



Written by [C. Mitchell Shaw](#) on March 4, 2016

Judge Napolitano: Grand Jury May Soon Indict Hillary

As Hillary Clinton's e-mail scandal continues to haunt her and her candidacy, many have asked, "Will she ever be indicted?" *The New American* has asserted time and again that since the former secretary of state clearly violated federal law on thousands of occasions by transmitting and storing highly classified information on her unsecured, unauthorized, private server, she should be indicted. Now, it appears that indictment may be closer than some would think.



FOX News posted a video by Judge Andrew Napolitano (shown) to its website Thursday where the judge lays out the details for his belief that Clinton will be indicted in the coming weeks. In the video, Judge Napolitano says:

Just when everyone was becoming impatient with "when is the FBI going to make recommendations to the Justice Department about whether or not to seek indictments over the State Department's mishandling of state secrets — particularly by diverting those state secrets through a non-secure, private server in Mrs. Clinton's home" — lo and behold, the Justice Department has gone to a federal judge and sought immunity for the person who installed the server in Mrs. Clinton's home.

<https://www.youtube.com/watch?v=iETtmxhY3tU>

Judge Napolitano goes on to say that Brian Pagliano's immunity deal means that the "investigation has gone to the next step: that the Justice Department has convened a grand jury, that it presenting evidence to the grand jury, and it wants evidence from the young man that installed the server. And because he [Pagliano] asserted his Fifth Amendment right against self-incrimination, they offered him immunity — meaning he cannot be prosecuted for the words that he used."

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The judge-turned-political-commentator also made the following points as proof of his assertion that a criminal indictment is upcoming:

- Immunity can be granted only by a federal judge.
- A federal judge would grant immunity only to help the government elicit testimony before a grand jury.

Because of those points, he says, "We know a grand jury is sitting, prosecutors are working on this, and they want to indict someone." Napolitano says the Justice Department and a federal judge would not give Brian Pagliano immunity unless he could answer the question, "Who was present when the conspiracy was hatched — in the office of the secretary of state — to divert national security secrets from a secure venue to a non-secure venue?"

Judge Napolitano is not alone in his belief that Hillary or someone close to her will soon be indicted. Based on Pagliano's immunity deal, the *Washington Times* [has drawn three conclusions](#) — the same three drawn by Judge Napolitano:



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1. The Justice Department has launched a grand-jury investigation into allegations of mishandling classified e-mails during the tenure of former Secretary of State Hillary Clinton.
2. Pagliano has material evidence related to the probe as well as exposure to prosecution.
3. Granting him immunity was the only way to obtain the information.

The *Times* quoted Troy A. Eid, former U.S. attorney for the District of Colorado, as saying, “You can assume that there’s a grand jury,” adding, “You don’t go out and investigate unless you’ve got a grand jury because there’s no authority to do subpoenas or compel people to do anything. With immunity agreements, that means by definition that there’s a grand jury investigation that’s going on some place.”

Considering the fact that Hillary [Clinton sent and/or received an average of almost 10 classified e-mails per week during her tenure as secretary of state](#), it is difficult to see how she will avoid indictment now that Pagliano has been granted immunity. Since he set up and maintained the server, he is in a unique position to know what data was on the server, who had access to the data on the server, and what was done to purge the data before the server was turned over to investigators.

Judge Napolitano ends his video with a question for Democrats: “Don’t you want to know before your nominating process is complete if your likely nominee will be a criminal defendant in the Fall?”



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