

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant.

DECISION ON DEFENDANT'S
MOTION FOR RECUSAL

Ind. No. 71543-23

HON. JUAN M. MERCHAN J.S.C.:

On May 31, 2023, Defendant filed a notice of motion seeking this Court's Recusal. The notice was accompanied by a memorandum of law, the affirmation of Susan R. Necheles, Counsel for Mr. Trump and two exhibits, identified as Exhibit A and Exhibit B.¹ On June 14, 2023, the People filed a memorandum of law with an accompanying affirmation and exhibits in opposition to Defendant's motion for recusal. On June 20, 2023, Susan Necheles wrote to the Court seeking leave to file a reply memorandum of law. Ms. Necheles also asked the Court to provide the defense a copy of the letter this Court had previously submitted to the Advisory Committee on Judicial Ethics "so that the defense can properly evaluate whether the Advisory Committee was fully informed about the possible conflict of interest."² Necheles Letter at 2.

Defendant puts forth three principal arguments in support of his motion: First, he claims that "the political and financial interest" of this Court's daughter "creates an actual or perceived conflict of interest because rulings and decisions" made by this Court "may result in a financial benefit to Your Honor's daughter." Defendant's Memorandum at 1. Next, he alleges that this

¹ Exhibit A of the May 31, 2023, motion for recusal, is a copy of the memorandum of law in support of Defendants, the Trump Corporation and Trump Payroll Corp.'s recusal motion filed by Susan Necheles on or about September 8, 2022, in connection with the *Matter of The People of the State of New York v. The Trump Corporation d/b/a The Trump Organization; Trump Payroll Corp. d/b/a The Trump Organization*, Indictment No. 1473/2021. A copy of the affirmation of Susan R. Necheles, which accompanies the motion, was also attached as part of Exhibit A. Exhibit B of Defendant's May 31, 2023, motion, is a copy of the affirmation of Susan Hoffinger, filed in opposition to Defendants' September 8, 2022, motion to recuse.

² On or about April 14, 2023, shortly after Defendant was arraigned and approximately six weeks before he filed the instant motion for recusal, this Court wrote to the Advisory Committee on Judicial Ethics to seek a formal opinion regarding several matters now addressed in this Decision.