



Written by [Bob Adelman](#) on September 30, 2020

## Flynn's Attorney Demands Judge Remove Himself From the Case

When Judge Sullivan opened the hearing on Tuesday concerning the government's motion to dismiss its case against former Trump official Michael Flynn, [Sullivan displayed](#) what Flynn's attorney called "abject bias."

He opened by saying that "the issues the court will focus on this morning are ... whether the court [Sullivan] has the discretion to review [claims of] prosecutorial abuse [by Trump administration officials], and whether this court should deny the government's [request] to dismiss the pending charge [of lying] against Mr. Flynn."



AP Images

None of these issues should be discussed. The case against Flynn was false from the beginning. Only virulent anti-Trump FBI agent Peter Strzok allowed it to continue in an obvious political move to damage the incoming president. Sullivan is party to the crime of allowing it to continue.

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Instead of granting the government's motion to dismiss its case against Flynn when additional evidence surfaced that the case was fraudulent from the start, Sullivan took it upon himself to become the prosecutor. He hired a retired (and discredited) judge, John Gleeson, to make the case for Sullivan to continue his vendetta against Flynn.

Gleeson dutifully responded: "There is clear evidence that the Government's Motion to Dismiss the case against Defendant Michael T. Flynn rests on pure pretext. There is clear evidence that this motion reflects a corrupt and politically motivated favor unworthy of our justice system."

This is another example of projection: accusing another of the crime committed by the accuser.

During Tuesday's hearing, attorneys for the government said that Gleeson's allegations of political motivation "just are not true" and that "there isn't a case" against Flynn.

During a sharp exchange between Flynn's attorney, Sidney Powell, and the judge, she accused the judge of bias against Flynn, saying "I need to ... move to disqualify the court and urge that it recuse itself against a defendant [that is being] conducted by a person who actively litigated against him."

Sullivan responded sharply: "If you want to file a motion [for me] to recuse, you probably should have [already] filed it. But you didn't. And I'll certainly afford you an opportunity to prepare and file an appropriate motion [for me] to recuse." He added: "You could have filed a motion in writing. You could have filed it in June. You could have filed it earlier. But even though you didn't, I'll certainly afford you an opportunity to do that. I'll give you a week from [today] to file your motion to recuse."

When Powell attempted to explain why she hadn't filed such a motion earlier, Sullivan cut her off: "I



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don't need to hear anything more about that. I'm going to give you an opportunity to file your motion to recuse. I'll give you a week from [today]."

Tom Fitton, president of Judicial Watch, tweeted: "Today's 'hearing' in Judge Sullivan's courtroom was one of the worst abuses of the judicial process by a sitting judge in recent memory. Powell deserves a medal for standing up for the rule of law and her hero client, General Flynn."

Jonathan Turley, a professor at George Washington University and an attorney who has represented clients in Sullivan's court, excoriated the judge for extending the case without merit against Flynn:

The law on this is clear and overwhelming. Sullivan should have dismissed the charge months ago. Instead, he again took a controversial position. He not only suggested he might charge Flynn himself, with criminal conduct for contesting his guilty plea, but he hired a former judge to argue against any dismissal.

Enlisting such a third party to argue for prosecution is very unusual and deeply troubling. Sullivan seemed to be claiming the right to mete out his own version of justice with a criminal charge from the bench [with] an outsider playing the role of another prosecutor.

Turley called out Gleeson for participating in the fraud: "Gleeson is arguing against overwhelming case law and advocating a certain reversal for Sullivan by convicting a person of a federal crime who the government maintains was improperly charged."

It's all political, wrote Turley: "The only issue is whether, just before the election, Sullivan will use the hearing as a forum for injudicious commentary." Added Turley: "The law here is clear, and it is time for a decision that was never in serious doubt. It is time to dismiss the criminal case against Flynn."

Not a chance. It's increasingly likely that Sullivan will draw out the case as long as possible and then rule against Flynn. That will result in an appeal, which would keep the case in the headlines right up until November 3.

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