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COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: PARISA DEGHANI-TAFTI

Thursday, July 16, 2026

Washington, D.C.

The deposition in the above matter was held in room 2237, Rayburn House Office Building,
commencing at 10:09 a.m.

Present: Representative Jordan.

1 Appearances:

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5 For the COMMITTEE ON THE JUDICIARY:

6
7 ██████████, DEPUTY DIGITAL DIRECTOR

8 ██████████, DEPUTY CHIEF COUNSEL FOR IMMIGRATION

9 ██████████, SENIOR COUNSEL

10 ██████████, DEPUTY GENERAL COUNSEL

11 ██████████, PROFESSIONAL STAFF MEMBER

12 ██████████, CHIEF COUNSEL FOR IMMIGRATION

13 ██████████, CHIEF COUNSEL FOR OVERSIGHT

14 ██████████, COUNSEL

15 ██████████, SENIOR COUNSEL

16 ██████████, RESEARCH ASSISTANT

17 ██████████, MINORITY LEGAL INTERN

18 ██████████, MINORITY OVERSIGHT COUNSEL

19 ██████████, MINORITY COUNSEL

20 ██████████, MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

21 ██████████, MINORITY LEGAL CLERK

22 ██████████, MINORITY STAFF ASSISTANT

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1 For PARISA DEHGHANI-TAFTI:
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1 [REDACTED]. We'll go on the record.

2 Good morning. This is a deposition of Ms. Dehghani-Tafti. Chairman Jordan has requested
3 this deposition as part of the committee's oversight of Federal immigration law and sanctuary
4 policies along with its oversight over the politically motivated decisions of State and local prosecutors
5 and their refusal to take steps to protect senior Federal Government officials.

6 Ms. Dehghani-Tafti was originally scheduled to appear for a transcribed interview before the
7 committee on June 30th, 2026. Her counsel informed the committee the night before the
8 scheduled interview that she would not appear.

9 Thus, on July 1st, 2026, the House Judiciary Committee issued a subpoena for her to appear at
10 a deposition on July 16th, 2026, today. I've marked that as exhibit No. 1.

11 [Dehghani-Tafti Exhibit No. 1
12 was marked for identification.]

13 [REDACTED]. On July 9th, the committee noticed today's deposition. I have marked the July
14 9th notice as exhibit No. 2.

15 [Dehghani-Tafti Exhibit No. 2
16 was marked for identification.]

17 [REDACTED]. Would the witness please state your name for the record?

18 The Witness. Parisa Dehghani-Tafti.

19 [REDACTED]. Could counsel please state your name for the record?

20 Mr. Lowell. Abbe Lowell.

21 Mr. Kolansky. David Kolansky.

22 [REDACTED]. My name is [REDACTED], and I am with Chairman Jordan's staff.

23 I'll now have everyone else from the committee who is here in the room introduce
24 themselves as well.

25 [REDACTED]. [REDACTED] with Chairman Jordan's staff.

1 Chairman Jordan. Good morning.

2 [REDACTED] with Ranking Member Raskin's staff.

3 [REDACTED] with Ranking Member Raskin's staff.

4 [REDACTED] with Chairman Jordan's staff.

5 [REDACTED] with Chairman Jordan's staff.

6 [REDACTED] with Chairman Jordan's staff.

7 [REDACTED], Chairman Jordan's staff.

8 [REDACTED], Chairman Jordan's staff.

9 [REDACTED], Ranking Member Raskin's staff.

10 [REDACTED], Ranking Member Raskin's staff.

11 [REDACTED], Ranking Member Raskin's staff.

12 [REDACTED], Ranking Member Raskin's staff.

13 [REDACTED]. Thank you, everyone.

14 I'll now review the ground rules and guidelines that we will follow during today's deposition.

15 The committee will conduct today's deposition in accordance with the House's Regulation for
16 the Use of Deposition Authority. A copy of those rules have been provided to your counsel in
17 advance of today's deposition.

18 Our questioning will proceed in rounds. The majority will ask questions first for 1 hour, and
19 then the minority will have an opportunity to ask questions for an equal period of time that they
20 choose. There will be two staff counsel per side asking the questions. To the extent members
21 have questions for the witness, they will be propounded during their side's respective rounds. The
22 clock will stop if the witness needs to confer with counsel, when counsel for the witness is speaking,
23 and when members are speaking during the opposite side's round.

24 We will alternate back and forth until there are no more questions and the deposition is over.

25 We ordinarily take a short break at the end of each hour, but if you would like to take a break

1 apart from that, please just let us know.

2 As you can see, there's an official court reporter taking down everything we say to make a
3 written record, so we ask that you give verbal responses to all questions. Do you understand that?

4 The Witness. Yes.

5 [REDACTED]. So the court reporter can take down a clear record, please try and speak clearly.
6 It is important that we do not talk over one another or interrupt each other if we can help it, and that
7 goes for everybody present at today's deposition.

8 In addition, the committee's videographer is making a video recording of today's proceeding
9 as well.

10 We want you to answer our questions in a complete and truthful manner. If you do not
11 understand one of our questions or need clarification about what we are seeking, please just let us
12 know.

13 If you do not know the answer to a question or do not remember, please tell us what you do
14 know and remember. It is okay to tell us if you learned information from someone else. Just
15 indicate how you came to know the information.

16 If there are things you do not know or cannot remember, just say so, and please inform us
17 who, to the best of your knowledge, might be able to provide a more complete answer to that
18 question.

19 By law, you are required to answer questions from Congress truthfully. Do you understand
20 this?

21 The Witness. I do.

22 [REDACTED]. This also applies to questions posed by congressional staff in a deposition. Do
23 you understand this?

24 The Witness. I do.

25 [REDACTED]. Witnesses that knowingly provide false testimony could be subject to criminal

1 prosecution for perjury. This includes, for example, stating that you do not recall or remember
2 something when, in fact, you do. Do you understand this?

3 The Witness. I do.

4 [REDACTED]. Furthermore, you cannot tell half-truths or exclude information necessary to
5 make statements accurate. You are required to provide all information that would make your
6 response truthful. A deliberate failure to disclose information can constitute a false statement.
7 Do you understand this?

8 The Witness. I do.

9 [REDACTED]. Is there any reason you are unable to provide truthful answers to today's
10 questions?

11 The Witness. Well, I have a concern that, if you don't like my answers, you're going to
12 subject me to criminal prosecution, but that, you know, I kind of expect that.

13 [REDACTED]. But there's no reason that you're unable to provide truthful --

14 The Witness. No. There's no reason that I'm unable to provide truthful answers, but, you
15 know, I have a legitimate concern that, if I don't give you the answers that you want, that you will try
16 to subject me to criminal prosecution.

17 [REDACTED]. The Federal Rules of Evidence, Criminal and Civil Procedure, are not applicable
18 for today's deposition. Under the House Deposition Regulations, a witness' attorney may not
19 instruct a witness to refuse to answer a question except to preserve a privilege. The House
20 recognizes constitutionally based privileges and not necessarily those privileges derived from
21 common law.

22 Finally, I will make note for the members and staff here today that the content of what we
23 discuss here today is confidential under the House Deposition Regulations. Under those rules, the
24 chairman and ranking minority member shall consult before any release of testimony, transcripts,
25 including portions thereof. This means it is a violation of House and Committee rules to disclose

1 content of the deposition prior to its official release.

2 For this reason, the marked exhibits that we will use today will remain with the court reporter
3 so that they can go in the official transcript, and any copies of those exhibits will be returned to
4 this -- returned to us when we wrap up.

5 Before we begin the first round of questions, we will afford the minority, the witness, and
6 counsel for the witness the opportunity to offer any preliminary remarks.

7 [REDACTED]. We just want to thank the witness for being with us today.

8 [REDACTED]. Mr. Lowell, any remarks?

9 Mr. Lowell. Just a few given what you've said.

10 First, given that you've marked 1 and 2 as your exhibits, we'd ask you -- and if not you, then
11 the minority staff -- to include in the record the correspondence between us that led up to today's
12 deposition because you gave a one-sided view of what happened. So we'd like that if that's
13 possible.

14 Second, you made a statement about what Congress may not recognize in the way of
15 common law privileges. You and I both know that that has not been litigated to any court that has
16 made a definitive ruling. I don't expect that to be a problem, but I didn't want to accept the
17 premise of your question that common law privileges don't apply in this context.

18 And the third is we'll not instruct the witness not to answer anything that is not privileged.
19 However, as I have been involved in these before, if we get to the point that the same question is
20 being asked over and over again, I will note that and remark that she has already answered it.

21 With that, you can proceed.

22 [REDACTED]. Thank you, Mr. Lowell.

23 The court reporter will now swear the witness in.

24 The Reporter. Do you solemnly declare and affirm under penalty of perjury that the
25 testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

1 The Witness. I do.

2 [REDACTED]. Ms. Dehghani-Tafti, I understand you have an opening statement.

3 The Witness. I do.

4 [REDACTED]. Please proceed.

5 The Witness. Good morning. Before I answer any questions from the committee today --

6 Chairman Jordan. Hang on for a second. Can we have a copy of this? Thank you.

7 The Witness. Since January 2020, I have served as the elected Commonwealth attorney for
8 Arlington County and the city of Falls Church. I was reelected by my community in 2023, and I am
9 proud and grateful to do this work every day.

10 Whether representing people on death row, arguing before the Supreme Court on behalf of
11 innocent people convicted of crimes they did not commit, advocating on behalf of poor and disabled
12 individuals before the U.S. Parole Commission or D.C. Superior Court, or using restorative justice to
13 help victims heal while also rehabilitating criminal offenders, the through line of my career, my
14 25-year career, has been that we all deserve and we are all constitutionally entitled to a criminal legal
15 system that provides both safety and justice. But, sadly and historically, we've often sacrificed the
16 latter while failing to deliver the former.

17 So let me state clearly who I am and what I stand for. I am a prosecutor. Prosecutors are
18 responsible for both upholding the rule of law and pursuing justice as defined by the community they
19 serve. So I am a prosecutor committed to reform, and my philosophy is simple: Not every social
20 problem needs to be criminalized. Not every crime has to lead to punishment. Not every
21 punishment has to result in incarceration, and not every instance of an incarceration has to be so
22 punitive that it sacrifices rehabilitation.

23 How my prosecutorial philosophy translates in practice is equally clear. Our office is serious
24 about safety, serious about helping victims heal from trauma, and serious about upholding the rule
25 of law, which includes procedural and constitutional rights.

1 To that end, our office has established a restorative justice program because this focuses on
2 both justice for the victim and active accountability for offenders. We helped launch a behavioral
3 health docket because mentally ill people need treatment -- not jail. Our office does not ask for
4 cash bail because cash bail penalizes the poor for simply being poor. We do not require defendants
5 to waive their constitutional rights as a condition for plea agreements because we take seriously the
6 fact that nearly half of the provisions of the Bill of Rights concern protection of people accused of
7 crimes.

8 We established a Conviction Integrity Unit, the first of its kind in Virginia, because false
9 confessions are morally wrong, allow real perpetrators to escape accountability, and detract from the
10 legitimacy of our system.

11 We stopped using peremptory strikes in jury selection because history has shown that they
12 disproportionately exclude Black and poor people from jury pools.

13 This work -- what we've learned over the last 6 years is that these policies work. Excuse me.
14 I have demonstratives.

15 They work to reduce recidivism. We have a 22 percent lower rate of recidivism for the
16 misdemeanor cases we dismiss or divert from the criminal system. And that's looking at 5 years.

17 These policies work to help us succeed at trial. We take a higher proportion of cases to trial
18 than the last administration and succeed at trial even on the top charge at a higher rate than the
19 prior administration.

20 These policies help keep crime low. Arlington County and the city of Falls Church are two of
21 the safest communities in the nation. A 10-year overview of cases and charges brought to us by our
22 law enforcement partners demonstrates that our community is better off.

23 Having said all of that, while I appear today out of respect for Congress and for the office I
24 hold, I do not understand why I am here. If, as prior communications from this committee noted,
25 the purpose of this closed-door deposition is to inquire into the prosecutorial decisions of my office

1 made with respect to an alleged misdemeanor involving an Arlington resident and the White
2 House -- and a White House senior advisor, Stephen Miller, I've already explained my reasoning in a
3 75-page memorandum our office filed resolving the case.

4 Apart from that public memo and what I've stated this morning, I will answer questions about
5 matters that occurred in open court, information contained in public court filings, and matters
6 already in the public record. But I cannot answer questions that require me to disclose personal
7 identifying information about victims, witnesses, defendants, or other individuals, confidential law
8 enforcement materials, or privileged communications, including internal prosecutorial deliberations.

9 If the purpose of this deposition is to inquire about the policies of my office regarding
10 immigrants, our policy is clear. If an immigrant is a victim, our job is to get them justice and support
11 their healing, just as it is for every victim.

12 If an immigrant is a witness, our job is to ensure their lawful cooperation, just as it is for every
13 witness.

14 If an immigrant is a defendant, it is our job to hold them accountable and exercise our
15 discretion to determine what that means in each individual case, just like it is for every defendant.

16 An elected prosecutor's job is not to enforce immigration law, and it is not to support the
17 Federal Government in its enforcement of immigration law.

18 In closing, what I'd like to say is I do not answer to Congress. And I want to reiterate that my
19 appearance should not be mistaken for agreement with the premise or purpose of this closed-door
20 proceeding. I answer to the people of the Commonwealth. I answer to the courts. I answer to
21 the laws of the Commonwealth of Virginia, and I answer to the Constitutions of the United States and
22 of Virginia.

23 I do not answer to politicians scoring to seek political points, and I certainly do not make
24 prosecutorial decisions based on political pressure or the perspective and preferences of other
25 elected officials.

1 I take seriously the idea of what is a just society, as described by John Rawls, one where, if
2 you know everything about it, you would be willing to enter it at any random place. My job is to
3 create for my community what I want for my own family: a safe place where everyone is treated
4 fairly, where everyone receives equal justice under the law, and where the justice you receive does
5 not depend on the accident of your birth, the balance of your bank account, the contents of your
6 political beliefs, or the fact that you happen to have friends in high places.

7 [REDACTED]. Thank you.

8 The clock now reads 10:16 a.m., and we'll begin our first round of questions.

9 EXAMINATION

10 BY [REDACTED]

11 Q Ms. Dehghani-Tafti, how many people work in the Office of the Commonwealth's
12 Attorney?

13 A I believe we have a staff of 52.

14 Q Fifty-two. And how many of those individuals are attorneys?

15 A Twenty-one.

16 Q Twenty-one. And are all of those 21 attorneys referred to as "assistant
17 Commonwealth attorney"?

18 A Some of them are assistant Commonwealth attorneys. Some of them are deputy
19 Commonwealth attorneys. One of them is a conviction integrity director, and I have a chief deputy.

20 Q Okay. And how many of the 52 individuals that work in your office directly report to
21 you?

22 A Hold on. I have to count. I'm going by person.

23 Q You're okay. And, if it's easier to just explain, how is the office organized? Is it in
24 different divisions?

25 A Not exactly.

1 Q Okay.

2 A The -- I think four -- four people report directly to me.

3 Q Okay.

4 A If I'm counting correctly. And we're split up into the folks that work in the juvenile and
5 domestic relations court.

6 Q Uh-huh.

7 A And then the folks that work in our general district court and our circuit court. Juvenile
8 and domestic relations court and general district court are courts not of record. So there are no
9 transcripts from those. And defendants have a de novo right to appeal to the circuit court.
10 Felonies end up in the circuit court.

11 Q Okay. And how many individuals work on circuit court matters?

12 A Everybody who is in the office will eventually be on a circuit court matter potentially.
13 We tend not to let the junior attorneys on circuit court matters.

14 Q Okay. And how do you evaluate prospective employees and attorneys to ensure that
15 they can carry out their responsibilities in an objective manner as a prosecutor?

16 A Well, we have a two- to potentially three-round interview process, and it's heavily based
17 on hypotheticals. And they have to be committed to the office and the work of upholding the rule
18 of law. And they do an opening argument. So we give them, you know, a packet, a case packet,
19 and then we watch them -- you know, they have about -- I don't know if it's 24 or 48 hours to
20 prepare. And then they do -- for the second round, they do an oral argument.

21 Q And are there policies or trainings that help ensure that current employees of the office
22 remain objective in their prosecutorial responsibilities?

23 A We are -- you know, having only 21 attorneys, you know, we -- and 4 of them are
24 deputies; 1 of them is a chief deputy -- we have a lot of small team conversations. The deputies
25 meet with their team every single week. We have -- sort of at lunchtime, we do case rounds, sort of

1 naturally.

2 Q Uh-huh.

3 A And, usually, if there's any question, they're to report to -- to consult with their
4 supervisor.

5 We do sort of give them an intro at the beginning, and they shadow, and we give them, you
6 know, our policies.

7 Q And how did you become aware of the investigation and the potential misdemeanor
8 charges in a case involving Stephen Miller and Barbara Wien?

9 A The Virginia State Police asked us to look at a search warrant and go with them to
10 chambers to get a sealing order, which is normal in situations where -- especially electronic materials.
11 We don't want to tip somebody off, particularly for electronic materials. But, quite often, we go
12 with them to chambers and get sealing orders. We often, you know, tweak the language of the
13 subpoena.

14 Q And how did the Virginia State Police come to your office with the warrant? Did they
15 go through a specific person? Does it come directly to you? Can you tell us how that works?

16 A So it came to an individual, who then consulted with her deputy, and then came to me.

17 Q Okay. And can you walk us through how that all transpired? So the Virginia State
18 Police comes to your office for a warrant. They want you to go to chambers with them for a sealing
19 order. How did that play out?

20 A So I don't remember whether they physically came to the office or whether it was a
21 phone call.

22 Q Uh-huh.

23 A Because, by the time they got to me, I was meeting with my attorneys. So they
24 approached us in whatever way they approached us and explained the situation and asked us to look
25 at a search warrant. So we looked at the code and said, you know, there's enough probable cause

1 to continue an investigation. But we wanted to ensure, you know, because we know that the
2 United States Supreme Court takes very seriously the privacy of -- particularly of cell phones. I
3 believe it was a 2012 case that said cell phones are one of the most private things that exist. And
4 Chatrie confirmed that just a few weeks ago.

5 We wanted to make sure that it was limited in time and, you know, that they were going to
6 look at the things that they said that they were going to look at. In order to look at anything on a
7 cell phone, the entire phone has to be extracted. So it's not like you can just open a phone and look
8 at an application or even extract something from a particular application. So we were cognizant of
9 that, and the judge was cognizant of that when my ACA went up to chambers to do that.

10 And we put time limits. The judge had put sort of procedural limits. You know, she said
11 that she didn't want people being thrown on the ground and that sort of thing. And the judge had
12 initially crossed out the section of sharing with law enforcement. And I don't know why she
13 uncrossed it out because I haven't -- it would be inappropriate for me to speak to her about it.

14 Q And, when the Virginia State police officers explained the search warrant to your office,
15 did they detail any of the underlying allegations?

16 A They only said that there was -- what was in the search warrant, which was an exhibit to
17 the motion.

18 Q And can you detail some of those allegations, as you remember them?

19 A That Ms. Wien had said in a Signal chat that she wanted to make his life hell, Stephen
20 Miller's life hell, in April of 2025, that she had made an "I'm looking at you" gesture, and that she had
21 distributed -- I don't -- there was no allegation that she distributed all of the flyers or how many
22 flyers, but -- at least not that I can recall. And she -- but she had distributed, I think -- I think, and I
23 don't know for sure -- to a few houses.

24 Q And was there an ACA that was assigned to this specific case, or were you the one that
25 was working the specifics of the case?

1 A So it was the ACA at first.

2 Q Uh-huh.

3 A Until the -- and we had asked the Virginia State Police to ensure that this was a local
4 prosecution. And they led us to believe that the Federal Government was not involved. And,
5 when we believed that it was a local prosecution, she would have been in charge of it. When the
6 Federal Government showed up, I became in charge of it.

7 Q Okay. And, when you say "Federal Government," do you mean the U.S. Secret Service
8 and the Federal Bureau of Investigation?

9 A That's correct.

10 Q Okay. And were you familiar with Ms. Wien before this case came before you?

11 A Not that I could recall. I communicate with many constituents, and I try my best to
12 remember everyone. But, for example, apparently I was following some of her things on Instagram,
13 but I was not even aware that those were her things. I mean, I follow -- you know, at the time, it
14 was over 700 accounts. And, obviously, following doesn't mean condoning everything that an
15 account says.

16 But "I'm not sure" is the answer.

17 Q And so beyond --

18 A I don't think so. Nothing comes to mind. But I may have seen her at meetings and
19 spoken to her in passing.

20 Q Okay. And so, beyond, like, a constituent contact, if you will, you didn't have any sort
21 of interactions with Ms. Wien before this case?

22 A Not that I can recall.

23 Q Okay.

24 Chairman Jordan. You may have spoken with her at meetings. What meetings?

25 The Witness. I don't know.

1 Chairman Jordan. Okay.

2 The Witness. I mean, I go to a lot of community meetings.

3 Chairman Jordan. Community meetings?

4 The Witness. Yes.

5 Chairman Jordan. Okay.

6 BY [REDACTED]

7 Q So like townhalls or -- do you hold townhalls as the prosecutor?

8 A I do not.

9 Q Okay. And were you familiar with Stephen Miller before this case?

10 A I was.

11 Q And how did you become familiar with Mr. Miller?

12 A Through his --

13 Chairman Jordan. Can I back up a second?

14 [REDACTED]. Yeah. Of course.

15 Chairman Jordan. Were you at one of these meetings of this organization, Arlington
16 Neighbors United for Humanity?

17 The Witness. No --

18 Chairman Jordan. Were you at one of those meetings? So that wasn't one of the meetings
19 where you may have met Ms. Wien?

20 The Witness. No.

21 Chairman Jordan. Okay.

22 BY [REDACTED]

23 Q How did you become familiar with Mr. Miller?

24 A Through the media since 2017.

25 Q And did you hold any prior opinions of Mr. Miller's policies that he advocates for or his

1 work in the administration?

2 A Yes. And I'm sure you do too.

3 Q And were you at odds with any of the policies he championed?

4 A I do disagree with his policies.

5 Q And what are those policies that you disagree with that Mr. Miller champions?

6 A Just about everything.

7 Q So, to the extent he's involved with the administration's immigration policies, do you
8 disagree with him on that front?

9 A I do.

10 Q Okay.

11 A I want to be clear, though, that the job of a prosecutor is to be objective and to look at
12 evidence without fear or favor. And I am capable of doing that.

13 Q And how did you do that in this case? Can you kind of detail that for us?

14 A Well, I looked at it initially and said there's probable cause to continue investigating. I
15 could have said "no" immediately. But I followed the law and the facts and supported the initial
16 search warrant. Probable cause to continue investigating is nowhere near the proof we need to
17 have to get a warrant. It's nowhere near the proof we need to have to win a trial.

18 Q And do you know if you maintained any social media accounts that reflect negative
19 views of Mr. Miller or the Trump administration?

20 A I don't know. And I'm sure I've posted things that have a negative view, but --

21 Q Okay.

22 A -- one is still capable of being objective even if one has personal political feelings.

23 [REDACTED]. And I'm going to mark as exhibit No. 3 a notice -- I believe this was the 73-page
24 filing that you referred to earlier.

25 [Dehghani-Tafti Exhibit No. 3]

was marked for identification.]

BY

Q This is the Commonwealth's notice regarding further proceedings and motion for court order requiring certification regarding prior search warrant returns. This will be exhibit No. 3.

I'm sure you're familiar with this document. Is that correct?

A Yes.

Q Okay. So you don't need any time to review?

A No.

Q Okay. I'm going to direct your attention to page 3 and page 4. There's a picture of a couple flyers on there. Do you know how many -- approximately how many "wanted" flyers Ms. Wien posted or distributed? Did your office ever come to that conclusion?

A I don't think there was any way for us to know because the AC -- the Arlington County Police Department had initially responded to -- on August 4th, I believe, responded to Ms. Wien's home. I mean -- sorry. Ms. Miller's house.

Q Okay. And let's just walk through the different law enforcement entities that were involved. So you said Arlington County Police Department. We've talked about the Virginia State Police.

A Police.

Q We've talked about FBI.

A Yup. U.S Secret Service?

A Yup.

Q Were there any other law enforcement entities that were involved in this matter?

A Not that I'm aware of.

Q Okay. And so you said the Arlington County Police Department responded to the Millers' home on August 4th.

1 A Correct.

2 Q Is that correct? And what happened during that initial interaction, if you know?

3 A I do outline it in the -- based on what we saw on body-worn camera because the
4 Arlington County police did not find this to be enough to bring to our attention or to pursue an
5 investigation. What happened on body-worn camera is on page 6, No. 8. Ms. Miller then
6 provided ACPD with a specific reference to Virginia Code 18.2-186.4 stating,
7 "I love obscure statutes. That's my thing."

8 Ms. Miller read the statute to ACPD officers, told them that the prohibited action, quote, "is
9 what this flyer does," and then said, quote, "Isn't that great? I love a good obscure statute." One
10 ACPD officer replied, "'Tis obscure." And the other indicated he had never heard of the statute.

11 Ms. Miller then repeated, "It's literally what this flyer does, intend to harass or intimidate,
12 right, with my home address."

13 And then the next paragraph explains that ACPD canvassed the area looking for additional
14 instances of the flyer that were still up surrounding the area and various parks that Ms. Miller
15 indicated that she and her children and nanny commonly visited.

16 The ACPD later recovered versions of the flyer from the Secret Service agents outside of the
17 Miller residence.

18 Q And so this "wanted" flyer, they made an appearance in Mr. Miller's neighborhood on
19 August 4th and September 11th of 2025. Is that your understanding?

20 A No. My understanding is that it was only August 4th.

21 Q Only August 4th? So what happened on September 11th, 2025?

22 A I don't know.

23 Q Okay. It says, if you go down to --

24 A Oh, oh. I see.

25 Q -- ten --

1 A There was manila envelopes. Yes. Manila envelopes were distributed to at least six
2 homes in the immediate vicinity of the Miller residence.

3 Q And did you ever come to determine whether or not Ms. Wien was one of the
4 individuals passing out these manila envelopes?

5 A That was the allegation, yes.

6 Q And what was in the manila envelopes?

7 A The "wanted" poster and other material that the Virginia State Police said was not, like,
8 relevant to an investigation.

9 Q Okay. Do you know if the flyer on page 4, the one from the Arlington Neighbors
10 United for Humanity, whether that was in the manila envelope?

11 A I do not.

12 Q Okay.

13 A My assumption is that it was not, but I don't know the answer.

14 Q Okay. And so the -- if we're looking at the -- going back to page 3, specifically the
15 "wanted" flyer, it has a photo of Mr. Miller's face with a red circle X'd out. And then it was "last
16 seen at," and then there's a redaction, "Arlington, Virginia." Was that his home address that's
17 redacted under there?

18 A That's what I believe.

19 Q Okay. Did you see an unredacted version of this flyer?

20 A I can't recall.

21 Q Okay. And then it includes a QR code. Do you know where the QR code led?

22 A I know it's in the brief. Give me a moment. It might not be in the brief. I don't
23 remember.

24 Q From reading your brief, I can help you out here. The QR code is a link to the Arlington
25 Neighbors United for Humanity --

1 A Okay.

2 Q -- Instagram page.

3 A Okay.

4 Q Were you aware of that? Does that ring any bells or --

5 A I must have been aware of it at some point. I know we had some difficulty figuring out,
6 like, trying to scan the QR code. But, obviously, if it's in the brief, we figured it out at some point.

7 Q Okay. So you said you had some difficulty scanning the QR code. Can you explain
8 what kind of investigation that your office did into the QR code?

9 A Well, the Virginia State Police did the investigation. Our office -- as a prosecutor, we
10 don't conduct investigations.

11 Q So what did your office learn from the Virginia State Police regarding this QR code?

12 A It must have -- it must have been what we stated in the brief.

13 Q Okay. And you said that there was difficulty scanning the QR code. Was that on the
14 side of the Virginia State Police, or was that your office --

15 A No. That was just -- we were curious and wanted to scan it, and we couldn't.

16 Q Oh. The QR code no longer worked or --

17 A No. It just -- is cut off, so.

18 Q Okay. So you didn't have a full version of the -- you just had this.

19 A Correct.

20 Q Okay. During the course of your prosecution or handling of this case, did your office
21 ever ask Ms. Wien why she included the Millers' home address?

22 A We don't normally consult with defendants. That would be investigative, and that's
23 not our role.

24 Q So did the Virginia State Police ever ask Ms. Wien why she included Mr. Miller's home
25 address?

1 A I believe they had some kind of conversation with Ms. Wien, but I'm not -- I don't recall.

2 Q Did you ever receive any sort of readout from the Virginia State Police regarding their
3 conversation?

4 A I know we received materials. I don't recall what it was right now.

5 Q So you never came to know why Ms. Wien included Mr. Miller's home address on the
6 flyer?

7 A I mean, I can see that it's a "wanted" poster, so -- and "wanted" posters usually have the
8 "last seen at."

9 Q The "last seen at," and they do the home address for the person in the wanted --

10 A I mean, in sort of the old-fashioned -- in the FBI poster kinds of things when it says "last
11 seen at," I believe it has information about where they were last seen.

12 Q And the other flyer on the next page, it also had a QR code. Did you ever discover
13 where that QR code led?

14 A Yes. That one leads to the Southern Poverty Law Center's profile on Mr. Miller.

15 Q And do you know if Ms. Wien had any involvement with the Southern Poverty Law
16 Center?

17 A I do not know.

18 Q Okay. On page 48 of your brief, in the middle of that big paragraph, it says the flyers'
19 use of identifying information appear to do so in a farcical manner to align the flyer with a "wanted"
20 poster format identifying an individual, listing alleged crimes, and providing additional identifying
21 information, including providing known locations.

22 And then footnote 25 cites to an FBI wanted poster, Robert William Fisher --

23 A Uh-huh.

24 Q -- identifying place of birth, nationality, and, quote, "ties to New Mexico and Florida,"
25 end quote.

1 A Uh-huh.

2 Q Do you know if the "wanted" poster for Robert William Fisher, if it had his home
3 address?

4 A I don't recall.

5 Q Because it just says here place of birth, nationality, and ties to New Mexico and Florida.
6 You agree that's what the footnote --

7 A That's what the footnote says, yes.

8 Q Do you agree that someone's home address is different than their place of birth?

9 A Obviously.

10 Q And it's different than their nationality?

11 A Yes.

12 Q And their home address is different to States that they have ties to?

13 A Somewhat.

14 Q And you had previously spoken about the gesture that Ms. Wien made to Katie Miller.
15 What can you tell us about that gesture? What did you learn?

16 A Well, it's a common gesture that people make. And it's, in fact, a gesture that a
17 Republican legislator made towards some protesters at one point. It's a "I'm watching you."

18 Q And how did Ms. Miller understand Ms. Wien to mean with her gesture?

19 A She -- I mean, I don't know how she -- it was reported to me that she was unhappy with
20 that gesture. I don't know how she feels.

21 Q Okay.

22 [REDACTED]. We can enter as exhibit No. 4 -- this is the affidavit in support of a search
23 warrant.

24 [Dehghani-Tafti Exhibit No. 4
25 was marked for identification.]

1 The Witness. That was also an exhibit to our motion.

2 BY [REDACTED]

3 Q Are you ready to proceed?

4 A Sure.

5 Q And, just jumping back to the flyer for just a moment, in your brief, did you find
6 any -- did you use any example of a "wanted" poster that had a home address? Were you able to
7 find any of those and include those in the brief?

8 A I don't know how hard we looked.

9 Q Okay. Going back to the gesture, on page 4, using the numbering from the police
10 officer here, it talks about the gesture in the last paragraph on page 4. It states, "Mrs. Miller
11 interpreted this gesture to mean, quote, 'I'm watching you,' end quote, and perceived it as a
12 threatening act intended to intimidate or harass her. Based on the timing, context, and manner of
13 the gesture, the action is being treated as a potential act of intimidation in furtherance of the
14 conduct under investigation."

15 Do you know what the officer meant by the timing and context of the gesture?

16 A I don't recall.

17 Q Don't recall. And, if you flip to the next page, page 5, it has a photo of Ms. Wien
18 making the gesture, and it has the -- on the previous page, it states that both individuals were
19 determined to have been in the immediate vicinity of the Miller residence on the date and time in
20 question.

21 A I'm sorry. Where are you?

22 Q If you flip back to page 4, right before No. 4, the sentence before No. 4 states, "Both
23 individuals were determined to have been in the immediate vicinity of the Miller residence on the
24 time and date in question." The next page, it has a photo of Ms. Wien.

25 A The photo wasn't clear. Ms. Wien is an elderly woman, and she was wearing a rainbow

1 dress.

2 Q And did you ever determine whether or not it was Ms. Wien who made the gesture, or
3 learn from the Virginia State Police that it was Ms. Wien who made the gesture?

4 A For the purpose of determining whether there was probable cause to -- to continue the
5 investigation, we assumed that they correctly had identified her.

6 Q But you never personally identified Ms. Wien as the individual making the gesture.

7 A I mean, when I saw the picture, I didn't recognize her.

8 Q Okay. And you determined in your brief that the gesture that Ms. Wien made did not
9 indicate an intent to harass or intimidate Ms. Miller and her family. Is that correct? Is that the
10 conclusion you reached?

11 A Well, I take it as "I'm watching you."

12 Q And you don't take it as an attempt to intimidate or harass the Millers?

13 A I do not.

14 Q Okay.

15 A And the statute requires intent on the part of the target of the investigation, not the
16 feelings of the complaining witness.

17 Q And we previously discussed this with questions that the chairman had asked, but were
18 you familiar before this case with Arlington Neighbors United for Humanity, abbreviated ANUFH?

19 A I don't remember.

20 Q You don't remember whether you were familiar with that group or not?

21 A I mean, I can make an assumption, but I don't remember.

22 Q Okay. And have you come to learn what that organization stands for? What their
23 goals are?

24 A Not really.

25 Q Okay. And you had previously stated that you were aware that -- you had followed

1 some accounts. Did you know that you had followed the Arlington Neighbors United for Humanity
2 account?

3 A I learned it when a reporter asked me about it, but I was not aware of it before.

4 Q And you stated that even -- Ms. Wien obviously is involved with the Arlington Neighbors
5 United for Humanity group, but you had never interacted with Ms. Wien in that context.

6 A Not that I'm aware of, no.

7 Q And you've never attended any meetings, protests, or events hosted by the Arlington
8 Neighbors United for Humanity?

9 A Not that I'm aware of.

10 Q Okay.

11 A I attend many, many public meetings, you know, three to five, six, seven a week.

12 Q But you've never made a conscious decision to attend an Arlington Neighbors United for
13 Humanity --

14 A Not that I'm aware of.

15 Q Okay. Are you familiar with a group known as Showing Up for Racial Justice,
16 abbreviated SURJ?

17 A I became familiar with it through this case.

18 Q And what was the involvement with that group in this case?

19 A I believe it's a group that Ms. Wien is involved in.

20 Q And you previously mentioned when we were talking about how the Virginia State
21 Police brought the search warrant to your office, either email, phone, or in person. Was there only
22 ever one ACA assigned to this case? Or how many ACAs worked on this case?

23 A Two.

24 Q Two?

25 A Uh-huh.

1 Q Okay. And you said you became involved in this case after the Federal Government
2 entities became involved. Is that correct?

3 A Yes.

4 Q And it was because -- the Federal Government involved -- it wasn't because the ACAs
5 were doing a bad job or anything, it was just the Federal Government involvement.

6 A Correct.

7 Q And when did you learn that the Virginia State Police had obtained Ms. Wien's phone?

8 A I received a call from Ms. Wien's counsel stating that the search warrant had been
9 executed, that her phone had been taken, and that the FBI and Secret Service were present. And
10 that's completely normal for defense counsel to reach out to us. And, since this was at a beginning
11 stage, they wouldn't have known who. So they would have reached out to the person that they
12 have the closest relationship with, probably.

13 Q Okay. And so it's completely normal for the defense to reach out to you after a
14 warrant is --

15 A For any issues.

16 Q -- executed. For any issues?

17 A For any issues.

18 Q And what are some other examples of issues beyond execution of search warrants?

19 A They want to complain about an ACA. I mean, if it's about a case and there's an ACA
20 assigned, they would communicate with the ACA. But just about any issues, scheduling conflicts,
21 anything that was an issue.

22 Q And you had spoken about how the defense counsel typically reaches out to the
23 individual who they have the closest relationship with in the office.

24 A Often.

25 Q And did you know the -- Ms. Wien's defense counsel prior to this case?

1 A Yes. He was the public defender before this.

2 Q And who is Ms. Wien's counsel?

3 A Brad Haywood.

4 Q And how often had you interacted with Mr. Haywood, understanding that he's the
5 public defender?

6 A He's no longer the public defender. He used to be the public defender. I mean, I
7 couldn't count.

8 Q And, before he became the public defender, did you have a relationship with
9 Mr. Haywood?

10 A No.

11 Q Okay. Do you know if the Virginia State Police found any concerning messages on
12 Ms. Wien's phone?

13 A I know they found the messages that we included in the motion.

14 Q Okay. And, specifically, they found -- and I'll read it into the record. This is on page 9,
15 paragraph 14. It says: Additionally, VSP -- Virginia State Police -- identified a message on a
16 messaging group sent on April 27th, 2025, from a phone number associated with Ms. Wien wherein
17 the message stated "Stephen Miller has moved to Arlington near" redacted "Road and" redacted
18 "Lane, the evil fascist behind family separation and deportation policies. His wife sits there
19 smuggling swilling wine on their patio while her husband orders the arrest of more and more of our
20 Muslim, Arab American, and Hispanic brothers and sisters, especially targeting Mahmoud Khalil,
21 Rumeysa Ozturk, and Badar Khan Suri, to name a few. My Showing Up for Racial Justice, SURJ,
22 chapter in northern Virginia intends to make his life hell. We have set up a carefully vetted Signal
23 group. Let me know if you are interested in being a part of our campaign," end quote.

24 So that was a message that was found on a phone associated with Ms. Wien. Is that
25 correct?

1 A Well, that was the message that initially was identified in the search warrant.

2 Q Okay.

3 A Which is why we thought that there was potential -- probable cause to continue the
4 investigation. And it's the worst of the messages.

5 Q And this was a message that was sent by Ms. Wien. Is that your understanding?

6 A That's my understanding.

7 Q Okay. And Virginia Code Section 18.2-186.4, which Ms. Wien was accused of violating
8 at the time, prohibits the publication of certain personal information about a person with the intent
9 to coerce, intimidate, or harass that person.

10 Does Ms. Wien's vow to make his life hell suggest an intent to, at minimum, harass Stephen
11 Miller? Or what kind of analysis did you do there on that?

12 A Well, there's a -- I'll have to look for it, but there is a specific definition of "harassment"
13 under Virginia law and -- here it is. It's -- so harassment requires -- actually, this is Black's Law.
14 Harassment requires words, conduct, or action, usually repeated or persistent, that, being directed at
15 a specific person, annoys, alarms, or causes substantial emotional distress to that person, and serves
16 no legitimate purpose. It's purposeful vexation. And harassment statutes are enacted to make
17 criminal private annoyances that are not entitled to constitutional protection.

18 And the legislative history of the statute that you are referring to, it came about because
19 there were two instances where people had posted the addresses of women on either dating or
20 Craigslist with an invitation for men to show up and have sex with them. And men were showing up
21 at their doors, expecting sex. And so it was designed to protect those kinds of situations.

22 Q And so you didn't find the statement that her SURJ chapter in northern Virginia intends
23 to make his life hell -- "Let me know if you are interested in being part of our campaign" -- you didn't
24 believe that that fit the definition that you just read of harassment?

25 A I believed that it warranted additional investigation.

1 Q Okay. And, just to go back to the affidavit that the police officer authored on page 8,
2 right before paragraph 7 there, it states: The content of the message suggests a coordinated effort
3 through encrypted communications to target Mr. Miller. The language used, particularly the intent,
4 quote, "to make his life hell," end quote, in combination with the prior distribution of flyers
5 disclosing his personal identifying information and the in-person conduct observed by law
6 enforcement supports the inference of a deliberate campaign intended to harass or intimidate.

7 Is that correct? What's written in there --

8 A What it says is that it supports the inference, which has a different definition than
9 "demonstrates" and "proves."

10 Q Correct. And so what additional investigation was done that you know of of the
11 surrounding circumstances of this message and the passing out of the flyers and the gesture?

12 A The Virginia State Police got the -- everything that they had up until the search warrant
13 is in the search warrant, is my understanding. And -- I don't -- that question doesn't actually make
14 any sense.

15 Q What other factors? Because you in your notice of further proceedings decide not to
16 move forward with the case. Is that correct?

17 A Correct.

18 Q And what factors led you to making that decision?

19 A That's the entire subject matter of the brief.

20 Q Okay. Can you give us a summary of what -- of why you believed that the case should
21 not move forward?

22 A Well, there were no messages that came even close to being as concerning as this one,
23 and so it didn't meet the intent to harass. And, when the Virginia State Police came to us, they
24 stated that they were seeking the search warrant for the intent to harass element and that explicitly
25 not coerce or intimidate.

1 Q Uh-huh.

2 A And so, you know, we thought that it didn't -- and we explain it, you know, on pages 52
3 to 57, that there was no other -- there was nothing else that went to that element.

4 Q And you had mentioned that there was no other messages that were close to being as
5 concerning. Did you find Ms. Wien's message that said "make his life hell" concerning?

6 A Well, that's why we supported continuing the investigation. You keep asking me that
7 question. We supported continuing an investigation.

8 Q What did you find concerning about the message?

9 A I didn't finish that last question, by the way.

10 Q Okay. Go ahead.

11 A The definition of "harassment" is -- you know, I already read it to you.

12 Q Uh-huh.

13 A But also I looked at -- you know, the legitimate purpose was the First Amendment
14 protections. She has a right to petition her government. She has a right to complain about
15 government officials and government actions. And people have a right to annoy their
16 representatives. That's a fundamental right.

17 And I can, you know -- under both the Virginia and U.S. Constitutions, what the First
18 Amendment says in the U.S. Constitution is Congress shall make no law respecting an establishment
19 of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the
20 press, or of the right of the people to peaceably assemble and to petition the government for redress
21 of grievances.

22 The Virginia equivalent of that is that the freedom of speech and the press are among the
23 great bulwarks of liberty and can never be restrained except by despotic governments; that any
24 citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the
25 abuse of that right; that the General Assembly shall not pass any law abridging the freedom of

1 speech or of the press, nor the right of the people to peaceably assemble, and to petition the
2 government for redress of grievances.

3 Q Going back to my question about the concerning nature of the message, you've said that
4 you agree that there was probable cause to move forward with the warrant, and part of that was --

5 A Which is the lowest standard of proof.

6 Q And part of that was that message. Is that correct?

7 A Yes.

8 Q And you describe the message as concerning. What part of it was concerning enough
9 for there to be probable cause to move forward?

10 A The "make his life hell."

11 Q Okay.

12 A Again, I supported -- I would not be here if I had not supported the search warrant to
13 begin with. I could have said "no" at that moment. But, because I was being impartial, because I
14 was being objective, and because I knew that -- you know, because it's a public official, I wanted to
15 take extra care to protect the safety of the Millers.

16 Q And Ms. Wien sent this message in a closed WhatsApp group. Is that your
17 understanding?

18 A I believe it was Signal, but I'm not sure. I'm sure it says so in the warrant. And it was
19 sent in April.

20 Q Yes. So it was sent using WhatsApp, and then she refers to a carefully vetted group on
21 Signal.

22 A Okay.

23 Q Do you know if the Virginia State Police looked at both the WhatsApp messages and the
24 Signal messages?

25 A They did.

1 Q Okay. Were you made aware that, during this time period when this was happening,
2 there was -- you know, the flyers were being passed out, Ms. Wien made the gesture, there was, you
3 know, some chalk on the sidewalk --

4 A Yes. The pictures of the chalk are actually also in the brief.

5 Q That's correct.

6 A And I'd like to direct you to some of the messages --

7 Q Well, let me finish my question first, and then we can go to the sidewalk chalk. But,
8 during this time period, did you ever become aware that the Millers were moved from their Arlington
9 home to a different location?

10 A At some point --

11 Q For safety reasons.

12 A -- I became --

13 Q Okay.

14 A I do not believe that the Millers' safety was at stake, having reviewed all of these
15 materials. But I understand that they did move.

16 Q Okay.

17 A So the chalking.

18 Q Uh-huh.

19 A The worst of the chalkings is that: Miller must resign. He is the problem.

20 That -- Katie Miller's cosplay. No one voted for Stephen Miller. Investigate tyranny. Love will
21 prevail. Katie loves Elon -- Elon. Stephen Miller's traumatizing children. America, land of
22 immigrants. Immigrants make America great. Make humans matter again. Make lying wrong
23 again. Idling car causes deadly pollution.

24 I can't read this one -- never again is now.

25 And the instructions -- there was a Google document in the -- in one of the -- one of the apps

1 that -- in the return. And that Google document said at the very top "no threats or insults" in red
2 font.

3 Q And the sidewalk chalk wasn't at issue here of violating the statute, correct?

4 A Correct.

5 Q Because there wasn't any personally identifying information that was provided in the
6 sidewalk chalk that you know of, correct?

7 A Right. But, if there had been threats in the sidewalk chalk, that would have gone
8 to -- if Ms. Wien had been responsible for any threats --

9 Q Uh-huh.

10 A -- on the sidewalk or putting the sidewalk, then -- I don't know. Let me say that again.
11 If Ms. Wien had been responsible for any of the messages on the sidewalk, that would have been
12 potentially, if they were threatening, support of further investigation.

1 [11:02 a.m.]

2 BY [REDACTED]

3 Q And the sidewalk chalk campaign, if you will, it happened after the flyers were passed
4 out?

5 A I believe it happened on September 14th.

6 Q Correct. And so the flyers initially were passed out August 4th, that's when the
7 Arlington County Police Department became aware of it. So August 4th, and then they were passed
8 out again on August 11th, correct? Or September 11th, excuse me.

9 A Ms. Miller interacted with the Arlington County Police Department on August 4th, and
10 my recollection was refreshed that there was -- that Ms. Wien had distributed the flyers on
11 September 11th. And the chalking happened in the presence of the Arlington County Police
12 Department and the Secret Service, and all of the instructions that they gave were followed.

13 Q And you had previously mentioned -- obviously, individuals have the right to petition
14 their government, and you had mentioned that there was the -- a sole call to action was to petition
15 their government for a congressional investigation into Steven Miller.

16 A Uh-huh.

17 Q If --

18 A Petition means more than a piece of paper that people sign.

19 Q Correct. Correct. Petition their government means much more than just a sheet of
20 paper. We're all aware of that. But if her sole call to action was to encourage people to petition
21 Congress for an investigation into Mr. Miller, did you ever discover why she included the home
22 address for the purposes of that flyer if it was just to petition their government?

23 A It was part of the wanted flyer trope.

24 Q Okay. And in your brief on page 48, we've read this already, but we can read it again.

25 Mr. Lowell. Why?

1 [REDACTED]. What?

2 Mr. Lowell. I'm saying if we read it already and you said we can read it again, I'm asking
3 why.

4 [REDACTED]. Okay. I'll just ask the question then. How about that, Abbe?

5 BY [REDACTED]

6 Q What did you mean by farcical manner?

7 A It's obviously not a law enforcement wanted poster.

8 Q Okay. So you had said that identifying information, meaning the home address, was
9 used in a farcical manner to get it to align with the wanted poster, correct?

10 A In a clunky way, yes.

11 Q And so if it was to align with the wanted poster, why include the home address?

12 Because right in here as we --

13 A I don't know what was in Ms. Wien's head. This is a ridiculous question.

14 Q So you never learned from the Virginia State Police why she included the home address?

15 A No. We don't speak to defendants ourselves. And the State police and whatever law
16 enforcement agency we're collaborating with do their investigation.

17 Q So that wasn't part of the intent calculation to see if the conduct fit the statute?

18 A That was not information that was brought to us by the Virginia State Police.

19 Q Okay. Did you ask the Virginia State Police to do any more investigating on the intent
20 element?

21 A Once I saw all of the other materials on the phone that they thought were the most
22 relevant, I decided that this would not even begin to support probable cause for further
23 investigation.

24 Q And at one point in the investigation, Mrs. Miller told investigators that they didn't have
25 an issue with all of the flyers, it was just that their home address was included on one of the flyers.

1 Did you ever become aware of that?

2 A Clearly, since it's in the brief.

3 Q When did you become aware of that then?

4 A I don't remember.

5 Q And she apparently told investigators, I'll roll with it when it doesn't have my home
6 address on it. But if it's with my home address, I don't roll with it anymore, correct?

7 A That's what she said.

8 Q Okay. And two neighbors brought the manila envelope to the attention of the Secret
9 Service that was passed out. Are you aware of that?

10 A If it's in the brief, I'm aware of it.

11 Q It's in the affidavit for a search warrant.

12 A Oh. Yes, I am aware of that.

13 Q Okay. Do you know if investigators with the Virginia State Police or any other law
14 enforcement entity, spoke with those neighbors other than just neighbors handing them what they
15 received?

16 A If it's not in the search warrant application, then my assumption is that it was not -- it
17 didn't -- there was nothing said that would support the search warrant.

18 Q Okay. Do you know if anyone from your office asked the Virginia State Police or any
19 other law enforcement entity to interview those neighbors?

20 A Again, they conducted the investigation. We don't conduct the investigation.

21 Q So you never asked them to speak to the neighbors? No one from your office asked
22 them to speak to the neighbors?

23 A No, not that I'm aware.

24 Q Did you ever become aware of any of the contents of the communication between the
25 neighbors and the Secret Service?

1 A No.

2 Q So you don't know why they brought the manila envelopes to the Secret Service's
3 attention?

4 A Not that I recall.

5 Q And at some point when Mr. Haywood called you about the search warrant being
6 executed, did he just say, hey, the search warrant has been executed?

7 A No. He said the Federal Government had -- the FBI and Secret Service had shown up,
8 along with the Virginia State Police.

9 Q And that led to motions being filed with the court. Is that correct?

10 A Correct.

11 Q What was your next step after you heard from Ms. Haywood -- Mr. Haywood? Excuse
12 me.

13 A I contacted chambers to inform them that Mr. Haywood was going to file a motion to
14 quash and to ask them to put it on the docket.

15 Q And were you supportive of the motion to quash?

16 A No.

17 Q Okay.

18 A That's why we asked for limitations on the search warrant, but we did not support
19 quashing.

20 Q And did you ask for the limitations after the search warrant was executed by the Virginia
21 State Police or before when you went to chambers to --

22 A Well, executed has a funny meaning here because the phone was taken by the Virginia
23 State Police, put in airplane mode, and put in a Yondr pouch.

24 Q Uh-huh.

25 A Actually, that was my next step. It was I called -- I had my ACA call the agent and ask

1 them to not -- to sort of protect the phone but not look at it and not start the extraction because
2 there was going to be a motion to quash.

3 Q Okay.

4 A Which is the responsible thing for a prosecutor to do. And -- I've lost my train of
5 thought. Oh. So that's part of executing, but then extracting is also a part -- and reviewing is also
6 a part of executing.

7 Q So when did you ask for limitations on the warrant?

8 A After the phone had been taken into -- the Virginia State Police had the phone in their
9 possession.

10 Q So the phone was in the possession of the Virginia State Police, but they had not started
11 reviewing the contents of the phone, correct?

12 A Well, you would have to extract the contents first. And as I explained, you have to
13 extract all of the contents of a phone in order to see any of the content of the phone, and that's
14 where the privacy issues lie because we still have a Fourth Amendment. And it would have been an
15 unreasonable search to search beyond that, particularly given that the Virginia State Police had
16 misled us to believe that this was purely local, and if this was purely local, the FBI would not have
17 shown up.

18 Q Going back to my question at hand here. When you asked for limitations on the search
19 warrant, that was after the phone had been seized, but it hadn't -- there were no other steps, it had
20 just been seized?

21 A I answered that question.

22 Q And that's correct. So that premise is correct that you put limitations -- you asked for
23 limitations on the warrant after the phone was seized but before any other steps had been taken?

24 A Yes. I don't know why you keep asking me the same question over and over again.

25 Q Because you were unclear with your answer, so I'm trying to make a clear record, so

1 that's why I re-asked the question.

2 A Yes. I acted in the responsible way of protecting somebody's privacy and not violating
3 their Fourth Amendment rights.

4 Q What limitations did you ask to be placed on the warrant?

5 A I asked that it be limited to -- I don't completely recall, but I believe that I asked for the
6 warrant to be completely limited to -- or limited to the two apps, were their Signal and WhatsApp.
7 And I don't remember if we asked for a limitation in time. And we asked for the court to order the
8 Virginia State Police not to share the contents of the phone with any other law enforcement other
9 than us.

10 Q And did the judge grant those limitations?

11 A Yes.

12 Q Did you consult with the Virginia State Police before seeking to limit the search warrant
13 after the phone was seized?

14 A I don't remember if it was before or after.

15 Q Okay. And can you detail those communications?

16 A I don't remember.

17 Q Okay.

18 A The relevant communications are in the brief.

19 Q And beyond Mr. Haywood calling you to say that the search warrant had been -- the
20 phone had been seized, you called chambers to say there was going to be a motion to quash, did you
21 have any more communications with Mr. Haywood at that point in time?

22 A I'm sure I did, but I don't know what they were.

23 Q Do you remember if you discussed the limitations that you were going to seek?

24 A I am -- I probab- -- I don't remember exactly.

25 Q Okay.

1 A Sorry. I don't want to answer with, you know, my beliefs.

2 I'm sorry, is that clock correct?

3 Q It's 11:13 right now.

4 A Okay.

5 Q We're at a minute 58.

6 A I thought this was supposed to be an hour.

7 Q Yeah, we're at minute --

8 Mr. Lowell. It's an hour from 11 -- from 10:16 when you started.

9 The Witness. Oh, okay.

10 BY [REDACTED]

11 Q And at some point the Office of the Attorney General of Virginia weighed in. Is that
12 correct?

13 A That's correct.

14 Q At what point in time in the proceedings did they weigh in?

15 A It was after the court had issued a stay while it was deciding whether or not it had the
16 authority to change the search warrant.

17 Q Okay. And when you said the court issued a stay, can you explain the stay to us at that
18 point in time?

19 A The court issued a stay to the Virginia State Police that they not extract the phone.

20 Q And when the Office of the Attorney General of Virginia weighed in, were they weighing
21 in on behalf of the Virginia State Police?

22 A I assume so.

23 Q And what was their role in this case, the Office of the Attorney General?

24 A I mean, I don't know what their improper interference was about.

25 Q But you thought it was improper?

1 A Correct.

2 Q Okay. We can go off the record.

3 [Recess.]

4 [REDACTED]. We can go back on the record.

5 Before I get started, at the request of the witness, I'd like to enter two documents into the
6 record. As exhibit 5 we have her opening remarks that were made before the beginning of this
7 deposition.

8 [Dehghani-Tafti Exhibit No. 5
9 was marked for identification.]

10 [REDACTED]. And as exhibit 6 I have a letter from her counsel, Mr. Lowell, to Chairman Jordan
11 dated July 21st, 2026.

12 Thank you.

13 [Dehghani-Tafti Exhibit No. 6
14 was marked for identification.]

15 [REDACTED]. I believe there's some things you want to clarify?

16 The Witness. Yes. I'd like to clarify three things, please. The first is that Arlington is no
17 stranger to public officials and high-profile individuals living in our community. And I've, in all
18 instances where there's been something that's happened that is of this type, looked very carefully
19 and treated with care. We wouldn't be here if I hadn't done that to begin with. If I hadn't taken
20 this more seriously, you know, if I hadn't taken a look at it myself, we would not be here.

21 And the second thing is, and connected to that, is that then-Secretary of State Tony Blinken
22 lived in Arlington while he was in the Cabinet. There was 6 months where people were outside of
23 his home, literally camped out with porta potties, in protest. And when his car would come out of
24 the driveway, they had water bottles with red liquid and, you know, they would -- that they would
25 throw it at his tires. I also protected their First Amendment rights. But when the First

1 Amendment rights, or, you know, the right to complain about somebody's actions turns into threats
2 or real intimidation, we have acted. And we are prosecuting the attempted murder of Russell
3 Vought, and I don't agree with him either, but I am pursuing that case with the zeal and rigor that we
4 pursue all of our cases.

5 And then, finally, I'd like to direct your attention to page 55 of the brief. I'd also add that the
6 Eastern District of Virginia declined to prosecute the situation with Mr. Vought, but our office jumped
7 in to prosecute it.

8 So the date of -- I want to just make sure that it is very clear on the record, that the date of
9 the "make his life a living hell" was in April of 2025. The distribution of flyers, if you take the
10 earliest date and assume it was August, and that Ms. Wien was responsible for August, that's 5
11 months. I don't think we can do -- nowhere in the law, like, does this sort of -- you know, nowhere
12 in the law could I find something to support, you know, a break of 5 months from a statement to an
13 action.

14 You know, when we talk about -- you know, I'm just not aware of any just- -- you know, any
15 way that I could, you know, transfer that intent across 5 months.

16 [REDACTED]. Understood. Thank you for your comments. Are you finished?

17 The Witness. Yes.

18 [REDACTED]. I'll begin my questioning now if you're ready.

19 The Witness. Okay.

20 EXAMINATION

21 BY [REDACTED]

22 Q Ms. Dehghani-Tafti, the Judiciary Committee chairman has accused your office of,
23 quote, ignoring threats to White House Deputy Chief of Staff Policy -- Chief of Staff for
24 Policy -- excuse me -- Stephen Miller, and his family.

25 So let's start by level setting. Is it true that your office ignored threats made to Stephen

1 Miller and his family?

2 A No, but there were no threats made to Stephen Miller and his family.

3 Q Did you or your office treat this case differently in any way because the alleged target of
4 this alleged harassment was a White House official working for Donald Trump?

5 A We did, and we treated it with more care than, you know, we would have otherwise
6 treated it because the stakes were higher.

7 Q So neither you nor any of your staff were in any way biased against trying to protect
8 Stephen Miller and his family?

9 A Our job as prosecutors is to uphold the rule of law without fear or favor. It may be
10 hard for some people to imagine that you can have an opinion and still not be biased, but it is not
11 hard for me to imagine. That is the role of a prosecutor.

12 Q You stated earlier in your testimony that you disagree with Mr. Miller on some of his
13 policy positions or many of his policy positions.

14 A Yes.

15 Q Did that affect how you handled this case in any way?

16 A Absolutely not. I also disagree with Russell Vought and, you know, we're prosecuting
17 with zeal the person who showed up at his house with a gun.

18 Q And you testified earlier that you did, in fact, you and your office, thoroughly investigate
19 this as a potential crime, correct?

20 A Yes.

21 Q You said you looked at the evidence and decided that there was probable cause to
22 continue the investigation, correct?

23 A And based on the affidavit in support of the search warrant, yes. Again, that's the
24 lowest standard, you know, in the criminal system.

25 Q Could you explain how that standard to continue an investigation differs from the

1 standard of what you would need to prove at trial to convict her?

2 A Right. So if you'll give me a moment. I would have to prove at trial that beyond a
3 reasonable doubt Ms. Wien distributed the flyers, and that Ms. Wien -- beyond a reasonable doubt,
4 Ms. Wien did it with the intent to harass, intimidate, or coerce, and that there was no legitimate
5 purpose for doing that.

6 Q And what was the standard for you to simply continue the investigation after you had
7 reviewed the affidavit?

8 A Well, the standard of probable cause, you know, to get to charge someone is a
9 reasonable belief that the person probably did it. In my mind it's lower when it's to investigate.
10 You know, it's just a -- it's a little bit lower than that to investigate.

11 Q And as part of the investigation, you worked on a search warrant application for Ms.
12 Wien's phone with Virginia State Police?

13 A So I did not personally do that. My staff took a look at the search warrant and, I think,
14 limited the timing of it. But my staff.

15 Q But, overall, your office was in support of this search --

16 A Yes.

17 Q -- moving forward to collect --

18 A Correct.

19 Q -- data from Ms. Wien's phone?

20 A Correct.

21 Q And the Virginia State Police did get that warrant application approved by a judge?

22 A They did.

23 Q And they executed the warrant, correct?

24 A Yes, with limitations that the judge put on later.

25 Q And based on the evidence that you reviewed, including the evidence that came as a

1 result of the search warrant being executed, what was your professional assessment of whether or
2 not you would be able to prove that Ms. Wien had an intent to threaten or harass beyond a
3 reasonable doubt using that standard that we just discussed?

4 A That's a great -- that's a great question, but I want to preface that question with, our
5 jobs -- like, prosecutors have to comply with a higher ethical standard than any other lawyer. We
6 have specific rules that require us -- and I do say this in the brief. We have specific rules that
7 require us to not pursue a charge if we believe it won't go -- it can't get past a motion to strike or,
8 you know, or if we can't prove it beyond a reasonable doubt.

9 It would be unethical to charge somebody if I didn't believe there was probable cause at all,
10 and it would be unethical, even once probable cause were found, if it were found, to pursue a case if
11 I believed that I couldn't get to a verdict.

12 So I assessed this case, and because I understood the definition of harassment and
13 understood the First Amendment protections that are provided -- and I say in the memo too -- I
14 consulted with First Amendment experts. I didn't just decide this on my own. -- I determined that
15 we could not get even to probable cause, let alone beyond a reasonable doubt.

16 Q And you made that determination after a thorough review of all information that had
17 been --

18 A Provided to us.

19 Q -- gleaned as a result of the search warrant being executed?

20 BY [REDACTED]

21 Q And a follow-up question there. You mentioned a motion to strike and then proving to
22 a jury, or, you know, a judge beyond a reasonable doubt. So in the context of this investigation, did
23 you believe that it would fail the motion to strike phase or did you believe it would fail at the jury
24 phase, or both?

25 A Well, I believed that there wasn't probable cause to begin with, but I am certain that it

1 would fail at the motion to strike phase because the definition of harassment wasn't met and
2 because First Amendment issues would have absolutely come up, probably in pretrial motions even.
3 And so I didn't think that we would even get past pretrial motions.

4 The motion to strike happens when the government, the Commonwealth rests. Before
5 anything else happens, the defense moves to strike, so we couldn't -- I didn't think we could get past
6 probable cause. I didn't think we could get past pretrial litigation. And I certainly know that we
7 could not have gotten past a motion to strike.

8 Q And so even if by some miracle it had gotten past the early motion stage and had been
9 presented to a jury, was it your professional opinion as a prosecutor that you could have convinced a
10 jury beyond a reasonable doubt of the charges?

11 A Absolutely not.

12 Q So --

13 A There is not a jury in our community that would have convicted.

14 Q So it sounds like it would have failed at multiple stages --

15 A Correct.

16 Q -- the early stages and at trial?

17 A Correct.

18 By [REDACTED]

19 Q Digging into that just a little bit, and I understand that you explain in great detail
20 through your filing why you did not believe there was evidence sufficient to prove that she had an
21 intent to harass, and you also explain the First Amendment issues at length. But did you come
22 across evidence that Ms. Wien explicitly did not intend to threaten or harass or -- in other words, did
23 she ever indicate that action should be peaceful or nonthreatening in the evidence that you
24 reviewed?

25 A So the Google document that contained information about the talking that said no

1 threats or insults would have been exculpatory evidence.

2 Q And did any -- at any point that Ms. Wien was handing out the wanted flyers, did she call
3 for violence?

4 A No.

5 Q What was the call for?

6 A To investigate, to call for an investigation of Stephen Miller.

7 Q And you stated that you believed she would have presented constitutional challenges to
8 charges that would have been brought against her that would have been successful at trial?

9 A I know that she would have because her counsel had raised the First Amendment issues
10 in his motion to -- either in his motion to quash or something else that he filed. But even in the
11 litigation about the search warrant he had raised constitutional issues.

12 Q And you believed, based on your own professional opinion and consultation with First
13 Amendment experts, that they would have been successful?

14 A Correct.

15 Q So I'm going to take a step back and confirm what agencies became involved in this
16 investigation. You testified that Federal law enforcement, and it's throughout your filing as well,
17 became involved in this case, correct?

18 A Correct.

19 Q And you testified that an ACA was handling the case until you learned that the Federal
20 Government was involved, at which point you decided to step in and take over the case. Is that
21 correct?

22 A Correct. This was on the same day.

23 Q And why did you decide to step in and take over the case when they became involved?

24 A Because I foresaw, you know, quite a mess. And what I try to -- if I know something is
25 going to be -- I try to be a lightning rod, and I thought it was best for me to start handling it.

1 Q So are there potential risks to a case or the proceedings of a case when Federal law
2 enforcement gets involved in a local misdemeanor case like this?

3 A There are. So there are issues where, you know, it would -- we would then -- it would
4 potentially be -- we'd start being subject to the, you know, sort of the, you know, rules for Federal
5 officer conduct. And what was concerning here wasn't -- I mean, wasn't just that the FBI was
6 involved. We collaborate with the FBI all the time. We collaborate with nine different law
7 enforcement agencies. The concern was that we were told -- we were led to believe by the special
8 agent in the Virginia State Police that the Federal Government was not involved, that the Federal
9 Government was doing their own separate investigation that had nothing to do with this, and they
10 were not collaborating with the Federal Government. And they focused on this is a local
11 prosecution only.

12 Q On page 51 of the filing it reads that the Virginia State Police gave representations to
13 you before executing the search warrant, quote, "expressly assuring the Commonwealth that the
14 investigation was solely a local investigation" --

15 A Correct.

16 Q -- "into potential violations of State crimes and not in furtherance of a Federal
17 investigation." Is that what you're referring to?

18 A I am. Is that -- I'm sorry, you said what page?

19 Q Page 51.

20 A Fifty-one. Yes. And --

21 Q When were those assurances made?

22 A Well, we were asking questions. We wanted to make sure that this was not a fishing
23 expedition.

24 Q Do you know why Federal law enforcement became involved in the case? Were you
25 given any justifications, reasonings?

1 A I was not. And I also wasn't told that the Federal -- I found out through a reporter
2 that -- or through an article that the FBI had already applied for a warrant under Federal law to a
3 magistrate judge and been denied that warrant. That information was not disclosed by the Virginia
4 State Police.

5 And other information that was not disclosed by the Virginia State Police was that the
6 Arlington County Police Department had decided not to -- I didn't even know about the August 4th
7 incident because I wouldn't know about everything that happens on the streets that -- everything
8 that the police do until and unless it's brought to our office. So if the police decide not to continue
9 an investigation, they wouldn't come to our office. If the police decide not to charge somebody,
10 they wouldn't come to our office.

11 So unless there's a reason for us to be involved, the police wouldn't tell us of the hundreds of
12 thousands of interactions that they have with people over the course of a year. So that also was
13 not disclosed by the Virginia State Police.

14 Q Who did the Virginia State Police answer to?

15 A I believe it's the Governor.

16 [REDACTED]. So if the Governor were to give the head of the Virginia State Police an order,
17 would they typically follow it?

18 The Witness. Yes. And it was clear that -- once we watched the body-worn camera from
19 August 4th, it was clear that Ms. Miller had called the Governor -- then at the time was Governor
20 Youngkin -- and Attorney General Jason Miyares.

21 BY [REDACTED]

22 Q And in terms of Federal law enforcement getting involved, kind of going back to that,
23 you said that they were involved in executing the search warrant, correct, by the Virginia State
24 Police?

25 A They showed up. I don't know -- I don't know what their -- the plan of involvement

1 was, but I did know that, you know, almost every search warrant has a provision that allows sharing
2 with any law enforcement agency. And because we were led to believe that the Federal
3 Government was not involved, I saw that as a potential problem, that the Federal Government could
4 be inserting itself into this.

5 Q How did you learn that Federal law enforcement agents had been present at the
6 execution of the search warrant, whatever the involvement level?

7 A Ms. Wien's counsel called me.

8 Q So the Virginia State Police did not inform you of this --

9 A No.

10 Q -- to correct themselves --

11 A No.

12 Q -- hey, we said they wouldn't be involved, but they were?

13 A No, they did not inform me, or my ACA.

14 Q And we touched on this a bit, but in a crime involving a solely local misdemeanor
15 charge, is it typical for Federal law enforcement to join local police in executing a search warrant?

16 A I've never seen this happen.

17 Q And after discovering that Federal law enforcement was there at the execution of the
18 search warrant, did you have concerns about Federal law enforcement getting involved in this
19 matter?

20 A I did. Usually when we collaborate with Federal law enforcement -- and we do happily
21 collaborate with Federal law enforcement -- it's usually through a task force, and we know because
22 we've talked to detectives and talked to local law enforcement, or Virginia State Police, it's because
23 we know -- we already know that they're involved. And so what was different about this -- aside
24 from the fact that it was a misdemeanor, what was different about this was that we were told the
25 Federal Government was not involved.

1 Q So this broke away from typical protocols?

2 A Yes. It was the opposite of normal.

3 Q Even in cases where you expect the Federal Government to be involved and you are fine
4 with that and it's appropriate, this still did not follow normal protocol?

5 A This did not follow normal protocol.

6 Q And you mentioned earlier -- I want to make sure I understood you correctly -- that you
7 learned from a reporter that the Federal Government had previously sought search warrants for Ms.
8 Wien's phone and been denied. Is that right? Can you clarify that?

9 A Yes. It was either through an article -- a news article or through a reporter.

10 Q And did that concern you? Did that raise any red flags for you?

11 A Yes.

12 Q Why?

13 A Because the Virginia State Police should have told us that.

14 Q And you discovered it after the execution of the search warrant or --

15 A I believe so. Yes, because it was sealed until after the execution of the search warrant.

16 Q And was there any evidence that after the Federal law enforcement agents had been
17 denied a search warrant to go after her phone, they show up at the scene when the search warrant is
18 being executed, was there any evidence later on that Federal law enforcement had been given the
19 contents of what had been extracted as a result of the search warrant by Virginia State Police?

20 A I don't know. What I do know is that, on information and belief, that FBI showed up at
21 the homes of at least two people who had received or -- either received or made calls to Ms. Wien
22 around September 11th.

23 Q I'd like to read from page 44 of your filing, paragraph 51, the last sentence. "Relevant
24 here, both individuals visited by the FBI reported that the special agents either explicitly stated that
25 they were visiting based on Barbara Wien's phone logs or, on review of their personal phone logs,

1 could confirm they called Barbara Wien and she had called them in September of 2025." Is that
2 what you're referring to?

3 A Yes.

4 [REDACTED]. And that was after the execution of the search warrant or before?

5 The Witness. That was in December that it happened. I learned about that in January.

6 BY [REDACTED]

7 Q So just to make sure I'm clear on timeline here. The Virginia State Police executed the
8 search warrant.

9 A Correct.

10 Q Information was extracted.

11 A Correct.

12 Q And a couple of months later, Federal agents show up at these people's homes saying
13 that, based on Barbara Wien's phone logs, they were investigating and coming to their door?

14 A Based on what one of the people who was the subject of one of these visits has
15 explained to me.

16 Q And to the best of your knowledge, the Federal law enforcement agents had never been
17 able to go back and get a separate search warrant?

18 A It came to my attention through Chairman Jordan's letter that there was a second
19 attempt to get a search warrant signed based on some conversation that the Federal -- the FBI
20 agents had had with Ms. Wien, and it was denied.

21 Q And it was denied. So turning back a little bit. In your view, was there any legitimate
22 purpose for Federal law enforcement to involve itself in this particular matter?

23 A No.

24 Q And no one provided a specific justification to you for why?

25 A No.

1 Q Could you explain some of the potential harms or concerns of having outside Federal
2 law enforcement agencies or other law enforcement agencies involve themselves like this without
3 your knowledge after you have been told explicitly that they would not be involved? What are
4 some concerns there?

5 A The concern is that they're going on a fishing expedition, you know, something that
6 they're otherwise not allowed to do. There's a huge Fourth Amendment problem. And then the
7 other concern is that we would be subject to some Federal rules. And I know I've explained this in
8 the -- oh, yes, 41(b), on page 50.

9 Q I see. So I'll actually read that into the record, that paragraph. So, "Additionally, the
10 presence of Federal officials accompanying VSP -- Virginia State Police -- agents in executing the
11 search warrant at Ms. Wien's residence raised specific concerns regarding how Federal authorities
12 may have been involved (and appearing, potentially, to be attempting to use the Commonwealth,
13 this court, and the VSP to further a Federal investigation -- that had to date failed to demonstrate
14 wrongdoing by even the lowest of legal standards of proof -- as opposed to having handed off the
15 investigation to State officials to independently complete in their discretion). If, for example, the
16 VSP had applied for the search warrant at the direction or urging of Federal authorities, the warrant
17 may have been a, quote, 'Federal proceeding governed by Rule 41(b)', end quote -- and not a warrant
18 issued pursuant to, quote, 'a State proceeding governed by State law,' end quote.

19 Is that what you're referring to?

20 A That is.

21 BY [REDACTED]

22 Q And with regard to the Federal attempt to get a search warrant, is it fair to say that the
23 same constitutional standards apply in obtaining a Federal search warrant as in a State search
24 warrant?

25 A That there's probable cause to continue the investigation, I believe so.

1 Q And so in this case, Federal investigators attempted twice to obtain a search warrant
2 and did not do so, would it then be fair to say that they were unable to show probable cause that a
3 crime had occurred?

4 A Correct. The Federal statute requires explicit threats or inciting people to commit acts
5 of violence. So it's a little bit different than the Virginia code.

6 Q And a neutral magistrate, basically, ruled under your understanding that there was no
7 such evidence that a crime had occurred, or there was not probable cause?

8 A Yes.

9 Q And so in terms of this series of events where Federal investigators have failed to get a
10 search warrant but then are assisting a Virginia State agency in a local investigation, has that ever
11 occurred before in your experience as a prosecutor?

12 A No.

13 Q So this would be a fairly unique and unusual situation?

14 A Yes. There is also a provision in the Department of Justice manual that -- and I know I
15 had it here, but -- it's also in -- it is in the motion in a footnote. I can find it at some point. -- but
16 that the Federal Government should not be referring cases where there's no probable cause to other
17 prosecuting authorities.

18 BY [REDACTED]

19 Q So I'd like to turn to the brief discussion in the prior hour about limitations that you
20 asked to be put on the search warrant. Why did you feel the need to support further limitations on
21 the search warrant?

22 A So we were trying to balance the -- you know, continuing the investigation and not
23 shutting it down so that we could do our due diligence in a fair and impartial way, and the incredible
24 amount of information that is on a cell phone. And, you know, I was very aware of, you know, the
25 U.S. Supreme Court precedent that talks -- or dicta that talks about how personal and, you know,

1 how invasive -- a cell phone is, and how invasive the, you know, the extracting of a cell phone is,
2 knowing that it can't be limited. Because I did talk to the Virginia State Police. And I'm now
3 recalling that I did talk to them, I can't say when, I believe it was the morning that the initial motion
4 to quash was on the docket, to try to figure out, how can they limit themselves, right, if they would
5 agree to, you know, only search these apps on, you know, on their own.

6 I tried to work out something with them so that we don't have to ask the court for so many
7 limitations. But we came to the limitations that we did because we were balancing, you know, the
8 Fourth Amendment issues. And if we hadn't done that and gone forward, we would have had very
9 problematic Fourth Amendment issues on our hands, and the, you know, importance of continuing
10 the investigation.

11 Q So is it a constitutional requirement that a search warrant like this be properly tailored
12 in scope, purpose, and time?

13 A It is.

14 Q And what happens if it's not?

15 A We have Fourth Amendment problems. Evidence could be suppressed at trial, and
16 that would -- usually means that we -- if enough evidence gets suppressed at trial, it means that we
17 don't actually have evidence.

18 Q So was it part of your calculus in ensuring that the search warrant was properly
19 tailored, not only to protect Ms. Wien's rights, because all Americans deserve to have their rights
20 protected, however you feel about them, but also to preserve evidence in case you decided to take
21 this to trial?

22 A That's correct.

23 Q So this is a trial strategy --

24 A Correct.

25 Q -- that you were implementing.

1 A Correct.

2 Q So that if you decided to prosecute, you would have solid evidence and all the evidence
3 that existed that you needed --

4 A Yes.

5 Q -- to bring the case to trial.

6 So did your office support narrowing the scope of the search to, quote, "stymie," end quote,
7 the investigation or otherwise shield Ms. Wien from accountability?

8 A No. We were, in fact, pursuing an investigation to determine whether we needed to
9 hold her accountable.

10 Q Was the decision to try to limit the search warrant influenced by the fact that Ms. Wien
11 was protesting a Republican rather than a Democratic administration official?

12 A No, because we've -- we did not prosecute the protesters outside of Secretary Blinken's
13 house. And there was a situation in -- that sort of -- it was Hopewell County and the City of
14 Alexandria, in which one of the -- the head of the Republican Committee of Hopewell County put out
15 on social media then-delegate -- State Delegate Mark Levine's home address and said things like,
16 bring your guns to his house, he should kiss his wife and children -- or husband good-bye. That was
17 in a Facebook video. And neither the Alexandria City Commonwealth Attorney, nor the Hopewell
18 County Commonwealth Attorney prosecuted that case.

19 Q So it sounds like you prosecute or don't prosecute cases completely blind to the politics
20 of the potential target. So in this case with Ms. Wien, did political considerations enter your minds
21 at all as you were deciding to limit a search warrant, to pursue prosecution, anything in the case?

22 A No.

23 Q So at no point in this investigation did politics play a role in your decisions?

24 A Because Mr. Miller is a public official, I took extra care to make sure that this was done
25 fairly, but my personal opinions don't matter at all in prosecutions.

1 [Discussion off the record.]

2 BY [REDACTED]

3 Q So switching gears a little bit, and I know you testified to some of this already in the
4 statement that you gave at the top of this hour, but have you declined to bring charges in other
5 situations with similar facts as the potential harassment against Mr. Miller?

6 A Yes. The situation with then-Secretary Blinken, and then contrast to the prosecution
7 for attempted murder of the individual who showed up at Russell Vought's house.

8 Q And who did Mr. Blinken work for? Which administration did he serve in?

9 A He worked for the Biden administration. He was Secretary of State.

10 Q And that was a Democratic administration?

11 A That was a Democratic administration. And those protests lasted 6 months.

12 Q And why did your office decline to bring charges?

13 A Because we would not have survived First Amendment scrutiny.

14 Q And to bring it to a slightly higher level where you may be able to discuss -- you might
15 not be able to discuss all of these considerations -- but did your office believe that the evidence
16 presented regarding this harassment of Mr. Blinken would have supported a successful prosecution?
17 Do you think you would have been able to --

18 A I'm sorry. Can you repeat that?

19 Q Would there have been a successful prosecution if you had decided to bring that to trial,
20 the harassment of Mr. Blinken?

21 A No.

22 Q And that's why your office didn't bring the case?

23 A Yeah, there was no law that was broken. And, you know, protesters are allowed to be
24 annoying.

25 Q And you spoke about your prosecution of the individual who made an assassination

1 attempt of Mr. Vought. Is that correct?

2 A That is correct.

3 Q And what role does Mr. Vought hold in the U.S. Government?

4 A I believe he's the head of the Office of Budget and Management or -- yeah,
5 Management and Budget. I can never remember the acronyms.

6 Q I think it's Management and Budget, OMB. And he's an official in President Trump's
7 administration. Is that right?

8 A That's correct.

9 Q And what ended up happening in that case?

10 A It's still pending.

11 Q So does the political party of potential victims or crimes play any role in your decision
12 whether or not to bring charges, whether it's against an administration official or any other person in
13 your jurisdiction?

14 A Never. And I would leave office if I thought that there was even a hint of that.

15 Q Have you yourself faced harassment as a public official?

16 A I have. I have had people protest outside of fundraisers, and recently had my home
17 address, my home valuation, and my phone numbers disclosed on social media. And I did not try to
18 prosecute those people.

19 Q Have you received any increased harassment since this inquiry into your treatment of
20 this case began?

21 A Yes. I have had to -- the Arlington County Police Department has had to do more
22 checks at my house, and I have had to have a police car outside of my house for several -- a couple of
23 times for more than a week, and they had at some point put a license plate reader also outside of my
24 house.

25 Q So you've had to take significant steps to ensure your safety?

1 A That's correct. And I had to take significant steps last year also after the folks -- the
2 two State legislators were shot. I was advised to improve our alarm system and improve the
3 security around our house. So I had to invest in an entirely new alarm system, and change our
4 windows, you know, because our windows were not secure.

5 Q How has this affected your family?

6 A It's been very expensive. I also -- there was another time also where I had to call
7 the -- my kids were in middle school and -- elementary school, and I had to call both of their schools
8 because there was a threat made by somebody who was incarcerated in our jail, and I had to call and
9 tell the schools to not let my kids out and that only I could pick them up.

10 So it's happened a lot and it's caused a great deal of anxiety for my kids, and it's cost a great
11 deal of money to, you know, improve the security of our windows and to get an alarm system -- a
12 new alarm system.

13 Q And do you think investigations like this, generally speaking, increase the risk for that
14 kind of harassment?

15 A Yes. My address and picture of my house and home valuation, all of that was
16 distributed as a result of the filing that -- this filing.

17 BY [REDACTED]

18 Q I just briefly wanted to revisit the incident with Secretary Blinken and just get the facts
19 very nailed down about what was happening in that case. So my understanding was that these
20 protesters were outside his house for 6 months?

21 A Across the street from his house for 6 months.

22 Q Were they camping there or were they --

23 A Yes. They had tents. They -- I have brought some articles if you'd like to put those in
24 the record. But they had an entire encampment outside -- like across the street from his --

25 Q And you noted that there was a red liquid that they would sometimes use?

1 A Yes.

2 Q Could you explain a little further?

3 A I don't know what -- I know that it wasn't blood, but it was meant to simulate blood
4 and -- because we looked at, you know, potentially, you know, is it property damage or is it, you
5 know, putting -- there's a statute that prohibits, you know, putting bodily fluids where they're not
6 supposed to go. And we, you know, we made sure that -- or we had, you know, ACPD, Arlington
7 County Police Department, make sure that it was not, in fact, blood. But it was a red liquid that was
8 meant to simulate blood. But it didn't damage the car at all. And so they would throw it at the
9 tires, and it was just water. And here is the article.

10 Q Thank you. We'll review that.

11 And so if I'm understanding you correctly, these protesters would actually throw liquid at
12 Secretary Blinken's car?

13 A Correct.

14 Q Would they throw it at his family's car as well or just his?

15 A I don't know that.

16 Q And you spoke regarding the measures that you've had to take regarding your own
17 safety. Is it fair to say that that's caused some degree of discomfort in your life?

18 A Yes.

19 Q And you spoke to the constitutional issues with people being able to petition their
20 government. Did you know going in that as a public official there might be some degree of
21 discomfort based off your public persona?

22 A Oh, of course.

23 Q And did you accept that as part of the job?

24 A It is absolutely part of the job.

25 Q Okay.

1 ██████████. I think that's good for now. We'll go off the record.

2 [Recess.]

1 [12:11 p.m.]

2 The Witness. So I'd like to add in terms of the harassment that I received as a public official
3 and for the decisions that I make as a public official, I have received numerous unsolicited pictures of
4 men's penises and messages to the effect of, I should be raped and murdered, things of that ilk quite
5 frequently.

6 BY [REDACTED]

7 Q Going back to the Stephen Miller matter and Ms. Wien matter. You had mentioned in
8 a previous hour that you sought advice from First Amendment --

9 A Yes.

10 Q -- experts. Who were those experts?

11 A They were at Georgetown Law School. ICAP. It's the Institute of Constitutional
12 Advocacy and Protection.

13 Q That's correct. Yes. That's what I know it as. The Institute for Constitutional
14 Advocacy and Protection, ICAP. Is that right?

15 A That's correct.

16 Q And had you spoken with anyone from ICAP before regarding a case pending before the
17 Commonwealth attorney's office?

18 A I don't recall. I have spoken to ICAP in terms of sort of proactive work, because we're
19 responsible for protecting elections and making sure that people are not intimidated, and I
20 remember we consulted with them on some legal issues then.

21 Q But in a criminal matter do you ever remember consulting with ICAP?

22 A I don't remember, but we've consulted experts in the regular course of all different
23 kinds of criminal matters. We speak to accident reconstruction experts. We speak to forensic
24 scientists. There is -- in an area where we don't have expertise, that's not our main area of
25 expertise I should say, I want to make sure that we do things absolutely correctly.

1 Q And did you reach out to any other First Amendment entities or just ICAP?

2 A Just ICAP.

3 Q And was the --

4 A They are recognized experts in the field.

5 Q And what was the discussion with ICAP? What did it focus on, your communications
6 with them?

7 Mr. Lovell. I think that would be covered by the work product --

8 The Witness. Absolutely.

9 Mr. Lovell. -- privilege. She has to assert a privilege on her work product.

10 [REDACTED]. Okay.

11 The Witness. And, you know -- never mind. Go ahead.

12 [REDACTED]. Okay.

13 [REDACTED]

14 Q So in working with ICAP, you had previously spoken about issues with the
15 constitutionality of the Virginia statute at issue here. Is that correct?

16 A That's what I said in the brief, yes.

17 Q Okay. In an email, you had mentioned that you wanted to share sealed documents
18 with ICAP. Did you ever share documents with ICAP?

19 A Not until they were unsealed I think. I don't think I -- I don't think I did. I honestly -- I
20 don't recall for sure, but I wouldn't.

21 Q Yeah. Okay. I just want to make sure it's clear there. You're saying you're not sure
22 whether or not you shared documents with them, not whether they were still sealed?

23 A That's - that's correct, but I wouldn't normally share a sealed document.

24 Q Okay.

25 A But they are a part of a legal team once I've engaged them as experts, so it wouldn't be

1 improper to share a sealed document.

2 Q Not asking about the content of what they provided to you, but did they render an
3 opinion on the constitutionality of the statute?

4 A Yes.

5 Q Okay.

6 A I should clarify that it was not the overall constitutionality. It was the issue that's
7 before us which is as applied.

8 Q This is going to be exhibit No. 7. This is an email exchange between you and Mr.
9 Haywood on October 8th, 2025.

10 A Okay.

11 [Dehghani-Tafti Exhibit No. 7
12 was marked for identification.]

13 [REDACTED]

14 Q On the bottom of the first page of the document, it's Bates stamped 64?

15 A Uh-huh.

16 Q Mr. Haywood writes to you, Did you file anything? I intentionally left the last section a
17 bit shorter because you told me that's what your office researched, and would brief the court on.
18 What was he referring to here?

19 A I don't recall.

20 Q How often do you talk to defense counsel about what you plan to brief and research?

21 A Me personally, I don't get that involved in cases.

22 Q Uh-huh.

23 A But we have excellent relationships with defense counsel, and they don't ambush us,
24 and we don't ambush them usually.

25 Q It sounded like there were conversations that were occurring with Mr. Haywood. Did

1 you primarily communicate with him via email? Did you also communicate with him via phone?

2 A It was usually phone.

3 Q Okay. And then you responded several hours later and said, I didn't yet because I was
4 waiting -- I believe it's, to see what you had filed there?

5 A That's what it was supposed to be.

6 Q Auto correct. What were you waiting to see what he had filed?

7 A I don't recall.

8 Q Okay.

9 A Oh, I believe that this is the filing -- it looks like based on the last -- the first -- Judge
10 Wheat requested filing regarding the motion to quash. The court had asked us to brief the matter
11 of whether or not the court had jurisdiction to amend the search warrant. And I think that's what
12 we were -- what we were discussing.

13 Q Okay. And so you would have been filing a brief saying that the court did have
14 jurisdiction to modify?

15 A We both were filing briefs saying that the court did have jurisdiction.

16 Q Okay.

17 A He was still insisting on the search warrant being quashed, I think.

18 Q And -- this -- was this the point in time when you were doing the limitations --

19 A Correct.

20 Q -- on the search warrant so it's --

21 A No. Well, this is separate from that.

22 Q Okay.

23 A Yeah. This is, does the court have the authority to make any -- to put on any
24 limitations.

25 Q Okay. And so he was wanting to quash the whole warrant?

1 A Yes.

2 Q But you were not wanting to quash the whole warrant at this point in time?

3 A Correct. Because I was treating this case, you know, with the diligence that it
4 deserved.

5 Q And so is this level of communication with defense counsel on coordination on the
6 briefing and the motions is that usual for your office?

7 A Well, we often talk about what motions are being filed with defense attorneys, but this
8 is a situation in which we're filing similar things.

9 Q Uh-huh. Okay.

10 A You know, for different reasons, but it's similar things.

11 Q So this isn't out of the normal for you to be communicating with defense counsel about
12 briefings or motions?

13 A I mean, again, I personally am not that involved in most cases, but we have good
14 relationships with the defense bar.

15 Q And I could ask the question differently of, does your office, not just you personally,
16 does your office typically have this level of communication on, like, the content of what's in a brief?

17 A This is an unusual situation because we were both filing briefs. You know, we were
18 agreeing on many things, but from different perspectives.

19 Q You had -- we -- before our last hour, I as questioning ended we were talking about the
20 Office of Attorney General of Virginia --

21 A Uh-huh.

22 Q -- in their file and involvement in the case, and you had said in one of the emails that
23 you plan to submit a response to the OAG because they have no jurisdiction to interfere in this case.
24 What was your theory of the OAG not having the jurisdiction to interfere in the case?

25 A That's all in the briefing.

1 Q Okay. Where in the briefing?

2 A No, in the briefing that's part of the court record.

3 Q Okay. They -- the OAG submitted a filing to the court. I'm assuming you're familiar
4 with the filing?

5 A I mean I haven't looked at it recently, but --

6 Q Okay. We can enter that as exhibit number 8.

7 [Dehghani-Tafti Exhibit No. 8
8 was marked for identification.]

9 BY [REDACTED]

10 Q I'll give you a moment to look over it.

11 A The brief that you do have from May 7th includes the summaries of their brief and
12 others.

13 Q Have you had sufficient time to review it?

14 A Uh-huh.

15 Q On the last page of this document, it's Bates stamped 185, but number 4 in the labeling
16 there under the heading, "conclusion." The second sentence there it says, "There has been no
17 provision for a pause in the execution of a search warrant that was granted by a judicial officer.
18 Pausing the execution of a search warrant after its granting is an unprecedented measure that places
19 the Virginia State Police in conflict with the Virginia Code in the court's decision." And then it says it
20 was filed on behalf of the Virginia State Police. Did you agree with the Office of Attorney General
21 on that matter?

22 A No.

23 Q And why didn't you agree with the OAG?

24 A For the reasons that I stated in my responding brief.

25 Q On page 184, the beginning of the last paragraph it states, In evaluating the relevant

1 statutory provisions and case law, there is simply no legal mechanism under Virginia law or the
2 United States Constitution to pause the execution of a search warrant once a judicial officer has
3 determined that the search warrant is supported by probable cause. There are also no exceptions
4 provided for the statutorily mandated timelines in Virginia that allow for proceedings between the
5 issuance and execution of search warrants. Any remedy is contemplated only after the execution of
6 the search warrant. Did you agree with the Office of Attorney General on this matter?

7 A No.

8 Q Turning back to your notice of regarding further proceedings, the 76-page document.
9 Page 52, it states -- this is one of the paragraphs under the heading B, "The conduct identified by VSP
10 in their investigation is not coercive or intimidating. A wanted flyer calling for petitioning Congress
11 for an investigation seeks solely that action in investigation. The flier directed a specific subset of
12 the public, Stephen Miller's neighbors to specific political action." Is it accurate to say that you saw
13 the wanted flyer as a call to petition the government?

14 A Yes.

15 Q And to take some sort of political action?

16 A Yes.

17 Q So it wasn't just a typical wanted poster, correct, then?

18 A Well, it was a farcical wanted poster.

19 Q So because typically the point of a wanted poster is to help authorities find someone
20 who is on the run. Would you agree or disagree with that?

21 A I don't know why that's relevant. We've explained everything in the brief that it was a
22 farcical poster.

23 Q Because on page 48, as we've litigated several times today, you know, you talk about
24 how it's typical wanted poster format. It has identifying information, but now you're saying it was a
25 call to petition the government in this part of the brief. So I'm just trying to understand was it a call

1 to petition the government or was it a wanted poster?

2 A It was both.

3 Q It was both. So it was --

4 A Like, you could see what it was because there's a picture of it in the brief.

5 Q Yes, I could clearly see the photo that's in the brief, but if you're saying it's just a call to
6 petition the government, why was there a need to have Mr. Miller's home address on that poster?

7 A I did not create the poster. I don't know the answer to that question, and it's a silly
8 question to be asking a prosecutor. I look at the law. I look at the facts, and I look at what I can
9 improve.

10 Q Uh-huh.

11 A You know, I could not prove beyond a reasonable doubt. I didn't think I could even
12 prove by with probable cause that that statute was violated. That's the end of this.

13 Q Because it appears from the wanted poster from an outside observer, it appears that
14 the wanted poster is calling for people to come to Stephen Miller's home because that's where the
15 home address, why that would be included?

16 A Well --

17 Q So you're saying there was no call to come to Stephen Miller's house?

18 A I don't see that in the poster.

19 Q So you don't see the home address listed?

20 A I see the home address, but I don't see it as a call to go to Stephen Miller's house. But
21 even if it was a call to go to Stephen Miller's house and protest outside of his house that would be
22 protected by the First Amendment.

23 Q And this was right after -- these posters were passed out September 11th, 2025. This
24 was the day after Charlie Kirk was assassinated. Was that ever a consideration that there was a
25 heightened environment of concern?

1 A I have to look at intent. I have to prove intent. Charlie's Kirk assassination has
2 nothing to do with intent.

3 Q I'm going to switch topics to the immigration bucket. I just wanted to have time to
4 switch the train of thought here.

5 In a Facebook post and we can mark it as an exhibit you described the Laken Riley Act as a
6 heinous bill. What makes the Laken Riley Act heinous?

7 A It dissuades victims of domestic violence from reporting, and it erodes confidence
8 between the community and law enforcement because it allows for people to be deported on a mere
9 accusation of a crime rather than on proof that they actually committed the crime.

10 Q So you still believe that the Laken Riley Act is a heinous bill?

11 A I think what happened to Laken Riley is beyond horrible. Nobody should have to
12 endure that. You know, I'm a mother and I cannot imagine the pain that I would feel if
13 something -- if my children were murdered. I don't think that Laken Riley's case has anything to do
14 with immigration.

15 Q And in the Facebook --

16 A And I would also add that as a prosecutor, it's extremely important that we hold people
17 accountable, and so allowing someone to be deported based on an accusation, it doesn't allow us to
18 get justice for the victim. It doesn't allow us to incarcerate people, and it doesn't -- it takes away
19 the closure that victims need from a process, and allows the wrongdoers to go to wherever they're
20 deported to and continue doing the bad things that they were doing.

21 Q So you don't believe that illegal aliens who have been charged with, or arrested for,
22 convicted of crimes such as burglary, theft, larceny, shoplifting, should be detained?

23 A Well, you're clearly not a prosecutor because being charged with, being accused of, and
24 being convicted are all three different things.

25 Q And so, even if they are arrested for, charged with, or convicted as under the law for any

1 of these crimes they shouldn't -- you don't believe they should be detained?

2 A Well, the law before the Laken Riley Act was that if they were convicted they would be
3 deported. And a conviction is either somebody -- you require someone to either plead guilty
4 admitting that they did it, and having a finding of guilt by judge, or a jury having listened to an entire
5 trial and, you know, their peers saying that this person is guilty. And in almost all States, it's a
6 unanimous requirement for 12 jurors to find a person guilty.

7 That's -- the due process has happened through those stages. Evidence has, you know, like,
8 facts have been proved. Nothing has been proved when someone is accused or charged. And the
9 law before Laken Riley had it right that it's on conviction.

10 Q And in the Facebook post -- we can enter it if you'd like or else we can keep discussing it,
11 you describe ICE arrests as abductions.

12 A I'd like to see the Facebook post.

13 Q Yeah. Of course. This will be exhibit No. 9.

14 [Dehghani-Tafti Exhibit No.9

15 was marked for identification.]

16 The Witness. Yes.

17 BY [REDACTED]

18 Q So you believe ICE arrests are abductions?

19 A Not all of them, but the definition of abduction under Virginia law is that the defendant
20 by force, intimidation, or deception did seize, take, transport, detain, hide an individual, and that the
21 defendant did so with the intent to deprive X of his personal liberty, and that the defendant acted
22 without legal justification or excuse.

23 It is an abduction when masked men whose identity we don't know, and who are unwilling to
24 show their identity, detain people without warrants, without probable cause, and without due
25 process. And the 170 people that have been detained by ICE who were U.S. citizens, were

1 abducted.

2 Q So what's your criteria for determining whether or not an ICE arrest is an abduction?

3 A I look at the facts and the law.

4 Q And what -- what facts would make it not an abduction.

5 A Well, I just gave you an example. If you're a U.S. citizen and ICE has no warrant, and
6 takes you and puts you in a detention center, and holds you incommunicado without due process,
7 that's an abduction.

8 Q So I'm understating that example in your mind as an abduction. What wouldn't be
9 considered an abduction in your mind for ICE to arrest someone?

10 A I mean it depends on the fact.

11 Q So there's no fact that you could think of right now that an ICE arrest wouldn't be an
12 abduction?

13 A Well, there's no facts that I'm willing to commit to in -- in sort of a vacuum of a
14 hypothetical situation.

15 Q Okay.

16 A I mean, I suppose, you know, if they have a judicial warrant.

17 Q Then it wouldn't be an abduction?

18 A Yeah, it wouldn't be if they had a judicial warrant, if they did -- if they showed their
19 faces.

20 Q So is that the only time that you wouldn't consider an ICE arrest an abduction if there
21 was a judicial warrant?

22 A No, but you asked me for an example and that's an example.

23 Q In an ACLU questionnaire, you stated, "My office will also commit to take immigration
24 status into consideration when making charging decisions on minor infractions in order to make
25 certain that charges don't intentionally lead to ICE collateral consequences." What do you mean by

1 collateral consequences?

2 A So collateral consequences are things like losing security clearance, losing the ability to
3 get license -- licensed to cut hair, losing housing, losing the ability to -- losing employment. Those
4 are examples of -- of collateral consequences, and there are thousands of collateral consequences
5 that we take into consideration.

6 Q And is that for just when immigration status is a concern that you take those into
7 consideration?

8 A No, we take collateral consequences into consideration for every single case.

9 Q Does your office have policies related to the consideration of immigration consequences
10 when making prosecutorial decisions?

11 A Only very specifically for -- the policy is to consider immigration consequences, among
12 others, and I list others in the policy as well, including security clearance, loss of employment, loss of
13 housing, loss of educational opportunities. So it's one of -- about almost a dozen that are listed in
14 there. It's just one of many. And there is a particular issue with DACA and DUIs that -- in which
15 what we do is try to resolve a case in a way that allows us to hold somebody accountable in
16 almost -- in the same measures they would have been held accountable without -- so we're
17 protecting public safety, but not pulling somebody who, you know, this is -- where this is their only
18 home making it harder for them to -- to live.

19 Q Okay. So taking a couple things from your response that you just provided you talked
20 about that you have a policy where you consider immigration status among several other things. Is
21 that correct?

22 A Correct.

23 Q What policy is that?

24 A I think my counsel provided that.

25 Q I know we have a DACA -- a DACA and DUI policy, but the policy where it says to take

1 immigration.

2 A Yeah, we're going to have to follow up with you because all it says is -- like I could see it
3 visually. It's about four lines, and it says, "take into consideration collateral consequences such as,"
4 and it lists a number of them.

5 Q And at what stage of the prosecution or the case is this -- or is immigration status taken
6 into consideration?

7 A So, the way that -- the only way to make this an understandable answer is to explain
8 how things work in the criminal system in Virginia. Police officers are generally the party that's
9 responsible for seeking out charges.

10 Q Uh-huh.

11 A So if they see something happen or a witness -- a complaining witness tells them
12 something that happened, they -- unless it's, you know, extremely serious case, they normally -- that
13 requires, like, investigation, if it's sort of not a rape or a homicide, right, or aggravated malicious
14 wounding --

15 Q Uh-huh.

16 A -- they go to the magistrate and they swear out a warrant to the magistrate's office, and
17 then the magistrates will issue warrants. And so that -- so the police are not lawyers, and
18 magistrate judges are not required to be lawyers. We call them judges, but they're not required to
19 be lawyers. And so we're -- they're making those decisions.

20 When we get a decision -- when we get a case, is, you know, we'll see it -- we'll see a case at
21 arraignment when a trial or a preliminary hearing date gets set, or we'll see -- you know, we'll be
22 involved when the person asks for bond, and almost everybody does.

23 The collateral consequences are taken into consideration with the resolution of the case, and
24 that's the only place where they would be relevant, and, you know, the -- you know, we can amend
25 charges at the stage of a resolution, but we're not making initial charging decisions at all. And, you

1 know, in order for -- to get people to take plea deals, we often amend charges, or nol-pros, you
2 know, dismiss some charges, you know, to get the conviction on the other charges.

3 Q And is the policy that your office has to consider, you know, immigration status, is that a
4 permissive or a mandatory command from the policy?

5 Mr. Lovell. Just for the record, you keep saying immigration. She said it's one of a number
6 of collateral consequences. Are you doing that on purpose?

7 [REDACTED]. No, I was just abbreviating -- abbreviating it.

8 Mr. Lovell. Got it. Go ahead.

9 The Witness. I don't know how to answer that question because prosecutors have
10 discretion and, you know, we do a lot of training, but, you know, we're not there to micromanage
11 every decision that a prosecutor makes. So the policies are the policies.

12 BY [REDACTED]

13 Q And on the topic of trainings, you put out, and I'll get it entered for the record here.
14 This will be exhibit number 10.

15 [Dehghani-Tafti Exhibit No. 10

16 was marked for identification.]

17 BY [REDACTED]

18 Q This is Office of the Commonwealth Attorney, the digital digest Issue 1 September 2020.
19 And I'm going to specifically look at page 2 under Managing the Office training, but feel free to
20 review as you need.

21 A Yep. Yes.

22 Q Okay. Just to read it in for the record it says, "Training: We conducted training on
23 the effects of criminal prosecution on immigration status, ethics and due process, leadership and
24 anti-bias, and are planning to do many more."

25 Was the trainings that you put on for the office were they just focused on one of those topics

1 like immigration status, and then ethics and due process was another training --

2 A Yes.

3 Q -- or were they all in one?

4 A No, they were not all in one.

5 Q Okay. And what effects on criminal prosecution of immigration status was this specific
6 training focused on?

7 A I don't recall, but it was the collateral consequence. I don't recall specifics, but it was
8 the collateral consequences of charges. Convictions really.

9 Q Okay. And taking it broader just not to be focused on a training, what are some of the
10 effects of criminal prosecution on immigration status that you're aware of?

11 A Well, exclusion, deportation.

12 Q Is it your understanding, for example, certain convictions may make someone
13 deportable or otherwise ineligible for immigration relief?

14 A Yes.

15 Q And is it your understanding that, for example, the length of certain sentences can make
16 a difference when it comes to immigration consequences?

17 A Yes. I don't remember what they are though.

18 Q And how often, not just talking about immigration status, but how often does your
19 office conduct trainings?

20 A We have all-attorney meeting twice a month, and we would normally do some kind of
21 training during that all-attorney meeting, whether it's a Fourth Amendment, you know, like
22 field -- you know, field tests.

23 Sometimes if somebody has gone to a training that the State provides, they come back and
24 share that information. So essentially twice a month.

25 Q And how often has your office specifically conducted trainings on the effects of criminal

1 prosecution on immigration status?

2 A I believe twice.

3 Q Twice. And who leads those trainings?

4 A Well, the first one was an immigration attorney, and I cannot recall who the second one
5 was. But I will add that the Supreme Court in Padilla said that both prosecutors and defense
6 attorneys need to be cognizant of immigration. There's a colloquy every plea agreement about
7 immigration that the judges give defendants. And the Virginia -- the Virginia -- the
8 Commonwealth's attorney services counsel, which is a teaching organization that the
9 Commonwealth provides free trainings through, they -- our spring training this last April had a
10 session that had -- that was on immigration.

11 Q And the immigration attorney that you discussed who came in to do a training, was that
12 person from inside your office, or was that someone on the outside?

13 A We don't enforce immigration laws so it wouldn't be from my office.

14 Q So it was an outside attorney who came in to lead the training?

15 A By definition, yes.

16 Q And do you know if the other training that was put on -- I know you don't remember
17 who put it on, but would it have been from someone from within your office or from outside your
18 office?

19 A Well, again, we don't enforce immigration laws so we don't have immigration attorneys
20 in the office.

21 Q So both times it was someone from the outside that came in to give the training?

22 A Correct.

23 Chairman Jordan. Caroline, can I? I got to run.

24 [REDACTED]. Please do.

25 Chairman Jordan. I just want to jump back to the previous subject. I just want to

1 understand the timeline. On September 11th -- actually September 10th, Charlie Kirk is killed. The
2 very next day, if I got my timeline right, there's a wanted poster about Stephen Miller is distributed in
3 his neighborhood. Is that my understanding?

4 The Witness. There was also a distribution on August 4th I believe.

5 Chairman Jordan. Same poster or different poster?

6 The Witness. Same. I think both of the posters that are --

7 Chairman Jordan. They're the same posters from both days, August and September?

8 The Witness. I don't know what -- no, I -- so I don't know how many --

9 Chairman Jordan. Which one on which day?

10 The Witness. Let me just explain this please. I don't know how on the 11th Secret
11 Service -- or Secret Service officers received from two residents, manila envelopes, that Ms. Wien
12 distributed that had the wanted poster and other things that the Virginia State Police determined to
13 not be of investigative value.

14 On -- so I -- so I don't know that the other poster was not distributed on September 11th, but
15 on --

16 Chairman Jordan. Something was distributed?

17 The Witness. On August, the wanted poster was distributed on the 11th.

18 Chairman Jordan. On the 11th.

19 The Witness. And then the wanted poster and the other poster, it's my understanding, were
20 both distributed on August 4th.

21 Chairman Jordan. Okay. So August 4th both; August 11th, this one, the wanted one?

22 The Witness. Based on my understanding.

23 Chairman Jordan. And your information.

24 Mr. Lovell. Hold on a second. I think there may be a misstatement.

25 Chairman Jordan. Okay.

1 [REDACTED]. We'll go off the record.

2 [Discussion off the record.]

3 [REDACTED]. We'll go back on the record.

4 The Witness. So I don't know when they -- sitting here right now when they were
5 distributed in the manila envelopes. What I believe is that they came -- actually, give me a moment.
6 I can check something. So it's unclear whether they were -- the manila envelopes were distributed
7 or received by Secret Service on the 11th.

8 Chairman Jordan. It could have been both. It could have been distributed -- you could give
9 it -- could give it to Secret Service the same day?

10 The Witness. It could have been both, but it could have been --

11 Chairman Jordan. So the timeline just so I get the timeline right.

12 The Witness. A week before.

13 Chairman Jordan. Just so it's clear on the transcript.

14 The Witness. Or a month before.

15 Chairman Jordan. August 4 there was a distribution of the wanted poster and the other
16 poster?

17 The Witness. Correct.

18 Chairman Jordan. Correct. All right. September 10th --

19 The Witness. And can I just add to that, that the Arlington County Police Department was
20 called by Ms. Miller and determined that there was no reason to continue -- to investigate or charge
21 anyone.

22 Chairman Jordan. September 10th.

23 Mr. Lovell. What date?

24 The Witness. On August 4th.

25 Chairman Jordan. September 10th, Charlie Kirk is assassinated. September 11th, this

1 poster may have been distributed again, but whether it was or wasn't, that date concerned citizens in
2 the neighborhood turned in the information over to the Secret Service, so they got that information?

3 The Witness. I mean --

4 Chairman Jordan. Right.

5 The Witness. People in the -- two people in the neighborhood.

6 Chairman Jordan. Two people in the neighborhood. Okay. And then also that same day,
7 September 11th, that they did that there's the phonograph of Ms. Wien doing the, I'm watching you.
8 Is that correct?

9 The Witness. I don't know if that's the same day.

10 Chairman Jordan. What day is that on?

11 The Witness. So if you look at page 3 of the affidavit in support of the search warrant, it
12 does say that on September 11th at approximately 9:45 a.m. personnel with the United States Secret
13 Service observed a white adult male and a white adult female walking on the sidewalk near the
14 residence of Stephen and Katie Miller.

15 Chairman Jordan. Okay.

16 The Witness. Both individuals were carrying manila envelopes. So at approximately
17 10:50 a.m., the same individuals returned to the area in a black Toyota Prius, and then -- and then
18 it -- and then it goes on to talk about the gesture. So the assumption is that that gesture happened
19 the same day.

20 Chairman Jordan. September 11th?

21 The Witness. I believe so.

22 Chairman Jordan. Okay. And then there's a warrant that the police get?

23 The Witness. I'm assuming so. I should say I'm assuming so based on the way this is
24 written.

25 Chairman Jordan. Well, it sure looks to me like it happened on the 11?

1 The Witness. Well, I'm just saying.

2 Chairman Jordan. That's why I want to ask. I get it. Then the police get a warrant to get
3 Ms. Wien's phone. Is that right?

4 The Witness. The police approach my office.

5 Chairman Jordan. When?

6 The Witness. The Virginia State Police approach my office and discuss the search warrant
7 with my staff, and discuss the potential limitations, and then my staff goes up to chambers with -- we
8 determine that there is probable cause to continue an investigation.

9 Chairman Jordan. Uh-huh.

10 The Witness. And my staff went to chambers as we normally do, and -- to get a sealing
11 order.

12 Chairman Jordan. And then you subsequently file with the court to limit the scope of the
13 warrant. Is that right?

14 The Witness. So I don't file that initially. The defense attorney files a motion to quash, and
15 then we, our office support -- supported limiting rather than risking that -- that the search warrant be
16 quashed.

17 Chairman Jordan. How often do you do that? Have often have you done that I guess
18 would be a better question?

19 The Witness. Well, the better question is how often does the FBI show up with State police
20 when the State police has misled us.

21 Chairman Jordan. That's not -- that might be a better question but that's -- that might be a
22 better question, but that's not the one I asked. How often do you do what you did?

23 The Witness. I would do it for any case in which something like this happened.

24 Chairman Jordan. That's still not -- how often have you done that?

25 The Witness. I've answered your question.

1 Chairman Jordan. No, you haven't. I asked you --

2 The Witness. This is a unique situation.

3 Chairman Jordan. Okay. What made it unique?

4 The Witness. The Virginia State Police misled our office. This was not a purely local
5 prosecution. The FBI and Secret Service showed up. So basically the Virginia State Police misled
6 my office and misled the court to believe that this was not a Federal investigation, that the Federal
7 Government was not involved, and that they were not collaborating.

8 Chairman Jordan. But the question is still the same. How many times have you done that
9 where you --

10 The Witness. As many times as this has happened.

11 Chairman Jordan. Is that once? Is that twice? Is that --

12 The Witness. This has only happened once so that's why I did it once.

13 Chairman Jordan. So this is the only time you've ever done that?

14 The Witness. It's the only time the FBI -- you know, that the Virginia State Police and the FBI
15 tried to, like, to bring the Trojan Horse into somebody's private life.

16 Chairman Jordan. You can describe -- you can describe it --

17 The Witness. This was not the way that collaborations with law enforcement go. We
18 collaborate with nine law enforcement agencies on a daily basis. Some of them Federal.

19 Chairman Jordan. That's why I tried to establish the context.

20 The Witness. It's honest usually.

21 Chairman Jordan. The context here is --

22 The Witness. We're not misled to believe that one --

23 Chairman Jordan. There's wanted posters that looks like it could be a violation of the
24 anti-doxing law in Virginia.

25 The Witness. That's incorrect.

1 Chairman Jordan. Let me finish the question, and then you could respond. The day after
2 Charlie Kirk's murder, wanted posters, you have the person distributing this, the head of this group,
3 doing the gesture that they're watching Ms. Miller, and there's a warrant, and then you go and
4 change the warrant, and you said this is the only time you -- you go to ask the warrant to be limited,
5 the only time you've done it ever in your career is this time. I just want to know is that all accurate?

6 The Witness. It is not accurate.

7 Chairman Jordan. What's wrong with it? How do you describe it?

8 The Witness. This is not a violation of the doxing statute of Virginia, and I'm the only person
9 in this room who's qualified and permitted to make that decision, and I'm the only prosecutor in this
10 room, number one.

11 Number two, I did not ask for it to be limited of my own just -- I didn't just decide that that
12 was going to happen. The defense -- her counsel filed a motion to quash. I had to respond. I
13 would rather have a limited search warrant than a quashed search warrant.

14 So I tried to solve a problem, and the problem arose because the Virginia State Police misled
15 my office and misled the Judge to believe that this was a purely Federal -- purely State and local
16 investigation.

17 They failed to tell us that a magistrate -- a Federal magistrate judge had -- had refused
18 to -- rejected a search warrant. They failed to tell us that they were in communication with the FBI,
19 and they failed to tell the Judge both of those things. So when the FBI shows up --

20 Chairman Jordan. Are they required to tell you that?

21 The Witness. I mean, they're required to be honest with us, yes.

22 Chairman Jordan. That wasn't my question. I said are they required to tell you that?

23 The Witness. They're required to be honest with us.

24 Chairman Jordan. Okay. Thank you.

25 Mr. Lovell. Before the next question --

1 [REDACTED]. We'll go off the record.

2 [Discussion off the record.]

3 The Witness. I want to clarify that we often -- when we're consulted by law enforcement on
4 a search warrant, we often narrow it, and change it, and, you know, put -- give advice on the search
5 warrant to make sure it comports with the Fourth Amendment. This was a unique situation
6 because it happened -- we made decisions about the search warrant and the language of the search
7 warrant with the -- with knowledge that -- based on what the Virginia State Police told us. That was
8 incomplete knowledge. We would have done exactly what we did before the judge signed it if we
9 knew.

10 BY [REDACTED]

11 Q And so, the -- at the time the search warrant was intended to gather evidence about
12 potential violation of 18.2-186.4. Is that correct?

13 A Correct. But we often collaborate with law enforcement on what the search warrant
14 should say, and we depend on law enforcement to be honest with us and tell us all of the facts that
15 we need to know in order to make a judgment about the limits of the search warrant. And when
16 we find out that we were misled, of course, we're going to go back in and try to fix the situation.
17 But the limitation issue came up because there was a motion to quash. We often limit search
18 warrants when -- before they're taken to a judge.

19 Q And has there been any action taken by your office or the Virginia State Police for this
20 alleged misleading conduct?

21 A I've asked for certification. That information was not shared with the Federal -- with
22 the FBI.

23 Q But beyond the certification was there any sort of disciplinary action or anything taken
24 for this alleged misleading?

25 A We don't control the Virginia State Police. They -- so we don't have the power to

1 conduct disciplinary action.

2 Q But have you heard from the Virginia State Police that they were taking any sort of
3 action based upon alleged candor with your office?

4 A No.

5 Q I'm going to jump back to immigration.

6 A That doesn't mean they haven't. I just haven't heard it from them.

7 Q Okay. And going back to the immigration context, the statement -- one of the
8 statements that we were working off of was to -- and on an ACLU questionnaire where you had said
9 that my office will also commit to take immigration status into consideration when making charging
10 decisions on minor infractions. What are minor infractions?

11 A I'm not going to answer that question. You could look at the code book. I can't -- I'm
12 not going to rattle off minor infractions off the top of my head.

13 Q But minor infractions, they wouldn't include like homicide?

14 A Of course not.

15 Q Or sex offense, correct?

16 A Or any kind of assaults or, you know -- grand larceny wouldn't be a minor infraction.

17 Q Yeah.

18 A So it would be things like -- I guess I can -- like petty larceny.

19 Q Okay. And so you were thinking -- when you made the statement you were thinking
20 minor infraction like petty larceny. Is that correct?

21 A Yes.

22 Q Okay.

23 A And many traffic cases are misdemeanors in Virginia.

24 Q Traffic in terms of motor vehicle?

25 A Yeah.

1 Q Not like trafficking.

2 A Yep.

3 Q And you had previously talked about a DACA and DUI policy.

4 A Yes.

5 Q What is that policy? We also have it if it's helpful to have in front of you.

6 A It's a -- the whole DUI policy is outdated, but when --

7 Q Before you keep going, what do you mean by "outdated"?

8 A Because we had a -- agreed diversion program with the courts, for all first-time DUI
9 defendants, but we stopped doing that process because it's really -- like it's in the weeds. We
10 stopped doing it. Because some of the -- some of the provisions were enforceable in Virginia but
11 not enforceable in D.C. and Maryland. And we have, you know, about two-thirds of our defendants
12 come from D.C. and Maryland. And so we determined that, you know, people in Virginia were
13 being treated more harshly than people in D.C. and Maryland, and so that was not fair.

14 Q So that's what you meant when you said outdated policy?

15 A Yes, exactly. So it used to be the case that, you know, everybody got what's called a
16 deferred disposition because -- and what they had to do was fulfill -- like they were essentially on a
17 probationary period for a period of time, usually a year or two, and then have to take substance use
18 treatment -- had to get evaluated for substance use disorder, and they would have to, you know, get
19 any mental health. They would have to go to, like, victim sessions, engage with our alcohol
20 prevention program.

21 They would have to do a number of things that are proven to reduce the recidivism in
22 drunk-driving cases, which convictions are not proven, by the way, to do that, whereas the kind of
23 treatment and the kind of sort of carrot-and-stick approach, and then we would reduce the charges
24 at the end. We didn't want the charges to be gone because DUI is kind of like a stacking, and we
25 want to make sure, you know, people don't get their records expunged and then we don't know that

1 they've had, you know, this treatment multiple times.

2 So we would normally, like, reduce -- or dismiss without letting them get it expunged,
3 depending on how serious it was, and how well they did. But -- because every case is different.
4 Every single case is different. So -- but with -- I'm sorry. What was the question? I was giving
5 you background.

6 Q Yes. Can you describe your DACA and DUI policy?

7 A Yes. So this has only occurred maybe three or four times --

8 Q Okay.

9 A -- that I can think of. I'll say less than 10 for certain.

10 Q Okay.

11 A But the policy is to take into consideration that they will not get their status renewed,
12 and to fashion a resolution that would allow them to not have that status -- or to allow them to get
13 the status renewed while holding them accountable. Sometimes that was revoke bond and spend
14 some time in jail, you know, and then we'll do like a lateral shift to a different charge.

15 Not dismiss differently than anyone else, not reduce necessarily, but, you know, allow -- like
16 do X, Y and Z, and we will then, you know, in consideration of the extra stuff you've done, turn it into
17 sort of a lateral different, like -- but lateral charge. And what I mean by lateral is if something is a
18 first-degree misdemeanor, it would still be a first degree misdemeanor on their record.

19 Q Okay. And this is specifically over concern that their DACA status wouldn't be
20 renewed?

21 A Correct. Yes. And we would not allow them to expunge the original charge so that it
22 would be apparent on their record.

23 Q And in the less than 10 cases where this has arisen as where the policy has been used,
24 have any of those individuals, to your knowledge, reoffended with another DUI or DWI?

25 A There's only one that I remember specifically and that person has not reoffended, for

1 anything.

2 Q Okay. So --

3 A At least not in Arlington. I don't know across the United States.

4 Mr. Lovell. That's a different question. It's the opposite.

5 BY [REDACTED]

6 Q Yeah?

7 A Sorry.

8 Q I was just wondering if out of the less than 10 individuals --

9 A Right.

10 Q -- who this policy has applied to, have any of those individuals reoffended?

11 A Not to my knowledge.

12 Q Not to my knowledge.

13 A But I don't know their names so I can't go and run their records.

14 Q And you had specific recollection about how one of these individuals --

15 A Correct.

16 Q -- has not reoffended. Is that correct?

17 A Correct.

18 Q Okay. In the policy -- and let's enter this as an exhibit. This is the August 2024 policy.

19 This will be exhibit number 11.

20 [Dehghani-Tafti Exhibit No. 11

21 was marked for identification.]

22 Mr. Kolansky. Just for the record this appears to be an excerpt of the full-produced copy.

23 The Witness. Yeah.

24 [REDACTED]. That's correct. Just a smaller version so we didn't have to --

25 BY [REDACTED]

1 Q It's number 4, Bates stamped 238. B, "in an effort to do our part to prevent the
2 disproportionate collateral consequences of a DUI conviction for a DACA recipient, ensure that
3 defense counsel disclose their client's DACA status to you early on. We can only take the
4 appropriate steps if we know about the status to begin with."

5 Is it on the ACAs to ask each defense counsel, or how does this play out?

6 A No. So we don't seek out somebody's immigration status, and we don't have the
7 means to find out what someone's immigration status is. We rely on defense attorneys to tell us,
8 you know, most of what we'll ever know about a defendant other than their criminal record.

9 So, I mean, the instruction was not to ask, but, you know, defense counsel knew that if there's
10 something -- we always say, if there's something that we need to know, tell us, and it's sometimes
11 very hard to get information from them.

12 Q And so your prosecutors aren't asking defense counsel like is your --

13 A No.

14 Q -- client a DACA recipient?

15 A No.

16 Q Okay. Other criminal convictions including felonies and misdemeanors can make
17 someone ineligible for DACA. Does your office have any DACA -- other DACA-specific policies --

18 A No.

19 Q -- related to other crimes?

20 A No.

21 Q Just DUIs?

22 A Just DUIs.

23 [REDACTED]. I think it may make sense to go off the record now rather than start another.

1 [1:18 p.m.]

2 [REDACTED]. We can go back on the record.

3 BY [REDACTED]

4 Q Ms. Dehghani-Tafti, I wanted to talk a little bit about your overall office operations and
5 programming.

6 Roughly how many prosecutions does your office bring per year?

7 A So we can only bring what the police bring to us, and it varies, but it's approximately
8 7,000 cases, 6- to 7,000 cases a year.

9 Q And roughly how many violent crimes does your office prosecute in an average year?

10 A Well, we only have about 1,200 -- like, 1,000 to 1,200 felonies.

11 The definition of "violent crime" is really broad. So, like, assaults -- there's a lot of
12 misdemeanor assaults. Usually that's when it doesn't result in a significant injury. And, you know,
13 there are felony assaults.

14 We only have -- I mean, we had only one homicide last year. Like, I couldn't say -- like, the
15 definition of "violent crime" is so broad.

16 Q Sure. Could you maybe, then, give me a few examples of particularly serious cases
17 that your office prosecuted successfully?

18 A I would be delighted to.

19 So something like abuse of a vulnerable adult, we got a conviction on 14 felonies of abuse
20 involving a nonverbal adult with intellectual disabilities, and we crafted it in a way that, you know,
21 they stacked on top of each other for the maximum sentence.

22 Let's see.

23 Concealment of a corpse, which was a case where we actually thought that the person who
24 was concealing had killed the person but we couldn't prove it. We prosecuted that and were able
25 to prove that there was malicious intent for concealing it, and he got sentenced to 10 years with

1 5 years suspended.

2 Aggravated malicious wounding -- a case where a defendant had pushed a drunk woman out
3 of his car and left her for dead, we were able to prosecute him for aggravated malicious wounding
4 and hit-and-run. It's currently -- I don't have his sentence, but we got a significant sentence of
5 several decades -- or a decade or more. And it's currently pending a decision from the court of
6 appeals because a Google search term was at issue and it was a novel case.

7 We have aggravated malicious wounding and abduction with firearm offense in Crystal City.
8 We got 30 years on the firearm -- or, sorry, 30 years on the aggravated malicious wounding, 5 years
9 on the firearm. On the abduction, it was two counts; both of them were 10 years with 5 years
10 suspended -- so for a total of consecutive 45 years, for shooting in an office building.

11 A man that killed his son, we got a first-degree murder conviction. And he was sentenced to
12 life in prison, on our request.

13 We secured a conviction in a case where somebody who was attacking another person then
14 killed the person that tried to stop them and got a 40-year sentence on that.

15 Q Thank you. Thank you for sharing those. It's helpful to get kind of a broader view --

16 A Yes.

17 Q -- of some of the crimes that your office has prosecuted and taken seriously.

18 So how do crime rates --

19 A Just to be clear --

20 Q Oh, yes?

21 A Like, I believe in putting the right people in jail and in prison. So, when we -- when
22 somebody needs to go to prison, like, we don't balk at that.

23 Q So you would not agree with any insinuation that you're soft on crime?

24 A No. We are just smart on it. I'm smart on crime and serious about safety.

25 Q So how do crime rates in Arlington County and Falls Church compare to other crime

1 rates in Virginia?

2 A Well, we're, like, two of the safest communities in the Nation, let alone Virginia.

3 Q And what policies do you think contribute to that being the case?

4 A Well, so prosecutor policies don't have the effect that people think that they do. The
5 most significant deterrents are, you know -- getting caught is the most significant -- like, the fear of
6 getting caught is the most significant deterrent.

7 And, you know, the community, like, really believes in providing excellent mental healthcare.
8 You know, our police, you know, are often proactive when they see a certain kind of crime
9 increasing; you know, they come up with ways to be proactive about it. And so those tend to stop
10 when they figure out how to be proactive.

11 So, I mean, I think it's a combination of economic status, you know, the ability to have a very
12 strong Department of Human Services that provides a lot for our residents, and the police being
13 proactive.

14 I mean, our policies have -- it's clear that the cases that we defer or dismiss are, you
15 know -- have a lower recidivism rate. And I would argue that the reason why we do better at trial
16 than the prior administration is because we're focused on the more serious crimes and we are, you
17 know, doing a lighter touch on the things that we can get real rehabilitation on.

18 Q Well, let's dive into that. So has recidivism increased or decreased since you took
19 office? What happened to those rates after you took your role?

20 A So, for misdemeanors -- so I can't gauge what happened before me on that. What I
21 can see and one of the demonstratives showed was sort of, like, the sort of normal up-and-down of
22 the cases that are brought to us, and they've -- you know, they've stayed within a similar range.

23 I can't look at recidivism -- or I haven't been -- it's too time-consuming at the moment to look
24 at recidivism data from the prior administration, but they also didn't really do deferrals in the way
25 that we do.

1 But what I can tell you is, like, of the people that we're giving deferrals and dismissals
2 to -- and deferral is just sort of, like, a probation where, if you mess up, you get a conviction; if you
3 don't mess up, you get the case dismissed or reduced -- we have a lower recidivism rate for the cases
4 that we're doing that, deferring.

5 We can't figure out -- this is, like, a 5-year analysis. So, 5 years after the case closes, you
6 know, what's the recidivism rate. We can't do that for felonies because most of the felonies,
7 they're still incarcerated, so --

8 Q Sure.

9 A -- we don't have that other group to compare them to.

10 Q You mentioned your conviction rates compared to your predecessor.

11 A Yes.

12 Q Could you explain those a bit?

13 A So --

14 Q How do they compare?

15 A Yeah. We take a higher proportion of cases to trial than the prior administration,
16 largely because we don't coerce guilty pleas, and we win at a higher rate. And I put it away, but it's
17 a significantly higher rate on even the top charge.

18 And, you know, it -- our violent crime num- -- like, our truly, like, worst-of-the-worst violent
19 crimes are a teeny-tiny number of those cases, but we do significantly better with even the most
20 serious cases.

21 Q Got it.

22 So I want to pivot to some of the factors that are taken into consideration in terms of
23 charging a potential defendant.

24 A Uh-huh.

25 Q So we focused very heavily on immigration in the last round, but what are some of the

1 other considerations that are taken into account when looking at charging a defendant?

2 A So we don't charge --

3 Q Or, excuse me, making recommendations, charging recommendations --

4 A Yeah.

5 Q -- on a defendant.

6 A So, when we're resolving a case -- so it's been charged, it's gone through some
7 processes already -- some of the considerations are: Is this person going to lose their job?
8 Because if you lose your job, you know, that's going to create more poverty, which is one of the
9 driving forces of crime.

10 We consider, is this person the sole breadwinner in the family? Because if you've got a
11 bunch of people depending on them, you know, like, putting them in jail, as opposed to something
12 else that would allow them to work that would, you know, also have rehabilitative pieces, like, you're
13 going to put that family into poverty, again, then creating more crime.

14 If you're taking away someone's security clearance, you know, that means they're going to
15 lose their livelihood.

16 And so we try to fashion something so that people can maintain their lives, consistent with
17 public safety. And it is always consistent with public safety. And that's the first consideration that
18 we have. Like, we have to be able to put into place conditions that will allow the person to be
19 rehabilitated so that we have less crime.

20 Q But never at the cost of public safety.

21 A Never at the cost of public safety.

22 Q So immigration status is one of many factors taken into consideration when making
23 these recommendations.

24 A Yes.

25 Q Is immigration status given any more weight than these other considerations --

1 A No.

2 Q -- you just mentioned?

3 A No.

4 Q It's given equal weight --

5 A Yeah.

6 Q -- with these other considerations?

7 A Yeah. And any consideration about immigration is only with people who are
8 documented. Because if someone is not documented, we don't have control to -- we don't have the
9 power to do anything with immigration consequences. Like, they're deportable, and there's
10 nothing we can do about it.

11 Q Sure.

12 A But -- so it's people with legal status.

13 Q And is it a typical practice for prosecutors to take factors like this into consideration
14 when making a charging recommendation?

15 A I mean, we're supposed to.

16 Q Is it only --

17 A Our job is to do justice, you know? And we're ministers of justice. And if we're not
18 taking these things into consideration, I would argue that we're not actually taking our job seriously
19 enough.

20 Q So, to the best of your knowledge, it's not just, quote/unquote, "progressive
21 prosecutors" who are taking these factors into consideration; this is a standard practice to take these
22 kinds of factors into consideration?

23 A Yeah, I mean, even if you're not explicit about it.

24 But I just want to say, I do not identify as a progressive prosecutor. My -- I have my own
25 political beliefs. I identify as a reform prosecutor. And the reason why I do that is because I want

1 our system, our criminal legal system, to make more sense, to get the return that we're supposed to
2 get on all of the money that we spend, and to create safer communities, to create communities that
3 thrive, to help victims feel more healing.

4 Because the court process is oftentimes more traumatizing for a victim than an alternative.
5 And half of the -- we know that half of victims across the country of violent crime don't report
6 because they would rather have nothing than what the legal system can provide them.

7 So that's why -- because it's not tied to any political ideology, it's not tied to a party. It's tied
8 to, you know, making the system more rational.

9 Q And that is based on evidence, correct?

10 A Correct.

11 Q And do you think that these policies, taking these factors into consideration when
12 making charging decisions, has a positive impact on recidivism rates moving forward?

13 A All of the evidence shows that it does. And there are some studies that we can put in
14 the record, potentially. But it shows it in the individual communities of, you know, the people of all
15 parties who are -- or no party who are doing this kind of work. And the social science bears it out.

16 Q So, in other words, it makes communities safer --

17 A Correct.

18 Q -- to practice this.

19 A In the long run.

20 Q Okay.

21 So, shifting gears again, I'd like to introduce for the record as exhibit 12, I believe, a Politico
22 article from February 16th, 2024, titled "Antony Blinken's Family is the Latest Target of Washington's
23 Ugliest Protest Trend."

24 [Dehghani-Tafti Exhibit No. 12

25 was marked for identification.]

1 BY [REDACTED]

2 Q I'll just give my colleague a moment to pass that around so you can review it.

3 So the first article -- the first sentence in this article is, "Antony Blinken's children were on
4 their way home, so the protesters knew it was time to uncork the fake blood."

5 The article then goes on to describe a series of actions that protestors outside Mr. Blinken's
6 home had taken, including screaming at children and, as you testified to earlier, throwing fake blood
7 onto the car.

8 I'll read from this article, on the third page, under the photos on the right side there, that
9 protesters had, quote, "hoisted gallon jugs of bright-red liquid and poured the contents out on the
10 street in front of the vehicle, splashing another pop of color onto a roadway that's been stained
11 repeatedly since the protests began last month."

12 So this physical contact with the targets of these protests, did any such physical contact exist
13 in the case with Ms. Wien?

14 A So what I would say is that this isn't direct physical contact.

15 Q Okay. Physical contact with the car that these family members were in.

16 A With an object in between, yeah.

17 Q Sure.

18 A But there was no -- there was no direct -- "confrontation" is what I would call
19 this -- there was no direct confrontation in the situation with the Miller family and Ms. Wien.

20 Q And there was no direct confrontation between Ms. Wien and Mr. Miller's children,
21 correct?

22 A I think there was none whatsoever, but I -- I have not been informed of any.

23 Q And you haven't been informed of Ms. Wien throwing any objects --

24 A No.

25 Q -- towards a window? Towards a car?

1 A No.

2 Q Nothing like that?

3 A No.

4 BY [REDACTED]

5 Q I had a few questions, I think, based off of Chairman Jordan's questioning in the last
6 hour.

7 And we've talked about the Virginia State Police's involvement in this matter, and I think
8 you've stated at length what was concerning about that in terms of the actions that were taken, but I
9 wanted to get into a little bit why it was concerning.

10 So are you generally aware of the prosecutorial priorities of the Trump administration?

11 A Yes.

12 Q And based off that awareness, have you become aware of allegations that Federal law
13 enforcement is using the legal process to punish or otherwise suppress the speech of disfavored
14 people?

15 A Yes.

16 Q And did that inform your skepticism in this case with regard to the search of Ms. Wien's
17 phone?

18 A I would've had less skepticism if the FBI had come to us directly and collaborated with us
19 and if it had been disclosed that there was something -- that there was more collaboration than what
20 we were led to believe.

21 But given that that was concealed from us and, you know, very careful language was used to
22 mislead us, without being outright lies, it was -- that was exactly the concern.

23 Q And just so I understand, were you concerned that this was part of a broader pattern?

24 A Correct.

25 Q And what was that broader pattern?

1 A To get dissident lists, essentially, to find out who was in disagreement, and then find
2 ways to prosecute them.

3 Q Okay.

4 [REDACTED]. We'll go off the record.

5 [Recess.]

6 [REDACTED]. We'll go back on the record.

7 The Witness. So I had said earlier that we take into consideration a number of factors, and it
8 is in the materials that we produced. It's the first paragraph of the DWIs, the policy.

9 And it says, "As a class of cases, DWIs are serious crimes and occur across all traditional
10 boundaries of race, sex, and socioeconomic class. How we treat them, however, can exacerbate
11 disparities if we allow decisions to be guided by an individual's status in the community like" -- oh,
12 no, that's -- yeah -- "like job" -- "security clearance, job status," and then it goes into the DACA.

13 I need another moment, please.

14 [REDACTED]. Yeah, of course.

15 The Witness. Okay. And then there's another section, which if we have not provided we
16 can -- yeah, it's not in here -- but it reads, "Do not overcharge for leverage in plea negotiations,"
17 which is our ethical responsibility, not to do that.

18 And then it says, "Additionally, do consider mitigation evidence in plea negotiations, such as
19 family support, employment, treatment options, immigration consideration, security clearances, et
20 cetera. The list is non-exhaustive and should be viewed as factors that should be considered when
21 presented and weighed against the necessity of a felony disposition and/or incarceration relative to
22 ensuring public safety."

23 That's it.

24 [REDACTED]. Okay. Thank you.

25 BY [REDACTED]:

1 Q Going back to the DACA DWI issue that we discussed earlier, you mentioned that you
2 could -- your prosecutors could have a lateral shift to a different charge --

3 A Uh-huh.

4 Q -- for instance, another first-degree misdemeanor.

5 A Uh-huh.

6 Q Could you give us a couple examples of what that might look like in practice?

7 A Off the top of my head, I can't. I'm sorry.

8 Q That's okay.

9 We also discussed other potential immigration consequences related to DACA recipients and
10 other crimes that aren't DWIs.

11 A Uh-huh.

12 Q Would it ever be appropriate for an ACA in your office to consider the immigration
13 consequences of other criminal convictions on a DACA recipient?

14 A No. I mean, if someone is committing assaults or, you know, burglaries and things like
15 that, no, it would not be appropriate.

16 Q But other than DWI, are there any other crimes where it would be appropriate for an
17 ACA in your office to consider immigration consequences for a DACA recipient?

18 A No more than for anyone else -- or, for any other consideration.

19 Q Right. But for DACA recipients specifically, are there any other crimes --

20 A No, no, not for DACA specifically. No.

21 Q It's just, DWI is the only crime that your office considers immigration status for DACA
22 recipients?

23 A Well, we consider immigration status as one of the many things that we consider as a
24 collateral consequence. The DWI is particular to DACA recipients because the collateral
25 consequences are disproportionately high, because you're then taking somebody who can be

1 rehabilitated and, you know, can get treatment, on the first time that they've done something
2 incredibly stupid and unsafe, and you're taking them out of the only community they know. You
3 know, sometimes you're taking them out of the, you know, only place that is the only language they
4 know. And so that is disproportionate.

5 But it's, you know, it's not a special -- there's no special consideration for anything else that's
6 related to it. I mean, if someone's distributing drugs, like, we're not taking immigration
7 consequences into consideration. If someone is, you know, stabbing people, we're not taking
8 immigration consequences into consideration. Like, it's only for, you know, a small subset of things
9 that can be made consistent with public safety.

10 Q Are those prohibitions in your policy?

11 A No, but we have -- you know, each of the teams has weekly meetings; we have biweekly
12 meetings. We're a small office, and so we're constantly talking to each other.

13 Q So, for instance, a DACA recipient that has been charged with larceny or theft, not
14 murder or rape like you, I think, mentioned earlier, would it ever be appropriate for an ACA in your
15 office, like with DWI, to consider immigration consequences in that context for a DACA recipient?

16 A But it would be for anyone that would have immigration consequences for that.

17 Q Okay. So DACA recipient, non-DACA recipient, legal status, without legal status -- it
18 would always be appropriate to consider --

19 A Well, without legal status, we can't -- we can't do -- like, we're not doing anything,
20 because that person is already deportable. So no policy like this applies to somebody without legal
21 status.

22 But in the same way that we would consider any of the collateral consequences that apply to
23 any individual defendant -- so, like, every single case is different. You know, the facts of a case are
24 going to be different. A person's, you know, like -- the person is going to be different. If there's a
25 victim, the victim is going to be different.

1 So it's -- all I can say is, there's nothing that's -- like, nothing other than DWI that's specific to
2 DACA, and we would consider all of the collateral consequences for everybody else.

3 Q So, under your leadership, your office has never considered immigration consequences
4 for anyone without legal status in the United States.

5 A I mean, I don't know that nobody has, but we are not trained to.

6 Q Would it be inappropriate for an ACA in your office to do that for someone without legal
7 status?

8 A I mean, it would be pointless.

9 Q Why?

10 A Because, like, we're not preventing a collateral consequence, because they're already
11 deportable.

12 Q But there is immigration relief even for people who are already deportable. For
13 instance, convictions can make somebody ineligible for asylum, for instance, so that would be a
14 collateral immigration consequence.

15 So is that something that your office does not consider at all?

16 A I mean, we've never had occasion to consider it. It would depend on the case.

17 Q Okay. So in how many cases has your office considered --

18 A I mean, I'm not aware of any occasion that we've had to consider that.

19 Q And that's not in your --

20 A And those cases are few and far between. You know, like, these cases don't come up
21 that often.

22 Q So how many? Not just DACA, but in how many cases has your office considered
23 collateral immigration consequences --

24 A There is absolutely --

25 Q -- since you became the Commonwealth's attorney?

1 A -- no way to know that. There is no way to know that.

2 Q Well, you said they're few and far between. Can you -- do you have a ballpark, or --

3 A No. That's, like, my -- my feeling based on conversations. But we don't track -- we
4 don't seek out immigration status. We don't track immigration status. And, you know, it's
5 just -- there's -- you know, there's no way to figure that out.

6 Q Earlier in questioning, you acknowledged that the length of sentence imposed on a
7 non-U.S.-citizen can have immigration consequences based on the length of that sentence. Is that
8 correct? Is that your understanding?

9 A That's my understanding, but I can't remember what any of those are.

10 Q Is it ever appropriate, then, for an ACA in your office to seek a reduced sentence or
11 reduced charges for a foreign national so they, in that specific instance, can avoid immigration
12 consequences?

13 A If it's consistent with public safety. But only if it's consistent with public safety.

14 Q Are there any delineations of that in your policy or in any of your trainings?

15 A That question doesn't really make sense.

16 Q Like, somebody charged with specific crimes, for instance, would automatically be
17 precluded from consideration of immigration consequences.

18 A I mean, yes. Anything that we would seek imprisonment for is not going to be eligible.
19 I mean, not jail, but, like, prison. So anything that we would be wanting to seek an active prison
20 sentence would not be eligible to be thinking about it, even.

21 Q And what are some examples of those cases?

22 A Homicide, rape, possession of child pornography, trafficking, malicious wounding,
23 unlawful wounding. Those are the obvious ones that come to mind.

24 Q So is that anywhere written in your policy?

25 A No, but the policies are slim.

1 Q Okay. And --

2 A And everything in the policy is, you know -- it's consistent with public safety.

3 Q So any crime that is lesser than those that you just delineated, those crimes -- people
4 who commit those crimes, charged with those crimes, would still be eligible to have immigration
5 consequences considered by your ACAs in their case.

6 A That is not what I said. You asked for specific examples of things that would absolutely
7 not have consideration for immigration consequences, and I gave you examples.

8 Q Okay.

9 A That's not the universe of cases.

10 Q So, then --

11 A And I specified that it's always consistent with public safety.

12 Q So does your office, then, prohibit the consideration of immigration status consideration
13 or collateral immigration consequences in cases involving child victims?

14 A It depends on what the charge is.

15 Q Can you give me an example?

16 A I mean, if it's a sexual assault, they would be absolutely ineligible. But I don't need to
17 tell my assistants that, because that's common sense.

18 Q What about in domestic violence cases?

19 A Depends on the case. And it depends, a large part, on the victim.

20 Q And what do you mean by "depends on the case"? What are some cases in
21 which -- some domestic violence cases --

22 A I'm not going to -- I'm not going to play that game. I'm not going to manufacture some
23 hypothetical that you're going to weaponize against me.

24 Q So there are some domestic violence cases, then, where it is appropriate for an ACA in
25 your office to consider immigration consequences so they get a reduced sentence?

1 A I said there might be.

2 Q But it's not precluded in any policies?

3 A Well, if it's inconsistent with public safety, it is precluded.

4 Q What about simple assault?

5 A It depends on the circumstance because -- [witness touches her attorney] -- that's an
6 assault. Just pushing somebody is potentially an assault. So it depends on what the facts of the
7 case are.

8 Sorry. I didn't mean to push you. I hope you did not take that as an assault.

9 Q What about battery?

10 A We don't have a separate -- well, so a simple assault is -- so, if -- so a battery is what I
11 did. We sort of colloquially use that as an assault.

12 "Assault" as defined in Virginia law is not the actual offensive touching but the perception
13 that there will be an offensive touching. So that would be, you know, you thought somebody was
14 coming at you, and not a battery.

15 Yeah, like that. You know, balling your fist but not actually swinging would be a simple
16 assault under Virginia law. But a battery is the actual offensive touching.

17 Q Of the collateral consequences in general that you have outlined several times here
18 today, immigration status is the only consideration that applies exclusively to non-U.S.-citizens. Is
19 that correct?

20 A No. Oh. Well -- say that again.

21 Q Of the collateral consequences considered by your ACAs, immigration status is the only
22 one that applies exclusively to non-U.S.-citizens.

23 A But security clearance is the only one that applies to people with security clearance. I
24 don't see the relevance of that question.

25 Q So, in these cases where your ACAs consider someone's immigration status, that is an

1 additional favorable consideration, potentially --

2 A It's not a favorable consideration. And I've repeatedly said that there is still
3 consequences, there is still accountability, and it's lateral. It's not that something goes away or
4 something is reduced. And that's the case, generally, with all of the considerations.

5 So, if you're trying to make the argument that we treat immigrants differently than U.S.
6 citizens, you are wrong, and there is no basis to make that argument.

7 Q So you said that there are no favorable considerations based on a consideration of
8 collateral consequences. So do your ACAs ever consider collateral consequences to increase a
9 sentence or seek higher charges on a defendant?

10 A Sometimes. You know, if it's something that, you know, we want somebody to be on a
11 sex registry or something like that, if we think it's, again, consistent with public safety, we would
12 potentially do that.

13 Q Okay.

14 Who is Luzvin Orvando Garcia Moran?

15 A He is somebody who has a pending case right now.

16 Q Okay. And do you know any more details about that case?

17 A I'm not going to talk about the pending case, because it's a pending case.

18 Q What about any previous case --

19 A I can tell you the whole history of that --

20 Q -- involving him?

21 A -- because one of the cases we had to dismiss because of ICE policy.

22 So his criminal history goes -- so any drunk-in-publics we don't get involved in. Those are
23 prosecuted by police officers, not the Commonwealth's attorney.

24 The 2020 case was a plea, and he was found guilty and sentenced by the court. We came to
25 a plea because the victims did not want to come to court because they were afraid of immigration

1 consequences of coming to court, and we could not prove the charge without the victim.

2 Q And that was -- sorry. That was what year?

3 A That was 2020.

4 Q Okay. And what was the original charge?

5 A Possession of a fake ID, possession of a Schedule I, and A&B.

6 Q Okay.

7 A In 20- -- but he was convicted and sentenced.

8 In 2024, the false ID to law enforcement officer -- which can be you just say the wrong name
9 before you give them an ID -- and a drunk-in-public, he was convicted of two counts of disorderly
10 conduct and sentenced to jail as well as other conditions on probation.

11 In 2025, there was again a drunk-in-public and an assault, and he was found guilty and
12 sentenced, again, to jail with supervised probation.

13 And then in 2025, it gets a little complicated. He was early on in -- or, actually, I don't know
14 the timing, but one of the 2025 cases, he was found guilty of two disorderly conducts, sentenced to
15 jail and supervised probation.

16 And then there was one that looks like two but it's really one incident, and that's the
17 disarming a police officer and assault -- or the attempt to disarm a police officer, because he did not
18 successfully. And he couldn't have, because he was already handcuffed.

19 In the -- so I explained earlier on that, in JDR -- the victims were teenagers. I explained
20 earlier that, in JDR, it's a court not of record. So you can have a bench trial in JDR only on
21 misdemeanors; you wouldn't have a felony trial there. But you could have a bench trial in JDR and
22 get convicted, which happened. He was convicted. And he appealed. So then he got the de
23 novo in circuit court. And once we were at circuit court, the victims did not want to come, because
24 they were afraid of ICE in the courthouse. So now we have two cases where victims are afraid
25 because of Federal immigration policies.

1 The disarm was part of the same thing, but because it was a felony, it started in general
2 district court and then made its way into circuit court. And he pled straight-up to -- like, there
3 wasn't a negotiation. He pled straight-up to the attempt to disarm a law enforcement officer.
4 There was no agreement about sentence, and he was sentenced to 5 years with 4-and-change
5 suspended, meaning that he served almost a year incarcerated, so he got credit for that, and then he
6 got time suspended with probation, so that if he violates probation, then that suspended time, some
7 or all of it can then be imposed. And the courts like to do that because that's how you have a carrot
8 and a stick.

9 So, I mean, that's -- that's -- that's the end of it until the current case.

10 Q In any of those previous cases, did prosecutors in your office consider immigration
11 consequences?

12 A It wouldn't have been appropriate or mattered, because he was not documented.

13 Q Again, he could've been eligible for certain immigration relief, which would've had
14 immigration consequences on his eligibility for that relief. So --

15 A I'm not aware of any relief that he would've gotten. So, you know, that -- I don't think
16 it would've mattered in this case.

17 BY [REDACTED]

18 Q So you're saying that none of your ACAs and, if you were involved in the case, you did
19 not consider his immigration status --

20 A So I wouldn't have been involved in, you know, this kind of case.

21 Q Uh-huh.

22 A I mean, I can't tell you what's in the mind of somebody. You know, we have, again,
23 like, close to 7,000 cases a year. I can't know the in-the-weeds of everything that's going on. But
24 what they're trained is that, you know, if someone is undocumented, it wouldn't make a difference.

25 Maybe if there was an asylum situation -- again, I've never had that come to me -- you know,

1 maybe we would consider it. But, you know, for the -- he got found guilty in all of these cases. So,
2 even if it was something that was in somebody's mind, like, we still advocated for findings of guilt in
3 these.

4 So, you know, the only way that it -- so, I don't know. It's irrelevant, because we advocated
5 for findings of guilt.

6 Q But beyond that, you, sitting here today, you haven't spoken to your ACAs about
7 whether or not they considered immigration status --

8 Mr. Kolansky. Your question now turns into deliberative process and her conversations as
9 counsel with her ACAs. And she's not going to answer the deliberative-process questions.

10 BY [REDACTED]

11 Q So, taking it not with the content of your discussions, have you had conversations with
12 your ACAs about this individual?

13 A I have now.

14 Q And when did those start?

15 A When the last case came up.

16 Q So in May 2025?

17 A I couldn't tell you the day.

18 Q Okay, but when the disarming -- the attempt to disarm an officer, that charge came up,
19 is that what you're referring to?

20 A No. No.

21 Q Or when he tried --

22 A Again, I told you it's not --

23 Q -- to assault a woman in the Whole Foods parking lot? Is that when it was?

24 A It's the current pending case.

25 Q Okay. So when he tried to assault the woman in the Whole Foods parking lot, that's

1 the current pending case.

2 A That's the current pending case.

3 [REDACTED]. So can you definitively say here today, then, that his immigration status had
4 zero effect on your office's prosecution of him in any of his previous cases?

5 The Witness. It wouldn't have made a difference. And we advocated for a finding of guilt.

6 You're trying to -- you're trying to -- I'm answering your question. You just don't like the
7 answer. I'm not -- we're done.

8 [REDACTED]. He was seeking a "yes" or "no."

9 The Witness. Yes, but it's not a yes-or-no answer.

10 [REDACTED]. Okay.

11 [REDACTED]. Okay.

12 Would it be appropriate for prosecutors in your office to consider his immigration status in his
13 current case?

14 The Witness. Absolutely not.

15 [REDACTED]. And why not?

16 Mr. Kolansky. We're not going to get into the contents of the current case. We've already
17 answered that.

18 To the extent that you're asking about the prior case or the office policies, we can answer
19 that, but we're not going to get into the discussions about the current pending case or considerations
20 that are taken in the current matter.

21 BY [REDACTED]:

22 Q Would it ever be appropriate for an ACA in your office to consider immigration
23 consequences for someone charged with possession of a fake ID?

24 A It would depend.

25 Q On what?

1 A Various facts.

2 Q What are some examples?

3 A I'm not doing that.

4 Q Okay.

5 Would it ever be appropriate for an ACA in your office to consider immigration consequences
6 for somebody charged with disarming a police officer?

7 A Probably not. I mean, this was attempt to disarm. It was not a successful disarm.
8 And the underlying -- it would have to depend on what and how.

9 Q So, then, it could be appropriate for an ACA in your office to --

10 A I mean, attempt to disarm is also for a Taser. It's not just for a firearm.

11 And ability to actually disarm would make a difference as well. You know, if someone's
12 flailing their hands and that's interpreted as an attempt to disarm, it's different than if somebody is
13 actually putting their hand on a gun. Putting your hand on a gun, no.

14 Q Okay.

15 A In fact, any firearm offense would be no.

16 Q What are T and U visas?

17 A The T -- oh, I don't remember what a T visa is.

18 But a U visa is for victims who are cooperating for a subset of types of cases, which I can't
19 rattle off right now, but -- that they're cooperating with law enforcement. And we can certify that
20 they were cooperative in the prosecution and what the prosecution was for, and then the Federal
21 Government reviews that and decides whether or not to give them a visa that would allow them to
22 stay here.

23 Q Does it seem accurate that T visas are available to certain individuals who have been
24 victims of human trafficking?

25 A Yes.

1 Q Okay. And U visas are available, as you said, to certain victims of crime.

2 A Yes. But -- if they're cooperative.

3 Q How does your office gauge someone's cooperation, to whether they warrant a T or U
4 visa --

5 A I mean --

6 Q -- signed off by your office?

7 A -- it depends. It depends. But we lay out the facts very clearly.

8 Q So a Supplement B is probably the declaration that your office uses to show that
9 somebody has been cooperative for a T or U visa. Do you know how many of those your office has
10 approved for --

11 A I don't.

12 Q -- T and U visa applicants?

13 A I don't.

14 Q Okay. Does your office track that --

15 A No.

16 Q -- information?

17 A We don't.

18 Q Okay. Does your office, to your recollection, do they -- do y'all ever deny requests --

19 A Yes.

20 Q -- for -- you do? Okay. And do you know if you track that?

21 A No.

22 Q Okay.

23 And, just generally, how does your office work with potential T and U visa applicants?

24 A I don't know what that question -- that's not really a question. Like, what are you
25 trying to get at?

1 Q So what is the process for somebody who is seeking a T and U visa and their interaction
2 with your office?

3 A I mean, the process is that their attorneys send the request and we decide what to do
4 with it and certify it or tell them we're not going to certify it.

5 Q Do you have any specialized procedures in place or any dedicated attorneys that work
6 with potential T and U visa applicants?

7 A Yes.

8 Q Okay. How many attorneys?

9 A I have one deputy --

10 Q Okay.

11 A -- who -- a supervisor.

12 Q Okay.

13 A Actually, we recently also put another senior ACA, what we call an ACA III.

14 Q You've said several times that it wouldn't make sense to consider immigration
15 consequences in a specific case or related to a specific crime and that your policy doesn't specifically
16 delineate prohibitions or exceptions to the consideration.

17 Would it make sense, then, to make it clear for ACAs in your office which crimes would
18 disqualify somebody from a consideration of immigration consequences in their case?

19 A Well, again, what we have are guiding principles. And we have small teams. We
20 have, you know, four supervisors with a handful of ACAs underneath them. They meet weekly with
21 their staff. And we have twice-a-month all-attorney meetings. And we have many, many
22 impromptu conversations. This is culture, and it doesn't need policies to be written down.

23 [REDACTED]. We're good to go off the record.

24 [Recess.]

25 [REDACTED]. So we can go back on the record, please.

1 BY [REDACTED]

2 Q Ms. Dehghani-Tafti, thank you again for appearing today. I know we've been here for
3 several hours, and we appreciate you giving your testimony and answering these questions.

4 I want to go back to a discussion from the prior hour. You mentioned that a defendant had
5 appealed his case to the circuit court, and there were issues because witnesses in that case, the
6 victims in that case, were reluctant to come forward and ultimately did not come forward because
7 they feared immigration consequences of doing so. They feared that -- so did that mean they
8 feared being detained at the courthouse? Or --

9 A We have had ICE in the courthouse. And while I don't know the exact words that they
10 said, they were afraid for their and their families' safety vis-à-vis ICE in the courthouse.

11 Q Has your office experienced other witnesses or victims who have been reluctant to
12 come forward and give testimony in a case because they feared immigration consequences?

13 A Many.

14 Q In what kinds of cases?

15 A In domestic violence cases. In a hit-and-run where there was severe injury. I mean, it
16 runs the gamut.

17 But, you know, we -- we're investigating a trafficking case, you know, where ICE picked up one
18 of the victims at the courthouse. So, when we determined -- she had been charged with a crime,
19 and then when we determined that she was potentially a victim of trafficking and not culpable for
20 that crime, we dismissed the charge, and on her way out she was arrested.

21 Q So, just to be clear, you are aware of cases --

22 A Yes.

23 Q -- where a victim has been at a courthouse and been detained by ICE --

24 A Correct.

25 Q -- for appearing at that courthouse?

1 A Correct. Somebody that we believe is a victim. Yes.

2 Q Do you know how many times that's happened, approximately, in your jurisdiction?

3 A I don't know off the top of my head.

4 Q But it's happened repeatedly?

5 A Well, I don't know if they've been detained -- if victims have been detained repeatedly.

6 Q Okay.

7 A Repeatedly, victims are afraid to come.

8 Q Okay. And does that make it more difficult for you to prosecute crime in your
9 jurisdiction?

10 A It is, which is -- it degrades public safety.

11 Q How does it make it more difficult for you to prosecute crime, if you are having difficulty
12 getting a witness to come forward and give testimony?

13 A Right. So a lot of these cases, you know, a victim has to testify about what was done to
14 them. And oftentimes they're the only witness who can testify, or the victim is the only person who
15 can provide an identification of the defendant. And so, because we have to prove every element of
16 any charge beyond a reasonable doubt, we often need the victims.

17 Now, we have done victimless prosecutions on occasion. We tend to not win those cases.
18 We tend to do them in domestic violence cases. But it's -- it's a losing proposition, to do that.

19 But, you know, so we need to establish identity, we need to establish what happened,
20 sometimes we need to establish what the injury was, and we just can't do that without the victim --

21 Q And you're finding --

22 A -- many times.

23 Q You're finding more and more difficulty doing that in certain cases --

24 A Yes.

25 Q -- because victims or witnesses fear immigration consequences?

1 A Yes. I mean, they're articulating that to our victim witness advocates.

2 Q And this is a frequent occurrence?

3 A It's more frequent than it should be.

4 [REDACTED]. And I just want to clarify, has this become more difficult during the Trump
5 administration or has it stayed the same?

6 The Witness. It's -- it was difficult in the first Trump administration, and it's difficult in this
7 one.

8 [REDACTED]. And you mentioned that it harms public safety. Why does this harm public
9 safety?

10 The Witness. Well, if public safety is ever equated with getting convictions and holding
11 people accountable, we can't do that.

1 [2:19 p.m.]

2 BY [REDACTED]

3 Q Can you think of any specific instances where a defendant could have been prosecuted
4 but was not because of the reluctance of a victim to come forward under these circumstances?

5 A I know of them, but I couldn't articulate them right now.

6 Q Could you articulate potentially the case, the type of case? Was it a domestic violence
7 case?

8 A I mean, several domestic violence cases and one case where there was a severe brain
9 injury and the victim didn't want to come.

10 Q Because of ICE's involvement?

11 A Correct.

12 Q And I'll just repeat it just so it's clear for the record. They didn't want to come to the
13 courthouse because of ICE's involvement --

14 A That's correct.

15 Q -- and actions around the courthouse?

16 A They were afraid that they would -- they or their families would be detained by ICE.
17 And, you know, I don't know what their immigration status is or was, but there are plenty of people
18 who have legal status and are still afraid.

19 Q And as a result of that hesitancy, you were not able to prosecute serious cases?

20 A Serious cases, yes. Violent cases.

21 [REDACTED]. We're off the record.

22 [Whereupon, at 2:20 p.m., the deposition was adjourned.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

Transcribed Interview Transcript Errata Form

Interviewee	Hon. Parisa Dehghani - Tafti
Date of Interview	7/16/26
Date of Review	7/28/26
Name of Reviewer	David A. Kolansky
Signature of Reviewer	<i>Paul King</i>

Page	Line	Suggested Correction
3	3	Abbe David Lowell
3	4	David A. Kolansky
3	6	1250 H Street, N.W.
3	7	Suite 250 (check zip code)
11	23	Seeking to score [not scoring to seek]
34	26 - 25	Put ⁱⁿ quotes each phrase b/c reading from image: "Miller must resign." "He is the problem." "Katie Miller's cosplay." "neveragain is now." etc...
36	9	Mrs. Miller
41	224	to probably
65	17 + 9	Lowell (says Lovell)

DAR

Page	Line	Suggested Correction
70	11	Flyer (not 4/ner)
75	3	get licensed
77	5 + 8	Lowell (says Lovell)
80	24	Lowell (says Lovell)
81	23	Lowell (says Lovell)
85	25	Lowell (says Lovell)
90	4	Lowell "
108	3	<u>Collateral</u> (not 'lateral')

DAE