70. These statements were false because, among other reasons, TRUMP had directed NAUTA to move boxes before Trump Attorney 1's June 2 review, so that many boxes were not searched and many documents responsive to the May 11 Subpoena could not be found—and in fact were not found—by Trump Attorney 1.

71. Shortly after Trump Attomey 3 executed the false certification, on June 3, 2022, Trump Attorney 1 and Trump Attorney 3 met at The Mar-a-Lago Club with personnel from the Department of Justice and FBI. Trump Attorney 1 and Trump Attorney 3 tured over the Redweld folder containing documents with classification markings, as well as the false certification signed by Trump Attorney 3 as custodian of records. 'TRUMP, who had delayed his departure from The Mar-a-Lago Club, joined Trump Attorney 1 and Trump Attomey 3 for some of the meeting. TRUMP claimed to the Department of Justice and FBI that he was "an open book."

72. Batlier that same day, NAUTA and others loaded several of TRUMP' boxes along with other items on aircraft that flew TRUMP and his family north for the summer.

'The Court-Authorized Search of The Mar-a-Lago Club
73. In July 2022, the FBI and grand jury obtained and reviewed surveillance video from

'The Mar-a-Lago Club showing the movement of boxes set forth above.

26

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 27 of 49

74. On August 8, 2022, the FBI executed a court-authorized search warrant at The Mar-a-Lago Club, The search warrant authorized the FBI to search for and seize, among other things, all documents with classification markings.

75. - During the execution of the warrant at The Mar-a-Lago Club, the FBI seized 102

documents with classification markings in TRUMP's office and the Storage Room, as follows:

Eston Number of Classification
Documents Markings
Top Secret (6)
TRUMP's Office 27 Secret (18)
Confidential (3)
Top Secret (11)
Storage Room | 15 Secret (36)
Confidential (28)

27

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page
28 of 49

COUNTS 1-31

Willful Retention of National Defense Information
(18 U.S.C. § 793(¢))

76. – The General Allegations of this Indictment are re-alleged and fully
incorporated
here by reference.

77. – Onor about the dates set forth in the table below, in Palm Beach
County, in the
Souther District of Florida, and elsewhere, the defendant,
DONALD J. TRUMP,
having unauthorized possession of, access to, and control over documents
relating to the national
defense, did willfully retain the documents and fail to deliver them to
the officer and employee of
the United States entitled to receive them; that is–TRUMB, without
authorization, retained-at

'The Mar-a-Lago Club documents relating to the national defense, including
the following:

Count Date of Offense / Classification Marking / Document Description

January 20, 2021 – August 8, 2022

TOP SECRET//NOFORN//SPECIAL HANDLING

Document dated May 3, 2018, concerning White House intelligence briefing related to various foreign countries

January 20, 2021 – August 8, 2022

TOP SECRET//SU//NOFORN//SPECIAL HANDLING

2

Document dated May 9, 2018, concerning White House intelligence briefing related to various foreign countries
January 20, 2021 -- August 8, 2022

3 TOP SECRET//SI//NOFORN//FISA.

Undated document concerning military capabilities of a foreign country and the United States, with handwritten annotation in black marker

28

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 29 of 49

January 20, 2021 – August 8, 2022

TOP SECRET//SPECIAL HANDLING

Document dated May 6, 2019, concerning White House intelligence briefing related to foreign countries, including military activities and planning of foreign countries

January 20, 2021 – August 8, 2022

5 | TOP SECRET/[redacted]/[redacted]//ORCON/NOFORN

Document dated June 2020 concerning nuclear capabilities of a foreign country

January 20, 2021 – August 8, 2022

TOP SECRET//SPECIAL HANDLING

Document dated June 4, 2020, concerning White House intelligence briefing related to various foreign countries

January 20, 2021 – August 8, 2022

SECRET//NOFORN

Document dated October 21, 2018, concerning communications with a leader of a foreign country

January 20, 2021 – August 8, 2022

SECRET//REL TO USA, FVEY

Document dated October 4, 2019, concerning military capabilities of a foreign country

January 20, 2021 – August 8, 2022

9 | TOP SECRET//[redacted]/[redacted]//ORCON/NOFORN/FISA.

Undated document concerning military attacks by a foreign country

29

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 30 of 49

January 20, 2021 – August 8, 2022

19 ____ | TOP SECRET/TK//NOFORN

Document dated November 2017 concerning military capabilities of a foreign country

January 20, 2021 – August 8, 2022

11 | No marking

Undated document concerning military contingency planning of the United States

January 20, 2021 – August 8, 2022

12 _ | SECRET//REL TO USA, FVEY

Pages of undated document concerning projected regional military capabilities of a foreign country and the United States

January 20, 2021 – August 8, 2022

13 _ | TOP SECRET//SUTK/NOFORN

Undated document concerning military capabilities of a foreign country and the United States

January 20, 2021 – August 8, 2022

14 _ | SECRET//ORCON/NOFORN

Document dated January 2020 concerning military options of a foreign country and potential effects on United States interests

January 20, 2021 – August 8, 2022

15 SECRET//ORCON/NOFORN,

Document dated February 2020 concerning policies in a foreign country

30

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page
31 of 49

January 20, 2021 – August 8, 2022

SECRET//ORCON/NOFORN-

Document dated December 2019 concerning foreign country support of
terrorist acts
against United States interests

January 20, 2021 – August 8, 2022

17 ____ | TOP SECRET//{redacted}/TK//ORCON/IMCON/NOFORN

Document dated January 2020 concerning military capabilities of a foreign
country

January 20, 2021 – August 8, 2022

SECRET//NOFORN

Document dated March 2020 concerning military operations against United States forces and others

January 20, 2021 – August 8, 2022

ae SECRET//FORMERLY RESTRICTED DATA.

Undated document concerning nuclear weaponry of the United States

January 20, 2021 – August 8, 2022

20 TOP SECRET//{redacted}//ORCON/NOFORN

Undated document concerning timeline and details of attack in a foreign country

January 20, 2021 – August 8, 2022

21 | SECRET//NOFORN

Undated document concerning military capabilities of foreign countries

January 20, 2021 – June 3, 2022

22 ____ | TOP SECRET//{redacted}/RSEN/ORCON/NOFORN

Document dated August 2019 concerning regional military activity of a foreign country

31

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page
32 of 49

January 20, 2021 – June 3, 2022

23

Document dated August 30, 2019, concerning White House intelligence
briefing
related to various foreign countries, with handwritten annotation in black
marker

January 20, 2021 – June 3, 2022

24 TOP SECRET//HCS-P/SI//ORCON-USGOV/NOFORN

Undated document concerning military activity of a foreign country

January 20, 2021 – June 3, 2022

TOP SECRET//HCS-P/SI//ORCON-USGOV/NOFORN

TOP SECRET//SPECIAL HANDLING

|
|

25

Document dated October 24, 2019, concerning military activity of foreign countries and the United States
January 20, 2021 – June 3, 2022

26 _ | TOP SECRET//[redacted]//ORCON/NOFORN/FISA

Document dated November 7, 2019, concerning military activity of foreign countries and the United States

January 20, 2021 – June 3, 2022

ay TOP SECRET//SI/TK//NOFORN

Document dated November 2019 concerning military activity of foreign countries

January 20, 2021 – June 3, 2022

2g _ | TOP SECRET//SPECIAL HANDLING

Document dated October 18, 2019, concerning White House intelligence briefing related to various foreign countries

January 20, 2021 – June 3, 2022

29 _ | TOP SECRET//[redacted]/SI/TK//ORCON/NOFORN

Document dated October 18, 2019, concerning military capabilities of a foreign country

January 20, 2021 – June 3, 2022

30 | TOP SECRET//[redactedj//ORCON/NOFORN/FISA

Document dated October 15, 2019, concerning military activity in a foreign country

January 20, 2021 – June 3, 2022

31 TOP SECRET//SI/TK//NOFORN

Document dated February 2017 concerning military activity of a foreign country

All in violation of Title 18, United States Code, Section 793(e).

33

COUNT 32

Conspiracy to Obstruct Justice
(18 U.S.C. § 15120)

78. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

'The Conspiracy and its Objects

79. From on or about May 11, 2022, through in or around August 2022, in Palm Beach

County, in the Southern District of Florida, and elsewhere, the defendants,

DONALD J. TRUMP and

WALTINE NAUTA,

did knowingly combine, conspire, confederate, and agree with each other and with others known and unknown to the grand jury, to engage in misleading conduct toward another person and corruptly persuade another person to withhold a record, document, and other object from an official proceeding, in violation of 18 U.S.C. § 1512(b)(2)(A), and to corruptly conceal a record, document, and other object from an official proceeding, in violation of 18 U.S.C. § 1512(6)(1).

'The Purpose of the Conspiracy

80. The purpose of the conspiracy was for TRUMP to keep classified documents he had taken with him from the White House and to hide and conceal them from a federal grand jury.

'The Manner and Means of the Conspiracy

81. The manner and means by which the defendants sought to accomplish the objects and purpose of the conspiracy included, among other things, the following:
a. Suggesting that Trump Attorney 1 falsely represent to the FBI and grand jury that TRUMP did not have documents called for by the May 11 Subpoena;

b. moving boxes of documents to conceal them from Trump Attorney 1, the FBI, and the grand jury;

34

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 34 of 49

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 35 of 49

suggesting that Trump Attorney 1 hide or destroy documents called for by the May 11 Subpoena;

d. providing to the FBI and grand jury just some of the documents called for

f

by the May 11 Subpoena, while TRUMP claimed he was cooperating fully; causing a false certification to be submitted to the FBI and grand jury representing that all documents with classification markings had been produced, when in fact they had not; and

making false and misleading statements to the FBI.

All in violation of Title 18, United States Code, Section 1512(k).

35

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 36 of 49

COUNT 33

Withholding a Document or Record

(18 U.S.C. §§ 1512(b)(2)(A), 2)

82, The General Allegations of this Indictment are re-alleged and fully incorporated

here by reference,

83, From on or about May 11, 2022, through in or around August 2022, in Palm Beach

County, in the Southern District of Florida, and elsewhere, the defendants,

DONALD J. TRUMP and

WALTINE NAUTA,

did knowingly engage in misleading conduct toward another person, and

knowingly corruptly

persuade and attempt to persuade another person, with intent to cause and induce any person to

withhold a record, document, and other object from an official proceeding; that is—(1) TRUMP

attempted to persuade Trump Attorney 1 to hide and conceal documents from a federal grand jury;

and (2) TRUMP and NAUTA misled Trump Attorney 1 by moving boxes that contained

documents with classification markings so that Trump Attorney 1 would not find the documents

and produce them to a federal grand jury.

All in violation of Title 18, United States Code, Sections 1512(b)(2)(A) and 2.

36

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 37 of 49

COUNT 34

) Corruptly Concealing a Document or Record

I (18 U.S.C. §§ 1512(c)(1), 2)

84, The General Allegations of this Indictment are re-alleged and fully incorporated

here by reference.

85. From on or about May 11, 2022, through in or around August 2022, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

DONALD J. TRUMP and
WALTINE NAUTA,

did corruptly conceal a record, document, and other object, and attempted to do so, with the intent to impair the object's integrity and availability for use in an official proceeding; that is—TRUMP and NAUTA hid and concealed boxes that contained documents with classification markings from 'Trump Attorney 1 so that Trump Attorney 1 would not find the documents and produce them to a federal grand jury.

All in violation of Title 18, United States Code, Sections 1512(c)(1) and 2.

37

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 38 of 49

COUNT 35

Concealing a Document in a Federal Investigation
(18 U.S.C. §§ 1519, 2)

86. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

87. _ From on or about May 11, 2022, through in or around August 2022, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

DONALD J. TRUMP and
WALTINE NAUTA,

did knowingly conceal, cover up, falsify, and make a false entry in any record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper

administration of any matter within the jurisdiction of a department and agency of the United States, and in relation to and contemplation of any such matter; that is—during a federal criminal investigation being conducted by the FBI, (1) TRUMP and NAUTA hid, concealed, and covered up from the FBI TRUMP's continued possession of documents with classification markings at 'The Mar-a-Lago Club; and (2) TRUMP caused a false certification to be submitted to the FBI.

All in violation of Title 18, United States Code, Sections 1519 and 2.

38

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 39 of 49

COUNT 36

Scheme to Conceal

(18 U.S.C. §§ 1001(a)(1), 2)

88. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

89. From on or about May 11, 2022, through in or around August 2022, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

DONALD J. TRUMP and
WALTINE NAUTA,

in a matter within the jurisdiction of the judicial branch and executive branch of the United States government, did knowingly and willfully falsify, conceal, and cover up by any trick, scheme, and device a material fact; that is—during a federal grand jury investigation and a federal criminal investigation being conducted by the FBI, TRUMP and NAUTA hid and concealed from the grand jury and the FBI TRUMP's continued possession of documents with classification markings.

All in violation of Title 18, United States Code, Sections 1001(a)(1) and 2.

39

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 40 of 49

COUNT 37

False Statements and Representations

(18 U.S.C. §§ 1001(a)(2), 2)

90. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

91. On or about June 3, 2022, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

DONALD J. TRUMP,

in a matter within the jurisdiction of the judicial branch and executive branch of the United States government, did knowingly and willfully make and cause to be made a materially false, fictitious, and fraudulent statement and representation; that is—during a federal grand jury investigation and a federal criminal investigation being conducted by the FBI, TRUMP caused the following false statements and representations to be made to the grand jury and the FBI in a sworn certification executed by Trump Attorney 3:

a. "A diligent search was conducted of the boxes that were moved from the White House to Florida";

b. "This search was conducted after receipt of the subpoena, in order to locate any and all documents that are responsive to the subpoena"; and

c. "Any and all responsive documents accompany this certification."

92. The statements and representations set forth above were false, as TRUMP knew, because TRUMP had directed that boxes be removed from the Storage Room before Trump Attorney 1 conducted the June 2, 2022 search for documents with classification markings, so that 'Trump Attorney 1's search would not and did not include all of TRUMP's boxes that were

removed from the White House; Trump Attorney 1's search would not and did not locate all

40

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 41 of 49

documents responsive to the May 11 Subpoena; and all responsive documents were not provided to the FBI and the grand jury with the certification. In fact, after June 3, 2022, more than 100

documents with classification markings remained at The Mar-a-Lago Club until the FBI search on August 8, 2022.

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

41

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 42 of 49

COUNT 38

False Statements and Representations
(18 U.S.C. § 1001(a)(2))

93. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

94. On May 26, 2022, NAUTA participated in a voluntary interview with the FBI.

'During the interview, the FBI explained to NAUTA that the FBI was investigating how classified documents had been kept at The Mar-a-Lago Club, and the FBI asked NAUTA questions about the location and movement of TRUMP?' boxes before TRUMP provided 15 boxes to NARA on January 17, 2022. NAUTA was represented by counsel, and the FBI advised NAUTA that the interview was voluntary and that he could leave at any time, The FBI also advised NAUTA that it was a criminal offense to lie to the FBI. The interview was recorded.

95. On or about May 26, 2022, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

WALTINE NAUTA,

in a matter within the jurisdiction of the executive branch of the United States government, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation; that is—in a voluntary interview during a federal criminal investigation being conducted by the FBI, NAUTA was asked the following questions and gave the following false answers:

Question: Does any —are you aware of any boxes being brought to his home — his suite?

Answer: No.

eee

42

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 43 of 49

Question: All right. So, so to the best of your knowledge, you're saying that those boxes that you brought onto the truck, first time you ever laid eyes on them was just the day of when [Trump Employee 2] needed

you to—

Answer: Correct.

Question: —to take them. Okay.

eae

Question: In knowing that we're trying to track the life of these boxes and where they could have been kept and

stored and all that kind of stuff—

Answer: Mm-hm.

Question: —do you have any information that could—that

would—that could help us understand, like, where they were kept, how they were kept, were they secured, were they locked? Something that makes the intelligence community feel better about these

things, you know?

Answer: I wish, I wish I could tell you. I don't know. I don't—I honestly just don't know.

tee

Question: And what—so, so you only saw the 15 boxes, 15, 17 boxes—

Answer: Mm-hm.

Question: —the day of the move? Even—they just showed up that day?

'Answer: They were in Pine Hall. [Trump Employee 2} just

asked me, hey, can we move some boxes?

Question: Okay.

'Answer: And I was like, okay.

43

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 44 of 49

Question: So, you didn't know-had no idea how they got there before?

Answer: No.

96. The underscored statements and representations above were false, as NAUTA

knew, because (1) NAUTA did in fact know that the boxes in Pine Hall had come from the Storage

Room, as NAUTA himself, with the assistance of Trump Employee 2, had moved the boxes from

the Storage Room to Pine Hall; and (2) NAUTA had observed the boxes in and moved them to various locations at The Mar-a-Lago Club.

Allin violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

FOREPERSON

UNITED STATES DEPARTMENT OF JUSTICE.

44

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 45 of 49

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA CASE NO.:

v

Donald J. Trump and CERTIFICATE OF TRIAL ATTORNEY

Waltine Nauta, I Superseding Case Information:
Defendants. New Defendant(s) (Yes or No) No
Court Division (select one) 'Number of New Defendants
OMiami OiKey West [FTP Total number of counts Tet
OFT & wes a
I do hereby certify that:

1, Thave carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2, I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.

3. Interpreter: (Yes or No) No
List language and/or dialect

4. This case will take ___ days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one) (Check only one)

1 DJ 0 to 5 days OPetty

T1 OF 6 to 10 days Minor

I1 11 to 20 days Misdemeanor

IV B21 to 60 days Felony

V_ 61 days and over

6. Has this case been previously filed in this District Court? (Yes or No)
No

If yes, Judge Case No.

7. Has a complaint been filed in this matter? (Yes or No) No

If yes, Magistrate Case No.

8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No,

If yes, Judge Case No.

9. Defendant(s) in federal custody as of

10. Defendant(s) in state custody as of

11. Rule 20 from the ___ District of

12. Is this a potential death penalty case? (Yes or No) No

13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No

14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No

15, Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No

By:

Jay L Bratt
Assistant Special Counsel
Court ID No. A5502946
Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 46 of 49

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET
Defendant's Name: Donald J. Trump

Case No:

Counts #: 1-31

Willful Retention of National Defense Information, 18 U.S.C. § 793(e)

- * Max. Term of Imprisonment: 10 years
- * Mandatory Min. Term of Imprisonment (if applicable): N/A
- * Max. Supervised Release: 3 years

* Max. Fine: \$250,000

Count #: 32

Conspiracy to Obstruct Justice, 18 U.S.C. § 1512(k)

- * Max. Term of Imprisonment: 20 years
- * Mandatory Min. Term of Imprisonment (if applicable): N/A.
- * Max. Supervised Release: 3 years

* Max. Fine: \$250,000

Count #: 33

Withholding a Document or Record, 18 U.S.C. § 1512(b) (2) (A)

* Max. Term of Imprisonment: 20 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A

* Max, Supervised Release: 3 years

* Max. Fine: \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 47 of 49

Count #: 34,

Corruptly Concealing a Document or Record, 18 U.S.C. § 1512(c) (1)

* Max. Term of Imprisonment: 20 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A

* Max, Supervised Release: 3 years

* Max, Fine: \$250,000

Count #: 35

Concealing a Document in a Federal Investigation, 18 U.S.C. § 1519

* Max. Term of Imprisonment: 20 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A

* Max, Supervised Release: 3 years

* Max, Fine: \$250,000

Count #: 36

Scheme to Conceal, 18 U.S.C. § 1001(a) (1)

* Max. Term of Imprisonment: 5 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A
* Max. Supervised Release: 3 years

+ Max. Fine: \$250,000

Count #: 37

False Statements and Representations, 18 § 1001(a)(2)

* Max. Term of Imprisonment: 5 years
* Mandatory Min. Term of Imprisonment (if applicable): N/A
* Max. Supervised Release: 3 years

* Max. Fine: \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 48 of 49

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Waltine Nauta

Case No:

Count #: 32

Conspiracy to Obstruct Justice, 18 U.S.C. § 1512(k)

* Max. Term of Imprisonment: 20 years
* Mandatory Min. Term of Imprisonment (if applicable): N/A
* Max. Supervised Release: 3 years

* Max. Fine: \$250,000

Count #: 33

Withholding a Document or Record, 18 U.S.C. § 1512(b)(2)(A)

* Max. Term of Imprisonment: 20 years
* Mandatory Min. Term of Imprisonment (if applicable): N/A
* Max. Supervised Release: 3 years

* Max. Fine: \$250,000

Count #: 34

Corruptly Concealing a Document or Record, 18 U.S.C. § 1512(c)(1)

* Max. Term of Imprisonment: 20 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A

* Max. Supervised Release: 3 years

* Max. Fine: \$250,000

Count #: 35,

Concealing a Document in a Federal Investigation. 18 U.S.C. § 1519

* Max. Term of Imprisonment: 20 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A.

* Max. Supervised Release: 3 years

* Max. Fine: \$250,000

"Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

Case 9:23-cr-80101-AMC Document 3 Entered on FLSD Docket 06/08/2023 Page 49 of 49

Count #: 36

Scheme to Conceal, 18 U.S.C. § 1001(a)(1)

* Max. Term of Imprisonment: 5 years

* Mandatory Min. Term of Imprisonment (if applicable): N/A.

* Max. Supervised Release: 3 years

* Max. Fine: \$250,000

Count #: 38

False Statements and Representations, 18 U.S.C. § 1001(a)(2)

- * Max. Term of Imprisonment: 5 years
- * Mandatory Min. Term of Imprisonment (if applicable): N/A
- * Max. Supervised Release: 3 years

- * Max. Fine: \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES OF AMERICA

DONALD J. TRUMP and

WALTINE NAUTA,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At times material to this Indictment, on or about the dates and approximate times stated below:

Introduction

1. Defendant DONALD J. TRUMP was the forty-fifth President of the United States of America. He held Office from January 20, 2017, until January 20, 2021. As president, TRUMP had lawful access to the most sensitive classified documents and national defense information gathered and owned by the United States government, including information from the agencies that comprise the United States Intelligence Community and the United States Department Of Defense.