



U.S. Department of Justice
United States Attorney
Southern District of Florida

99 N.E. 4 Street
Miami, FL 33132
(305) 961-9295 - Telephone

November 21, 2022

David J. Smith, Clerk of the Court
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: Supplemental Authority in *Trump v. United States*, Case No. 22-13005-DD

To the Court:

The United States hereby gives notice that John L. Smith has been appointed by the Attorney General as Special Counsel, under authorities including 28 U.S.C. §§ 509, 510, 515, and 533, in order to, *inter alia*, “conduct the ongoing investigation referenced and described in the United States’ Response to Motion for Judicial Oversight and Additional Relief, *Donald J. Trump v. United States*, No. 9:22-CV-81294-AMC (S.D. Fla. Aug. 30, 2022) (ECF No. 48 at 5-12), as well as any matters that arose or may arise directly from this investigation or that are within the scope of 28 C.F.R. § 600.4(a).” Order No. 5559-2022 (Nov. 18, 2022). The Appointment Letter signed by the Attorney General and an Appointment Affidavit signed by Special Counsel Smith are attached.

Special Counsel Smith has reviewed the filings in this litigation and approves all of the arguments that have been presented in the briefs and will be discussed at the oral argument in this case. Special Counsel Smith’s name will be affixed to future pleadings filed in all matters falling within his appointment.

Respectfully submitted,

Juan Antonio Gonzalez

United States Attorney

/s/ Juan Antonio Gonzalez

Juan Antonio Gonzalez

cc: Christopher M. Kise
James M. Trusty
M. Evan Corcoran
Lindsey Halligan



The Attorney General
Washington, D.C.

November 18, 2022

Hon. John L. Smith

Dear Mr. Smith:

You are appointed as a Special Attorney pursuant to 28 U.S.C. §§ 509, 510, 515 and 533. You are authorized to conduct in any judicial district, proceedings necessary to:

- (1) conduct the ongoing investigation into whether any person or entity violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021, as well as any matters that arose or might arise directly from this investigation or that are within the scope of 28 C.F.R. § 600.4(a);¹ and
- (2) conduct the ongoing investigation referenced and described in the United States' Response to Motion for Judicial Oversight and Additional Relief, *Donald J. Trump v. United States*, No. 9:22-CV-81294-AMC (S.D. Fla. Aug. 30, 2022) (ECF No. 48 at 5–13), as well as any matters that arose or may arise directly from this investigation or that are within the scope of 28 C.F.R. § 600.4(a).

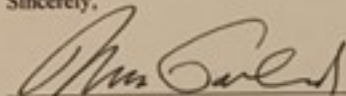
You are further authorized to prosecute federal crimes arising from the investigation of these matters.

Please execute the enclosed Appointment Affidavit (Standard Form 61), which contains the oath of office. You must file a copy of this letter and the enclosed oath of office with the

¹ This authorization does not apply to prosecutions that are currently pending in the District of Columbia, and to future investigations and prosecutions of individuals for offenses they committed while physically present on the Capitol grounds on January 6, 2021. Those investigations and prosecutions remain under the authority of the United States Attorney for the District of Columbia.

Clerk of the United States District Court where you make an appearance to evidence this authorization.

Sincerely,



Merrick B. Garland
Attorney General

Enclosure

I agree to and accept the foregoing terms and conditions:



John L. Smith

APPOINTMENT AFFIDAVITSSpecial Counsel

(Position to which Appointed)

11/18/22

(Date Appointed)

Department of Justice

(Department or Agency)

(Bureau or Division)

Washington DC

(Place of Employment)

John L. Smith

I, _____, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

John L. Smith

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 20 day of November, 2022at _____
(City)

_____ (State)

(SEAL)

(Signature of Officer)

Commission expires _____

(If by a Notary Public, the date of his/her Commission should be shown)

(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.