

Politics

Trump Documents Will Be Reviewed by Retiring Judge, Court Says

- US request to exclude classified documents rejected by judge
- Raymon Dearie appointed by Florida Judge to review documents

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A federal judge in Florida denied a US request to use documents with classified markings seized from former President Donald Trump's Mar-a-Lago estate in a criminal investigation and named US District Court Judge Raymond J. Dearie as special master to review all 11,000 documents that were taken.

Both the Justice Department and Trump's attorneys had agreed that Dearie would be a suitable candidate, one of the rare moments of consensus in a case otherwise rife with politics and dispute.

The government had asked to keep using about 100 documents that it said featured classification labels in a probe of alleged mishandling of government records after the judge ordered that a special master be appointed and temporarily barred investigators from using the materials.

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“The court remains firmly of the view that appointment of a special master to conduct a review of the seized materials, accompanied by a temporary injunction to avoid unwarranted use and disclosure of potentially privileged and/or personal materials, is fully consonant with the foregoing principles and with the need to ensure at least the appearance of fairness and integrity under unprecedented circumstances,” US District Judge Aileen Cannon said in her ruling Thursday.

The Justice Department has already appealed the appointment of the special master at the 11th US Circuit Court of Appeals in Atlanta and Cannon’s denial of its request to exclude the 100 documents from the review is also likely to prompt the department to seek an emergency stay of that part of the order at the appeals court.

Cannon had allowed other federal authorities to continue reviewing the documents with classification markings as part of an intelligence assessment, but the DOJ argued that it wasn’t possible to separate that process from the criminal investigation.

“The court does not find it appropriate to accept the government’s conclusions on these important and disputed issues without further review by a neutral third party in an expedited and orderly fashion,” Cannon wrote.

Cannon gave Dearie until Nov. 30 to complete the review. The Justice Department had sought an Oct. 17 deadline, while Trump had asked for a three-month review. Cannon ordered Trump to pay the full cost of the review. The former president asked the judge to split the cost between him and the Justice Department.

[Read more: Special Master Candidate Is Judge Who Won’t Tolerate ‘Nonsense’](#)

Dearie is a senior federal judge in the Eastern District of New York, which covers three New York counties as well as Long Island. He served a rotation on the Foreign Intelligence Surveillance Court, an arm of the federal judiciary that mostly operates in secret because of the sensitive nature of the covert operations and national security interests at stake.

Dearie, who has served as a federal judge in Brooklyn for more than 30 years, was nominated to the bench by President Ronald Reagan in 1986. Prior to that he was the US Attorney in Brooklyn from 1982 to 1986, when Rudy Giuliani, now a close Trump ally, was the Manhattan US Attorney,

Kevin O'Brien, a former federal prosecutor in Brooklyn who worked closely with Dearie on a public corruption case, said the office often competed with Giuliani for high-profile cases.

Dearie “wasn’t overtly political at all,” said O'Brien, now a partner at Ford O'Brien Landy LLP in New York. “He labored in the shadow of Giuliani who would try to poach and take credit on at least one occasion. Ray didn’t play politics, he just went about the office’s business.”

“He’s used to pressure as he’s had some high-profile cases as a judge and as US Attorney,” O'Brien said. “That’s the measure of the kind of guy he is. He does the job and tries to be fair and doesn’t let personal considerations influence him. There’s no question he’s going to play it straight and do his job and do it expeditiously because he knows there’s a weighty investigation waiting in the wings. As a former US attorney, he will do his job and not linger for publicity.”

Cannon had asked both sides to submit candidates to act in the capacity as a neutral third party to review the documents. Dearie had originally been named by Trump’s lawyers but the Justice Department agreed that he met their criteria for the position as well.

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