

February 1, 2023

VIA FEDEX AND E-MAIL

Matthew G. Olsen, Esq.
Assistant Attorney General for National Security
National Security Division
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Request For Investigation Of Various Individuals

Dear Assistant Attorney General Olsen:

We write on behalf of our client, Robert Hunter Biden, to request an investigation¹ into the following individuals for whom there is considerable reason to believe violated various federal laws in accessing, copying, manipulating, and/or disseminating Mr. Biden's personal computer data. The individuals are John Paul Mac Isaac of Delaware, Robert Costello of New York, Rudy Giuliani of New York, Stephen Bannon of Washington, D.C., Jack Maxey (*residence unknown*), Garrett Ziegler of Illinois, and Yaacov Apelbaum (founder and CEO of XRVision, based in New York, *residence unknown*).

A. The Government Should Investigate the Unauthorized Access, Copying and Dissemination of Mr. Biden's Personal Information

By these individuals own admissions in books, editorials, social media postings, and interviews or through what other news articles have reported, they have engaged in the following:

1. John Paul Mac Isaac

i. *Mr. Mac Isaac Unlawfully Accessed Hunter Biden's Personal Data*

Mr. Mac Isaac has admitted to gaining access to our client's personal computer data without Mr. Biden's consent. Mr. Mac Isaac has admitted to copying that data without Mr. Biden's consent, and Mr. Mac Isaac has admitted to distributing copies of that data to the political enemies of Mr. Biden's father,

¹ On December 9, 2022, the law firm of Lathan & Watkins LLP wrote a similar letter, focusing solely on Mr. Mac Isaac and sent it to the U.S. Attorney's Office in the Southern District of New York. This letter and another being sent today to state authorities in Delaware are intended to direct the requests to the offices with appropriate national or local jurisdiction.

without Mr. Biden's consent. These unlawful actions caused the widespread publication, manipulation, and exploitation of Mr. Biden's most personal information.

Toward the end of the 2020 presidential election campaign, Mr. Mac Isaac chose to work with President Donald Trump's personal lawyer to weaponize Mr. Biden's personal computer data against his father, Joseph R. Biden, by unlawfully causing the provision of Mr. Biden's personal data to the *New York Post*. This failed dirty political trick directly resulted in the exposure, exploitation, and manipulation of Mr. Biden's private and personal information. Mr. Mac Isaac's intentional, reckless and likely unlawful conduct allowed for hundreds of gigabytes of Mr. Biden's personal data, without any discretion, to be circulated around the Internet. Politicians and the news media have used this unlawfully accessed, copied, distributed, and manipulated data to distort the truth and cause harm to Mr. Biden.

Mr. Mac Isaac has admitted to repeatedly accessing Mr. Biden's personal data.² In his recently-published book, Mr. Mac Isaac admitted to opening and reviewing the content of Mr. Biden's files on April 13, 2019 (one day after Mr. Mac Isaac has claimed Mr. Biden came to his computer repair shop carrying three laptops and left one of them behind for work). Mr. Mac Isaac readily admits his intrusion included sensitive, private material, such as a file titled, "income.pdf," which was "an email from January 16, 2017, saved as a PDF," about which Mr. Mac Isaac wrote: "*At the top were the years 2013, 2014, and 2015. Next to each year was the amount of taxable income earned: \$833,000+ in 2013, \$847,000+ amended to \$1,247,000+ in 2014, \$2,478,000+ in 2015.... I read on.*"³ Backing up Mr. Biden's files for any repair did not require Mr. Mac Isaac to review the contents of any such files. Mr. Biden did not consent to Mr. Mac Isaac gaining access to the content of those files in April 2019 or at any other time. Mr. Mac Isaac in fact has conceded that "*it was none of his business.*"⁴

In failed attempts to justify his unlawful access of Mr. Biden's data, Mr. Mac Isaac has promoted various stories riddled with inconsistencies. For over a year, Mr. Mac Isaac said nothing in public about the devices left in April 2019 at The Mac Shop, his Wilmington, Delaware computer repair shop. But after making contact with Rudy Giuliani's lawyer, Robert Costello, in the summer of 2020, Mr. Mac Isaac broke his silence.⁵ In October 2020 (a month before the presidential election), Mr. Mac Isaac, who is vision impaired, initially claimed that he could not positively identify the person who in April 2019 left three

² MAC ISAAC, J.P., *AMERICAN INJUSTICE* (ch. 1, Part One: The Handoff) (2022); Jordan Howell & Erin Banco, *Man who reportedly gave Hunter's laptop to Rudy speaks out in bizarre interview*, DAILY BEAST (Oct. 14, 2020), <https://www.thedailybeast.com/man-who-reportedly-gave-hunters-laptop-to-rudy-speaks-out-in-bizarre-interview>. Also see a series of posts by Mr. Mac Isaac to the social-media platform GETTR (where he has used the handle "@JPMacIsaac"), selections from which are enclosed herewith at **Exhibit A**.

³ MAC ISAAC, J.P., *AMERICAN INJUSTICE* (ch. 1, Part One: The Handoff) (2022).

⁴ *Id.*

⁵ Andrew Rice & Olivia Nuzzi, *The Sordid Saga of Hunter Biden's Laptop*, *New York Magazine*, N.Y. MAG. (Sept. 12, 2022), <https://nymag.com/intelligencer/article/hunter-biden-laptop-investigation.html> (reporting that Mr. Mac Isaac sent an electronic message to the Giuliani Partners website on August 27, 2020, to which Rudy Giuliani's lawyer, Robert Costello, replied that Messrs. Giuliani and Costello were "in position to get the information to the right places, provided the information is accurate and was obtained lawfully").

devices at his repair shop.⁶ Months later, in December 2020, Mr. Mac Isaac switched his story and released a YouTube video, proclaiming he was “100 percent sure” Hunter Biden left the devices at The Mac Shop, in April 2019.⁷

ii. *Mr. Mac Isaac Unlawfully Shared Mr. Biden’s Property With Third Parties*

Without Mr. Biden’s consent, Mr. Mac Isaac compounded his violations of law. On multiple occasions, he provided copies of Mr. Biden’s personal computer data to third parties, including on at least two instances in which Mr. Mac Isaac caused external hard drives containing replicas of Mr. Biden’s data to be transported through interstate commerce:

- In or around September 2019, Mr. Mac Isaac—without Mr. Biden’s consent—sent a hard drive containing Mr. Biden’s data from Wilmington, Delaware to Mr. Mac Isaac’s father, Richard “Steve” Mac Isaac, in Albuquerque, New Mexico, via UPS. Mr. Mac Isaac secreted this hard drive across state lines inside “*an old Garfield stuffed animal*.”⁸
- Mr. Mac Isaac appears to have given another copy of data (either electronic or printed) to his uncle Ronald J. Scott, Jr., who in May 2020 was sending at least summaries of data he received from his nephew to journalists and Republican members of Congress.⁹
- In late August 2020, Mr. Mac Isaac—again, without Mr. Biden’s consent—sent an additional copy of Mr. Biden’s personal data to Robert Costello, counsel to Rudy Giuliani, via Federal Express.¹⁰

Most recently, Mr. Mac Isaac promoted and shared the contents of the hard drive when he appeared and spoke at “The Biden-Laptop-From-Hell Rally,” sponsored by then-U.S. Senate Republican candidate Jackson Lahmeyer (Oklahoma).¹¹ Attendees at the rally even received individual thumb drives “with the

⁶ Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020) (“*The shop owner couldn’t positively identify the customer as Hunter Biden, but said the laptop bore a sticker from the Beau Biden Foundation, named after Hunter’s late brother and former Delaware attorney general.*”), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>.

⁷ Mac Isaac, J.P., *The Truth – It was Him*, YOUTUBE (Dec. 11, 2020), <https://www.youtube.com/watch?v=THYjft9aH88>.

⁸ MAC ISAAC, J.P., AMERICAN INJUSTICE (ch. 2, Part Two: The Threats) (2022) (“*I found an old Garfield stuffed animal my mother had given me a while back, and cut an opening in it just large enough to slide in the external drive and related cable. Then I ‘returned the gift’ to my mother by handling the package off to UPS.*”).

⁹ MAC ISAAC, J.P., AMERICAN INJUSTICE 115, 134, 147 (2022).

¹⁰ Miranda Devine, *New bid to spin Hunter’s laptop*, N.Y. POST (May 29, 2022), <https://nypost.com/2022/05/29/new-bid-to-spin-hunters-laptop/>; Dan Friedman, *Exclusive: Leaked messages reveal the origins of the most vile Hunter Biden smear*, MOTHER JONES (Apr. 7, 2022), <https://www.motherjones.com/politics/2022/04/hunter-biden-laptop-guo-wengui-bannon-giuliani/>.

¹¹ See Video, “JPMI in OK WIP.mp4,” <https://app.frame.io/reviews/b712acd5-ca76-4fc6-8b03-73d201b6de07/a830430c-99b2-44e4-83e6-e672d507b97b> (last accessed Jan. 31, 2023).

contents on Hunter Biden's Laptop."¹² Mr. Mac Isaac, without question, shared and caused to be transported this material across state lines and in interstate commerce.

2. Robert J. Costello

In late August 2020, Mr. Mac Isaac sent via Federal Express a copy of the hard drive's contents to the home of Robert J. Costello, Rudy Giuliani's attorney.¹³ Mr. Costello has admitted that he almost immediately accessed the material without permission to do so from the owner of that material.¹⁴ Beyond reviewing financial information or even personal photos and other material about Mr. Biden, Mr. Costello even opened files to look at pictures of Beau Biden's final days.¹⁵ "You feel like a voyeur," Mr. Costello later admitted about reviewing the material.¹⁶ Seeing the hard drive's contents as a political weapon, Mr. Costello allegedly called Mr. Giuliani and said, "[y]ou're not going to be believe what I have."¹⁷ Mr. Costello later shared a copy of the data with Mr. Giuliani. Mr. Costello also met with Emma-Jo Morris of the *New York Post* at his home on Long Island, where he allegedly showed her files to entice the *New York Post* to publish them. That led to Mr. Giuliani providing the newspaper with the data.

3. Rudy Giuliani

Mr. Mac Isaac also allegedly shared a copy of the hard drive with Rudy Giuliani, after a tip from Mr. Mac Isaac to one of Mr. Giuliani's assistants.¹⁸ Mr. Giuliani then distributed a copy to Steve Bannon (on September 28, 2020, Mr. Bannon claimed he had a copy).¹⁹ In addition, Mr. Giuliani, working with his friend and former New York police chief Bernard Kerik, gave a copy of a hard drive to Garrett Ziegler, a former aide to Trump White House official Peter Navarro. On October 11, 2020, Mr. Giuliani provided a copy of Mr. Biden's computer data to the *New York Post*.²⁰ Mr. Biden did not consent to Messrs. Mac Isaac, Giuliani, or Costello providing his computer data to any third parties, including the *New York Post*.

¹² *Id.*

¹³ Andrew Rice & Olivia Nuzzi, *The Sordid Saga of Hunter Biden's Laptop*, *New York Magazine*, N.Y. MAG. (Sept. 12, 2022), <https://nymag.com/intelligencer/article/hunter-biden-laptop-investigation.html>.

¹⁴ *Id.* Costello said that he booted up the hard drive with the assistance of his son.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Rachel Olding, *Steve Bannon Boasted on Dutch TV Weeks Ago That He Had Hunter Biden's Hard Drive*, DAILY BEAST (Oct. 15, 2020), <https://www.thedailybeast.com/steve-bannon-boasted-on-dutch-tv-weeks-ago-that-he-had-hunter-bidens-hard-drive>.

²⁰ Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>.

4. Stephen K. Bannon

On September 28, 2020, Steve Bannon claimed he possessed a copy of Mr. Biden's computer data.²¹ Mr. Biden did not consent to Messrs. Mac Isaac, Giuliani, or Costello providing his computer data to any third parties, including but not limited to Mr. Bannon. Mr. Bannon appears to then have given at least some of the data to Guo Wengui, a Chinese billionaire who China has sought be returned to face criminal charges and who is close to Mr. Bannon²², because on October 24, 2020, and October 28, 2020, Mr. Wengui and his colleague, Yvette Wang, sent files now known to be fakes (e.g., "Salacious Pic Package" and "Hunter Burisma Emails") to followers of his on WhatsApp.²³

5. Garrett Ziegler

As stated above, Mr. Giuliani (working with his friend and former police chief Bernard Kerik²⁴) gave a copy of a hard drive to Garrett Ziegler, a former aide to Trump White House official Peter Navarro (as Mr. Ziegler explains how he got the material).²⁵ Rather than sending other copies of the data to additional people to try to impact the 2020 election, Mr. Ziegler uploaded the unverified data he had in his possession to his website Marco Polo, where today many people and media organizations get access to support the claims they make against Hunter Biden and President Biden.²⁶

6. Jack Maxey

In December 2020, Jack Maxey (an associate of Mr. Bannon's on *War Room*) made and stole yet another copy of the data from a hard drive that Mr. Bannon possessed.²⁷ Mr. Maxey then sent copies of the data to Republican members of Congress, such as Matt Gaetz,²⁸ and to the media (e.g., three copies to *The*

²¹ Rachel Olding, *Steve Bannon boasted on Dutch TV weeks ago that he had Hunter Biden's hard drive*, DAILY BEAST (Oct. 16, 2020), <https://www.thedailybeast.com/steve-bannon-boasted-on-dutch-tv-weeks-ago-that-he-had-hunter-bidens-hard-drive>.

²² On August 20, 2020, Bannon was arrested on Guo Wengui's yacht in the Long Island Sound and subsequent articles have described business dealing between the two.

²³ Dan Friedman, *Exclusive: Leaked messages reveal the origins of the most vile Hunter Biden smear*, MOTHER JONES (Apr. 7, 2022), <https://www.motherjones.com/politics/2022/04/hunter-biden-laptop-guo-wengui-bannon-giuliani/>.

²⁴ Bernie Kerik pled guilty to tax fraud and false statements in November 2009, and was pardoned by President Trump in February 2020.

²⁵ Alex Thompson & Max Tani, *The Holy War over Hunter Biden's laptop*, POLITICO (Jul. 13, 2022), <https://www.politico.com/newsletters/west-wing-playbook/2022/07/13/the-holy-war-over-hunter-bidens-laptop-00045698>.

²⁶ See MARCO POLO USA, <https://bidenlaptopreport.marcopolousa.org/> (last accessed Jan. 30, 2022). Ziegler is also the person who published the contents of Ashley Biden's personal diary, which he transcribed and published online in October 2021. See also Podcast, *Garrett Ziegler and Tyler Nixon EXPOSE Hunter Biden's Dirty Secrets*, THE STONEZONE WITH ROGER STONE, <https://rumble.com/v1zvi5m-garrett-zieger-and-tyler-nixon-expose-hunter-bidens-dirty-secrets-the-stone.html> (last accessed Jan. 29, 2023).

²⁷ Andrew Rice & Olivia Nuzzi, *The Sordid Saga of Hunter Biden's Laptop*, *New York Magazine*, N.Y. MAG. (Sept. 12, 2022), <https://nymag.com/intelligencer/article/hunter-biden-laptop-investigation.html>.

²⁸ Samuel Chamberlain, *Hunter Biden laptop material entered into Congressional Record*, N.Y. POST (Mar. 29, 2022), <https://nypost.com/2022/03/29/gaetz-tries-to-get-hunter-biden-laptop-into-congressional-record/>.

Washington Post and one to the *Daily Mail*).²⁹ Mr. Maxey, alleging concern for his own safety, went to Switzerland where he continued to disseminate data from the copy that he stole from Mr. Bannon. *Fox News* anchor Tucker Carlson actually went to Switzerland to meet Mr. Maxey to see the data.³⁰ In his efforts, Mr. Maxey made a new sensational claim to have discovered an additional 450 gigabytes of deleted material—a claim that turned out to be false.³¹ Nevertheless, Mr. Maxey then gave a copy of the data to *New York Magazine*.³²

7. Yaacov Apelbaum

In his book, Mr. Mac Isaac claimed that a man named Yaacov Apelbaum (founder and CEO of cyber analytics firm XRVision), who at the time had been working with Senator Ron Johnson’s office, came and assisted Mr. Mac Isaac in creating a “forensic image” of the hard drive left in his store.³³ Mr. Apelbaum did so without the knowledge and consent of the hard drive’s owner. It remains unknown whether Mr. Apelbaum manipulated or tampered with the data in any way.

B. The Government Should Investigate Manipulation of Mr. Biden’s Data

Evaluating the data that Mr. Mac Isaac caused to be sent to the *New York Post* in October 2020 has been exceedingly difficult because, for months, neither the *New York Post* “nor its source for the material, President Donald Trump’s attorney Rudy Giuliani, were willing to share” that data with the public.³⁴ More recently, downstream recipients of what has been purported to be Mr. Biden’s hard drive have reported anomalies in the data, suggesting manipulation of it.

For example:

1. The *Washington Post* received a copy of what was represented to be Mr. Biden’s data from Republican activist Jack Maxey, who had stolen the data from Steve Bannon.³⁵ The *Washington Post* asked a team of forensic experts to analyze the data, and the team

²⁹ Matt Viser, *A look at the time Tucker Carlson asked Hunter Biden for a favor*, WASH. POST (May 19, 2022), <https://www.washingtonpost.com/politics/2022/05/19/look-time-tucker-carlson-asked-hunter-biden-favor/>.

³⁰ Alex Thompson & Max Tani, *The Holy War over Hunter Biden’s laptop*, POLITICO (Jul. 13, 2022), <https://www.politico.com/newsletters/west-wing-playbook/2022/07/13/the-holy-war-over-hunter-bidens-laptop-00045698>.

³¹ Andrew Rice & Olivia Nuzzi, *The Sordid Saga of Hunter Biden’s Laptop*, *New York Magazine*, N.Y. MAG. (Sept. 12, 2022), <https://nymag.com/intelligencer/article/hunter-biden-laptop-investigation.html>.

³² *Id.*

³³ MAC ISAAC, J.P., *AMERICAN INJUSTICE* 177 (2022); *see also* DAILY MAIL (Apr. 9, 2021), <https://www.dailymail.co.uk/news/article-9339527/Hunter-Biden-blew-tens-thousands-prostitutes-drugs-luxury-cars.html>.

³⁴ *Id.*

³⁵ Tom Hamburger, Craig Timberg & Matt Viser, *Here’s how The Post analyzed Hunter Biden’s laptop*, WASH. POST (Mar. 30, 2022), <https://www.washingtonpost.com/technology/2022/03/30/hunter-biden-laptop-data-examined/>. For further reporting, *see also* Tom Hamburger, Craig Timberg & Matt Viser, *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, WASH. POST (Mar. 30, 2022), <https://www.washingtonpost.com/politics/2022/03/30/hunter-biden-china-laptop/>.

- concluded that it could not verify over 99% of it.³⁶ “*The drive is a mess,*” said one *Washington Post* analyst, who compared the drive to a crime scene where law enforcement finds the cops before them carelessly left Big Mac wrappers all over the scene contaminating the evidence.³⁷ “*From a forensics standpoint, it’s a disaster.*”³⁸
2. The *Washington Post* reported that on September 1 and 2, 2020, three new folders were added to the drive: “Desktop Documents,” “Biden Burisma” and “Hunter. Burisma Documents.”³⁹ They also reported that, in October 2020, someone on the West Coast accessed the drive and added the following new folders: “Mail,” “Salacious Pics Package” and “Big Guy File.”⁴⁰ The timing is noteworthy, as Mr. Mac Isaac reportedly sent the data to Mr. Giuliani’s lawyer, Robert Costello, via Federal Express in late August 2020 (without Mr. Biden’s consent),⁴¹ and Mr. Giuliani reportedly provided a copy of the data to the *New York Post* on October 11, 2020 (without Mr. Biden’s consent).⁴²
 3. The *Washington Post* reported that since 2019, when Mr. Mac Isaac first acquired the data, “[t]he experts found the data had been repeatedly accessed and copied by people other than Hunter Biden over nearly three years.”⁴³
 4. Mr. Mac Isaac has admitted that material has been added to the data he initially accessed and copied in 2019.⁴⁴
 5. Former Trump Administration aide, Garrett Ziegler, published what he has represented to be a copy of Mr. Biden’s hard drive that includes, among other files, text messages between

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Miranda Devine, *New bid to spin Hunter’s laptop*, N.Y. POST (May 29, 2022), <https://nypost.com/2022/05/29/new-bid-to-spin-hunters-laptop/>; Dan Friedman, *Exclusive: Leaked messages reveal the origins of the most vile Hunter Biden smear*, MOTHER JONES (Apr. 7, 2022), <https://www.motherjones.com/politics/2022/04/hunter-biden-laptop-guo-wengui-bannon-giuliani/>.

⁴² Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>.

⁴³ Tom Hamburger, Craig Timberg & Matt Viser, *Here’s how The Post analyzed Hunter Biden’s laptop*, WASH. POST (Mar. 30, 2022), <https://www.washingtonpost.com/technology/2022/03/30/hunter-biden-laptop-data-examined/>.

⁴⁴ Phillip Bump, *Now warning about Hunter Biden-laptop disinfo: The guy who leaked it*, WASH. POST (Apr. 12, 2022), <https://www.washingtonpost.com/politics/2022/04/12/now-warning-about-hunter-biden-laptop-disinfo-guy-who-leaked-it>.

third parties, in which Mr. Biden himself is not a party to the communication.⁴⁵ The inclusion of other people's communications on what is supposed to be Mr. Biden's hard drive raises serious questions about whether third parties added those files to the hard drive.

6. Mr. Mac Isaac has insisted that he did not make a bit-by-bit copy or clone of the hard drive.⁴⁶ Nor could he make such a copy because the hard drive was soldered to the laptop's mother board, and he could not stay logged into the waterlogged laptop long enough to copy the entirety of the hard drive because the waterlogged laptop would periodically turn off. Instead, Mr. Mac Isaac chose what he wanted to access and copy from Mr. Biden's personal data that Mr. Mac Isaac unlawfully obtained.⁴⁷ Thus, any representation by Mr. Mac Isaac to law enforcement that what was in his possession was the *entire* hard drive would have been a knowing false statement. Moreover, the absence of a true clone of the hard drive created the opportunity for mischief—namely, the addition of files to this “hard drive,” the manipulation of files on this “hard drive,” and the destruction of files from this “hard drive.”

C. The Government Should Investigate Possible False or Misleading Statements Mr. Mac Isaac Made to Congress

On September 24, 2020, Mr. Mac Isaac informed Senator Ron Johnson's staff that he had possession of a laptop he claimed was left at his business by Hunter Biden.⁴⁸ However, that statement absolutely contradicts other statements Mr. Mac Isaac has made about his ability to identify who brought what he purported were the laptops. On October 14, 2020, *Fox News* reported that Mr. Mac Isaac is legally blind and has said “he can't be sure” it was actually Mr. Biden who dropped off the computer for repairs.⁴⁹ Similarly, Mr. Mac Isaac stated in a TV interview that “he never had a clear look at the person dropping off the laptop.”⁵⁰ However, a few months later, after Mr. Mac Isaac was identified by the media and his

⁴⁵ Ziegler, a former aide to Peter Navarro in President Donald Trump's Office of Trade and Manufacturing Policy, published online what he represented to be data found on Hunter Biden's laptop, and that data includes communications between third parties to which Hunter Biden is not a party (e.g., WhatsApp messages between Tony Bobulinski and James Gilliar). See MARCO POLO USA, <https://bidenlaptopreport.marcopolousa.org/> (last accessed Jan. 30, 2022) (including, *inter alia*, “Tony Bobulinski Messages.ZIP” file); Josh Boswell, *Exclusive: Former Trump aide posts online a searchable database containing a huge trove of more than 120,000 emails from Hunter Biden's abandoned laptop*, DAILY MAIL (May 17, 2022), <https://www.dailymail.co.uk/news/article-10825801/Former-Trump-aide-posts-huge-trove-120-000-Hunter-Biden-emails-abandoned-laptop.html>.

⁴⁶ See **Exhibit A** (selection of Mr. Mac Isaac's posts to the social-media platform GETTR).

⁴⁷ Phillip Bump, *Now warning about Hunter Biden-laptop disinfo: The guy who leaked it*, WASH. POST (Apr. 12, 2022), <https://www.washingtonpost.com/politics/2022/04/12/now-warning-about-hunter-biden-laptop-disinfo-guy-who-leaked-it/>.

⁴⁸ Ltr. from Sen. Ron Johnson, Chairman Comm. on Homeland Sec. & Governmental Aff., to DOJ Inspector General Michael E. Horowitz at 1 (Oct. 21, 2020), *available at* <https://www.ronjohnson.senate.gov/services/files/7CD44E16-BF0B-495E-8B87-900467F69E50> (“On September 24, 2020, the day after Chairman Grassley and I released the majority staff report titled, ‘Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns,’ a whistleblower contacted the committee and informed staff that he had possession of a laptop left in his business by Hunter Biden.”).

⁴⁹ Jacqui Heinrich, *Hunter Biden email story: Computer repair store owner describes handing over laptop to FBI*, FOX NEWS (Oct. 14, 2020), <https://www.foxnews.com/politics/hunter-biden-emails-computer-repair-store-owner-john-paul-mac-isaac>.

⁵⁰ Bo Erickson & Stefan Becket, *What we know — and don't know — about Hunter Biden's alleged laptop*, CBS NEWS (Oct. 16, 2020), <https://www.cbsnews.com/news/hunter-biden-laptop-new-york-post-story/>.

story was questioned, Mr. Mac Isaac claimed that he was now “100 percent sure” that it was Mr. Biden who had visited his shop.⁵¹

Mr. Mac Isaac also contradicts himself on how the copies of the data came into being. First, he claimed that in April 2019 he could not keep the laptop on long enough to make a digital replica of the laptop’s drive.⁵² He said that the laptop battery would drain quickly to prevent this type of transfer and he had to recharge the device each night.⁵³ He does not explain why he did not just keep the so-called laptop plugged in while he was working on it. Then, he states that he had to copy specific folders and files one at a time.⁵⁴ Then, he claimed that in July 2019 he made another “clone” of the data, which he then loaded onto a MacBook of his own in order to recreate the original.⁵⁵ He further claims that in September 2019, he made several of his own external drives copies which he loaded “as close to the original as possible.”⁵⁶ These are the copies he then sent or shared with others.

Mr. Mac Isaac has made other statements undermining his credibility. For example, on the one hand, he told right-wing media outlet *Real America’s Voice* that he was relieved when the FBI served him with a subpoena for the computer and the data in December 2019: “*I thought everything was great when they took it ... because that was what I wanted the whole time was just to get this stuff out of my shop, have the FBI – have a paper trail that afforded me some protection, both physically and legally.*”⁵⁷ But Mr. Mac Isaac retained a copy of the data for himself and, in August 2020, sent that data to Mr. Giuliani’s lawyer, Robert Costello.⁵⁸

⁵¹ Mac Isaac, J.P., *The Truth – It was Him*, YOUTUBE (Dec. 11, 2020), <https://www.youtube.com/watch?v=THYjft9aH88>; see also Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/> (“The shop owner couldn’t positively identify the customer as Hunter Biden, but said the laptop bore a sticker from the Beau Biden Foundation, named after Hunter’s late brother and former Delaware attorney general.”).

⁵² MAC ISAAC, J.P., *AMERICAN INJUSTICE* 22–26 (2022).

⁵³ *Id.*

⁵⁴ *Id.* at 29–31.

⁵⁵ *Id.* at 20, 48.

⁵⁶ *Id.* at 75.

⁵⁷ Phillip Bump, *Now warning about Hunter Biden-laptop disinfo: The guy who leaked it*, WASH. POST (Apr. 12, 2022), <https://www.washingtonpost.com/politics/2022/04/12/now-warning-about-hunter-biden-laptop-disinfo-guy-who-leaked-it/>. In a December 15, 2020 interview, Mr. Mac Isaac claimed, in reference to providing the laptop the FBI in December 2019, “I just wanted it out of my shop,” even though he had retained a copy of the data and voluntarily provided it to Robert Costello in August 2020. John Paul Mac Isaac, *The Truth -- The FBI*, YOUTUBE (Dec. 15, 2020), <https://youtu.be/Q14tUY1D29A>. Later in the same interview, Mr. Mac Isaac made the following incredible comment regarding his cooperation with the FBI, in 2019:

I was ecstatic. I was getting everything that I wanted. I was getting protection from the FBI. I felt safe. I finally was getting this abandoned laptop and its questionable data out of my shop, and if there was evidence there then it was finally in the hands of proper authorities.

Id.

⁵⁸ Phillip Bump, *Now warning about Hunter Biden-laptop disinfo: The guy who leaked it*, WASH. POST (Apr. 12, 2022), <https://www.washingtonpost.com/politics/2022/04/12/now-warning-about-hunter-biden-laptop-disinfo-guy-who-leaked-it/>.

D. Federal Statutes Implicated by the Conduct Described

We believe that these facts and circumstances merit further investigation as to whether the conduct of Messrs. Mac Isaac, Costello, Giuliani, Bannon, Ziegler, Maxey and Apelbaum violated federal law—including, but not necessarily limited to, the Computer Fraud and Abuse Act, the Stored Communications Act, the National Stolen Property Act, and 18 U.S. Code § 119 (which prohibits knowingly making public restricted personal information of a “covered person,” a definition which specifically encompasses Hunter Biden, as an immediate family member of the U.S. President).

i. Computer Fraud and Abuse Act—18 U.S.C. § 1030

The Computer Fraud and Abuse Act makes it a federal crime to “intentionally access[] a computer without authorization or exceed[] authorized access, and thereby obtain[] . . . information from any protected computer.”⁵⁹ “Protected computer” means any computer “used in or affecting interstate or foreign commerce or communication.”⁶⁰ The phrase “exceeds authorized access” is defined by statute as “access[ing] a computer with authorization and [using] such access to obtain or alter information in the computer that the accesser is not entitled to obtain or alter.” *Id.* § 1030(e)(6). The U.S. Supreme Court has interpreted this provision to mean that “an individual ‘exceeds authorized access’ when he accesses a computer with authorization but then obtains information located in particular areas of the computer—such as files, folders, or databases—that are off limits to him.” *Van Buren v. United States*, 141 S. Ct. 1648, 1662 (2021).

The facts and circumstances presented above merit further investigation as to whether the Computer Fraud and Abuse Act was violated.

ii. Stored Communications Act—18 U.S.C. § 2701

Sections 2701(a) and (b) of the Stored Communications Act make it unlawful to: (1) “intentionally access”; (2) “a facility through which an electronic communication service is provided”; (3) without or beyond authorization; and (4) “thereby obtain[], alter[], or prevent[] authorized access to a wire or electronic communications while it is in electronic storage in such system.” The Act’s scope is sweeping: “electronic storage” is defined as *any* storage by an “electronic communication service” for purposes of backup protection of communications. “Electronic communication service” in turn is defined as *any* service that facilitates sending or receiving electronic communications. And, an “electronic communications” “system” encompasses *any* computer facility or related equipment for electronic storage of electronic

⁵⁹ 18 U.S.C. § 1030(a)(2)(C).

⁶⁰ *Id.* § 1030(e)(2)(B). This definition is readily satisfied. *See, e.g., United States v. Nosal*, 676 F.3d 854, 859 (9th Cir. 2012) (en banc) (definition covers “all computers with Internet access”).

communications. Case law indicates that accessing a web-based email account without authorization constitutes a violation.⁶¹

We believe the facts and circumstances described above merit further investigation as to whether the Stored Communications Act was violated.

iii. *National Stolen Property Act—18 U.S.C. § 2314*

The U.S. Attorney’s Office for the Southern District of New York recently obtained guilty pleas from two individuals who conspired to commit interstate transportation of stolen property, involving the theft of a personal diary from Mr. Biden’s sister.⁶² We believe the facts and circumstances presented above merit further investigation as to whether the conduct of some of the individuals described above violated the same underlying provision of the National Stolen Property Act (NSPA). The NSPA states in relevant part as follows:

Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud ... [is guilty of a crime].

18 U.S.C. § 2314. The elements of a violation are that the defendant: (1) unlawfully transported or caused to be transported in interstate or foreign commerce; (2) goods, wares, merchandise, securities, or money having a value of \$5,000 or more which are stolen, converted or taken by fraud; and (3) knowing the same to be stolen, converted or taken by fraud.⁶³ “Some tangible property must be taken from the owner for there to be deemed a ‘good’ that is ‘stolen’ for purposes of the NSPA.”⁶⁴ The NSPA’s requirement of “tangible” property can be satisfied even when a defendant has reproduced otherwise intangible data (such as computer data) onto a tangible, physical medium (such as an external hard drive).⁶⁵

Here, for example, by Mr. Mac Isaac’s own admission, he caused to be transported in interstate commerce at least two external hard drives containing Mr. Biden’s computer data, knowing the property belonged to Mr. Biden and that Mac Isaac did not have a right to take the property. Mr. Mac Isaac also knew that the value of Mr. Biden’s property far exceeded \$5,000. The amount of money that Mr. Mac Isaac, Mr. Ziegler or others have raised from peddling Mr. Biden’s data is significantly more than that.

⁶¹ For example, in *Hoofnagle v. Smyth-Wythe Airport Comm’n*, the defendant, a former employer of the plaintiff, accessed the plaintiff’s private web-based Yahoo! email account without the plaintiff’s authorization. No. 15-cv-00008, 2016 WL 3014702 (W.D. Va. May 24, 2016). The court denied summary judgment, finding that emails on Yahoo!’s servers qualified as “electronic storage” under the Stored Communications Act.

⁶² See *United States v. Harris*, No. 22-CR-457 (S.D.N.Y. filed Aug. 25, 2022).

⁶³ See Justice Manual, Criminal Resource Manual § 1322.

⁶⁴ *United States v. Agrawal*, 726 F.3d 235, 251 (2d Cir. 2013).

⁶⁵ Although the NSPA does not criminalize the theft of purely *intangible* information, the statute “*does apply* when there has been some tangible item taken, however insignificant or valueless it may be, absent the intangible component.” *Id.* (emphasis in original) (quoting *United States v. Martin*, 228 F.3d 1, 14–15 (1st Cir. 2000)).

Others who received Mr. Mac Isaac's copies seemingly also transported the material in interstate commerce.

iv. Making Public Restricted Personal Information—18 U.S.C. § 119

In addition to the statutes listed above, there is also 18 U.S.C. § 119 (“Protection of individuals performing certain official duties”), which states:

“(a) Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available –

1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person.

Shall be fined under this title, imprisoned not more than 5 years, or both.”

Section 119 thus makes it a crime for anyone to: (1) knowingly (2) make publicly-available any restricted personal information of a covered person or of a covered person's immediate family member; (3) with the intent to threaten, intimidate or cause violence to that person, or with the intent and knowledge that others will do so.⁶⁶ “Restricted personal information” may include a person's social security number, home address, phone number, or personal email.⁶⁷ A “covered person” includes officers and employees of the United States while they perform official duties, including the President of the United States.⁶⁸ “Immediate family members” include spouses, parents, siblings, and children.⁶⁹

Mr. Mac Isaac has caused to be made publicly available restricted information of Mr. Biden, unquestionably a covered person under Section 119, as well as certain other members of Mr. Biden's immediate family who likewise qualify as covered persons. More egregiously, Mr. Mac Isaac has sought and obtained pecuniary gain from his illegal conduct (including, most recently, a book deal).⁷⁰ Others, like Messrs. Giuliani, Ziegler, and Maxey, also took actions to make publicly available restricted information of Mr. Biden. Some, like Mr. Ziegler, also have sought pecuniary gain for doing so.

⁶⁶ 18 U.S.C. § 119(a). It is sufficient under the statute that an individual had knowledge that the restricted personal information would be used to threaten, assault, or cause violence to an immediate family member of a covered person. *Id.*

⁶⁷ 18 U.S.C. § 119(b)(1).

⁶⁸ 18 U.S.C. § 1114.

⁶⁹ 18 U.S.C. § 115(e)(2).

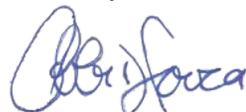
⁷⁰ *See, e.g.,* MAC ISAAC, J.P., AMERICAN INJUSTICE (2022).

The DOJ has prosecuted individuals under this statute, including on less egregious facts. In *United States v. Cosko*, the U.S. Attorney's Office for the District of Columbia charged a man for posting home addresses and phone numbers of U.S. Senators—a practice commonly referred to as “doxxing”—on Wikipedia.⁷¹ The defendant was convicted of violating 18 U.S.C. § 119 and sentenced to four years in prison.⁷² Other offices and DOJ components similarly have obtained convictions under Section 119.⁷³

Furthermore, as documented in various publications, many of the individuals named in this letter have admitted that their actions could cause harm to Mr. Biden or his family. To coin Steve Bannon's excuse, they thought it was “war.”⁷⁴ The actions described above more than merit a full investigation and, depending on the resulting facts, may merit prosecution under various statutes. It is not a common thing for a private person and his counsel to seek someone else being investigated, but the actions and motives here require it.

We kindly request that you please acknowledge receipt of this request. We can supplement this letter with additional materials and would be happy to answer any questions you have.

Sincerely,



Abbe David Lowell

Counsel for Robert Hunter Biden

⁷¹ *District Man Sentenced to Four Years for Stealing Senate Information and Illegally Posting Restricted Information of U.S. Senators on Wikipedia*, U.S. DEP'T OF JUST. (June 19, 2019), <https://www.justice.gov/usao-dc/pr/district-man-sentenced-four-years-stealing-senate-information-and-illegally-posting>.

⁷² *Id.* (“‘Doxxing’ is the act of gathering, by licit and illicit means, and posting on the Internet personal identifying information (‘PII’) and other sensitive information about an individual.”).

⁷³ *See, e.g., United States v. Kaetz*, No. 21-cr-211 (W.D. Pa. 2021) (sentencing a man to prison for sending threatening communications to a federal judge by phone and email); *Ohio Man Sentenced to 20 Years in Prison for Soliciting Murder of U.S. Military Members*, U.S. DEP'T OF JUST. (Aug. 7, 2017), <https://www.justice.gov/opa/pr/ohio-man-sentenced-20-years-prison-soliciting-murder-us-military-members> (sentencing a man to 20 years in prison for circulating personnel information of military members and soliciting their murder).

⁷⁴ Andrew Rice & Olivia Nuzzi, *The Sordid Saga of Hunter Biden's Laptop*, *New York Magazine*, N.Y. MAG. (Sept. 12, 2022), <https://nymag.com/intelligencer/article/hunter-biden-laptop-investigation.html>.

EXHIBIT A

Selection of Posts By Mr. Mac Isaac to Social Media Platform GETTR

