

OA683

A. News

1. National security docs found at Pence's home

Letter from Greg Jacob, that's Pence's attorney, you'll remember him from telling John Eastman to go fuck himself but since they're all playing around in evangelical circles it came off as "hey, the Capitol is on fire thanks to your bullshit, you wanna grab a candlelight dinner over a nice bottle of wine sometime?"

Anyway, his January 18 letter to NARA has now been released

<https://www.documentcloud.org/documents/23584921-letter-from-pence-representative-to-archives>

As Vice President Mike Pence's designated representative to the National Archives, I write to request your assistance with collecting and transferring to the custody of the National Archives an additional set of Vice Presidential records. The additional records appear to be a small number of documents bearing classified markings that were inadvertently boxed and transported to the personal home of the former Vice President at the end of the last Administration. Vice President Pence was unaware of the existence of sensitive or classified documents at his personal residence. Vice President Pence understands the high importance of protecting sensitive and classified information and stands ready and willing to cooperate fully with the National Archives and any appropriate inquiry. Following press reports of classified documents at the personal home of President Biden, out of an abundance of caution, on Monday, January 16, Vice President Pence engaged outside counsel, with experience in handling classified documents, to review records stored in his personal home. Counsel identified a small number of documents that could potentially contain sensitive or classified information interspersed throughout the records. Vice President Pence's counsel, however, is unable to provide an exact description of the folders or briefing materials that may contain sensitive or classified information because counsel did not review the contents of the documents once an indicator of potential classification was identified. Vice President Pence immediately secured those documents in a locked safe pending further direction on proper handling from the National Archives. Vice President Pence has directed his representatives to work with the National Archives to ensure their prompt and secure return. Vice President Pence appreciates the good work of the staff at the National Archives and trusts they will provide proper counsel in response to this letter.

Again, there are three broad elements – (i) you have possession of national security documents; (ii) they're where they don't belong, and (iii) refusal. That third element has three variations; it varies whether it's 18 USC 793(e) or (f), but either you (1) intentionally give the documents to someone who isn't entitled to see them, or (2) you know they're missing but you fail to promptly report it, or (3) you "willfully retain" those documents.

-No such evidence for Biden or Pence.

We will absolutely get Kel McClanahan back on when we know more.

2. Ken Cuccinelli to testify before grand jury"

- Acting Deputy Secretary at DHS (because he couldn't get confirmed by the Senate)
- CISA: cybersecurity and infrastructure security agency reported up to him
- CISA said there was no fraud, election was secure, stop it
- Cuccinelli was a lot more circumspect in his testimony

-he was interviewed by the J6 committee on Dec. 7, 2021, relatively early (but 2 months after Donoghue).

<https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000034623/pdf/GPO-J6-TRANSCRIPT-CTRL0000034623.pdf>

p.25 ("rigged")

Is it fair to say that seeds of distrust were sown with respect to the 2020 11 election -- after the November 2020 election? 12 13 A Q I am not prepared to say that. You are not aware of any actors, foreign or domestic, who were proposing 14 that the election had been stolen or rigged? 15 A Certainly outcomes on a State-by-State and overall basis were being 16 addressed aggressively from several different perspectives, 17 including -- including -- foreign. 18 Q Are you aware of any elected officials saying that the election was rigged in 19 the immediate aftermath of November 2020 election? 20 21 22 A Q A I don't remember the quote. Do you remember the President making comments along those lines? I remember the President expressing in strong terms concerns along those 23 lines, but you used a specific word, and I am not prepared to validate that word. 24 25 Q A You don't recall the President using the word "rigged"? No. I don't.

p. 28-29 (Antrim County)

Q It is the sentence that says, "There is no evidence that any voting system 17 deleted or lost votes, changed votes, or was in any way compromised." Do you see 18 that? 19 20 21 A Q A Yeah. I see that. Okay. And you don't think that is correct? I am just not willing to accept it at face value that way coming from CISA on 22 November 12th of 2020. 23 Q And you cite as an example the -- what I think you called the Antrim County 24 mess? 25 A Yeah. 1 2 3 paper. 4 Q A Q In what respect, do you believe Antrim County -- Over which we had no jurisdiction. So all my information I read in the And do you believe that, in Antrim County, a voting system deleted, lost, 5 changed votes, or was in any way compromised? 6 A Whatever their system, votes moved from one count to another. I don't 7 know whether machines did it or people did it.

...and maybe Georgia? (p. 29-30)

Q A And you are talking about the machines specifically? I am talking about that sentence, that any voting system -- Yeah. See, I am reading "voting system" pretty broadly. And I believe 21 there are other problems. 22 23 Q A But you don't have those at your fingertips at this point? Again, they weren't in our jurisdiction. Everything I have learned about 24 that has been well after the fact. 25 Q From whatever source, can you point to something that -- 29 30 1 A Sure. Legal filings in Georgia that indicate that there are a larger number of 2 people who voted from addresses that wouldn't be legal than the margin of victory in the 3 Presidential race, for instance. And, under Georgia law, as I understand it -- I haven't 4 been a Georgia lawyer for 25 years -- once you are past the margin of victory, their one 5 resolution is to rerun the election. 6 Q But I don't want to quarrel with you on this, Mr. Cuccinelli. But that 7 doesn't implicate the sentence we are talking about, does it? 8 9 10 A Q A Depends how you define "system." Deleted or lost votes, changed votes, or in any way compromised? Well, if 18,000 people voted who, you know, lived on vacant lots, for 11 instance, that would compromise the election.

p. 86

Q: Got it. Did you anticipate that President Trump at some point would concede?

A: No, not necessarily.

Q: At any point?

A: Correct.

p. 130 ("witch hunt")

[He sent a Tweet]

"For months over the 22 summer we rightly condemned Antifa for storming federal buildings in Portland. If you 23 are entering the Capitol Building against police orders, you must leave. There is a 24 proper venue to resolve grievances. This is not it."

Q Well, in your words, you sent the tweet to see if it would make a difference 3 to get people to leave the Capitol. Did you anticipate that the President would do 4 something similar? 5 6 7 8 9 10 A No. Q Why not? A Why would I? It's not my place -- Q Well-- A -- to anticipate that. Look, you're getting -- you want me to trash a situation in a way that you like for 11 witch hunt purposes, and I'm not going to do that. You're asking me what I feel. Give 12 me a break. Come on. Let's just stick to facts, and I'll tell you what I know.

-Our buddy Donoughue mentioned Cuccinelli a couple times

<https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000034600/pdf/GPO-J6-TRANSCRIPT-CTRL0000034600.pdf>

- Told Trump he wouldn't seize voting machines
- WAS CONSIDERING SPECIAL COUNSEL
- **Key contradiction over Antrim county**

Fn 182: Even as the acting Secretary of DHS was providing Meadows information he received from his Director of CISA debunking the Dominion claims, the acting Assistant Secretary of DHS, Ken Cuccinelli, was providing back channel information to Meadows in a possible effort to promote the false Dominion claims. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), TEXT0000072, TEXT0000073, (Nov. 12, 2020 text messages from Ken Cuccinelli to Mark Meadows) (Cuccinelli: "I have the dominion list of everywhere the machines are deployed that we knowof. [I]t is pretty extensive. It is in my DHS email account. Where do you want me to send it?" Meadows then provided Cuccinelli with his personal email address.)

IS it this??? – SPECIAL COUNSEL (P.70-71)

Q Mr. Cuccinelli, did you ever have any conversations about the possibility that 13 you would be appointed as special counsel to investigate issues related to the 2020 14 election? 15 16 17 A Q A Yes. Okay. Who did you have those conversations with? Well, there was at least some folks from DOJ present and the President as 18 well. And I don't remember who else. 19 20 Q A Okay. Will you tell us about those conversations? Only that they happened. And, as you all know, I was not appointed as 21 special counsel. 22 Q Okay. And, just so we have it on the record, your reason for not telling us 23 anything further is because of concerns of executive privilege?

A Q Yes. If you all resolve all that, I have no problem talking about it. Okay. Can you tell us whether you remember those conversations? I'm 1 asking that just so I know whether it's worthwhile -- 2 3 4 A Q A Yeah, no. -- going through the process to try to resolve it. No, I understand. I've been in your position. **I do remember those conversations.**

B. Decisions are “Imminent”

1. Background –

TFG “Truths”

<https://openargs.com/wp-content/uploads/Trump-stollen.png>

Actual Raffensperger call and I have no idea what that allegation is, not even right-wing sources

https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html

So look. All I want to do is this. I just want to find 11,780 votes, which is one more than we have because we won the state.

I won this election by hundreds of thousands of votes. There’s no way I lost Georgia. There’s no way. We won by hundreds of thousands of votes. I’m just going by small numbers, when you add them up, they’re many times the 11,000. But I won that state by hundreds of thousands of votes.

2. Tuesday Hearing

-This was over the SPGJ final report

Here's my takeaway from today's hearing in GA on the release of the Fulton County special purpose grand jury's final report. The GJ explicitly requested that their report be made public; DA Fani Willis opposes; the Court is still deciding & has not yet ruled. .

The law SEEMS pretty straightforward: the GJ is "authorized to recommend to the court the publication of the whole or any part of their general presentments," & if so, under 15-12-80, the court "shall order the publication as recommended."

<https://t.co/MHZMRon57b>

Also, GA Rule 21 says as a general rule, court proceedings "are to be available for public inspection unless public access is limited by law"

<https://casetext.com/rule/georgia-court-rules/georgia-uniform-rules-of-the-superior-court/rules/rule-21-limitation-of-access-to-court-files/rule-21-limitation-of-access-to-court-files>

So, publish the report, right? NOT SO FAST. The question is whether GJ's final report is, in fact, a "general presentment" & no one seems to know for certain whether it is or not! Good breakdown of the history of the law in this piece by Anna Bower

<https://t.co/tWOHMdbYZv>

DA doesn't oppose publication of the special purpose GJ report *indefinitely* - just until they make their charging decisions. ADA Wakeford: "The main point is that today is not the time, now is not the time, but eventually we will have a better idea of when the time will be,"

To be CRYSTAL CLEAR, the argument DA's office made is that if you publish this report right now, "future defendants" - by which they almost certainly mean Donald Trump! - might be able to get future convictions overturned by arguing unfair prejudice prevented a fair trial.

There's also the potential prejudice to witnesses, who may be subject to potential intimidation if their names & potential testimony are made public & gee, who has a history of intimidating witnesses?? /7
Opening Arguments

So Willis isn't just making hypothetical arguments to the court (& the press!); they are, in fact, why GJ proceedings are presumptively secret. Essentially it's "if you want Trump behind bars, then maybe - just maybe - hold off a little bit & let us do our jobs first." /8

On the other side are the media intervenors, represented by Tom Clyde who, IMO, knocked it out of the park. The argument (beyond the plain language of the statute) is that disclosure always involves potential future harm & the court always has to weigh competing interests...and in this case, there isn't a particularized showing that the potential prejudice to any "future defendant" (i.e., Trump) outweighs the public's right to know -- and that the public's interest here is particularly strong.

Clyde also VERY SMARTLY argued if the Court doesn't order publication, media intervenors would like to appeal to the GEORGIA Supreme Court (& not, by implication, our broken stupid insane US Supreme Court) & basically asks the judge to rule on state constitutional grounds...

To which Judge McBurney says "oh, definitely, you'll have enough on which to hang your appeal if I go that way." So whatever happens, this won't be in the hands of Alito et al. Phew!

McBurney declined to rule from the bench & disclosed to counsel that he would be potentially requesting additional informal briefing before making a decision. Also stressed he would NOT release the report without notifying DA's office first.

So what's going to happen? My guess is that we're going to get a narrowly tailored order not ruling on the merits but enjoining publication of the GJ report for something like 10 days to let everyone dodge the question & let DA make good on its promise to indict quickly. /fin

Also I contacted...

3. Anna Bower

Takeaways:

Tue 8:14 PM

1. Not surprised McBurney delayed a decision, total McBurney thing to do. It seemed like he was sympathetic to DA's policy arguments re: ongoing criminal investigation but did not buy the DA's legal arguments (rightly so!).

2. I kinda think the DA's office is just buying time here. No filings before the hearing and multiple requests to provide written briefing after the fact. I know it's state court but it was a strange and struck me as stalling for time to get charging decisions/indictments going before report is released.

3. I *think* the law allows McBurney to find a middle way, because it doesn't specify that the report must be published as recommended immediately. But McBurney is very into public access. (He loves his livestreams.) I highly doubt he would prevent its release very long

4. Also in terms of bottom line things we learned: (1) The special grand jury's report named names for recommended prosecution. We know that because the DA's main argument against release of the report now is that doing so might give future defendants a basis to argue they had been prejudiced (and bolster venue transfer motions, etc.) (2) For some reason, DA's office got out of step with the grand jury. As their legal adviser, she could have made the case that they should ask judge to publish only after indictments, or she could ask them to submit only when she's ready to go with indictments. Apparently that didn't happen, and it's an awkward position for her to be arguing against request of her own grand jury.

4. So Fani Willis says charging decisions are "Imminent" – what are the likely charges?

O.C.G.A 21-2-604 (criminal solicitation)

<https://law.justia.com/codes/georgia/2021/title-21/chapter-2/article-15/section-21-2-604/>

A person commits the offense of criminal solicitation to commit election fraud in the first degree when, with intent that another person engage in conduct constituting a felony under this article, he or she solicits, requests, commands, importunes, or otherwise attempts to cause the other person to engage in such conduct.

O.C.G.A 21-2-603 (criminal conspiracy)

<https://law.justia.com/codes/georgia/2021/title-21/chapter-2/article-15/section-21-2-603/>

A person commits the offense of conspiracy to commit election fraud when he or she conspires or agrees with another to commit a violation of this chapter. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the violation of this chapter is consummated. A person convicted of the offense of conspiracy to commit election fraud involving a violation of this chapter which is a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he or she could have been sentenced if he or she had been convicted of the crime conspired to have been committed, by one-half the maximum fine to which he or she could have been subjected if he or she had been convicted of such crime, or both.

underlying offense

O.C.G.A. 21-2-562

<https://law.justia.com/codes/georgia/2021/title-21/chapter-2/article-15/section-21-2-562/>

a. **Any person who willfully:**

1. **Inserts or permits to be inserted any** fictitious name, **false figure**, false statement, **or other fraudulent entry on or in any** registration card, electors list, voter's certificate, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot, or other **record or document authorized or required to be made, used, signed, returned, or preserved for any public purpose in connection with any primary or election; ... shall be guilty of a felony and**, upon conviction thereof, shall

be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both.

5. Pardons

https://en.wikipedia.org/wiki/Georgia_State_Board_of_Pardons_and_Paroles

The **Georgia State Board of Pardons and Paroles** is a five-member panel authorized to grant [paroles](#), [pardons](#), [reprieves](#), remissions, [commutations](#), and to remove civil and political disabilities imposed by law. Created by Constitutional amendment in 1943, it is part of the executive branch of [Georgia](#)'s government. Members are appointed by the governor to staggered, renewable seven-year terms subject to confirmation by the State Senate.^[1]

Each year the Board elects one of its members to serve as chairman. The current chairman is Terry E. Barnard (R-Perdue). The other current Members, as of June 2019, are: Jacqueline Bunn, Esq., Vice Chairman (R-Deal); David J. Herring (R-Deal), Member; Meg Heap, Member (R-2021-Kemp); Tim Ward (R-2023-Kemp, replacing Brian Owens (R-Deal)

Some members have gone on to public office (e.g., Zell Miller), many, like Barnard, serve after elected office.

So how beholden to Trump are they? **We may find out!**

OA684

A. Navarro

Recording this on a Thursday, hearing on a Friday, confident as to what that will be

Following up from last Tuesday's show, he's gone back in time and gotten a retroactive letter from Evan the Cork as to what Trump really meant!

<https://storage.courtlistener.com/recap/gov.uscourts.dcd.244001/gov.uscourts.dcd.244001.71.1.pdf>

IT'S LEFT TO ME TO MAKE AN ARGUMENT THE DOJ DIDN'T MAKE!

Only authority Evan the Cork cites is Committee on the Judiciary v. McGahn, 415 F.Supp.3d 148 (D.D.C. 2019)

https://scholar.google.com/scholar_case?case=15067140583876873070

That's a Ketanji Brown Jackson decision back when she was on the District Court for DC that said yes, Congress can in fact enforce its subpoenas, even against high-level Executive Branch staffers. And so if you're thinking, is that grossly out of context, you have NO IDEA.

Introduction

In 2008, in the context of a dispute over whether the Committee on the Judiciary of the House of Representatives ("the Judiciary Committee") had the power to compel former White House Counsel Harriet Miers and then-White House Chief of Staff Joshua Bolten to testify and produce documents in connection with a congressional investigation, the Department of Justice ("DOJ") made three legal contentions of "extraordinary constitutional significance." [Comm. on the Judiciary, U.S. House of Representatives v. Miers, 558 F. Supp. 2d 53, 55 \(D.D.C. 2008\) \(Bates, J.\)](#). First, DOJ argued that a duly authorized committee of Congress acting on behalf of the House of Representatives cannot invoke judicial ¹⁵³ process to compel the appearance of senior-level aides of the President for the purpose of receiving sworn testimony. *See id.* at 66-67, 78. Second, DOJ maintained that a President can demand that his aides (both current and former) ignore a subpoena that Congress issues, on the basis of alleged absolute testimonial immunity. *See id.* at 100. And, third, DOJ asserted that the federal courts cannot exercise subject-matter jurisdiction over any such subpoena-related stalemate between the Legislature and the Executive branch, on separation of powers grounds. *See id.* at 72-73, 93-94. The district court that considered these propositions rejected each one in a lengthy opinion that thoroughly explained why the federal courts have subject-matter jurisdiction over such disputes, *see id.* at 64-65; why the Judiciary Committee had standing to sue and a cause of action to proceed in federal court, *see id.* at 65-94; and why the claim that a President's senior-level aides have absolute testimonial immunity is meritless, *see id.* at 99-107. Most importantly, the *Miers* opinion also persuasively demonstrated that DOJ's conception of the limited power of both Congress and the federal courts relative to the expansive authority of the President—which, purportedly, includes the power to shield himself and his aides from being questioned about any aspect of their present or former White House work—is not grounded in the Constitution or in any other federal law. *See id.* at 99, 106-07; *cf. Comm. on Oversight & Gov't Reform v. Holder, 979 F. Supp. 2d 1, 10-11 (D.D.C. 2013)*.

The more things change, the more they stay the same. On May 20, 2019, President Donald J. Trump directed former White House Counsel Donald F. McGahn II to decline to appear before the Judiciary Committee in response to a subpoena that the Committee had issued to McGahn in connection with its investigation of Russia's interference into the 2016 presidential election and the Special Counsel's findings of fact concerning potential obstruction of justice by the President.

But okay, what about the specific citation, footnote 34? Let's go there.

Furthermore, as previously mentioned, in the context of compelled congressional testimony, such withholding is properly and lawfully executed on a question-by-question basis through the invocation of a privilege, where appropriate.[34]

34 - With respect to such withholding, the President can certainly identify sensitive information that he deems subject to executive privilege, *United States v. Nixon*, 418 U.S. at 713, 94 S.Ct. 3090, and his doing so gives rise to a legal duty on the part of the aide to invoke the privilege on the President's behalf when, in the course of his testimony, he is asked a question that would require disclosure of that information. But the invocation of the privilege by a testifying aide is an order of magnitude different than DOJ's current claim that the President essentially owns the *entirety* of a senior-level aide's testimony such that the White House can order the individual not to appear before Congress *at all*.

So he's moved to reconsider the Judge Mehta opinion and to compel production of documents related to executive privilege

<https://storage.courtlistener.com/recap/gov.uscourts.dcd.244001/gov.uscourts.dcd.244001.71.0.pdf>

And the DOJ has replied

<https://storage.courtlistener.com/recap/gov.uscourts.dcd.244001/gov.uscourts.dcd.244001.74.0.pdf>

B. T3BE & Donotpay.com

I've been playing with ChatGPT to make some test documents for work. If you ask for a legal contract it adds "don't take legal advice from a chatbot" at the end

<https://www.wonkette.com/bob-loblaw-s-law-bot-not-coming-to-supreme-court-near-you>

where we started

DoNotPay operates hundreds of bots which perform a wide variety of tasks for subscribers. Most of these jobs fall into the category of "menial, but annoying": Want to [cancel a gym membership](#)? [Close a bank account](#)? [Change your mailing address](#)? Cool!

There's also some more specialized stuff, if you want to [marry an inmate in county jail](#), or if your kink is [ratting out](#) people who violate Disney's copyrights.

And if you're, say, a serial killer who wants to meet your victims on Tinder without getting tracked down, DoNotPay can help you [defeat](#) the hookup site's phone verification system.

But Browder doesn't stop there. The site bills itself as "The World's First Robot Lawyer," and its founder [vows](#) to "make the \$200 billion legal profession free for consumers." He offers to generate [powers of attorney](#), [divorce settlements](#), and binding [legal contracts](#) for his subscribers. And indeed, there are plenty of people for whom a basic legal document consistent with the laws of their state will be perfectly fine using a form populated by one of Browder's bots. But if you are the kind of person who actually *needs* a [prenuptial agreement](#), you should probably talk to a lawyer. And so should your future spouse, by the way.

Joshua Browder is not a lawyer, although he was a fellow at Peter Thiel's [Drop Out for a Couple Years and Break Shit Factory](#) (not actually the real name of the program, your Wonkette is paraphrasing). Nevertheless he's certain that "lawyers are charging hundreds of dollars an hour for copying and pasting a few documents," which he can replicate with a few hundred lines of code. And he's not just planning to cospasta up a couple of wills and small claims complaints. This nerd thinks he's all ready for the big time.

"DoNotPay will pay any lawyer or person \$1,000,000 with an upcoming case in front of the United States Supreme Court to wear AirPods and let our robot lawyer argue the case by repeating exactly what it says," he tweeted, adding that "We have upcoming cases in municipal (traffic) court next month. But the haters will say 'traffic court is too simple for GPT.' So we are making this serious offer, contingent on us coming to a formal agreement and all rules being followed. Please contact me if interested!"

Ummmm....

At first blush, there appear to be one or two minor problems with this plan. First, the Supreme Court has a strict no electronics policy, which it aggressively enforces. Second, you will get arrested if you try to broadcast from inside the chamber. Third, it's malpractice for any attorney to cede his practice to an AI bot. Fourth, this plan probably amounts to the unauthorized practice of law, which is a crime. Fifth, as Browder himself conceded to [Politico](#), it's really hard to get the chat AI to tell the truth consistently, because it's a goddamn machine.

And, PS it's probably illegal for even a *pro se* litigant to accept money contingent on conducting a case according to the whims of a third party.

Where we are now

<https://twitter.com/jbrowder1/status/1618265395986857984?s=20&t=j2O7O-iysszmFibGPkWTeQ>

Good morning! Bad news: after receiving threats from State Bar prosecutors, it seems likely they will put me in jail for 6 months if I follow through with bringing a robot lawyer into a physical courtroom.

DoNotPay is postponing our court case and sticking to consumer rights:

10:11 AM · Jan 25, 2023

.

1.7M

Views

272

Retweets

1,001

Quote Tweets

2,336

Likes

Who can reply?

People @jbrowder1 follows or mentioned can reply

Joshua Browder

@jbrowder1

.

Jan 25

Replying to

@jbrowder1

Specifically, lowering medical bills, cancelling subscriptions, disputing credit reports, among other things, with A.I. I think it's very important for companies to stay focused. Unlike courtroom drama, these types of cases can be handled online, are simple and are underserved.

Joshua Browder

@jbrowder1

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Jan 25

We have some incredibly exciting announcements regarding GPT consumer rights products in the next two weeks.

I have realized that non-consumer rights legal products (e.g defamation demand letters, divorce agreements and others), which have very little usage, are a distraction.

Joshua Browder

@jbrowder1

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Jan 25

I think decisiveness when one is taking the wrong direction is key.

We are removing them from DoNotPay, effective immediately, to focus solely on consumer rights. We are also dramatically improving the UX and are working 18 hour days to make it happen.

During cross-examination, a plaintiff's lawyer seeks to show a witness copies of text messages the witness allegedly sent to a relation in another state, an hour after a hurricane struck the witness's town. If the witness asserts she did not send the texts, which of these actions may the plaintiff's lawyer take?

- A. Request a sidebar conference with the witness and judge
- B. Tell the court the truth as he knows it
- C. Disprove the witness's assertion by other testimony
- D. Raise a timely objection