

Date: January 5, 2022

Time: 9:10am

Honorable Judge Holmes,

As you know, former FBI Agent Robert Cessario was a key, main participant in the pre-trial stages of prosecution of Jon Woods. Cessario's involvement started at ground zero, and the ramifications of his criminal actions continue to this very day. Agent Cessario was one of the core strands that made up the rope of this trial. Cessario's involvement intertwined throughout, including but not limited to having direct interactions with a significant number of eventual trial participants, and direct collection and handling of potential evidence throughout. It would not be an understatement to state, to recognize, and to award Agent Cessario as being the MVP or co-MVP, the maestro, one of the main air traffic controllers, touching most all parts of the pre-trial, directing from the center of the hub of the bicycle wheel, the nexus in the entire prosecution machine and prosecution of Jon Woods.

Cessario's fame has even garnered the main stage attention of the National Association of Criminal Defense Lawyers and national press. As you know, the NACDL is a nationwide membership of THOUSANDS of private, public, and military defense counsel, and law professors and judges. The NACDL became aware of this case and Cessario's actions, and filed on July 3, 2019, a "Brief of Amicus Curiae". Excerpts from this brief -a brief now reportedly disseminated legal industry wide- and is reportedly being actively monitored- the brief is filed under Appellate Case 18-3058, and excerpts include: "NACDL represents the consensus view of its members that the shocking bad faith act of destroying evidence in this case weighs in favor of vindicating the Constitutional rights of the individual accused"; "It is difficult to imagine a more outrageous set of facts..."; "The evidence presented.....demonstrated that (1) Agent Cessario knew that Appellant wanted to examine the contents of his laptop for potentially relevant and possibly exculpatory evidence; (2) he nevertheless deliberately destroyed the evidence, in what the District Court could only surmise was out of fear that the contents of the laptop contained "something that posed an even greater risk to his job, public reputation, and liberty than was posed by his decision to wipe the laptop." (Doc. 297, p. 39); (3) he concealed that he had destroyed the evidence until he was confronted about it; (4) he lied to other agents and prosecutors about his reasons for having destroyed the evidence; and (5) the District Court expressly found that he committed perjury when testifying about why he had destroyed the evidence." In summary, Cessario conducted many crimes.

According to Document 289-5, filed 2/13/18, Case 5:17-CR-50010-TLB, this document is a transcript that was part of the Department of Justice's Office of the Inspector General's official investigation into Agent Cessario's wiping of his laptop. The following is an excerpt found on Page 8, consisting of a statement provided by one of Cessario's co-workers, in reference to a conversation conducted with Cessario: "He really doesn't want me to basically send the US Attorney's office the fact that it had been

formatted. He just wanted me to let them know that the computer didn't have any, you know drop files or whatever on there.”

Agent Cessario's guilty plea agreement, Case 5:22-cr-50053-PKH Document 6 Filed 08/17/22,

Agent Cessario acknowledges the wiping of his laptop on DECEMBER 4, 2017, and AGAIN, A SECOND TIME, on/about DECEMBER 6, 2017. The first wiping administered by Cessario, was professionally conducted by a commercial computer store, the second wipe was conducted personally by Agent Cessario.

The following is an excerpt from Page 8 of the plea agreement whereas Cessario confesses to the following: “I erased the contents of the computer hard drive knowing that the Court had ordered that the computer be submitted for forensic examination. I did so with the intention of making the contents of the computer's hard drive unavailable for forensic examination. At the time, I knew that the contents of the hard drive were relevant to an official proceeding, that is Case No. 5:17-CR-50010, United States v. Woods, et al. I corruptly performed, and had performed, the erasures with intent to impair the integrity and availability of the computer hard drive and its contents for use in that official proceeding”.

As documented in Case 5:17-cr-50010-TLB, Document 289

Filed 02/13/18, a transcript of a January 26, 2018 pre-trial hearing, and as previously reported in various online publications, Agent Cessario reportedly utilized his laptop, leading up to DECEMBER, 2017, as part of sharing of files with the law office of Shane Wilkinson, of Bentonville, AR., the attorney for key prosecution witness Micah Neal. Also previously reported in online publications, such as <https://www.arkansasonline.com/news/2018/jan/27/dropbox-analyst-backs-fbi-agent-s-testi/>, and as evidenced circa page 350, during a persistent cross examination by the defense, it was eventually uncovered and eventually communicated to the defense, the Wilkinson law office computer utilized in the sharing of files with Cessario, had been brought to a local computer store, on DECEMBER 27, 2017, and had been replaced. As a result, the defense was provided with a suspect and flawed “replacement” copy of files derived from the new computer's, new hard drive. This raises the question and constitutes possible actions “grander” than one piece of evidence. These facts also directly contributed to the District Court's determination that Cessario was not truthful, whereas personal/medical information was surely not on a Bentonville law office's computer as well.

The criminal actions by Cessario forever crushed what is the foundation of every American's basic right to a fair trial and vaporized the ideology of what our justice system should be. And shockingly Cessario showed no remorse for his actions and even attempted to marginalize any idea that his criminal conduct had any serious consequences. According to the Office of the Inspector General's investigation transcript referenced previously, when Agent Cessario was confronted by a fellow FBI agent about the wiped laptop, Cessario simply said “this is not a big deal”. This type of “victory at all costs” / “the ends justify the means” view point inescapably suggests that Cessario's conduct in this matter was quite possibly not the first of its kind committed by

him and this document serves as a formal request for applicable government entities to include the Department of Justice to review other cases in which Cessario was the lead investigator.

In relation to the Cessario plea agreement, United States Attorney for the Eastern District of Texas, filed on 12/15/2022, Document 15, pertaining to Case 5:22-cr-50053-PKH, on Page 2, the following:

“...the government has no evidence suggesting that (a) the defendant had any reason for wiping the computer other than his expressed one, which was to remove sensitive personal and family information on the computer, or (b) the defendant had any motive to impede the public corruption prosecution grander than making one piece of evidence, the computer, unavailable for use in the prosecution. As such, the government concludes that a sentence of probation will accomplish the sentencing factors set forth at 18 U.S.C. § 3553(a).”

When knowledgeable and aware of all facts, it appears the US Attorney's Office for the Eastern District of Texas, is either unknowledgeable of the facts, OR is knowledgeable however is seeking lenient sentencing for a former fellow co-worker, OR is possibly assuming the court and public will not do their homework in regards to the facts of the case - which by default, is intentionally misleading the court. The US Attorney's office statement/stance/assessment of Cessario's actions and intent, is the exact opposite of real life, documented events.

When weighing the Cessario crimes committed in comparison to other FBI agent crimes, extreme weight to ASSESSING A MAXIMUM SENTENCE IS CLEARLY EARNED based upon the egregious criminal acts and ramifications of Cessario's crimes. Specifically, the NACDL brief itself represents the weight of THOUSANDS of attorneys, to include judges, and professors. The NACDL assessments of “shocking bad faith act of destroying evidence in this case....” and “It is difficult to imagine a more outrageous set of facts”, has the weight of entire legal professions who represent the protectors of basic legal rights across the entire United States of America; has the weight of thousands of years of experience; and has the weight of truth. A quick Google search shows many instances of FBI personnel crimes and sentences. Just two of many are listed / described here: <https://www.justice.gov/opa/pr/former-fbi-special-agent-sentenced-10-years-prison-bribery-and-obstruction-scheme>

<https://abc7.com/amp/babak-broumand-former-fbi-agent-charged-bribery-case-beverly-hills-lawyer/12294678/>

In regards to Cessario's past awards presented to the court, please see the following link for awards and accomplishments of Jon Woods.

[https://en.m.wikipedia.org/wiki/Jon\\_Woods](https://en.m.wikipedia.org/wiki/Jon_Woods)

Judge Holmes, thank you for your time in hopefully reading this. Although many believe today's plea sentencing is already a “cooked deal”, there are many, including myself and family, that pray and request fairness and justice - especially when this involves an

individual that was on the American citizen's payroll, responsible for fighting on behalf of the American people.

Sincerely,

Rob Woods & Family