

JURISDICTIONAL STATEMENT

The district court exercised jurisdiction under 18 U.S.C. § 3231 and entered its order dismissing the indictment on July 15, 2024. Dkt. 672.¹ The government filed a timely notice of appeal on July 17, 2024. Dkt. 673. This Court has jurisdiction under 18 U.S.C. § 3731 and 28 U.S.C. § 1291.

STATEMENT OF THE ISSUES

1. Whether the Attorney General had statutory authority to appoint the Special Counsel such that the appointment was consistent with the Appointments Clause of the Constitution, art. II, § 2, cl. 2.

2. Whether the statutes the Attorney General invoked to appoint the Special Counsel constitute “other law” under the appropriation for independent counsels, such that using that source of funding for the Special Counsel was consistent with the appropriation and the Appropriations Clause of the Constitution, art. I, § 9, cl. 7.

STATEMENT OF THE CASE

I. Course of Proceedings and Disposition Below

A grand jury in the Southern District of Florida returned a superseding indictment charging defendant Donald Trump with willful retention of national defense information, in violation of 18 U.S.C. § 793(e), and charging Trump and

¹ “Dkt.” refers to district court docket entries.