IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA **v.** **JAMES B. COMEY, JR.** ***Defendant.***	**Criminal No. 1:25-CR-272-MSN**

GOVERNMENT'S NOTICE CORRECTING THE RECORD

The government respectfully submits this supplemental filing to correct the record regarding statements during the hearing held on November 19, 2025, before U.S. District Court Judge Michael S. Nachmanoff, suggesting an issue with the grand jury voting process on the indictment returned in Case No. 1:25-CR-272-MSN. The official transcript of the September 25, 2025, proceedings before Magistrate Judge Vaala conclusively refutes that claim and establishes that the grand jury voted on – and true-billed – the two-count indictment.

I. The Court and the Foreperson Confirmed the Vote on the Two-Count Indictment

The transcript contains the following direct exchange between the Court and the grand jury foreperson:

> THE COURT: Sorry, I didn't mean to interrupt you.
> So you voted on the one that has the two counts?
> THE FOREPERSON: Yes.

See Transcript, Dkt No, 10, attached as Exhibit "A" at 4.

This sworn testimony alone establishes that the grand jury voted on the two-count

indictment.

Further, the Foreperson explained the separation of the charges and the grand jury's action:

> THE FOREPERSON: So the three counts should be just one count. It was the very first count that we did not agree on, and the Count Two and Three were then put in a different package, which we agreed on.

Id.

This confirms that the grand jury failed to obtain concurrence on Count One, and that Counts Two and Three were placed into a separate two-count indictment that the grand jury approved.

II. The Court Acknowledged the Clerical Discrepancy and Directed That the Two-Count True Bill Be Docketed

The Court acknowledged that two documents with the same case number had been presented, explaining:

> concur across all three counts, so I'm a little confused as to why I was handed two things with the same case number that are inconsistent.

Id. at 5.

The Court then identified the issue as a clerical inconsistency relating solely to Count One and directed the foreperson to clarify that only Count One lacked concurrence. After resolving this narrow issue, the Court stated:

> provided this to the Court, I assume you intended to make it public, so these both will go on the docket in -272 now that it's been presented in open court. I just want to make sure that you understand that and that was your intention.
>
> MS. HALLIGAN: Okay. Understood.

Id. at p. 6,18-22.

This confirms the Court's recognition that the two-count true bill is the valid, operative indictment.

III. The Transcript Leaves No Room for Ambiguity

The complete record eliminates any doubt:

• The foreperson confirmed the vote.

• The Court acknowledged the vote.

• The Court docketed the two-count true bill as the operative indictment.

• Only Count One lacked concurrence;

Counts Two and Three were true-billed by at least twelve jurors.

IV. Conclusion

Accordingly, any assertion that the grand jury "never voted on the two-count indictment" is contradicted by the official transcript. For the reasons stated herein, the government respectfully

submits this Notice of Supplemental Filing so that the record accurately reflects the grand jury's vote on the two-count indictment and the proceedings held before Magistrate Judge Vaala on September 25, 2025.

Respectfully submitted this 20th day of November, 2025.

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CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of November, 2025, the government served a copy of the foregoing upon the defendant by CM/ECF to:

Jessica Nicole Carmichael
Counsel for Defendant

Patrick Joseph Fitzgerald
Counsel for Defendant

Rebekah Donaleski
Counsel for Defendant

Respectfully Submitted,

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