

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

GRAND JURY INVESTIGATION
(USAO No. 2024R00439)

Misc. No. 25-1373

**FILED EX PARTE AND
UNDER SEAL**

**UNITED STATES' *EX PARTE* MOTION FOR A FINDING THAT CERTAIN
DOCUMENTS ARE OUTSIDE THE SCOPE OF FEDERAL RULE OF CRIMINAL
PROCEDURE 6(e) AND MAY BE DISCLOSED TO UNITED STATES
INVESTIGATIVE AGENCIES AND CONGRESS**

AND NOW comes the United States of America, by its attorneys, Troy Rivetti, First Assistant United States Attorney for the Western District of Pennsylvania, by delegation, and Nicole Vasquez Schmitt, Assistant United States Attorney for said district, and respectfully moves this Court for an order finding that pre-existing documents are not "matters occurring before the grand jury" within the meaning of Federal Rule of Criminal Procedure 6(e) and may be disclosed to United States investigative agencies and Congress in connection with their own investigations.

BACKGROUND AND PROCEDURAL HISTORY

On July 13, 2024, Thomas Crooks attempted to assassinate President Donald J. Trump using a high-powered rifle at a rally in Butler, Pennsylvania. One attendee to the rally was killed, and two others suffered serious bodily injury. Crooks was shot and killed by law enforcement. The Federal Bureau of Investigation opened a criminal investigation in an effort to determine whether Crooks was associated with any co-conspirators and to uncover Crooks's motive for attempting to assassinate President Trump. In connection with that investigation, the government obtained pre-existing business records pursuant to grand jury subpoenas from numerous entities, such as telephone and internet service providers, email services, financial institutions, and others.

No testimony was presented to the grand jury in connection with the Crooks investigation. The grand jury's sole role in the investigation was to receive pre-existing records pursuant to subpoenas. The grand jury investigation has since been closed.

The attempted assassination of President Trump is undoubtedly a matter of historical significance. As of the date of this filing, there are ongoing investigations related to the attempted assassination being conducted by other United States investigative agencies and Congress.

As explained below, the records obtained in the Crooks grand jury investigation are not "matters occurring before the grand jury" and thus do not fall within the scope of Federal Rule of Criminal Procedure 6(e). Nonetheless, out of an abundance of caution, the records have not yet been provided to other federal agencies or to Congress. Now, the government seeks an Order authorizing the records to be shared with these other investigative agencies and Congress, including any agents, analysts, and support staff who work on investigations related to the attempted assassination. A Proposed Order is attached.

ARGUMENT

It long has been established that the proper functioning of the grand jury system depends upon the secrecy of grand jury proceedings. *Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 218 (1979). To that end, the secrecy provision of Rule 6(e)(2) prohibits the disclosure of a "matter occurring before the grand jury." Courts must therefore determine as a threshold inquiry whether the documents at issue qualify as "matters occurring before the grand jury" within the meaning of Rule 6(e). If not, then they are not entitled to secrecy and Rule 6(e) is inapplicable. See *In re Grand Jury Investigation (New Jersey State Comm'n of Investigation)*, 630 F.2d 996, 1000 (3d Cir. 1980) ("Rule 6(e) shields solely 'matters occurring before the grand jury.' It is

designed to protect from disclosure only the essence of what takes place in the grand jury room, in order to preserve the freedom and integrity of the deliberative process.”).

The Third Circuit has held that Rule 6(e)

is not intended to foreclose from all future revelation to proper authorities the same information or documents which were presented to the grand jury. The mere fact that a particular document is reviewed by a grand jury does not convert it into a ‘matter occurring before the grand jury’ within the meaning of 6(e). Documents such as . . . business records . . . are created for purposes independent of grand jury investigations, and such records have many legitimate uses unrelated to the substance of the grand jury proceedings.

Id. (internal citations and quotations omitted) (emphasis added). *See also United States v. Chang*, 47 F. App’x 119, 121-22 (3d Cir. 2002) (“It is also well-settled law that information does not become a matter occurring before the grand jury simply by being presented to the grand jury, particularly where it was developed independently of the grand jury.”); *United States v. Fischbach & Moore, Inc.*, 576 F. Supp. 1384, 1395 (W.D. Pa. 1983) (“In this circuit, a document becomes a ‘matter occurring before the grand jury’ when it has been prepared especially for the grand jury, as with a summary for grand jury use. . . . Only those subpoenaed documents should be subject to Rule 6(e) which when reasonably considered in the context of the particular grand jury investigation are determined by the trial court to reveal some secret aspect of the grand jury investigation.”) (internal citation and quotations omitted); *In re Blood Reagents Antitrust Litig.*, 756 F. Supp. 2d 623, 634 (E.D. Pa. 2010) (“Rule 6(e) does not protect materials that are created independently of the grand jury process.”); *United States v. OMT Supermarket, Inc.*, 995 F. Supp. 526, 532 (E.D. Pa. 1997) (“[I]t has been well-established in this Circuit for over 14 years that if documents exist independently of the grand jury process, they are not matters occurring before the grand jury for purposes of Rule 6(e).”).

Here, the United States seeks to disclose pre-existing business records that were created for purposes independent of the Crooks grand jury investigation. Disclosure will reveal only the information contained in the documents, and will not reveal what, if anything, occurred before the grand jury. These documents were created for business purposes prior to and wholly independent of any grand jury investigation and were kept in the ordinary course of business. Accordingly, because the requested pre-existing documents are not “matters occurring before the grand jury,” and are not within the scope of Rule 6(e)’s secrecy provisions, they may be properly disclosed.

WHEREFORE, the United States respectfully requests that the Court grant its Motion and enter the attached Proposed Order.

Respectfully submitted,

/s/ Troy Rivetti
TROY RIVETTI
First Assistant United States Attorney
PA ID 56816

/s/ Nicole Vasquez Schmitt
NICOLE VASQUEZ SCHMITT
Assistant United States Attorney
PA ID 320316

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:
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Misc. No. 25- 1373

**FILED EX PARTE AND
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ORDER

AND NOW, this 19th day of December, 2025, upon consideration of the United States' *Ex Parte* Motion for a Finding that Certain Documents Are Outside the Scope of Federal Rule of Criminal Procedure 6(e) and May Be Disclosed to United States Investigative Agencies and Congress,

IT IS ORDERED that records received pursuant to grand jury subpoenas in the above-captioned investigation (the "Records") are not "matters occurring before the grand jury" within the meaning of Federal Rule of Criminal Procedure 6(e).

IT IS FURTHER ORDERED that United States investigative agencies and Congress, and their staff, are authorized to have access to the Records.

IT IS FURTHER ORDERED that the government's Motion and the instant Order are unsealed.

BY THE COURT,



HONORABLE CATHY BISSOON
CHIEF UNITED STATES DISTRICT JUDGE

cc: Troy Rivetti, First Assistant United States Attorney
Nicole Vasquez Schmitt, Assistant United States Attorney