

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 AND ORDER  
ON DEFENDANT'S  
MOTIONS *IN LIMINE*

Ind. No. 71543/2023

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

Defendant's motions *in limine* are decided as follows:

**DEFENDANT'S A: THE TESTIMONY OF MICHAEL COHEN**

Defendant moves to preclude the testimony of Michael Cohen ("Cohen") on the alleged grounds that "Michael Cohen is a liar. He recently committed perjury, on the stand and under oath, at a civil trial involving President Trump. If his public statements are any indication, he plans to do so again at this criminal trial." Defendant's Memo at pg. 4. Defendant submits that Cohen should be precluded from testifying "in order to protect the integrity of this Court and the process of justice." Defendant's Memo at pg. 4. Put differently, Cohen should not be allowed to testify because his past actions *suggest* that he will commit perjury.

The Court is unaware of any perjured testimony that Cohen has provided in the instant matter. Defendant provides examples of situations where Cohen's credibility has been called into question. However, he offers no proof of perjury in the case at bar.

This Court has been unable to locate any treatise, statute, or holding from courts in this jurisdiction, or others, that support Defendant's rationale that a prosecution witness should be kept off the witness stand because his credibility has been previously called into question. The cases relied upon by Defendant are unavailing and inapplicable to the current matter. For example, *People v. Savvides*, 1 NY2d 554, 557 [1956], involved a co-defendant/cooperator who, while testifying before a jury, denied their cooperation agreement with the district attorney. This was an omission that went uncorrected by the prosecutor. *People v. Waters*, 35 Misc3d 855, 859 [Sup. Ct. Bronx Cnty. 2012],