

SUPREME COURT OF THE STATE OF NEW YORK
YORK COUNTY OF NEW YORK

Index No. 71543-23

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

**AFFIRMATION OF TODD
BLANCHE IN SUPPORT OF
PRESIDENT DONALD J.
TRUMP'S MOTION FOR A
FURTHER ADJOURNMENT
BASED ON PREJUDICIAL
PRETRIAL PUBLICITY**

Todd Blanche, a partner at the law firm Blanche Law PLLC, duly admitted to practice in the courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

1. I represent President Donald J. Trump in this matter and submit this affirmation and the accompanying memorandum of law and exhibits in support of President Trump's Motion For A Further Adjournment Based On Prejudicial Pretrial Publicity.

2. This affirmation and the accompanying memorandum of law are submitted upon my personal knowledge or upon information and belief, the source of which is my communications with prosecutors and with other counsel, my review of the documents in the case file, a review of the available discovery, an independent investigation into the facts of this case, and my review of the survey and media study referenced herein and in the attached memorandum of law.

3. Attached as Exhibit 1 is a true and accurate copy of the results of a public opinion survey that sampled 400 residents from each of New York, Orange, Richmond, Rockland, and Suffolk Counties (the "Survey," as referenced in the memorandum of law).

4. Attached as Exhibit 2 is a true and accurate copy of the results of a separate review of news coverage relating to President Trump (the “Media Study,” as referenced in the memorandum of law).

5. Attached as Exhibit 3 is a true and accurate copy of the published article: Judith Platania and Jessica Crawford, *Media Exposure, Juror Decision-Making, and the Availability Heuristic*, THE JURY EXPERT (Nov.-Dec. 2012).

6. Attached as Exhibits 4 through 18 are true and accurate copies of publicly available news articles relating to the Media Study and which are referenced in the attached memorandum of law.

7. Attached as Exhibit 19 is a true and accurate copy of the published article: Toketemu Ohwovoriole, *How Herd Mentality Explains Our Behavior*, VERYWELL MIND (May 4, 2023).

8. Attached as Exhibit 20 is a true and accurate copy of the published article: Xinjie Su et al., *The Influence of Herd Mentality on Rating Bias and Popularity Bias: A Bi-Process Debiasing Recommendation Model Based on Matrix Factorization*, 13 J. BEHAV. SCI. 63 (2023).

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, President Trump respectfully submits that, to the extent the Indictment survives the March 25, 2024 hearing, which it should not, the Court must adjourn the trial until prejudicial press coverage abates and give President Trump sufficient time to review the recent productions.

Dated: March 18, 2024
New York, New York

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Attorney for President Donald J. Trump

EXHIBIT 1

PUBLIC OPINION SURVEY

The primary goal of this survey was to assess media induced prejudice against President Donald J. Trump. A copy of the survey, including the questions, response categories, and results are reproduced herein. Moore Information Group, an experienced polling organization, conducted the polling in five New York Counties: New York, Orange, Richmond, Rockland and Suffolk.

Method

Screening

Jury eligibility. Because the goal of the survey was to reach conclusions about people who could potentially serve as jurors in this case, the initial set of questions concerned jury eligibility. First, respondents were asked to confirm their U.S. Citizen status, perceived jury eligibility, county of residence, and age. Respondents were also asked whether they were registered to vote, how often they vote, and whether or not they had ever participated in the legal system in any way.

Sample. In order to collect survey data, Moore Information Group used text-to-online methodology to obtain a random representative sample of 400 residents in each of the five counties. Demographic data for each of the five county samples are included in the Results section.

Survey Instrument

This survey instrument was designed to assess community prejudice, if any, among potential jurors in the five counties surveyed. Eight indices of potential prejudice were analyzed in the following areas:

Jury Eligibility (Questions S1-S3, 6). These questions were asked to ensure that survey respondents met the criteria as members of an eligible jury pool.

Voting Habits and History (Questions 2-5). These questions were asked to assess respondents' participation in voting and candidate preference in previous and upcoming elections.

Media Consumption and Preferences (Questions 7-12). These questions probed respondents' media sources and preferences, media consumption habits (including social media), and opinions of the news media.

Opinions of President Trump (Questions 13-19). These questions probed for respondents' personal opinions of President Trump as well as perceptions of the broader public's perceptions of him. This section also explored respondents' self-perception of bias toward President Trump and whether they believe the media has caused or contributed to their bias (if any).

News and Media (Questions 20-26). These questions assessed the respondents' media consumption generally and as it relates to this case.

Jury bias (Questions 27-32, 37-42; 45-50). These questions assessed potential juror bias and perceptions as to whether they believe President Trump could receive a fair trial and fair and impartial jury in New York County or anywhere in New York State.

Case details (Questions 33-36, 43-44). These questions assessed respondents' awareness of specific allegations and details of specific cases involving President Trump.

Demographics (Questions 1, 51-62). This section of the survey consisted of questions regarding demographics – specifically, gender, age, education, ethnicity, religion, and income.

Results

NEW YORK AREA RESIDENTS – TEXT/ONLINE SURVEY (N=400 IN EACH COUNTY; MOE +/- 5%) February 17-20, 2024

S1. Are you a United States citizen?

- | | | |
|----|--------|-----------|
| 1. | Yes | CONTINUE |
| 2. | No | TERMINATE |
| 3. | Unsure | TERMINATE |

S2. Do you currently reside in [COUNTY]?

IF NO: THANK AND TERMINATE

- A. New York/Manhattan
- B. Orange County
- C. Suffolk County
- D. Rockland County
- E. Richmond County/Staten Island

S3. To the best of your knowledge, are you currently eligible to serve on a jury?

	<u>New York</u> <u>(N=400)</u>	<u>Orange</u> <u>(N=400)</u>	<u>Richmond</u> <u>(N=400)</u>	<u>Rockland</u> <u>(N=400)</u>	<u>Suffolk</u> <u>(N=400)</u>
Yes	95%	89%	84%	91%	88%
Don't know/not sure	5%	11%	16%	9%	12%

1. What is your age?

	<u>New York</u> <u>(N=400)</u>	<u>Orange</u> <u>(N=400)</u>	<u>Richmond</u> <u>(N=400)</u>	<u>Rockland</u> <u>(N=400)</u>	<u>Suffolk</u> <u>(N=400)</u>
18-24	9%	8%	6%	8%	9%
25-34	25%	21%	21%	21%	17%
35-44	17%	17%	16%	16%	15%
45-54	14%	17%	17%	16%	17%
55-64	14%	17%	18%	16%	19%
65-74	14%	18%	16%	17%	18%
75+	7%	2%	6%	5%	5%

2. Which of the following best describes how often you vote?

	<u>New York</u> <u>(N=400)</u>	<u>Orange</u> <u>(N=400)</u>	<u>Richmond</u> <u>(N=400)</u>	<u>Rockland</u> <u>(N=400)</u>	<u>Suffolk</u> <u>(N=400)</u>
Always	78%	70%	69%	81%	73%
Sometimes	12%	12%	12%	9%	14%
Only in certain elections	8%	15%	18%	8%	12%
Never vote	2%	4%	1%	1%	2%
Unsure	*	*	*		

3. Thinking back to the 2020 Presidential election, which candidate did you vote for?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Donald Trump	13%	40%	44%	41%	44%
Joe Biden	75%	45%	43%	48%	39%
Another candidate	2%	2%	3%	2%	3%
I did not vote in the 2020 Presidential election	4%	6%	2%	4%	6%
Don't know/Refused	5%	7%	8%	5%	8%

4. And thinking back to the 2016 Presidential election, which candidate did you vote for?

Donald Trump	15%	36%	44%	40%	44%
Hillary Clinton	71%	42%	38%	41%	33%
Another candidate	3%	4%	6%	5%	4%
I did not vote in the 2016 Presidential election	7%	12%	5%	7%	11%
Don't know/refused	5%	6%	7%	6%	7%

5. Looking ahead to the 2024 Presidential election, do you plan to vote for,

Donald Trump	18%	40%	43%	43%	42%
Joe Biden	58%	33%	31%	39%	32%
Another candidate	10%	8%	8%	7%	9%
I do not plan to vote in the 2024 Presidential election	2%	4%	3%	2%	2%
Unsure	10%	9%	9%	5%	9%
Don't know/refused	2%	6%	6%	4%	6%

6. Have you ever participated in the legal system in any way? Please mark all that apply.

Served as a juror in one or more criminal trials	31%	19%	22%	17%	17%
Served as a juror in one or more civil trials	28%	24%	26%	21%	21%
Gave testimony in court or in a deposition	14%	24%	15%	25%	21%
Worked as or supported a legal professional	12%	12%	11%	9%	10%
Party to a civil lawsuit (e.g., sued or been sued for money damages)	12%	12%	10%	11%	17%
Party to divorce or child custody proceedings	8%	16%	14%	16%	22%
Party to mediation or arbitration proceedings	7%	7%	5%	4%	7%
Party to a criminal lawsuit (e.g., defendant, witness, or victim)	4%	5%	6%	7%	8%
Other					
Excused/not chosen for jury duty	1%	2%	2%	5%	2%

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Served on a jury (unspecified)	1%	--	*	--	--
Worked in law enforcement	1%	2%	1%	1%	*
Orphan's court	*	--	--	--	--
Work (general)	*	--	--	--	--
Internship in a civil court	*	--	--	--	--
Family Court	*	--	--	--	--
Have tried civil and criminal cases on the state & federal level	*	--	--	--	*
Housing	*	--	--	--	--
Worked in the court system	--	*	*	--	--
Worked for DOC/correction facility	--	--	*	*	--
Worked in a federal building	--	--	--	--	*
Went to a college of criminal justice	--	--	--	*	--
I went to jail	--	--	1%	--	--
Victim of scammers in Nigeria	--	--	--	*	--
Union Representative	--	--	--	--	*
Trump (unspecified)	--	--	--	--	*
Traffic ticket	--	--	--	--	*
Social Worker	--	*	--	--	--
Small claims court	--	*	--	--	--
Processed court subpoenas	--	--	*	--	--
Poll worker	--	--	*	--	--
Notary	--	--	--	--	*
Medical legal consultant	--	--	*	--	--
Judicial meeting	--	--	--	*	--
Helped the Red Cross	--	--	--	*	--
Hired a lawyer to get out of traffic tickets	--	--	--	*	--
Firefighter	--	--	--	*	--
Court reporter	--	--	--	--	*
No/none	25%	29%	26%	27%	25%
Don't know	*	1%	*	2%	--

7. Which, if any, of the following social media platforms do you regularly use? (CHOOSE ALL THAT APPLY)

Instagram	65%	50%	51%	55%	52%
Facebook	54%	68%	61%	46%	62%
YouTube	51%	52%	49%	53%	52%
WhatsApp	38%	23%	22%	31%	15%
LinkedIn	38%	17%	16%	21%	17%
Twitter	26%	19%	21%	27%	22%
TikTok	23%	24%	22%	22%	24%
Other					
Reddit	1%	1%	--	1%	1%
Threads	*	*	--	*	*
Telegram	*	*	*	*	--
Bluesky	*	--	--	--	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Zoom	--	1%	--	--	--
WeChat	--	*	--	--	--
Vine	--	--	*	--	--
Truth Social	--	1%	*	*	2%
Tribe	--	--	1%	--	--
Snapchat	--	*	--	--	1%
Rumble	--	*	*	*	*
Nextdoor	--	1%	--	*	--
iMessage	--	--	--	--	*
Discord	--	--	--	*	*
None	3%	6%	7%	7%	9%
Don't know	--	--	--	--	*
NA	*	1%	1%	*	*

8. Which, if any, of the following news sources do you rely on regularly? (CHOOSE ALL THAT APPLY)

National newspaper	47%	20%	16%	23%	20%
ABC, CBS, NBC (National)	47%	44%	38%	41%	39%
Local TV news stations	42%	38%	38%	39%	44%
Social media	37%	34%	28%	40%	27%
CNN	36%	30%	29%	31%	27%
Online news outlets	32%	29%	22%	32%	26%
NPR/National Public Radio	27%	19%	9%	18%	17%
Local newspaper	16%	22%	14%	12%	23%
Fox News	15%	27%	27%	35%	36%
MSNBC	4%	2%	3%	3%	4%
Christian Broadcasting Network	2%	4%	3%	3%	3%
OAN/One American News Network	2%	7%	5%	4%	6%
Podcasts	1%	1%	1%	1%	1%
CNBC	1%	--	--	--	*
BBC	1%	2%	*	*	1%
I24	1%	*	--	--	--
New York 1	1%	--	*	--	--
PBS	1%	--	*	1%	--
Financial Times	*	--	--	--	--
Christian Science Monitor	*	--	--	--	--
Univision	*	--	--	--	--
Wall Street Journal	*	--	--	--	--
The Economist	*	--	--	--	--
Reddit	*	--	--	*	*
Trends Journal	*	--	--	--	--
Twitter/X	*	*	1%	--	--
Bloomberg	*	--	--	--	--
Spectrum News	*	*	--	--	--
The Atlantic	*	--	--	--	--
Daily Wire	*	--	*	*	--
New York Business	*	--	--	--	--
Epoch Times	--	1%	--	--	--
Radio/talk radio (general)	--	*	1%	*	*

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
1010 Radio News	--	--	*	--	--
TYT	--	*	--	--	*
Newsmax	--	2%	3%	1%	3%
Reuters	--	1%	*	*	--
All/combination of sources	--	*	--	--	--
Apple News	--	--	--	*	--
TikTok	--	--	1%	1%	--
Google News	--	*	*	1%	--
1440 WEBR	--	*	--	--	*
Badlands Media	--	--	--	*	--
News Nation	--	--	--	*	1%
Breitbart	--	--	*	--	--
Telegram	--	--	*	--	--
The Blaze	--	*	*	--	--
Truth Social	--	--	*	--	*
WABC Radio	--	--	*	--	*
Roca News	--	*	--	--	--
Safety FM	--	--	--	*	--
880 AM	--	*	--	--	--
Chinese State Media	--	--	*	--	--
EWTN	--	--	*	--	--
Foreign Affairs	--	*	--	--	--
Long Island News	--	--	--	--	*
Mark Levin	--	--	--	*	--
Megyn Kelly	--	--	--	--	*
Metro New York	--	--	--	*	--
Newsweek	--	*	--	--	--
RefDesk	--	--	--	--	*
RFD-TV	--	--	--	--	*
The Guardian	--	*	--	--	*
Tucker Carlson	--	--	--	--	*
VOX	--	*	--	--	--
YouTube	--	--	--	*	--
Al Jazeera	*	*	*	*	--
Associated Press	*	--	*	*	*
Unsure	1%	4%	3%	1%	4%
None	*	1%	3%	3%	3%
NA	*	*	2%	--	1%

9. How often do you read the newspaper or other news media sources, either in print or online? (READ 1-6, 6-1)

Daily	58%	45%	43%	45%	43%
A few times per week	17%	15%	18%	20%	16%
Once a week	3%	4%	2%	1%	4%
Occasionally	10%	14%	13%	15%	13%
Rarely	6%	10%	10%	10%	11%
Never	5%	12%	12%	9%	13%
Unsure	1%	1%	1%	--	*

10. How often do you watch or listen to news broadcasts or other news media sources, on television, over the radio, or online? (READ 1-6, 6-1)

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Daily	54%	53%	44%	55%	55%
A few times per week	12%	16%	14%	14%	13%
Once a week	4%	4%	3%	2%	3%
Occasionally	13%	12%	15%	18%	10%
Rarely	10%	8%	13%	6%	11%
Never	5%	6%	10%	5%	6%
Unsure	1%	1%	1%	*	*

11. From which specific sources do you typically get your news? Please check all that apply.

New York Times	66%	35%	27%	40%	28%
CNN	40%	33%	26%	36%	31%
MSNBC	37%	21%	23%	25%	22%
Google	25%	26%	23%	24%	24%
Wall Street Journal	24%	12%	10%	16%	13%
Washington Post	24%	10%	10%	20%	13%
New York Post	21%	22%	28%	26%	26%
Facebook	18%	22%	18%	13%	14%
New York Daily News	17%	13%	16%	10%	9%
Twitter	17%	10%	12%	24%	11%
NPR website	15%	12%	6%	11%	10%
Fox News	14%	30%	25%	32%	37%
Huffington Post	12%	9%	7%	9%	8%
TikTok	9%	10%	9%	9%	9%
Yahoo	9%	11%	8%	7%	12%
MSN	8%	6%	4%	5%	4%
USA Today	5%	8%	4%	6%	8%
Newsmax	3%	10%	10%	10%	14%
Newsday	2%	2%	1%	4%	34%
YouTube	2%	1%	*	*	1%
WNYC FM/NPR	1%	*	*	1%	*
BBC	1%	1%	1%	2%	1%
Truth Social	1%	7%	6%	2%	5%
PBS	1%	*	--	--	--
Bloomberg	1%	*	--	*	--
ABC	1%	1%	1%	1%	*
NY 1	1%	--	*	--	--
Channel 7 online	1%	--	--	--	--
News Nation	1%	*	*	*	1%
CBS	1%	*	--	*	--
Various	1%	1%	1%	--	*
Reuters	1%	*	--	--	--
Yahoo News	*	--	--	--	--
Podcasts	*	1%	*	--	*
Reddit	*	*	*	1%	*
The Daily Wire	*	1%	*	*	*

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
The Skimm	*	--	--	--	*
CNBC	*	--	--	2%	--
Midas Touch	*	--	--	--	--
Pix 11	*	--	*	*	--
Instagram	*	*	1%	--	*
WABC	*	1%	1%	--	*
The Atlantic	*	--	--	*	--
WINS Radio	*	--	--	--	--
Joe.My.God.com	*	--	--	--	--
Haaretz	*	--	--	--	--
Al Jazeera	*	*	*	*	*
The Economist	*	--	--	--	--
Pod Save America	*	--	--	--	--
J Post	*	--	--	--	--
Spectrum News	*	--	--	--	--
Trends Journal	*	--	--	--	--
Breaking Points	*	--	--	--	--
BNN	*	--	--	--	--
Threads	*	--	--	--	--
Associated Press	*	--	*	*	*
The Intercept	*	--	--	--	--
Time Magazine	*	--	--	--	--
Democracy Now!	*	--	*	--	--
Amsterdam News	*	--	--	--	--
WPIX	--	--	--	--	*
WNBC	--	--	*	--	--
TYT	--	*	--	1%	*
Tribal	--	--	1%	--	--
Times Union	--	--	--	*	--
Times Herald	--	*	--	--	--
Timecast	--	--	--	*	*
The New Yorker	--	*	--	--	--
The Greyzone	--	*	--	*	--
Epoch Times	--	1%	--	1%	--
The Daily Mail	--	*	--	--	*
The Buffalo News	--	--	--	1%	--
The Black Conservative	--	--	*	--	--
Telegram	--	--	1%	*	--
Substack	--	--	--	*	--
Staten Island Advance	--	--	1%	--	--
SLive	--	--	*	--	--
Russian state media	--	--	*	--	--
Rumble	--	1%	--	*	*
RSBN	--	--	--	*	--
Roland Martin Unfiltered	--	--	*	--	--
Roca News	--	*	--	--	--
Apple News	--	1%	*	1%	*
Radio/radio news	--	*	*	1%	--
Queens Ledger	--	--	--	*	--
Queens Chronicle	----	--	--	*	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
PEW	--	1%	--	--	--
Patriot channel	--	--	*	--	*
Online sources (unspecified)	--	--	--	*	--
OAN	--	--	*	*	*
ZeroHedge	--	--	*	*	--
World News	--	--	--	*	--
World Journal	--	--	--	*	--
NY Metro	--	--	--	*	--
NPR podcasts	--	--	--	--	*
The Advocate	--	--	--	*	--
Allsides.com	--	--	--	--	*
AM NY	--	--	--	1%	--
WCBS 880	--	*	--	--	*
AOL	--	*	*	--	1%
Axios	--	--	*	--	--
Ballston Journal	--	--	--	*	--
Barron's	--	--	--	*	--
Blaise Gomez	--	1%	--	--	--
Breitbart	--	--	*	2%	1%
Brooklyn Magazine	--	--	--	*	--
News 12	--	--	--	1%	1%
City Limits	--	--	--	*	--
Common Sense	--	*	--	--	--
Crooked Media	--	--	*	*	--
The Daily Gazette	--	--	--	*	--
Dan Bongino	--	--	*	--	--
The Drudge Report	--	--	*	--	--
Newsweek	--	*	--	--	--
News Break	--	*	--	--	--
New York Business Journal	--	--	--	*	--
NBC News	--	--	*	*	--
Morning Brew	--	*	--	--	--
Smart News app	--	--	--	--	*
1440 WEBR	--	*	--	--	--
WOR 710 AM	--	*	*	--	--
The Independent	--	--	*	*	*
Mid-Hudson Times	--	*	--	--	--
Manhattan Network	--	--	--	*	--
Louder with Crowder	--	--	--	--	*
Long Island News Channel	--	--	--	--	*
Local newspaper (unspecified)	--	--	*	*	--
Just the News	--	*	--	--	--
Journal News	--	--	--	*	--
Heather Cox Richardson	--	--	--	--	*
Ground News	--	--	*	--	--
FNTV	--	--	*	--	--
Gazette	--	--	--	*	--
Gateway Pundit	--	--	*	--	--
The Free Press	*	--	--	--	--
The Guardian	*	1%	--	--	1%

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Unsure	2%	6%	6%	3%	4%
None	*	1%	2%	2%	1%
NA	*	*	1%	1%	*

12. What is your general opinion of the news media?

Very positive	4%	5%	4%	1%	3%
Somewhat positive	26%	12%	13%	22%	13%
Total positive	29%	16%	18%	23%	17%
Neutral	30%	26%	29%	18%	24%
Total negative	40%	55%	50%	58%	57%
Somewhat negative	23%	19%	16%	17%	23%
Very negative	17%	35%	34%	41%	34%
Unsure	1%	3%	3%	1%	3%

13. Next, what is your opinion of President Trump?

Very positive	8%	28%	32%	30%	29%
Somewhat positive	8%	13%	8%	10%	15%
Total positive	16%	41%	40%	41%	44%
Neutral	7%	9%	12%	9%	9%
Total negative	77%	50%	46%	49%	46%
Somewhat negative	7%	7%	9%	5%	6%
Very negative	70%	43%	37%	44%	41%
Unsure	*	1%	2%	1%	1%

14. IF Q13=RESPONSE 4 OR 5 (NEGATIVE OF TRUMP): What is the major reason you have a negative opinion of Mr. Trump?

Bad personality/arrogant/hateful attitude	17%	28%	20%	28%	17%
Dishonest/untrustworthy/liar	16%	19%	12%	14%	17%
Corrupt/crooked/conman	9%	3%	11%	4%	9%
Not presidential material/bad leader/unqualified for public office	9%	7%	5%	9%	6%
Criminal/lawlessness/sexual misconduct	8%	9%	7%	8%	9%
Racism/racist	6%	3%	8%	5%	6%
Mentally unstable/crazy	6%		1%	3%	4%
Anti-democracy/threat to Democracy/election denier	4%	6%	3%	3%	6%
Narcissist	4%	4%	2%	2%	3%
Self-interested/selfish/out of touch	4%	5%	5%	7%	5%
Divisive/dangerous	3%	1%	2%	1%	2%
Immoral/vulgar/unethical/misogynist	3%	6%	9%	5%	1%
Oppose views/policies	3%	2%	3%	4%	5%
Authoritarianism/fascism/dictator	3%	1%	2%	2%	3%
Insurrectionist/treason/January 6th	1%	3%	5%	3%	3%
Putin/Russia	*	--	--	*	--
General positive/support him	*	1%	2%	--	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Age/too old	*	--	1%	--	1%
Nothing/none	1%	1%	2%	2%	1%
Don't know	2%	2%	--	2%	2%

15. And what is your understanding of President Trump's overall reputation among the general public?

Very positive	5%	19%	17%	13%	15%
Somewhat positive	12%	15%	17%	21%	19%
Total positive	17%	34%	34%	34%	34%
Neutral	10%	11%	13%	13%	9%
Total negative	69%	46%	45%	47%	48%
Somewhat negative	35%	26%	22%	26%	28%
Very negative	34%	20%	23%	21%	20%
No opinion/Not sure	4%	9%	8%	6%	9%

16. IF Q15=RESPONSE 4 OR 5 (NEGATIVE): What is the major reason you think the public has a negative opinion of Mr. Trump?

Bad personality/attitude/ behavior	26%	23%	21%	22%	25%
Liar/untrustworthy	17%	16%	7%	16%	13%
Criminal/lawsuits/trials	9%	8%	17%	9%	5%
Selfish/self-centered/ narcissistic/ego	6%	6%	6%	3%	2%
Mainstream media/TV/media	5%	8%	7%	9%	13%
General negative	5%	6%	9%	11%	4%
Insurrectionist/ January 6 th / election denier/insurrectionist	4%	5%	3%	2%	5%
Not qualified/unfit to lead/ unqualified	4%	3%	4%	3%	6%
See my previous response	3%	3%	2%	3%	4%
He is a racist/racism	3%	4%	*	2%	3%
Mental health/unstable/crazy	2%	1%	1%	5%	2%
Policies/views/beliefs	2%	*	7%	1%	2%
Divisive/controversial	2%	*	2%	2%	1%
Misinformation/fake news	2%	4%	7%	2%	6%
Political division/partisanship/ authoritarian	2%	1%	4%	3%	2%
Majority beliefs/polls	2%	--	1%	--	--
Conservative/Republican	1%	*	*	1%	2%
Corrupt/corruption	1%	4%		1%	1%
Danger to democracy	1%		1%	--	1%
Sexist/actions toward women	*	1%	--	--	1%
General positive/like him	*	--	*	*	1%
Witch hunt	--	2%	--	--	*
Nothing/none	1%	--	--	--	--
Don't know/refused	2%	4%	1%	4%	*

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
17. Would you describe yourself as being biased, either in favor of or against, President Trump?					
Yes, I am very biased in favor of Mr. Trump	8%	17%	20%	14%	18%
Yes, I am somewhat biased in favor of Mr. Trump	8%	12%	10%	7%	14%
Total yes, biased IN FAVOR of Mr. Trump	16%	29%	31%	21%	32%
Total yes, biased AGAINST Mr. Trump	60%	34%	34%	37%	36%
Yes, I am somewhat biased against Mr. Trump	10%	7%	5%	8%	7%
Yes, I am very biased against Mr. Trump	50%	27%	29%	29%	29%
No, I am neutral/not biased in favor of or against Mr. Trump	18%	32%	30%	38%	29%
Unsure	6%	5%	5%	4%	4%
18. IF Q17=RESPONSE 3 OR 4 (BIASED AGAINST TRUMP): Would you say that what you have seen, read, or heard in the media has caused or significantly contributed to your bias against President Trump?					
Yes	59%	66%	58%	58%	63%
No	37%	29%	38%	29%	34%
Unsure	5%	4%	4%	13%	4%
19. IF Q17=RESPONSE 3 OR 4 (BIASED AGAINST TRUMP): Do you believe your bias against President Trump would cause you to be biased against him in terms of evaluating his conduct in the context of a civil or criminal trial?					
Yes	26%	30%	40%	18%	42%
No	63%	59%	50%	74%	48%
Unsure	11%	11%	10%	8%	10%
20. Have you seen, read, or heard any media reports related to President Trump in the past six months?					
Yes	95%	93%	91%	95%	96%
No	3%	5%	7%	5%	2%
Unsure	2%	2%	2%	1%	2%

21. IF Q20=RESPONSE 1 (YES): How recently have you seen, read, or heard such media reports?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Within the last day	67%	74%	63%	75%	71%
Within the last few days	19%	16%	19%	14%	21%
Within the last week	7%	6%	6%	4%	4%
Within the last couple of weeks	3%	2%	7%	4%	3%
Within the last month	1%	1%	2%	*	1%
More than a month ago	1%	*	1%	1%	--
Unsure	1%	1%	2%	2%	1%

22. IF Q20=RESPONSE 1 (YES). As best as you can remember, please indicate all media sources in which you have recently seen, read or heard media reports related to President Trump. (CHECK ALL THAT APPLY)

New York Times	67%	36%	36%	41%	29%
CNN	51%	44%	44%	43%	42%
MSNBC	42%	33%	33%	32%	31%
Wall Street Journal	30%	17%	20%	21%	17%
Washington Post	27%	14%	16%	21%	14%
Fox News	25%	42%	44%	41%	49%
New York Post	25%	24%	32%	30%	25%
Google	24%	28%	20%	30%	20%
Facebook	21%	29%	24%	21%	21%
New York Daily News	21%	17%	23%	11%	11%
Twitter	19%	15%	16%	31%	15%
NPR website	16%	15%	10%	15%	10%
Huffington Post	15%	11%	9%	9%	8%
USA Today	12%	13%	13%	12%	11%
Yahoo	11%	17%	13%	11%	15%
TikTok	10%	12%	8%	15%	11%
MSN	10%	10%	11%	8%	7%
Newsday	8%	8%	8%	7%	26%
Newsmax	6%	13%	17%	12%	15%
Truth Social	4%	7%	6%	9%	7%
YouTube	3%	3%	2%	1%	3%
CBS	2%	2%	--	1%	*
Instagram	1%	*	2%	1%	1%
BBC	1%	1%	*	--	1%
ABC	1%	1%	1%	--	1%
WNYC/NPR radio	1%	*	1%	1%	--
Bloomberg	1%	*	--	*	--
7 Online	1%	--	--	--	--
Reddit	1%	1%	--	2%	1%
Various	1%	1%	3%	*	1%
Apple News	1%	*	*	1%	*
Threads	1%	1%	--	*	*
AM News	*	--	--	--	--
Spectrum News	*	1%	--	*	--
The Daily Show	*	--	--	--	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
From Trump himself	*	--	*	--	--
Bill Maher	*	--	--	--	--
Podcasts	*	--	--	1%	*
Daily Wire	*	--	*	--	--
The New Yorker Podcast	*	--	--	--	--
PBS News	*	*	--	*	--
Local TV (general)	*	1%	*	*	2%
Joe.My.God.com	*	--	--	--	--
Reuters	*	1%	--	--	--
Local online news	*	--	--	--	--
Long Island News	*	--	--	--	1%
Word of mouth	*	--	*	--	*
Breitbart	*	--	1%	1%	--
Al Jazeera	*	1%	--	--	--
Breaking Points	*	--	--	--	--
The Economist	*	--	*	*	--
ZeroHedge	--	--	--	*	*
WPIX 11	--	--	--	--	*
World Journal	--	--	*	--	--
WABC	--	*	1%	--	--
TYT	--	*	--	--	--
TV news (general)	--	--	*	*	--
Times Union	--	--	--	*	--
Time Out New York	--	--	--	*	--
The Today Show	--	*	--	--	--
The New Republic	--	--	--	*	--
The Guardian	--	--	*	*	1%
The Daily Wire	--	--	--	*	*
The Blaze	--	*	--	--	--
The Atlantic	--	--	--	*	--
Telemundo	--	--	*	--	*
Telegram	--	*	*	*	--
Substack	--	--	--	--	*
Staten Island Advance	--	--	*	--	--
Social media (general)	--	--	--	--	*
The Skimm	--	--	--	--	*
Rumble	--	1%	--	--	*
Rolling Stone	--	--	--	--	*
Roland Martin Unfiltered	--	--	*	--	--
Radio (general)	--	1%	*	*	*
POTUS on Sirius	--	--	--	--	*
Online (general)	--	--	*	*	--
OAN	--	--	--	*	1%
Northeast Public Radio	--	*	--	--	--
News Nation	--	--	--	*	*
News 12	--	--	--	--	1%
News blogs	--	--	--	*	--
Network news (general)	--	--	--	--	*
NBC News 4	--	--	1%	1%	*
Midas Touch	--	*	--	--	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Louder with Crowder	--	--	--	--	*
Local newspaper	--	*	--	--	--
Local media sources	--	1%	--	--	*
Independent sources	--	*	*	*	--
Ground News	--	--	*	--	--
Good Morning America	--	*	--	--	--
Getter	--	*	--	--	--
Gateway Pundit	--	--	*	--	--
Fox 5	--	--	--	*	--
Forbes	--	--	--	*	*
Epoch Times	--	1%	--	--	*
Drudge	--	--	--	--	*
Democracy Now!	--	--	1%	--	--
David Pakman	--	--	--	*	--
Daily Mail	--	--	--	--	*
Daily Gazette	--	--	--	*	--
Crooked Media	--	--	--	--	*
CBN	--	--	--	--	*
Barron's	--	--	--	*	--
Axios	--	--	*	--	--
All Sides	--	--	--	--	*
Alexa	--	1%	--	--	--
Smart News	--	--	--	--	*
A shirt with his mugshot on it	--	--	--	*	--
Alt 92.3 FM	--	--	--	*	--
WCBS radio	--	--	--	--	*
60 Minutes	--	--	--	*	--
1440 AM	--	*	--	--	--
1010 WINS radio	--	--	--	1%	*
AOL	*	*	--	*	*
Associated Press	*	--	*	--	*
None	*	--	--	2%	*
Don't know	1%	2%	*	1%	1%
NA	*	*	1%	*	*

23. Did any of the media reports you have seen, read, or heard recently reference investigations of, criminal charges against, and/or upcoming trials involving President Trump?

Yes	93%	90%	85%	91%	93%
No	3%	6%	9%	6%	3%
Unsure	4%	4%	6%	3%	4%

24. IF Q23=RESPONSE 1 (YES): Which of the following cases against President Trump have been referenced in the media reports you have seen, read, or heard in the recent past? (Check all that apply)

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
The tax fraud case brought by the Attorney General of New York, Letitia James	31%	22%	27%	29%	25%
The defamation and battery case brought by author E. Jean Carroll	25%	16%	18%	17%	14%
The falsification of business records case brought by the Manhattan District Attorney, related to alleged "hush money" payments made during President Trump's 2016 Presidential campaign	23%	12%	15%	21%	19%
The Georgia election interference case related to the 2020 Presidential election	23%	12%	17%	22%	16%
The federal election interference case pending in Washington, DC	18%	11%	9%	20%	12%
The federal classified documents case pending in Florida involving accusations that President Trump retained sensitive documents when he left the White House in January 2021	11%	9%	10%	8%	13%
All of the above	63%	69%	63%	63%	69%
None of the above	--	2%	1%	2%	1%
Unsure	1%	4%	4%	2%	2%

25. Based on what you know or have seen, do you think the frequency of media reports related to President Trump has increased, or not?

Yes, has increased	52%	60%	60%	61%	66%
No, has not increased	34%	22%	25%	24%	21%
Unsure	14%	17%	15%	15%	13%

26. IF Q25=RESPONSE 1 (YES/INCREASED): Would you say there has been an increase in the frequency of media reports you have seen, read, or heard in the recent past specifically related to criminal charges brought against President Trump, or not?

Yes, has increased	87%	89%	95%	95%	91%
No, has not increased	8%	7%	3%	4%	5%
Unsure	5%	4%	2%	1%	3%

27. Based on the recent media reports you have seen, read, or heard related to President Trump, have you formed any opinions as to whether he is likely guilty or innocent of criminal charges?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes, my opinion based on recent media reports is that Mr. Trump is definitely guilty of some or all criminal charges brought against him	40%	21%	20%	22%	23%
Yes, my opinion based on recent media reports is that Mr. Trump is probably guilty of some or all criminal charges brought against him	20%	14%	15%	15%	13%
Total yes, my opinion based on recent media reports is that Mr. Trump is GUILTY of some or all criminal charges brought against him	61%	35%	34%	37%	36%
Total yes, my opinion based on recent media reports is that Mr. Trump is NOT GUILTY of some or all criminal charges brought against him	12%	30%	36%	38%	39%
Yes, my opinion based on recent media reports is that Mr. Trump is probably NOT guilty of some or all criminal charges brought against him	6%	7%	15%	10%	14%
Yes, my opinion based on recent media reports is that Mr. Trump is definitely NOT guilty of some or all criminal charges brought against him	6%	23%	21%	27%	25%
No, I have not formed any opinions as to whether Mr. Trump is guilty or innocent of criminal charges brought against him	22%	26%	20%	21%	18%
Unsure	5%	9%	9%	4%	7%

28. Have the recent media reports you have seen, read, or heard related to President Trump either FORMED or CHANGED your opinion as to whether he is likely guilty or innocent of criminal charges?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes, the recent media reports related to Mr. Trump have made me feel it is MORE likely he is guilty of some or all criminal charges brought against him.	23%	15%	21%	20%	16%
Yes, the recent media reports related to Mr. Trump have made me feel it is LESS likely he is guilty of some or all criminal charges brought against him.	6%	14%	18%	19%	17%
No, the recent media reports related to Mr. Trump have not affected my opinion as to whether he is likely guilty or innocent of some or all criminal charges brought against him	64%	61%	54%	53%	63%
Unsure	7%	9%	7%	8%	5%

29. Have you seen, read, heard news reports about investigations of and/or criminal charges against President Trump?

Yes, I know a lot about investigations of and/or criminal charges against Mr. Trump.	46%	49%	42%	52%	50%
Yes, I know some about investigations of and/or criminal charges against Mr. Trump.	32%	24%	31%	26%	29%
Yes, I have generally heard about investigations of and/or criminal charges against Mr. Trump, but do not know much about them.	13%	14%	17%	14%	15%
Total yes	90%	87%	90%	92%	94%
No, I do not know anything about investigations of and/or criminal charges against Mr. Trump.	5%	4%	5%	5%	2%
Unsure	5%	9%	5%	3%	5%

30. IF Q29=RESPONSE 1-3 (YES): As best as you can remember, please check all the media sources from which you learned this information. (PLEASE CHECK ALL THAT APPLY)

New York Times	70%	42%	38%	47%	36%
CNN	48%	47%	45%	45%	45%
MSNBC	41%	36%	33%	36%	31%
Wall Street Journal	29%	16%	19%	19%	18%
New York Post	27%	26%	31%	33%	28%
Washington Post	27%	19%	17%	22%	16%

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Fox News	26%	36%	41%	40%	48%
Google	24%	27%	27%	22%	24%
New York Daily News	23%	17%	26%	10%	12%
Twitter	19%	16%	14%	26%	16%
NPR website	17%	19%	9%	10%	12%
Facebook	17%	27%	24%	22%	21%
Huffington Post	14%	12%	10%	11%	10%
USA Today	11%	14%	13%	11%	13%
Yahoo	10%	14%	10%	9%	16%
TikTok	8%	9%	12%	14%	11%
MSN	8%	10%	8%	10%	10%
Newsday	5%	6%	8%	7%	29%
Newsmax	5%	12%	17%	11%	17%
YouTube	3%	1%	2%	1%	3%
Truth Social	3%	6%	8%	8%	7%
Instagram	2%	--	2%	*	*
Threads	1%	2%	--	*	1%
Podcasts	1%	1%	*	*	1%
CBS	1%	2%	*	1%	*
Various sources	1%	*	*	1%	--
BBC	1%	*	*	1%	1%
Apple News	1%	--	--	--	*
WNYC/NPR	1%	*	*	1%	--
Local online news	1%	1%	--	--	--
PBS	1%	*	--	1%	1%
Bloomberg	1%	--	--	--	--
7 Online	1%	--	--	--	--
The Atlantic	1%	--	--	*	--
Bluesky	*	--	--	--	*
The Daily Wire	*	1%	*	1%	*
TYT	*	*	--	--	*
NY 1	*	--	--	--	--
From Trump	*	*	--	--	--
ABC	*	2%	*	--	2%
Reddit	*	*	--	1%	1%
Channel 11	*	--	--	--	--
Read charging documents	*	--	--	*	--
Local TV channels	*	2%	1%	*	2%
Frontline	*	--	--	--	--
Financial Times	*	--	--	--	--
Reuters	*	1%	--	--	--
Word of mouth	*	1%	--	*	*
The Epoch Times	*	1%	--	--	--
Politico	*	--	--	--	--
Al Jazeera	*	--	--	--	*
TV 5 Monde News	*	*	--	--	--
Judging Freedom	*	--	--	--	--
Talk shows (general)	*	--	--	--	--
Breaking Points	*	--	--	--	--
The Economist	*	--	--	--	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Blogs	*	--	--	--	--
Yahoo	--	*	--	--	--
X22 Report	--	*	--	--	--
WPIX News	--	--	--	--	*
World News	--	*	--	--	--
World Journal	--	--	*	--	--
WABC Radio	--	--	*	--	*
WNBC	--	--	*	--	--
TV news	--	1%	1%	*	--
Ukrainian state media	--	--	*	--	--
The Today Show	--	*	--	--	--
Timecast	--	--	--	*	*
The New Yorker	--	1%	--	--	--
The Guardian	--	--	--	--	1%
Telegram	--	--	*	--	*
Substack	--	--	--	--	*
Staten Island Advance	--	--	*	--	--
Spectrum News	--	*	--	--	--
Smart News	--	--	--	--	*
The Skimm	--	--	--	*	*
Rumble	--	1%	--	--	*
Roland Martin Unfiltered	--	--	*	--	--
Radio (general)	--	1%	--	1%	1%
POTUS	--	--	--	--	*
Online news sources	--	--	--	*	--
OAN	--	--	--	--	1%
New York Law Journal	--	--	--	--	--
News Nation	--	--	--	*	1%
News 12	--	--	--	--	1%
Network news (general)	--	*	--	--	*
NBC	--	1%	--	*	*
National Review	--	--	--	*	--
Midas Touch	--	1%	--	--	--
International media	--	*	*	--	--
Independent sources	--	--	--	--	*
Ground News	--	--	*	--	--
Filings from court proceedings	--	--	--	*	--
Democracy Now!	--	--	1%	--	--
Dan Bongino	--	--	1%	1%	*
Conservative news outlets	--	--	--	*	--
CBN	--	--	--	--	*
Breitbart	--	--	1%	4%	--
Blaze TV	--	*	--	--	--
Axios	--	--	*	--	--
AOL	--	--	*	*	*
Alternative sources	--	--	--	*	--
Allsides.com	--	--	--	*	*
1010 WINS	--	--	*	--	*
710 WOR	--	--	1%	--	--
1440 AM	--	*	--	--	--

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Associated Press	*	--	*	--	*
Unsure	4%	7%	5%	4%	4%
None	--	--	--	2%	*
NA	--	*	--	1%	--

31. Has the information you have learned about investigations of and/or criminal charges against President Trump affected your opinion of his overall reputation and character?

Yes, the information I have learned has given me a much more favorable impression of Mr. Trump.	8%	14%	17%	12%	12%
Yes, the information I have learned has given me a somewhat more favorable impression of Mr. Trump.	1%	2%	5%	4%	6%
Total yes, the information I have learned has given me a more FAVORABLE impression of Mr. Trump.	9%	16%	22%	16%	17%
Total yes, the information I have learned has given me a more NEGATIVE impression of Mr. Trump.	35%	24%	23%	24%	24%
Yes, the information I have learned has given me a somewhat more negative impression of Mr. Trump.	8%	5%	9%	4%	7%
Yes, the information I have learned has given me a much more negative impression of Mr. Trump.	27%	19%	14%	20%	17%
No, the information I have learned has not affected my impression of Mr. Trump.	48%	50%	45%	53%	55%
Not applicable -- I have not learned anything in the news media about investigations of and/or criminal charges filed against Mr. Trump.	4%	4%	6%	4%	2%
Unsure	4%	7%	4%	3%	2%

32. Based on what you have learned through recent media reports, have you FORMED any new opinions as to whether President Trump is likely guilty or innocent of criminal charges, or have your opinions about his likely guilt or innocence CHANGED?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes, recent media reports have led me to the opinion that Mr. Trump is definitely guilty of some or all criminal charges brought against him	19%	15%	13%	16%	15%
Yes, recent media reports have led me to the opinion that Mr. Trump is probably guilty of some or all criminal charges brought against him	8%	5%	11%	4%	6%
Total yes, recent media reports have led me to the opinion that Mr. Trump is GUILTY of some or all criminal charges brought against him	26%	20%	24%	21%	21%
Total yes, recent media reports have led me to the opinion that Mr. Trump is NOT GUILTY of some or all criminal charges brought against him	9%	19%	26%	28%	22%
Yes, recent media reports have led me to the opinion that Mr. Trump is probably NOT guilty of some or all criminal charges brought against him	3%	5%	10%	16%	7%
Yes, recent media reports have led me to the opinion that Mr. Trump is definitely NOT guilty of some or all criminal charges brought against him	6%	14%	16%	12%	15%
No, recent media reports have not led me to form any new opinions or to change any previously held opinions as to whether Mr. Trump is guilty or innocent of criminal charges brought against him	59%	53%	43%	45%	52%
Unsure	5%	7%	6%	6%	5%

Moving on,

33. Have you seen, read or heard anything about allegations of improper campaign contributions during President Trump's 2016 Presidential campaign?

Yes	40%	41%	34%	45%	43%
No	38%	42%	45%	35%	39%
Unsure	23%	17%	21%	20%	18%

34. Have you seen, read or heard anything about alleged “hush money” payments made to adult film actress Stormy Daniels and/or to other individuals meant to conceal damaging information during President Trump’s 2016 Presidential campaign?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes	88%	85%	80%	89%	89%
No	9%	9%	10%	7%	7%
Unsure	4%	6%	10%	5%	4%

35. Have you seen, read or heard anything about the Manhattan District Attorney’s indictment of President Trump for falsifying business records related to alleged “hush money” payments used to conceal damaging information before and after the 2016 Presidential election?

Yes	84%	77%	75%	75%	80%
No	10%	14%	16%	13%	13%
Unsure	6%	8%	9%	13%	7%

36. Would you say there has been an increase in the frequency of media reports you have seen, read, or heard in the past six months related to the Manhattan District Attorney’s criminal charges against President Trump for allegedly falsifying business records related to “hush money” payments used to conceal damaging information before and after the 2016 Presidential election?

Yes	46%	56%	58%	56%	57%
No	35%	23%	23%	29%	26%
Unsure	20%	21%	19%	15%	17%

37. Based on what you have learned about the Manhattan District Attorney’s criminal charges against President Trump for allegedly falsifying business records, have you formed any new opinions or changed your opinion as to whether he is likely guilty or innocent of those charges?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes, what I have learned through the media has led me to the opinion that Mr. Trump is definitely guilty of the charges brought against him by the Manhattan District Attorney	23%	16%	18%	18%	15%
Yes, what I have learned through the media has led me to the opinion that Mr. Trump is probably guilty of the charges brought against him by the Manhattan District Attorney	12%	8%	8%	6%	8%
Total yes, what I have learned through the media has led me to the opinion that Mr. Trump is GUILTY of the charges brought against him by the Manhattan District Attorney	35%	25%	26%	24%	23%
Total yes, what I have learned through the media has led me to the opinion that Mr. Trump is NOT GUILTY of the charges brought against him by the Manhattan District Attorney	9%	20%	32%	29%	24%
Yes, what I have learned through the media has led me to the opinion that Mr. Trump is probably NOT guilty of the charges brought against him by the Manhattan District Attorney	4%	7%	11%	14%	8%
Yes, what I have learned through the media has led me to the opinion that Mr. Trump is definitely NOT guilty of the charges brought against him by the Manhattan District Attorney	5%	13%	21%	14%	15%
No, what I have learned through the media has not led me to form or change any opinions as to whether Mr. Trump is guilty of the charges brought against him by the Manhattan District Attorney	47%	47%	34%	37%	47%
Unsure	8%	9%	8%	10%	6%

38. IF Q37=RESPONSE 1-2 (YES/GUILTY): What specifically have you seen, read or heard in the media that has led you to believe he is **guilty**?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Guilty verdict/judge's decision	24%	17%	11%	28%	15%
Inflation of assets & valuations/ falsified documentation	19%	14%	20%	10%	13%
Evidence/records/voice recordings	12%	11%	10%	11%	20%
News/newspaper	9%	1%	8%	4%	5%
Generally negative	8%	9%	14%	11%	2%
Anti-Trump	6%	17%	8%	6%	11%
Anti-democracy/election fraud	5%	5%	1%	9%	3%
Michael Cohen testimony/ attorney	4%	17%	6%	9%	15%
Track record/voting record	3%	2%	*	1%	2%
Everything/too many to list	3%	3%	12%	4%	7%
His behavior/mannerisms/ bad leader/he's crazy/insane	1%	*	5%	5%	5%
Nothing/none	3%	--	2%	3%	1%
Don't know	2%	4%	3%	--	1%

39. IF Q37=RESPONSE 3-4 (YES/NOT GUILTY): What specifically have you seen, read or heard in the media that has led you to believe he is **not guilty**?

Biased/unfair reactions to the case/others have not been charged	26%	4%	10%	10%	15%
Paying hush money is not a crime	17%	--	--	--	1%
Mainstream media coverage/ news is lying	15%	25%	10%	9%	8%
It's a witch hunt	15%	7%	7%	5%	4%
Lack of evidence/bogus charges	6%	--	9%	2%	6%
Hearing his part of the case/ Pro-Trump	6%	--	4%	1%	2%
Interfering with elections/ keeping him off the ballot/he's running for president	4%	8%	4%	3%	7%
He's not guilty/he didn't do anything wrong/bogus charges	4%	6%	13%	7%	10%
Politically motivated/it's corruption	3%	9%	6%	12%	16%
They are liars/dishonest/it's untrustworthy	2%	3%	11%	7%	4%
Everything/all of it	--	1%	2%	1%	
Democrats are bad/commit criminal acts	--	3%	3%	12%	4%
Attacking Trump/trying to destroy him/going after Trump	--	4%	8%	11%	7%

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Trump can beat the Democrats/will be President/ Democrats are afraid of him	--	4%	*	1%	--
Biden is the problem	--	3%	3%	1%	
No facts	--	5%	*	1%	2%
Part of an agenda/it's all planned	--	3%	--	8%	2%
Trump is for the people/pro-America	--	--	2%	*	2%
Good man/honest	--	5%	3%	4%	--
Don't care about his crimes/it's an old case	--	3%	1%	2%	--
Communist driven	--	--	*	--	*
Why do you want Trump to be guilty?	--	--	*	--	--
More than I could write	--	--	2%	--	--
So we let criminals go free?	--	--	--	2%	--
Manhattan DA is a racist	--	--	*	--	--
DA James is out for political gain	--	--	--	--	2%
Russian collusion	--	--	--	--	*
Misunderstandings	--	1%	--	--	--
The divorce hearings	--	--	--	--	*
Crime is out of jurisdiction	--	--	--	--	1%
Stormy Daniels bribery Situation	--	--	1%	--	--
Valuation of assets	1%	3%	*	1%	3%
Don't know	2%	2%	1%	2%	4%

40. If you were called to serve as a juror in the case brought against President Trump by the Manhattan District Attorney for allegedly falsifying business records, do you think that you could set aside any opinions you currently hold as to whether Mr. Trump is likely guilty or innocent of those criminal charges and render a verdict based only on the evidence presented during the trial?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
I could definitely set aside my current opinions in order to render a verdict based only on the trial evidence	51%	45%	50%	47%	50%
I could probably set aside my current opinions in order to render a verdict based only on the trial evidence	17%	13%	10%	20%	13%
Total I COULD set aside my current opinions in order to render a verdict based only on the trial evidence	67%	58%	61%	67%	63%
Total I COULD NOT set aside my current opinions in order to render a verdict based only on the trial evidence	18%	22%	21%	19%	23%
I probably could NOT set aside my current opinions in order to render a verdict based only on the trial evidence	10%	11%	8%	6%	10%
I definitely could NOT set aside my current opinions in order to render a verdict based only on the trial evidence	8%	11%	13%	13%	13%
I do not have any current opinions as to whether Mr. Trump is likely guilty or innocent of the criminal charges brought against him by the Manhattan District Attorney, so I would not need to set any opinions aside in order to render a verdict based only on the trial evidence	6%	10%	8%	7%	7%
Unsure	8%	10%	10%	7%	8%

41. IF Q40=RESPONSE 1 OR 2 (COULD SET ASIDE OPINIONS): Please explain what specifically allows you to set aside your opinions in order to render a verdict based only on trial evidence?

Responsibility of juror/jury system/civic duty	17%	6%	10%	12%	10%
Believe in fairness/fair/own opinions	15%	15%	15%	16%	21%
Must be facts/evidence/proof	13%	28%	24%	18%	22%
For justice	9%	7%	5%	2%	9%

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Enforcing the law/law and order	8%	7%	6%	7%	6%
I'm intelligent/smart/rational	7%	6%	3%	9%	5%
My job experience/lawyer/police officer journalist	6%	3%	4%	6%	2%
I will listen/pay attention/learn/focus	5%	7%	5%	10%	3%
I'm honest/trustworthy/seeking the truth/morals	5%	5%	6%	4%	5%
Innocent until proven guilty	4%	2%	5%	4%	4%
Don't listen to fake news media/misinformation	3%	4%	4%	1%	3%
I don't believe the lies/other bias opinions	3%	8%	4%	3%	5%
For America/as an American	2%	*	1%	1%	*
I would do a good job/seems easy	1%	1%	2%	1%	--
I have been in that position before	*	*	1%	1%	--
Honorable job I want to have/doctor/journalist	*	--	1%	*	--
I'm religious	--	--	--	1%	1%
It's the right thing to do/what you do/needed	--	*	1%	3%	2%
Anti-Trump/against Trump	--	*	1%	--	*
I'm not a criminal	--	*	--	--	1%
Everything	--	--	1%	--	--
General positive	--	--	1%	--	*
Don't know	2%	2%	1%	1%	1%
NA	--	--	1%	--	*

42. IF Q40=RESPONSE 3 OR 4 (COULD NOT SET ASIDE OPINIONS): Please explain what specifically makes you unable to set aside your opinions in order to render a verdict based only on trial evidence?

Bad/dislike/anti-Trump	31%	20%	17%	24%	19%
Generally negative	22%	19%	14%	8%	12%
Corrupt/corruption/criminal	10%	3%	2%	11%	7%
Guilty	9%	3%	3%	*	5%
Fake news/media/misinformation /bias	9%	14%	12%	14%	16%
Justice system/courts/evidence	9%	10%	14%	10%	4%
Donald trump/MAGA/Trump	4%	7%	6%	13%	7%
Dishonest/liar/untrustworthy	3%	6%	11%	11%	14%
Witch hunt	2%	5%	3%		2%
Anti-Biden/anti-Democrat	2%	7%	9%	3%	5%
Government/politicians	--	4%	6%	2%	5%
Do not think he guilty	--	--	--	2%	2%
Nothing/none	--	1%	--	1%	2%
Don't know/refused	--	2%	3%	1%	--

Moving on,

43. Have you seen, read or heard anything about author E. Jean Carroll's lawsuits against President Trump involving claims of defamation and battery and/or the subsequent trials and jury verdicts?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes	77%	71%	66%	73%	72%
No	17%	19%	25%	17%	21%
Unsure	7%	10%	9%	10%	7%

44. Would you say there has been an increase in the frequency of media reports you have seen, read, or heard in the past six months related to E. Jean Carroll's lawsuits against President Trump and/or the subsequent trials and jury verdicts?

Yes	53%	50%	53%	50%	52%
No	26%	24%	23%	31%	23%
Unsure	21%	26%	24%	19%	25%

45. Based on what you have learned about E. Jean Carroll's lawsuits against President Trump and/or the subsequent trials and jury verdicts, have you formed any new opinions or changed your opinion as to whether he is likely guilty or innocent of OTHER criminal charges pending against him?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes, the information I have learned about E. Jean Carroll's lawsuits, trials, and/or jury verdicts has led me to the opinion that Mr. Trump is definitely guilty of other criminal charges pending against him	21%	9%	14%	18%	13%
Yes, the information I have learned about E. Jean Carroll's lawsuits, trials, and/or jury verdicts has led me to the opinion that Mr. Trump is probably guilty of other criminal charges pending against him	6%	6%	5%	4%	6%
Total yes, information I've learned has led me to the opinion that Mr. Trump is GUILTY of other criminal charges pending against him	27%	15%	19%	22%	19%
Total yes, information I've learned has led me to the opinion that Mr. Trump is NOT GUILTY of other criminal charges pending against him	8%	17%	25%	25%	18%
Yes, the information I have learned about E. Jean Carroll's lawsuits, trials, and/or jury verdicts has led me to the opinion that Mr. Trump is probably NOT guilty of other criminal charges pending against him	3%	2%	8%	11%	4%
Yes, the information I have learned about E. Jean Carroll's lawsuits, trials, and/or jury verdicts has led me to the opinion that Mr. Trump is definitely NOT guilty of other criminal charges	5%	15%	17%	14%	14%
No, the information I have learned about E. Jean Carroll's lawsuits, trials, and/or jury verdicts has not led me to form any new opinion or to change my opinion as to whether Mr. Trump is guilty or innocent of other criminal charges	49%	48%	40%	38%	46%
Unsure	15%	20%	17%	14%	17%

46. Based on what you have learned or based on your opinion of President Trump, do you think you could or could not serve as a fair and impartial juror in a criminal trial against him?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
I definitely COULD be a fair and impartial juror in a criminal trial against Mr. Trump.	51%	57%	46%	59%	53%
I probably COULD be a fair and impartial juror in a criminal trial against Mr. Trump	19%	9%	18%	10%	13%
Total I COULD be a fair and impartial juror in a criminal trial against Mr. Trump	70%	66%	64%	69%	65%
Total I COULD NOT be a fair and impartial juror in a criminal trial against Mr. Trump	20%	20%	21%	19%	22%
I probably COULD NOT be a fair and impartial juror in a criminal trial against Mr. Trump	7%	9%	8%	7%	8%
I definitely COULD NOT be a fair and impartial juror in a criminal trial against Mr. Trump.	13%	11%	13%	12%	14%
Unsure	10%	14%	15%	12%	12%

47. IF Q46=RESPONSE 3, 4 OR 5 (COULD NOT/UNSURE): If you feel you COULD NOT be a fair and impartial juror in a criminal trial against President Trump, would you be biased *in favor of* or *against* him?

I would be very biased in favor of Mr. Trump.	11%	29%	30%	15%	24%
I would be somewhat biased in favor of Mr. Trump.	3%	7%	12%	8%	13%
Total I would be biased IN FAVOR of Mr. Trump	14%	36%	41%	24%	37%
Total I would be biased AGAINST Mr. Trump	58%	26%	26%	32%	34%
I would be somewhat biased against Mr. Trump.	12%	4%	4%	8%	1%
I would be very biased against Mr. Trump.	46%	23%	21%	24%	33%
Not applicable -- I feel I could be a fair and impartial juror in a criminal trial against Mr. Trump.	5%	10%	12%	15%	7%
Unsure	22%	28%	21%	29%	22%

48. If you were to serve as a juror in a criminal trial against President Trump, do you think you would feel any pressure to reach a certain decision, either guilty or not guilty, based on public opinion or based on the opinions of your family members, friends, coworkers, fellow community members, etc.?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Yes, I think I would feel a lot of pressure to find Mr. Trump guilty.	8%	11%	14%	4%	7%
Yes, I think I would feel some amount of pressure to find Mr. Trump guilty.	3%	2%	2%	5%	3%
Yes, I think I would feel a little pressure to find Mr. Trump guilty.	3%	2%	4%	1%	3%
Total yes, I would feel pressure to find Mr. Trump GUILTY	14%	15%	20%	10%	12%
Total yes, I think I would feel a little pressure to find Mr. Trump NOT GUILTY	2%	5%	7%	5%	7%
Yes, I think I would feel a little pressure to find Mr. Trump not guilty	1%	0%	2%	1%	2%
Yes, I think I would feel some amount of pressure to find Mr. Trump not guilty.	1%	3%	2%	1%	2%
Yes, I think I would feel a lot of pressure to find Mr. Trump not guilty.	1%	2%	4%	4%	3%
No, I do not think I would feel any pressure to find Mr. Trump guilty or not guilty.	74%	66%	60%	72%	71%
Unsure	9%	13%	13%	12%	9%

49. Do you believe that President Trump could get a fair trial – meaning a fair and impartial jury – in Manhattan today, or not?

Definitely yes, could get a fair trial in Manhattan	42%	25%	32%	29%	23%
Probably yes, could get a fair trial in Manhattan	24%	14%	11%	13%	15%
Total yes, COULD get a fair trial in Manhattan	66%	39%	42%	42%	38%
Total no, COULD NOT get a fair trial in Manhattan	25%	50%	47%	50%	53%
Probably could not get a fair trial in Manhattan	10%	13%	11%	9%	13%
Definitely could not get a fair trial in Manhattan	15%	37%	36%	41%	40%
Unsure	9%	11%	10%	7%	9%

50. Do you believe that President Trump could get a fair trial – meaning a fair and impartial jury – anywhere in the State of New York today, or not?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Definitely yes, could get a fair trial somewhere else in NY	42%	30%	30%	39%	25%
Probably yes, could get a fair trial somewhere else in NY	29%	28%	18%	28%	31%
Total yes, COULD get a fair trial somewhere else in New York	72%	58%	48%	67%	56%
Total no, COULD NOT get a fair trial anywhere in New York	17%	29%	36%	23%	33%
Probably could not get a fair trial anywhere in NY	6%	9%	14%	6%	12%
Definitely could not get a fair trial anywhere in NY	11%	20%	22%	18%	21%
Unsure	12%	13%	16%	10%	11%

Now a few questions for statistical purposes.

51. Which of the following describes your current housing situation?

Own	32%	66%	58%	67%	69%
Rent	58%	19%	25%	22%	16%
Live with family	4%	8%	9%	8%	9%
Homeless	--	*	*	--	--
Other	*	3%	1%	1%	1%
Don't know/refused	6%	5%	7%	3%	5%

52. What is your marital status?

Never Married	29%	19%	17%	19%	20%
Married	40%	50%	50%	57%	56%
Separated	1%	4%	3%	2%	2%
Divorced	8%	11%	8%	8%	8%
Widowed	3%	7%	6%	3%	3%
Living with partner	12%	6%	6%	2%	6%
Don't know/refused	6%	3%	10%	10%	5%

53. Do you have children?

Yes	48%	73%	66%	67%	71%
No	47%	25%	25%	23%	23%
Don't know/refused	5%	3%	9%	10%	6%

54. How many people live in your household?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
One	26%	20%	14%	13%	8%
Two	34%	28%	24%	26%	32%
Three	18%	18%	17%	12%	17%
Four	11%	14%	20%	21%	21%
Five	4%	11%	9%	5%	10%
Six	1%	2%	2%	*	1%
Seven or more	*	1%	2%	1%	1%
Don't know/refused	7%	6%	12%	22%	9%

55. What is the highest level of education you have completed?

Attended high school	3%	4%	3%	1%	2%
High school diploma/GED	8%	10%	13%	6%	11%
Some college, no degree	11%	29%	26%	29%	28%
Associate's degree	5%	20%	19%	22%	21%
Bachelor's degree	34%	14%	14%	14%	15%
Some graduate study	4%	5%	3%	3%	4%
Master's degree	25%	16%	12%	15%	13%
Doctoral degree	8%	2%	5%	5%	4%
Don't know/refused	2%	2%	6%	6%	2%

56. Which of the following best describes your current employment status?

Employed, full time	59%	61%	49%	53%	54%
Employed, part time	6%	6%	6%	5%	9%
Retired	18%	24%	25%	23%	27%
Unemployed	5%	2%	2%	5%	3%
Homemaker	1%	*	1%	2%	2%
Disabled	3%	2%	8%	1%	2%
Student	3%	1%	2%	2%	1%
Don't know/refused	6%	4%	8%	9%	2%

57. In what industry are you currently or were you most recently employed?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Agriculture	1%	1%	*	*	1%
Utilities	*	3%	3%	2%	7%
Finance	12%	5%	5%	3%	8%
Entertainment	7%	2%	*	1%	1%
Education	14%	18%	12%	9%	11%
Health care	11%	13%	11%	12%	15%
Information services	4%	2%	7%	1%	4%
Data processing	--	1%	1%	1%	*
Food services	2%	3%	5%	2%	4%
Hotel services	--	1%	2%	1%	*
Legal services	4%	6%	7%	4%	4%
Publishing	*	*	*	1%	1%
Military	*	4%	1%	1%	*
Other	36%	36%	35%	41%	36%
Don't know/refused	9%	7%	10%	22%	7%

58. What is your annual family household income?

\$20,000 or less	5%	2%	4%	1%	2%
\$21,000 - \$40,000	7%	4%	8%	4%	3%
\$41,000 - \$60,000	6%	5%	9%	5%	8%
\$61,000 - \$80,000	7%	11%	8%	6%	8%
\$81,000 - \$100,000	12%	14%	15%	9%	8%
Over \$100,000	48%	46%	38%	52%	50%
Don't know/refused	14%	17%	18%	23%	21%

59. Other than American, what is your main racial or ethnic heritage?

Caucasian/White	42%	49%	45%	50%	56%
Black or African American	12%	15%	12%	13%	10%
Hispanic/Latino/Spanish origin	26%	24%	19%	19%	21%
American Indian or Alaska Native	*	*	*	--	*
Asian/Asian American	13%	1%	13%	5%	1%
Native Hawaiian/Pacific Islander	--	--	--	--	--
Other	2%	1%	1%	*	2%
Refused	5%	10%	11%	12%	10%

60. Are you registered to vote?

Yes	99%	96%	98%	97%	98%
No	*	4%	--	2%	1%
Don't know/refused	1%	*	2%	1%	1%

61. When it comes to politics, do you consider yourself a Democrat, a Republican, an Independent or something else?

	<u>New York</u>	<u>Orange</u>	<u>Richmond</u>	<u>Rockland</u>	<u>Suffolk</u>
Republican	13%	30%	31%	24%	31%
Democrat	65%	38%	40%	45%	34%
Independent	16%	18%	18%	24%	24%
Something else	3%	9%	6%	5%	5%
Unsure	3%	4%	4%	2%	6%

62. What is your gender?

Male	46%	49%	47%	49%	49%
Female	52%	50%	52%	50%	50%
Non-binary	1%	*	--	*	1%
Don't know/refused	*	1%	1%	1%	*

EXHIBIT 2

MEDIA ANALYSIS

Method

This analysis concentrates on pretrial media publicity related to President Donald J. Trump and the case brought against him in *The People of the State of New York v. Donald J. Trump*. A researcher at PLUS Communications identified a selection of national and local online news publications (N=14) and analyzed their news coverage nationally and in five New York Counties: New York, Orange, Suffolk, Rockland, and Richmond. We analyzed the content of the news publications through utilization of 60 search terms related to current events surrounding President Trump¹:

1. \$83 Million
2. 2015 Trump Tower Meeting
3. 2016 presidential campaign
4. Access Hollywood
5. Adult film actress
6. Alina Habba
7. Alvin Bragg
8. American Media Inc.
9. Appeal
10. Battery
11. Bergdorf Goodman
12. Campaign finance violations
13. Capitol riot
14. Catch and Kill
15. Classified records
16. Concealing a document in a federal investigation
17. Concealing a document or record
18. Conspiracy to obstruct justice
19. Criminal charges
20. Defamation
21. Defamation damages
22. District Attorney
23. E. Jean Carroll
24. Falsifying/falsification business records
25. Felony

¹ The terms are representative of the following categories: (1) matters relating to this case; (2) other legal matters relating to President Trump, including E. Jean Carroll, *United States v. Donald J. Trump*, 23-cr-257 (D.D.C.), *United States v. Donald J. Trump*, 23-cr-80101 (S.D. Fla.), *Georgia v. Donald J. Trump, et al.*, 23SC188947 (Fulton Cnty.); (3) the 2016 and 2020 presidential elections; (4) the Trump Organization.

26. Fraudulent business deals
27. Hush money payments
28. Immunity
29. Indictment/indicted
30. Insurrection
31. Investigation
32. January 6th, 2021
33. Judge Aileen Cannon
34. Judge Lewis Kaplan
35. Jury
36. Justice Juan Merchan
37. Karen McDougal
38. Manhattan trial
39. Mar-a-Lago
40. National Defense Information
41. National Enquirer
42. Overturn/ing election
43. Porn star
44. Punitive damages
45. Rape
46. Reputation
47. RICO (Racketeer Influenced and Corrupt Organizations Act)
48. Sexual abuse
49. Sexual assault
50. Social media gag order
51. Solicitation
52. Stormy Daniels
53. The Trump Organization
54. Trial
55. Truth Social
56. Verdict
57. Violation
58. Willful Retention
59. Withholding a document or record
60. Witness tampering

This developed a total of 1,223 news articles ranging in date from January 15, 2024, through February 24, 2024.

Independent researchers read each article and counted the number of mentions and sentences for each search term.

RESEARCHERS' NOTE: Mentions are calculated by the number of times a search term is used in an article. Additional mentions of a search term are tallied if the article changes topics, then returns to a discussion of the search term. Sentences are calculated based on the number of sentences devoted to a search term and, as a result, often yield higher counts. If a sentence includes multiple search terms, each search term is tallied individually.

Results

Table 1: Summary Of News Coverage

Distribution by publication and County are presented in Table 1. This table reflects articles published between January 15, 2024, and February 24, 2024, which include at least one of the 60 search terms.

Publication	Number Of Articles Published
National News	709
New York Times	455
USA Today	171
Wall Street Journal	83
New York County	343
New York Post	245
Daily News	90
City & State	3
Politico NY	5
Suffolk County	164
Newsday	161
Long Island Press	2
Suffolk County Times	1
Orange County	0
Times Herald-Record	0
Mid-Hudson News	0
Richmond County	7
Staten Island Advance	7
Rockland County	0
Hudson Valley Press	0

Table 2: Distribution Of Mentions Over Time

Presented in Table 2 are total numbers and weekly averages of articles in the online news publications which include at least one search term.

RESEARCHERS' NOTE: *M = Arithmetic Mean.*

Publication	N	Weekly M
National News	709	118.2
New York Times	455	75.8
USA Today	171	28.5
Wall Street Journal	83	13.8
New York County	343	65.5
New York Post	245	40.8
Daily News	90	15
City & State	3	0.5
Politico NY	5	0.8
Suffolk County	164	27.3
Newsday	161	26.8
Long Island Press	2	0.3
Suffolk County Times	1	0.2
Orange County	0	0
Times Herald-Record	0	0
Mid-Hudson News	0	0
Richmond County	7	1.2
Staten Island Advance	7	1.2
Rockland County	0	0
Hudson Valley Press	0	0

Table 3: Total Number Of Articles Published Per Week By Geography

The breakdown of articles containing search terms per week is included below. Week 1 began Monday, January 15, 2024, and weeks continue, beginning on the subsequent Monday. Details of the total published article breakdown by week are included in Table 3.

Content	National	New York Co.	Suffolk Co.	Orange Co.	Richmond Co.	Rockland Co.	Total
Week 1 (1/15-1/21)	131	56	28	0	1	0	216
Week 2 (1/22-1/28)	144	62	32	0	0	0	238
Week 3 (1/29-2/4)	81	46	31	0	1	0	159
Week 4 (2/5-2/11)	153	72	32	0	2	0	259
Week 5 (2/12-2/18)	133	66	21	0	2	0	222
Week 6 (2/19-2/24)	67	41	20	0	1	0	129
TOTAL	709	343	164	0	7	0	1,223

Table 4: Search Term Results By Geography

Detailed in Table 4 are (1) total number of mentions of each search term, and (2) total number of sentences devoted to each search term.

Search Term	National Publications		New York Co. Publications		Suffolk Co. Publications		Orange Co. Publications		Richmond Co. Publications		Rockland Co. Publications		TOTAL Ment.	TOTAL Sent.
	Mentions	Sentences	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.		
\$83 Million	102	108	38	40	19	20	0	0	0	0	0	0	159	168
2015 Trump Tower Meeting	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2016 Presidential Campaign	90	97	37	40	17	17	0	0	2	2	0	0	146	155

Search Term	National Publications		New York Co. Publications		Suffolk Co. Publications		Orange Co. Publications		Richmond Co. Publications		Rockland Co. Publications		TOTAL Ment.	TOTAL Sent.
	Mentions	Sentences	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.		
Access Hollywood	6	6	7	8	4	4	0	0	0	0	0	0	17	18
Adult Film Actress	9	9	1	1	0	0	0	0	0	0	0	0	10	10
Alina Habba	91	176	49	86	42	70	0	0	0	0	0	0	182	307
Alvin Bragg	65	129	36	61	17	40	0	0	0	0	0	0	118	230
American Media Inc.	0	0	0	0	1	1	0	0	0	0	0	0	1	1
Appeal	179	239	88	128	52	62	0	0	0	0	0	0	586	429
Battery	4	4	1	1	0	0	0	0	0	0	0	0	5	5
Bergdorf Goodman	12	12	19	21	7	7	0	0	0	0	0	0	38	40
Campaign Finance Violations	3	3	4	4	1	1	0	0	0	0	0	0	8	8
Capitol Riot	62	75	46	51	18	19	0	0	1	1	0	0	127	146
Catch And Kill	0	0	1	1	0	0	0	0	0	0	0	0	1	1
Classified Records	144	213	48	88	56	68	0	0	2	6	0	0	250	375
Concealing A Document In A Federal Investigation	2	3	3	3	1	1	0	0	0	0	0	0	6	7
Concealing A Document Or Record	10	10	8	8	0	0	0	0	0	0	0	0	18	18
Conspiracy To Obstruct Justice	9	11	3	3	0	0	0	0	0	0	0	0	12	14
Criminal Charges	192	206	75	84	37	40	0	0	4	4	0	0	308	334

Search Term	National Publications		New York Co. Publications		Suffolk Co. Publications		Orange Co. Publications		Richmond Co. Publications		Rockland Co. Publications		TOTAL Ment.	TOTAL Sent.
	Mentions	Sentences	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.		
Defamation	222	256	99	137	63	69	0	0	0	0	0	0	384	462
Defamation Damages	34	37	14	14	5	5	0	0	0	0	0	0	53	56
District Attorney	186	241	133	170	49	50	0	0	0	0	0	0	368	461
E. Jean Carrol	377	782	167	390	124	292	0	0	0	0	0	0	668	1,464
Falsifying/ Falsification Business Records	35	42	26	26	18	35	0	0	0	0	0	0	79	103
Felony	120	127	55	56	22	25	0	0	2	2	0	0	199	210
Fraudulent Business Deals	48	62	30	34	6	7	0	0	0	0	0	0	84	103
Hush Money Payments	80	92	38	40	24	25	0	0	0	0	0	0	142	157
Immunity	181	264	54	94	35	51	0	0	1	1	0	0	271	410
Indictment/ Indicted	167	190	87	102	53	58	0	0	0	0	0	0	307	350
Insurrection	210	287	55	73	62	70	0	0	5	7	0	0	332	437
Investigation	92	123	54	66	37	49	0	0	1	1	0	0	184	239
January 6 th , 2021	330	404	120	141	93	111	0	0	5	9	0	0	548	665
Judge Aileen Cannon	26	39	6	6	8	8	0	0	0	0	0	0	40	53
Judge Lewis Kaplan	118	213	52	97	40	55	0	0	0	0	0	0	210	365
Jury	298	380	140	174	93	126	0	0	1	1	0	0	532	681
Justice Juan Merchan	29	48	12	13	8	9	0	0	0	0	0	0	49	70

	National Publications		New York Co. Publications		Suffolk Co. Publications		Orange Co. Publications		Richmond Co. Publications		Rockland Co. Publications			
Search Term	Mentions	Sentences	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	TOTAL Ment.	TOTAL Sent.
Karen McDougal	3	3	5	8	2	2	0	0	0	0	0	0	10	13
Manhattan Trial	110	200	93	174	4	4	0	0	0	0	0	0	207	378
Mar-a-Lago	66	75	35	35	36	44	0	0	1	1	0	0	138	155
National Defense Information	5	6	3	3	0	0	0	0	0	0	0	0	8	9
National Enquirer	0	0	2	2	3	11	0	0	0	0	0	0	5	13
Overturn/Overturning Election	194	206	40	41	54	57	0	0	4	4	0	0	292	308
Porn Star	47	48	13	13	11	11	0	0	0	0	0	0	71	72
Punitive Damages	27	27	19	19	10	10	0	0	0	0	0	0	56	56
Rape	81	93	26	32	21	52	0	0	0	0	0	0	128	177
Reputation	35	37	27	33	24	28	0	0	0	0	0	0	86	98
RICO	21	26	12	13	6	7	0	0	0	0	0	0	39	46
Sexual Abuse	89	96	38	41	42	45	0	0	0	0	0	0	169	182
Sexual Assault	105	120	57	64	42	45	0	0	0	0	0	0	204	229
Social Media Gag Order	9	11	4	4	1	1	0	0	0	0	0	0	14	16
Solicitation	1	1	0	0	0	0	0	0	0	0	0	0	1	1
Stormy Daniels	30	35	23	30	11	11	0	0	0	0	0	0	64	76
The Trump Organization	51	70	47	53	29	36	0	0	0	0	0	0	127	159
Trial	472	756	180	246	156	214	0	0	5	9	0	0	813	1,229
Truth Social	83	90	65	67	2	2	0	0	0	0	0	0	150	314
Verdict	93	100	78	92	24	32	0	0	0	0	0	0	195	224

Search Term	National Publications		New York Co. Publications		Suffolk Co. Publications		Orange Co. Publications		Richmond Co. Publications		Rockland Co. Publications		TOTAL Ment.	TOTAL Sent.
	Mentions	Sentences	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.	Ment.	Sent.		
Violation	11	11	5	5	7	7	0	0	0	0	0	0	23	23
Willful Retention	21	21	15	17	0	0	0	0	1	1	0	0	37	39
Withholding A Document Or Record	6	6	4	4	3	3	0	0	0	0	0	0	13	13
Witness Tampering	0	0	0	0	0	0	0	0	0	0	0	0	0	0

###

EXHIBIT 3

Roger Williams University

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Arts & Sciences Faculty Publications

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2012

Media Exposure, Juror Decision-Making, and the Availability Heuristic

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Roger Williams University

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The Jury from NOVEMBER/DECEMBER 2012
Volume 24, Issue 5

EXPERT

The Art and Science of Litigation Advocacy

A publication of the American Society of Trial Consultants Foundation

J&J to Pay \$158M to Settle Texas Drug Case

\$1,979,228 Verdict for Retired Los Angeles Brickmason

Jury Awards \$1.5 Million in Suicide Malpractice Suit

Massachusetts Family Receives \$3.582 Million Verdict Following Untimely Death of 12-year-old Son

Media Exposure, Juror Decision-Making, and the Availability Heuristic

By Judith Platania and Jessica Crawford

ALTHOUGH MUCH OF THE RESEARCH regarding media exposure has centered on the harmful effects of pretrial publicity in criminal cases, it has been argued that civil cases may be more vulnerable to its effects compared to criminal cases (Bornstein, Whisenhunt, Nemeth, & Dunaway, 2002). In large part this appears to be due to the potential influence of media depiction of high-profile lawsuits and atypical verdict awards on judgments of liability and damages (Robbennolt & Studebaker, 2003). In our study we examined the effect of exposure to a news article (relating a verdict award in a product liability case) on juror decision-making in a conceptually similar case. We varied the amount of damages awarded by the jury in the news article as well as the amount of time between reading the article and the case summary. Our goal was to investigate whether and to what extent jurors use available information when awarding damages. In addition, we were interested in the influence of media exposure on perceptions of the plaintiff and defendant.

Media Exposure, Juror Decision-making, and the Availability Heuristic

Research addressing media exposure and trial outcome has generally focused on the role of pretrial publicity (PTP) in the context of the criminal trial. The published findings demonstrate the negative influence of pretrial publicity on verdict choice, perceptions of the defendant, and other criminal trial components (Studebaker & Penrod, 1997). Media depiction of high-profile lawsuits over the last decade however, has expanded the focus of this research into the civil arena. In various paradigms, researchers have assessed the influence of pre-trial publicity on standard of proof, liability and award determinations, and perceptions of the plaintiff and defendant. Similar to the criminal context, research finds that pretrial publicity negatively impacts the civil trial process. For example, in a study conducted by Landsman and Rakos (1994) ¹, potential jurors as well as judges read a summary depicting a product liability case. The level of biasing information

presented in the summary favored the plaintiff. However, instructions regarding how to consider the information were varied (as admissible or inadmissible). Participants exposed to pro-plaintiff information labeled as inadmissible were also instructed to disregard the information. The researchers discovered that judges as well as potential jurors perceived the defendant as liable regardless of whether or not they were instructed to disregard biasing information. Similarly, Bornstein et al. (2002) found increased ratings of liability when individuals were presented with negative information regarding the defendant compared to neutral information. Alternatively, exposure to negative media-related information about the plaintiff led to decreased ratings of liability on the part of the defendant, although not to the same extent as the plaintiff.

Exposure to media can influence perceptions of other case-related factors in addition to verdict. Specifically, individuals perceived air bags more negatively after reading news articles stating only the risks associated with their use compared to articles presenting both the risks and benefits of air bag use (Feigenson & Bailis, 2001). Similarly, Otto, Penrod, and Hirt (1990) exposed participant-jurors to negative pretrial publicity regarding the defendant and plaintiff's negligence. They found that jurors judged the defendant less negligible when they were exposed to negative information about the plaintiff (e.g., police reports) compared to exposure to neutral information regarding the plaintiff. Research also finds the magnitude of the link between media exposure and bias to be quite substantial. For example, Saks (1998) reported that his class of law students overestimated the amount awarded to individuals who experienced non-fatal injuries. Finally, Garber's (1998) large-scale study of newspaper coverage of product liability cases revealed that over 40% of plaintiff victories and 60% of punitive damages involving automobile manufacturers received newspaper coverage. This was in sharp contrast to an obvious lack of coverage of defense verdicts. This type of media exposure has the potential to shape perceptions of how the civil litigation process works.

Excessive media coverage of high profile civil settlements in recent years^[2] has also influenced perceptions of the civil trial process – specifically many people accept the idea that large monetary awards are commonplace in the legal arena (Robbennolt & Studebaker, 2003). One explanation for this belief has been offered through the availability heuristic. According to the availability heuristic, judgments of the likelihood of a particular event are a function of the ease of recalling similar, past events (MacLeod & Campbell, 1992). Additionally, our judgments of uncharacteristic events as the norm are frequently a function of the availability heuristic (Kahneman & Tversky, 1982; Tversky & Kahneman, 1974; 1973). Research has demonstrated that the availability heuristic influences a variety of decision-making situations from workplace ethics to plea-bargaining (Gregory, Mowen, & Linder, 1978; Hayibor & Wasieleski, 2009). Results converge on the idea that the manner in which information is presented can drastically alter an individual's response to that information. Unfortunately, reliance on the availability

heuristic can often lead to biased judgments. In the context of civil litigation, the consequences of relying on the availability heuristic to determine liability and damages can be significant, specifically when the available information is in the form of media coverage of the atypical award. The risk is that jurors will use this information as an anchor (i.e., a "typical" award) and adjust their own case-specific damage awards accordingly (Robbennolt & Studebaker, 2003). Ultimately, this can lead to larger damage awards decided by juries.

Our Study

In our study, we investigated the effects of exposure to a news article summarizing a verdict award in a product liability case on award determinations in a conceptually similar case. We were primarily interested in whether participants would use the availability heuristic when determining award. If so, we should also find that participants would frame their award based on the verdict award presented in the news article. In addition, we tested whether and to what extent the media exposure would influence perceptions of the plaintiff and the defendant.

An equal number of jury-eligible undergraduates and community members (N = 174) read one of three news articles describing a verdict award in a product liability case^[3]. We varied the amount awarded to the plaintiff as either \$14.25 million, \$4.75 million (the actual award), or \$800,000. We also included an article on drug testing in the workplace as a control. Three days or three weeks later, they read a case summary in a product liability case^[4] and assessed liability and damages. In the summary, the plaintiff claimed \$24,000 in past medical expenses and \$10,000 in future medical expenses. She returned to the operation of her business and did not make a claim for lost wages. In the actual case, the jury found 100% negligence against the defendant and awarded \$424,500 to the plaintiff. In addition to reading the case summary, all participants read a specific jury instruction in which they were told to disregard any information they may have received before the actual evidence was presented as a basis for judgment in the case. Eighty-seven percent indicated they understood the instructions.^[5]

Overall, 70% of our sample found the defendant liable and awarded damages. Students and community members did not differ in judgments of liability or in the amount awarded to the plaintiff (\$298,000 v. \$390,000). Of jurors who found liability on the part of the defendant, damages ranged from \$8,000 to \$5M,^[6] with the average award \$344,500, the median award \$175,000. It appears that the most salient effects of the availability heuristic were found for jurors who read the article indicating the largest award three days prior to reading the case summary. Thus, exposure to the recent verdict award in the medical device case, influenced their assessment of the printing press case. As Figure 1 demonstrates, jurors who read the article indicating an award of \$14.25M three days prior to reading the case summary, awarded the plaintiff \$1,286,000. This was significantly different from all other conditions in which awards ranged from \$96,000 to \$226,000. To echo other scholars, "even when a focal number is not particularly relevant, it can exert a bias on judgment under uncertainty"

(Birke & Fox, 1999, p. 10). Thus, our findings demonstrate the convincing effect of the availability heuristic in this context.

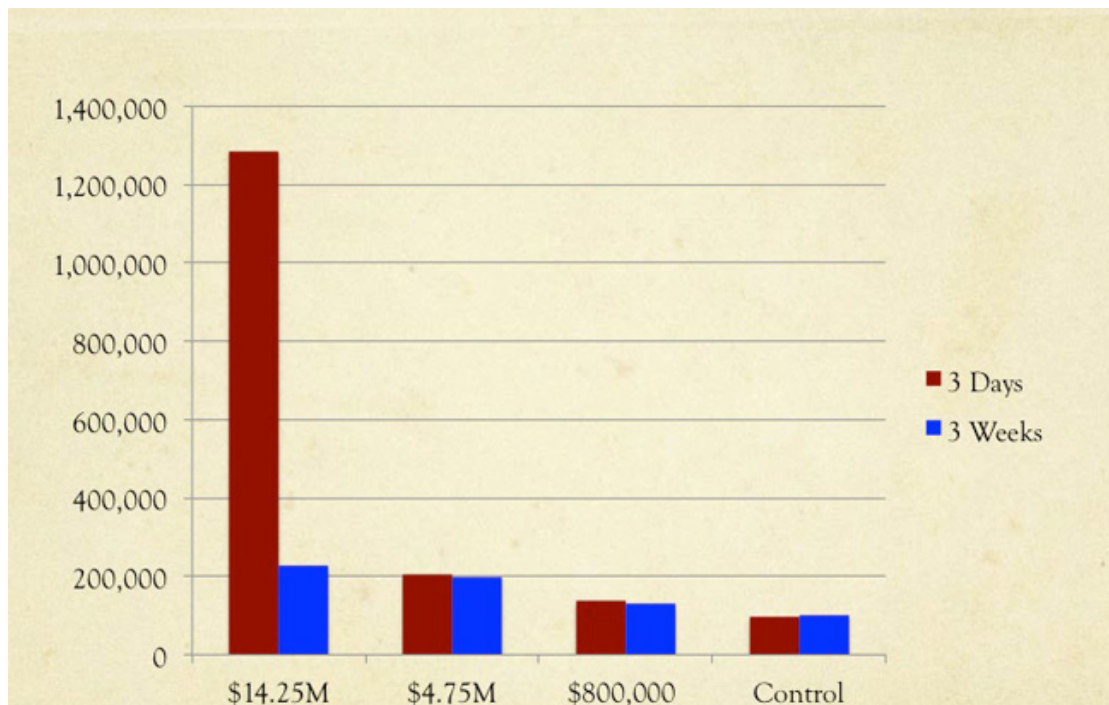


Figure 1. Amount awarded to plaintiff as a function of timing of news article and varied verdict award

Perceptions

We also tested whether media exposure would influence perceptions of the plaintiff and defendant as well as time spent considering award. As Table 1 indicates, jurors who read the article on drug testing (our control group) reported the most positive perceptions of the plaintiff. (The scores represent participant responses to a 7-point Likert scale 1 = negative and 7 = positive). In addition, this group reported spending the most time considering an award for the plaintiff. In all conditions, perceptions of the plaintiff were significantly better than perceptions of the defendant

Table 1. Verdict Award

Item	\$14.25M	\$4.75M	\$800,000	Control
Plaintiff perception	3.9	4.0	4.3	5.0
Defendant perception	3.0	3.1	3.1	3.0
Time spent considering award	3.9	4.0	4.0	4.8

As can be seen in Table 2, jurors who read the news article three weeks prior to reading the case summary reported more positive perceptions of the plaintiff and greater levels of sympathy for the plaintiff compared to our three-day delay. Similarly, jurors who read the news article three weeks prior to reading the case summary were less likely to think the plaintiff could have avoided injury compared to those who read the article three days before reading the case summary. The means reported in Table 2 were not significantly different from one another.

Table 2. Time Delay

Item	3 days	3 weeks
Plaintiff perception	4.0	4.4
Could plaintiff avoid injury	4.4	4.0
Sympathy for plaintiff	3.9	4.3

At the completion of the study we asked our participants a series of questions regarding the news article designed to test the efficacy of our manipulation. Almost all participants (90%)^[2] accurately recalled article-specific information, including award. Next, keeping in mind that 87% of our sample reported understanding the instructions, we asked our participants to indicate the impact (if any) of the article on their award determination in the printing press case on a scale ranging from 0 = No impact at all to 6 = A great deal of impact. As Figure 2 demonstrates, jurors who read the article indicating a \$14.25M verdict award three weeks prior to the case reported a greater impact on their decision in the printing press case compared to those who read the same article only three days prior to reading the case.

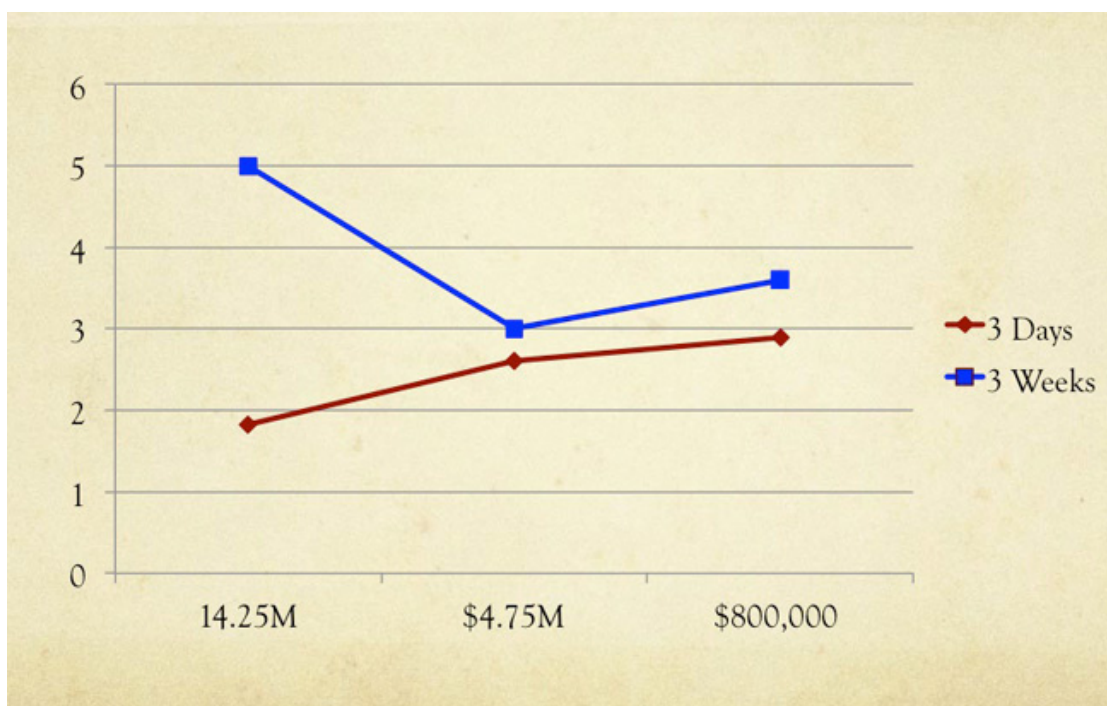


Figure 2. Responses to: “What impact (if any) did the article have on your judgment in this case” on a scale of 0 – No impact at all to 6 = A great deal of impact.

Conclusion

Although the current results support earlier research that demonstrates the biasing effects of the availability heuristic (Robbennolt & Studebaker, 2003), our findings seem to identify an important, yet subtle consequence of relying on the availability heuristic to determine liability and damages. Namely, while jurors will use available information to determine awards, they fail to acknowledge doing so (and insist they understand the directive to not consider previously observed information).

In addition, perceptions of the plaintiff differed significantly as a function of media exposure, particularly in the most salient condition – better perceptions of the plaintiff were not related to larger awards. To our knowledge, the current study is the first to demonstrate this counterintuitive finding, emphasizing the strength of the biasing effects of using available information to

determine awards. That is, exposure to the atypical award has a stronger biasing influence compared to positive perceptions of the plaintiff. Thus, the important question is how to counter the effects of the availability heuristic in this context.

In the current study, our goal was to investigate whether and to what extent jurors use available information when awarding damages. The data in our study suggest several ideas to reduce anticipated biases:

A brief continuance (for example, three days versus three weeks) significantly lessens the salient effects of media exposure, thus improving juror objectivity. However, the issue remains regarding how to effectively balance award determinations with perceptions.

One of the factors affecting availability is an object's distinctness. According to research, objects that are distinct are easier to retrieve (Tversky, & Kahneman, 1974). One way to increase availability is through repetition. In the current context, the availability heuristic appeared resistant to altering perceptions. Based on the research, in order to overcome this bias one suggestion would be to provide frequent references to vivid client- as well as case-specific information throughout the trial process. The implication is the potential for favorable decision-making through the use of repetition and vivid language.


Finally, we are aware that research has demonstrated the resistance of the availability heuristic to various remedies when presented in the context of PTP (Studebaker & Penrod, 1997). With this in mind, the evidence we provide does not directly test remedial efforts such as extended voir dire, judicial instruction, or jury deliberation. Rather, we offer data to support other researchers' findings (see Studebaker & Penrod, 1977) and to increase awareness to the biasing effects of the availability heuristic in this context. 

Illustration by Brian Patterson of Barnes & Roberts

[Judith Platania](#) is a legal psychologist and Associate Professor of Psychology at Roger Williams University. Her [current research program](#) investigates the role of non-statutory mitigating circumstances in capital sentencing decisions. The results of her most recent empirical investigations were presented at the 2012 meeting of the American Psychology-Law Society in San Juan, PR. She teaches undergraduate and graduate research methods and statistics.

[Jessica Crawford](#) is a 2012 graduate of Roger Williams University 4+1 B.A. – M.A. Program in Forensic Psychology. She is currently employed as a jail diversion clinician with the Milford MA Police Department. Her academic/professional interests include working with juveniles, forensic populations, and research in the area of jury selection.

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Endnotes

- [1] Stimulus materials were not depicted as pretrial publicity, but rather as information presented during trial.
- [2] E.g., tobacco industry litigation, celebrity cases, etc.
- [3] An actual case in which a jury ordered a medical-device company to pay \$4.75 million to a Portland man in a product liability lawsuit (Jung, 2010). To summarize the case: The jury found I-Flow Corporation liable for destroying the cartilage in the plaintiff's right shoulder and leaving the 38-year-old father of four with constant pain and a disabled arm. The plaintiff picked up a muscle injury in 2004 playing football with his children. He underwent arthroscopic surgery to repair the muscle at which time the surgeon also inserted the pain pump into the shoulder joint where it delivered medicine for several days. The plaintiff began to recover but after six months found himself in excruciating pain. He has had a partial shoulder replacement and faces three to five replacements in his lifetime, the plaintiff's expert testified. Although he can still do his job as a commodities broker, it's unlikely he will be able to continue in his work until retirement age because of intensifying pain. He now suffers from a condition called chondrolysis, which is a severe deterioration of cartilage.
- [4] An actual case taken from Jury Verdict Review and Analysis (2001). To summarize the case: The female plaintiff, age 46 at trial, alleged that the defendant printing press service company negligently failed to advise her that the safety mechanism on her printing press was not functioning. As a result, the plaintiff alleged she sustained permanent injuries to her dominant right arm when it was crushed under a portion of the press. The defendant maintained that it was not asked to perform a safety evaluation of the subject printing press and had no duty to advise the plaintiff concerning its safety features. The plaintiff's mechanical engineer testified that the printing press short-circuited causing the unexpected cycle of the press. He testified that a safety mechanism, which should have prevented operation of the machine when the glass was raised, had been deactivated from the printing press. The plaintiff's expert also testified that the injury to the plaintiff's arm could not have occurred had the safety mechanism been in place at the time in question.
- [5] The average response was 5.4 on a scale of 1 = No understanding at all to 6 = Complete understanding.
- [6] \$5M was not an outlier value. Ten values were between \$1M and \$5M.
- [7] excluding our control group

EXHIBIT 4

Here's what to know about the charges against Trump in Manhattan.



The Manhattan district attorney, Alvin L. Bragg, mentioned three potential underlying crimes committed by Donald J. Trump, including violation of state and federal election law. Dave Sanders for The New York Times

Former President Donald J. Trump is facing 34 felony counts of falsifying business records in the first degree as part of what the Manhattan district attorney's office says was a scheme to influence the 2016 presidential election.

The charges trace back to a \$130,000 hush-money payment that Mr. Trump's fixer, Michael D. Cohen, made to a porn star, Stormy Daniels, in the final days of the 2016 campaign. The payment, which Mr. Cohen said he made at Mr. Trump's direction, suppressed her story of a sexual liaison she says she had with Mr. Trump.

While serving as the commander in chief, Mr. Trump reimbursed Mr. Cohen, and that's where the fraud kicked in, prosecutors say.

In internal records, Mr. Trump's company classified the repayment to Mr. Cohen as legal expenses, citing a retainer agreement. Yet there were no such expenses, the prosecutors say, and the retainer agreement was fictional as well.

Those records underpin the 34 counts of falsifying business records: 11 counts involve the checks, 11 center on monthly invoices Mr. Cohen submitted to the company, and 12 involve entries in the general ledger for Mr. Trump's trust.

Though the district attorney's office typically charges it as a felony, falsifying business records can also be a misdemeanor. To elevate the accusation, the district attorney, Alvin L. Bragg must prove that Mr. Trump's "intent to defraud" was in service of a second crime.

Mr. Bragg's prosecutors have mentioned three potential underlying crimes, including violation of state and federal election law. But prosecutors need not convict Mr. Trump of a second crime, only show that there was intent to "commit or conceal" a second crime.

The charges against Mr. Trump are all Class E felonies, which are the lowest category of felony offense in New York and carry a maximum prison sentence of four years per count, though if Mr. Trump is ultimately convicted in the case, a judge could sentence him to probation.

[Show less](#)



Feb. 15, 2024, 11:44 a.m. ET
Jonah Bromwich



The courtroom has cleared, journalists have retired to the press room and Trump has left the area.



Feb. 15, 2024, 11:35 a.m. ET
Michael Gold



Donald Trump said outside the courtroom that the trial would keep him from campaigning, while vowing to be in court during the day and then hitting the trail at night. For months, Trump has insisted that his legal troubles had been keeping him off the trail, although his schedule had been light, even without trial dates. But before now, Trump had largely been appearing at civil cases where his presence was not required.

EXHIBIT 5

Manhattan's District Attorney Is Quietly Preparing for a Trump Trial

As prosecutors navigate calendars and appeals, Alvin L. Bragg may take the former president's first criminal case to trial. He has said that covering up a hush-money payment was a fraud on voters.

By Ben Protess, Jonah E. Bromwich and William K. Rashbaum

Jan. 25, 2024

Federal prosecutors have accused Donald J. Trump of plotting to subvert American democracy and mishandling nuclear secrets. But with those cases in limbo, state prosecutors in Manhattan are gearing up as though they will be the first to try the former president on criminal charges — for covering up a potential sex scandal.

The Manhattan district attorney's office has begun to approach witnesses to prepare them for trial, including Michael D. Cohen, Mr. Trump's former fixer, according to people with knowledge of the matter. He and at least two others involved in buying a porn star's silence about her story of a tryst with Mr. Trump are expected to meet with prosecutors in the coming weeks.

With the potential trial drawing near, the district attorney, Alvin L. Bragg, has also added one of his most experienced trial lawyers to the team assigned to prosecute Mr. Trump.

And in recent public appearances, Mr. Bragg has presented the loftiest possible conception of the case, casting it as a clear-cut instance of election interference, in which a candidate defrauded the American people to win the White House in 2016. Mr. Trump did so, the district attorney argues, by concealing an illegal payoff to the porn star, thus hiding damaging information from voters just days before they headed to the polls.

“The case — the core of it — is not money for sex,” Mr. Bragg said in a radio interview last month, objecting to news outlets’ longstanding characterization of it as a hush-money case. “We would say it’s about conspiring to corrupt a presidential election and then lying in New York business records to cover it up. That’s the heart of the case.”

With this rebranding, Mr. Bragg is trying to amplify the importance of his charges and draw a parallel with the highly consequential federal case in Washington, D.C., in which Mr. Trump is accused of seeking to overturn the 2020 election. That trial is scheduled to begin on March 4, three weeks before Mr. Bragg’s case, but appeals could push it into late spring or summer.

If the federal case is delayed by several months, Mr. Bragg would most likely be the first prosecutor to put a former American president on trial, even as he has conveyed a willingness to wait. Although he was the first to secure an indictment of Mr. Trump, Mr. Bragg has said he will not “stand on ceremony,” all but encouraging the federal trials to jump ahead of his in line.

Mr. Trump’s docket includes four indictments comprising 91 felony counts as well as a civil fraud trial and a defamation case that together could cost him hundreds of millions of dollars. The cases are unfolding against the backdrop of the contest for the Republican presidential nomination, which Mr. Trump is on track to secure after a victory in New Hampshire’s primary on Tuesday. His legal troubles have become an essential element of his campaign as he portrays himself as a political martyr fighting the Democratic elite.

Donald J. Trump has used his court appearances to portray himself as a political martyr. Jefferson Siegel for The New York Times

At the civil fraud trial this month, he delivered his own closing statement, combining his greatest hits from the campaign trail — his accusers are leading a “witch hunt,” the case is a “fraud on me” — with specific attacks on the case against him. “We have a situation where I’m an innocent man,” he said.

And at the defamation trial, when the judge threatened to expel him from the courtroom, the former president replied, “I would love it.”

Although Mr. Trump is making the most of his alternating campaign trail and courthouse appearances, delay is one of his most battle-tested legal strategies, and he has tried to maneuver around all four trials, in hopes of wrapping up the election without ever facing a jury.

But if Mr. Trump must be judged — and he probably will be at least once before the election — there are advantages for him in Mr. Bragg’s case going first. The district attorney’s indictment jump-started the former president’s online fund-raising this spring, riling up his base.

Even some Democrats have argued that the Manhattan prosecution pales in comparison to the one in Washington. The federal case, they say, would spotlight the worst day of Mr. Trump's presidency, when a pro-Trump mob stormed the Capitol on Jan. 6, 2021, and it would feature testimony from former senior aides, reminding the electorate of the perils of having Mr. Trump in the Oval Office.

Mr. Trump might be more eager to face the witnesses in the Manhattan case, including Mr. Cohen, his former fixer turned antagonist. In the final days of the 2016 presidential campaign, Mr. Cohen made the \$130,000 hush-money payment to the porn star, Stormy Daniels. Mr. Cohen has said he was acting on orders from Mr. Trump, who later reimbursed him, signing some of the checks from the White House.

Mr. Bragg seized on those checks and other documents, accusing Mr. Trump of lying about the repayment to Mr. Cohen to hide its true purpose. The former president's company falsely classified the reimbursement in internal records as a "legal expense," leading Mr. Bragg to charge Mr. Trump with 34 felony counts of falsifying business records.

The former president has missed few opportunities to savage his former fixer, Michael D. Cohen, right, who is set to testify against him. Jefferson Siegel for The New York Times

Mr. Trump, whose lawyers in the case are Susan R. Necheles and Todd Blanche, savors any opportunity to attack Mr. Cohen's credibility, calling him a "liar" and a "rat."

And yet the jury pool in heavily Democratic Manhattan could be sympathetic to Mr. Bragg's case. In 2022, a Manhattan jury convicted Mr. Trump's company of tax fraud, and some of the same prosecutors who led that trial will also handle the case against the former president himself.

Susan Hoffinger, the head of the office's investigations division, is a leader on the team. Joshua Steinglass, a well-regarded trial lawyer who with Ms. Hoffinger led the successful effort to convict Mr. Trump's company, was recently added. They will be joined by Chris Conroy, who has worked on the case longer than any other member of the team, and Matthew Colangelo, a former senior official at the Justice Department.

The Manhattan case also presents a unique threat to Mr. Trump. Unlike the federal cases against him, which Mr. Trump could seek to shut down should he win back the presidency, Mr. Bragg's case is immune from federal intervention. In Manhattan, Mr. Trump would not be able to pardon himself, and if convicted, he could face up to four years in prison.

Mr. Trump tried to have the case moved to federal court, but failed. The federal judge evaluating Mr. Trump's request ordered that it remain in state court and appeared to endorse the legal theory underpinning the district attorney's case.

The state court judge overseeing the case, Juan M. Merchan, is expected to set the trial date at a hearing on Feb. 15.

By then, an appeals court in Washington may have ruled on Mr. Trump's bid to have the federal election case thrown out. If the court rules against Mr. Trump, as it appears likely to do, the case could be set for trial even as Mr. Trump appeals to the

Supreme Court. In that event, the federal special counsel who brought the case, Jack Smith, might go to trial before Mr. Bragg. (Because defendants have the right to attend their own trials, the two would not take place concurrently.)

But if Mr. Smith's case is still stalled, Justice Merchan could stick with his current plan to begin the Manhattan trial on March 25. And if Mr. Bragg does in fact go first, his effort to paint Mr. Trump as undermining the integrity of a presidential election could take on even greater importance, as he seeks to persuade the public of the righteousness of his case.

A court filing summarizing the case featured two other hush-money payments during Mr. Trump's first campaign: one to a former Playboy model, Karen McDougal, who said she had an affair with Mr. Trump, and another to a doorman who sought to sell an embarrassing story about the candidate in 2015.

That pattern has led the district attorney to accuse the former president of doing something far more significant than covering up sordid tabloid stories.

"It's an election interference case," Mr. Bragg said in a recent television interview.

Ben Protess is an investigative reporter at The Times, writing about public corruption. He has been covering the various criminal investigations into former President Trump and his allies. [More about Ben Protess](#)

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A version of this article appears in print on , Section A, Page 20 of the New York edition with the headline: Bragg Reframes His Trial's Significance

EXHIBIT 6

Judge Sets a March 25 Trial for Trump's Criminal Hush-Money Case

Justice Juan M. Merchan will preside over a Manhattan trial in which Donald J. Trump is accused of disguising payments to a porn star. It would be the first trial of a former president.

By Jonah E. Bromwich, Ben Protess and Kate Christobek

Feb. 15, 2024

Two presidential campaigns ago, Donald J. Trump faced a brewing sex scandal that threatened to derail his bid for the White House.

On Thursday, a New York judge ensured that the very same scandal will loom over Mr. Trump's latest run for president, scheduling for March 25 a trial that could jeopardize his campaign — and his freedom.

The judge, Juan M. Merchan, rejected Mr. Trump's bid to throw out the Manhattan district attorney's criminal charges against him that stem from a hush-money payment to a porn star in 2016. By setting a trial date for next month, Justice Merchan cleared the way for the first prosecution of a former American president in the nation's history, ensuring that Mr. Trump will face at least one jury before Election Day.

The ruling is a crucial victory for the district attorney, Alvin L. Bragg. He said he was “pleased” by the judge's decision and was looking forward to the trial, where Mr. Trump is facing 34 felony charges and, if convicted, a maximum sentence of four years in prison.

Justice Merchan's decision will reorient the public perception of Mr. Trump's convoluted legal conundrum, drawing the nation's bleary eyes to Manhattan. Overall, the former president is facing 91 felony counts across four criminal

indictments from prosecutors in Washington, Florida and Georgia, as well as Manhattan, all while he seeks to lock up the Republican presidential nomination. Never before has a former president wrestled with even one criminal indictment.

Until recently, Mr. Trump's federal case in Washington was first on the calendar. That case, in which the former president is charged with plotting to overturn the 2020 election, is widely thought to be the most consequential of the Trump criminal prosecutions. But the Thursday hearing cemented the reality that the Manhattan trial will soon begin.

Mr. Trump portrays the Manhattan case as trivial and too old to be relevant, but it presents a formidable threat. Unlike the federal cases in Washington and Florida, which Mr. Trump could try to shut down should he regain the White House, Mr. Bragg's case is insulated from federal intervention. Mr. Trump would not be able to pardon himself or otherwise deploy the presidency as a legal shield.



Thursday's hearing represented a victory for District Attorney Alvin L. Bragg's theory of the case. Dave Sanders for The New York Times

Justice Merchan's ruling also represented a forceful rejection of Mr. Trump's most battle-tested legal strategy: running out the clock. Facing a lengthy legal docket in courtrooms up and down the East Coast, Mr. Trump has sought to turn the calendar to his advantage, pushing for appeals and delays until November, on the assumption that the cases will halt if he is elected.

Mr. Trump attended the Lower Manhattan hearing on Thursday, and was more subdued than usual, sitting quietly with his arms at his sides as the judge scheduled the trial. As the hearing went on, he started blankly ahead, at times looking toward the ceiling, his red tie askew.

His lawyers objected fiercely to the judge's decision that jury selection should begin on March 25, noting that the six-week trial would conflict with Mr. Trump's presidential campaign and with other court cases.

One of the former president's lawyers, Todd Blanche, called the schedule "unfathomable," arguing that "we are in the middle of primary season," and claiming that the trial would overlap with dozens of Republican primaries and caucuses.

But Justice Merchan was impatient with such arguments. From the beginning of the hearing, the judge bristled at Mr. Blanche's opposition to the date, at one point instructing him to "stop interrupting me, please." He allowed Mr. Blanche little leeway to filibuster on behalf of his client, as Mr. Trump's lawyers often do.



Todd Blanche, one of Mr. Trump's lawyers, was repeatedly silenced by the judge as he argued for a delay in the trial. Jefferson Siegel for The New York Times

Justice Merchan was also curt in denying the defense's request to throw out the case. Mr. Trump's lawyers had derided it as "discombobulated" and "marred by legal defects and procedural failures." The judge was unconvinced. He declined to dismiss the charges, without elaborating.

Mr. Bragg last year became the first prosecutor to obtain an indictment of Mr. Trump. The charges accuse the former president of covering up a potential sex scandal involving the porn star Stormy Daniels during and after the 2016 presidential campaign. Mr. Bragg cast his case as an example of Mr. Trump's interfering in an election: Prosecutors argue that he hid damaging information from voters just days before they headed to the polls.

Mr. Bragg had been willing for the Washington election interference case to jump ahead in line, underscoring its historical significance. But appeals from Mr. Trump postponed that trial, which had initially been scheduled for March 4.

The timing of Mr. Bragg's trial leaves the door open for Mr. Trump's Washington trial to take place in the late spring or early summer. The fate of that case is now in the hands of the Supreme Court.

Mr. Bragg's case is best known for its salacious underlying facts: During the 2016 campaign, Ms. Daniels threatened to go public with her story of a tryst with Mr. Trump, who then authorized a \$130,000 payoff to keep her quiet.

The case might come down to the word of Mr. Trump's former fixer, Michael D. Cohen, who paid Ms. Daniels just days before voters went to the polls. Once Mr. Trump was elected, he reimbursed Mr. Cohen — and that is where the crime occurred, prosecutors say.

Mr. Cohen, the prosecution's star witness, is expected to testify that Mr. Trump authorized his family business to falsely record the reimbursements as legal expenses. And indeed the company described the repayments in internal records as part of a "retainer agreement," when in fact no such agreement existed.

Mr. Trump's lawyers had argued that Justice Merchan should throw out the case, calling Mr. Cohen a liar and disputing whether the charges should even be felonies. For falsifying business records to be a felony, Mr. Bragg's prosecutors must show that Mr. Trump intended to commit or conceal another crime.

The prosecutors have invoked potential violations of federal election law — under the theory that the payout served as an illegal donation to Mr. Trump's campaign — as well as a state election law that bars any conspiracy to promote "the election of any person to a public office by unlawful means." Justice Merchan endorsed that theory of the case.

Beyond Justice Merchan's courtroom, this week is a perilous one for Mr. Trump. On Friday, another New York judge is expected to deliver a final ruling in a civil fraud case against Mr. Trump. The judge, Arthur F. Engoron, is weighing the New York attorney general's request that he penalize Mr. Trump nearly \$370 million and effectively oust him from the New York business world.

In the Georgia case, Mr. Trump is accused of seeking to subvert the 2020 election results in that state. On Thursday, at the same time that Mr. Trump was in Justice Merchan's courtroom, there was a hearing in Atlanta concerning a romantic relationship between the two prosecutors leading the Georgia case.

But while the other cases remain mired in the pretrial period, at Justice Merchan's hearing on Thursday, attention turned swiftly to practical questions about the coming proceedings, including how a jury would be chosen. Prosecutors requested that they be permitted to ask jurors whether they believed the 2020 election had been stolen, arguing that an affirmative answer might suggest they are willing to "blindly rely" on Mr. Trump's statements more generally. The defense objected, and the judge withheld a final ruling for now.

The defense also lashed out at Mr. Cohen, accusing him — as Mr. Trump's lawyers have in the past — of having perjured himself at the former president's recent civil fraud trial in Manhattan. Prosecutors responded only to say that Mr. Cohen could be cross-examined at trial.

Mr. Cohen himself was in New York on Thursday, but was not present in the courtroom. He was in Midtown, helping to promote an Off Broadway musical about Mr. Trump and various women in his life, including Ms. Daniels.

Jonah E. Bromwich covers criminal justice in New York, with a focus on the Manhattan district attorney's office, state criminal courts in Manhattan and New York City's jails. [More about Jonah E. Bromwich](#)

Ben Protess is an investigative reporter at The Times, writing about public corruption. He has been covering the various criminal investigations into former President Trump and his allies. [More about Ben Protess](#)

A version of this article appears in print on , Section A, Page 14 of the New York edition with the headline: Trump Hush-Money Trial Date Is in March, Threatening His Bid

EXHIBIT 7

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<https://www.wsj.com/us-news/trump-hush-money-prosecution-in-new-york-returns-to-the-spotlight-e6832b97>

U.S.

Trump Hush-Money Prosecution in New York Returns to the Spotlight

Manhattan case is currently slated for trial in late March

By [Corinne Ramey](#) [Follow](#) and [James Fanelli](#) [Follow](#)

Feb. 6, 2024 9:00 am ET



Former President Donald Trump accuses the district attorney of prosecuting him for political reasons. PHOTO: SHANNON STAPLETON/AGENCE FRANCE-PRESSE/GETTY IMAGES

The Manhattan hush-money case against Donald Trump, once seen as having the lowest stakes of the four prosecutions he faces, could now be poised to make history as the first criminal case against a former president to be heard by a jury.

Trump faces a slew of charges in two federal cases and in Georgia—including for alleged election interference and wrongfully retaining classified documents after leaving the White House—but those cases are at least months away from going to trial. He has pleaded not guilty in each of the four prosecutions.

The New York trial, currently set to start on March 25, jumped to the front of the line after a federal judge in Washington last week indefinitely postponed a trial,

previously scheduled for March 4, on charges that Trump plotted to overturn the 2020 presidential election. That case has been in limbo while an appeals court considered whether Trump is immune from prosecution for actions he took while president. A three-judge panel on Tuesday rejected Trump's immunity claim, but that battle isn't yet over.

Manhattan District Attorney Alvin Bragg in April 2023 unveiled an indictment accusing Trump of 34 felony counts of falsifying business records, making him the first prosecutor to charge a former president with a crime. Bragg alleged that Trump orchestrated a scheme to influence the 2016 presidential election by paying off porn star Stormy Daniels, who alleged she had an affair with the former president, to secure her silence. The 34 felony counts relate to Trump's reimbursements to his former lawyer, Michael Cohen, and records kept by the Trump Organization.

Trump, who has denied the affair, has accused Bragg, a Democrat, of prosecuting him for political reasons.

"Barring an act of God, that case is going forward," said Karen Friedman Agnifilo, a former official in the Manhattan district attorney's office. The case may be smaller in scope than the others, but it is still important, she said.

Some legal observers have questioned the strength of Bragg's case and what potential impact it might have. A prosecutor hired by Bragg's predecessor opted not to pursue charges, saying there was a substantial chance a court could dismiss the felony counts because they relied on an untested legal theory. Even if Trump were convicted of the felony offenses, critics have said, he wouldn't necessarily face prison time. Many first-time white-collar offenders convicted of similar offenses aren't sentenced to incarceration, former prosecutors said.

Bragg does have some advantages over the other Trump prosecutions because his case is less sprawling, said Jessica Roth, a professor at Yeshiva University's Cardozo School of Law. The narrower set of charges makes it easier to try in court, she said.

"It's just a less sweeping case to present," Roth said.

The looming trial comes amid a primary season during which Trump, the Republican presidential front-runner, has interspersed campaign stops with court appearances. In addition to the four criminal cases, Trump owes an \$83.3 million judgment, stemming from a defamation lawsuit filed by an advice columnist, and is awaiting a ruling from a New York judge on the state attorney general's civil-fraud suit against him, which seeks \$370 million in financial penalties. Trump has denied wrongdoing in both civil cases.

Justice Juan Merchan, who is presiding over the Manhattan criminal case, is set to hold a Feb. 15 hearing to rule on various motions and finalize a trial date. While Merchan initially set March 25 as the firm start, he later said the parties would discuss the date at the February hearing due to what the judge called Trump's "rapidly evolving trial schedule."

Trump's lawyers have asked the judge to toss the case, arguing that the conduct in question is too old and that the former president is being unfairly targeted for political reasons. They have argued that the charges aren't legally sound under New York law, including because the records in question don't relate to a business.



Manhattan District Attorney Alvin Bragg is the first prosecutor to charge a former president with a crime. PHOTO: LEV RADIN/ZUMA PRESS

"The payments were made to President Trump's personal lawyer, from President Trump's personal accounts, and documented on President Trump's personal ledgers, effectively his personal checkbook," his lawyers wrote.

They also argue prosecutors didn't establish that Trump falsified business records to commit or conceal another crime, which is legally required for the offense to be charged as a felony.

Bragg's prosecutors argue that while they aren't required to specify any other crimes, Trump falsified business records to commit various offenses, including violations of federal and state election law.

Last year, Merchan declined to recuse himself from the hush-money case after Trump alleged he couldn't be impartial because at the time his daughter worked for a digital agency with Democratic clients. Merchan's daughter could benefit financially if he were convicted, Trump argued. Trump also highlighted three small political donations Merchan had made to progressive causes and President Biden's campaign.

"This Court has examined its conscience and is certain in its ability to be fair and impartial," Merchan wrote in a ruling.

Merchan, who has handled felony trials for 15 years, presided over a tax-fraud case against the Trump Organization in 2022. A jury found that the company compensated some executives with off-the-books perks like car leases, rent-free apartments and school tuition.

Allen Weisselberg, the Trump Organization's former chief financial officer, was sentenced by Merchan to five months in jail for his role in the scheme.

Weisselberg had previously pleaded guilty and testified against the company in the tax case.

Now that the hush-money case is set to be first out of the gate, judges and lawyers will likely watch closely how Merchan handles any challenges of having the former president in his courtroom, said Friedman Agnifilo, the former Manhattan official.

"When there is a jury present you have to protect the jury at all costs," she said.

Write to Corinne Ramey at corinne.ramey@wsj.com and James Fanelli at james.fanelli@wsj.com

Appeared in the February 7, 2024, print edition as 'Trump Hush-Money Case Could Be Next'.

EXHIBIT 8

Jury's \$83 million Trump verdict is \$1 for every reason he should not be president — LEONARD GREENE



Former President Donald Trump on Jan. 11 at his civil fraud trial in Manhattan Supreme Court. (Curtis Means/Daily Mail via AP, Pool)



By LEONARD GREENE | lgreene@nydailynews.com | New York Daily News

PUBLISHED: January 28, 2024 at 4:17 p.m. | UPDATED: January 28, 2024 at 4:24 p.m.

I don't understand America anymore.

Imagine if the company where you work spends months trying to fire you, and when they can't fire you, they just decide not to renew your contract and hire someone else for the job.

But you won't leave quietly. Instead, in a selfish effort to keep your job, you incite a violent riot that gets people killed, and puts the company at risk.

Then on your way out the door, after they take away your key card and your company phone, you help yourself to sensitive documents and store them in your home.

Part 1 of 1 (2/28/24)

You leave the job, reluctantly, but you can't stop criticizing your replacement, or whining about how the removal process was rigged against you.

You vow to get your job back. But instead of being on your best behavior, you run afoul of the law, over and over again. This prosecutor says you're a cheat, that plaintiff says you're a rapist.

00:09

01:12

Kim Jong Un may meet with Vladimir Putin in Russia this month



In this courtroom sketch, former President Donald Trump gesticulates and makes loud statements to his attorney Alina Habba, right, during his civil trial Thursday in Manhattan Federal Court. (Elizabeth Williams via AP)

A jury says you owe that plaintiff \$83 million for destroying her reputation.

America, meet Donald Trump.

Only in America could a president get impeached — twice — stage an insurrection, perpetrate an alleged fraud with a business that launched him to stardom, be accused of sexual assault and defamation, and still be in a position to run the country again.

Well, that's not entirely true. That happens in plenty of other countries, mostly third-world nations and dictatorships.

But Trump, when asked if he would abuse power or punish his enemies if he returned to the White House, assured voters he has no plans to be a dictator.

"Except for day one," the presidential hopeful said. "We're closing the border and we're drilling, drilling, drilling. After that, I'm not a dictator."



Republican presidential candidate Donald Trump speaks at a primary election night party in Nashua, N.H., on Tuesday. (AP Photo/Matt Rourke)

This is what Trump said before he won the Iowa caucuses, before he won the New Hampshire primary last week.

This is what he has said and done for years, and people still vote for him.

I don't understand America anymore.

President Biden says Trump is a threat to democracy.

"He's saying it out loud," said Biden, a Democrat who is running for reelection. "The other day he said he wants to be a dictator only on one day, wipe out the civil servants and a whole range of other things," Biden told donors at a campaign event in Philadelphia. "He embraces political violence instead of rejecting it. We can't let that happen."

Even one day as a dictator is one day too many. Even one day abusing power is a day we can't get back.

A lot can happen in a day. The world can change in 24 hours. Supreme Court judges can be appointed. Abortion rights can be overturned. Affirmative action can be wiped out.

Jan. 6 happened in just one day, while Trump was still president.

Still, Trump is still cruising to the Republican nomination, with all his challengers dropping like flies.



Republican presidential candidate former President Donald Trump steps on stage to at a campaign event in Manchester, N.H., on Jan. 20, 2024. (AP Photo/Matt Rourke)

Chris Christie, gone. Ron DeSantis, adios. Tim Scott, making kissing noises in the background.

All before a single primary vote was cast.

That leaves former UN Ambassador Nikki Haley, South Carolina's former governor, as the only challenger left standing. But her days are probably numbered.

Meanwhile, that federal jury ruled that Trump must pay \$83 million in damages for defamatory statements he made while denying he sexually assaulted the writer E. Jean Carroll.

Eighty-three million. That's one dollar for every reason Trump should never be president again.

EXHIBIT 9

BREAKING NEWS

Hunter Biden rejects Republicans' invitation to appear at public hearing: 'Carnival sideshow'

POLITICS






 102 Comments

Feds asked banks to search customer data for 'Trump,' 'MAGA' references after Capitol riot: Rep. Jim Jordan

By Victor Nava

Published Jan. 17, 2024, 9:31 p.m. ET



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Feds asked banks to search customer data for 'Trump,' 'MAGA' references after Capitol riot: Rep. Jim Jordan

Federal investigators **asked financial institutions** to use search terms such as "TRUMP" and "MAGA" when combing over customer data in the aftermath of the Jan. 6 Capitol riot, Rep. Jim Jordan (R-Ohio) revealed Wednesday.

The request came from the Treasury Department's Financial Crimes Enforcement Network (FinCen), according to documents obtained by the House Select Subcommittee on the Weaponization of the Federal Government.

The panel, headed by Jordan, demanded testimony from the agency's former Strategic Operations Division director Noah Bishoff as part of a probe into what the Ohio Republican called an "alarming" case of "pervasive financial surveillance" seemingly conducted "on the basis of protected political" speech.

"The Committee and Select Subcommittee have obtained documents indicating that following January 6, 2021, FinCEN distributed materials to financial institutions that, among other things, outline the 'typologies' of various persons of interest and provide financial institutions with suggested search terms and Merchant Category Codes (MCCs) for identifying transactions on behalf of federal law enforcement," Jordan **wrote in a letter** to Bishoff.

"These materials included a document recommending the use of generic terms like 'TRUMP' and 'MAGA' to 'search Zelle payment messages,'" he noted.



Shocking video shows off-duty cop punching driver who honked at him at red light

NOW ON

Page Six



'Riverdale' star Vanessa Morgan 'went through two years of pain' divorcing Michael Kopech while pregnant

Drake Bell details 'extensive' and 'brutal' sexual abuse by Nickelodeon dialogue coach Brian Peck

Sydney Sweeney channels vintage Madonna in white dress and thigh-high lace sock-shoes at SXSW



Jordan called the financial surveillance “alarming,”
AP

FinCen also passed along its analysis of “Lone Actor/Homegrown Violent Extremism Indicators” to financial institutions helping the government look for suspects involved in the Capitol riot, according to Jordan, which warned that “extremism” indicators include purchases such as “bus tickets, rental cars, or plane tickets, for travel to areas with no apparent purpose” or “the purchase of books (including religious texts) and subscriptions to other media containing extremist views.”

“In other words, FinCEN urged large financial institutions to comb through the private transactions of their customers for suspicious charges on the basis of protected political and religious expression,” Jordan argues in the missive.

The lawmaker also charged that FinCEN distributed slides explaining how financial institutions can flag customers who fit the profile of a “potential active shooter” or terrorists based on their transactions.



VIDEO

Wildlife center staffers dress up as red foxes to feed orphaned kit

NOW ON

DECIDER



John Oliver Tells Andy Cohen That He Thinks Kate Middleton Is “Dead” Until Proven Otherwise On ‘WWHL’

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The financial institutions used terms such as “TRUMP” and “MAGA” to search customer Zelle payment messages, according to Jordan.

AP

The slides instruct financial institutions to search for terms such as “Small Arms,” “Cabela’s,” and “Dick’s Sporting Goods,” among numerous others.

“Despite these transactions having no apparent criminal nexus — and, in fact, relate to Americans exercising their Second Amendment rights — FinCEN seems to have adopted a characterization of these Americans as potential threat actors,” Jordan wrote.



The searches were conducted on behalf of the federal government in the aftermath of the Jan. 6, 2021, riot at the US Capitol.

AP

In a [separate letter](#) sent Wednesday, the panel chairman also asked FBI Director Christopher Wray to make a senior official in the bureau's Strategic Partner Engagement Section available for a transcribed interview related to Bank of America's cooperation with the FBI after Jan. 6.

Jordan is seeking to question the FBI official, Peter Sullivan, about the bureau's "mass accumulation and use of Americans' private information without legal process; the FBI's protocols, if any, to safeguard Americans' privacy and constitutional rights in the receipt and use of such information; and the FBI's general engagement with the private sector on law-enforcement matters."



102 **What do you think? [Post a comment.](#)**



At the request of the FBI, the country's second-largest bank "voluntarily and without any legal process" snooped through the information of anyone making certain purchases in and around Washington before and after the riot, Jordan charged.

Sullivan, he said, provided Bank of America with specific search terms to look for as it looked over customer data, indicating firearm, hotel, Airbnb, or airline ticket purchases leading up to and after Jan. 6, 2021.

Bank of America reportedly handed over the information of 211 people to the FBI, Fox News reported in February 2021. Only one of the 211 was brought in for questioning.

None were arrested, according to the outlet's report.

FILED UNDER [CAPITOL RIOT](#), [CONGRESS](#), [DONALD TRUMP](#), [FBI](#), [JIM JORDAN](#), [TREASURY DEPARTMENT](#), [1/17/24](#)

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Conversation 102 Comments

3 Viewing

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EXHIBIT 10

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<https://www.wsj.com/us-news/law/supreme-court-takes-up-donald-trumps-ballot-eligibility-725f2fa0>

U.S. | LAW

Supreme Court Appears Likely to Restore Donald Trump's Ballot Eligibility

Justices hear oral arguments on whether 14th Amendment's disqualification clause bars him from returning to the White House

By [Jess Bravin](#) [Follow](#) and [Jan Wolfe](#) [Follow](#)

Updated Feb. 8, 2024 5:52 pm ET



Former President Donald Trump is seeking to overcome a legal challenge that could threaten his candidacy. PHOTO: MATT ROURKE/ASSOCIATED PRESS

WASHINGTON—The Supreme Court appeared likely to reject an attempt to remove Donald Trump from the 2024 presidential ballot, with justices across the ideological spectrum suggesting Thursday that Congress and not individual states must set the standards before a presidential candidate can be disqualified for engaging in insurrection.

Colorado's Supreme Court, invoking a constitutional provision enacted after the Civil War, barred Trump in December from the state's presidential ballot after

finding he engaged in insurrection by inciting his followers to attack the U.S. Capitol on Jan. 6, 2021, to stop certification of President Biden's victory in the November 2020 election. Trump appealed, and the U.S. Supreme Court expedited its proceedings ahead of Colorado's March 5 primary election.

"If Colorado's position is upheld, surely there will be disqualification proceedings on the other side," said Chief Justice John Roberts, suggesting a cycle of partisan retaliation by states across the country. "A goodly number of states will say, whoever the Democratic candidate is, you're off the ballot. And others for the Republican candidate, you're off the ballot."

Jason Murray, representing six Republican and independent voters from Colorado who filed suit to disqualify Trump, dismissed such fears. The disqualification provision "has been dormant for 150 years. And it's because we haven't seen anything like Jan. 6th since Reconstruction," he said. "Insurrection against the Constitution is something extraordinary."

Impeachment once was, too, countered Justice Samuel Alito, with none between those of Presidents Andrew Johnson in 1868 and Bill Clinton in 1998. "And in fairly short order, over the last couple of decades, we've had three," he said. "So I don't know how much you can infer from that."

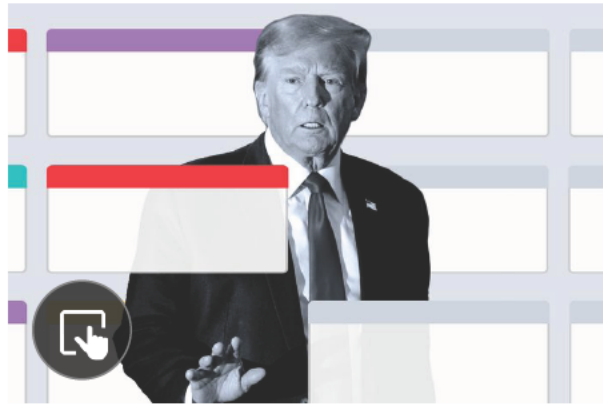
A ruling in favor of Trump likely would extinguish similar efforts playing out in a variety of states, including in Maine, where a December decision from Secretary of State Shenna Bellows, a Democrat, barring Trump from the ballot is on hold until the Supreme Court decides the Colorado dispute. Several other attempts to ban Trump from the ballot have flagged in the courts.

"In watching the Supreme Court today, I thought it was a very beautiful process," said Trump, the front-runner for the 2024 GOP presidential nomination, after the hearings from his home in Florida. "I thought the presentation today was a very good one. I think it was well received. I hope it was well received."

Krista Kafer, one of the Colorado Republican voters who challenged Trump's eligibility, attended the arguments. "If the court rules for us it could be disruptive," she said, because of potential disarray over where Trump

appeared on the ballot. “But if they don’t rule for us, it would be dangerous because it allows what Trump did to become a new normal.”

ELECTION 2024



How Trump’s Courtroom Calendar Collides With His Campaign Calendar

During the hearing, Trump lawyer Jonathan Mitchell, appealing the Colorado decision, focused on technical arguments that a constitutional provision barring from public office former officials who engaged in insurrection or rebellion didn’t apply to the 45th president, and that states lacked authority to enforce it without congressional authorization.

But asked flat-out about Jan. 6, Mitchell denied that the day’s events met the Constitution’s

disqualification standard. “For an insurrection, there needs to be an organized, concerted effort to overthrow the government of the United States through violence,” he said.

Asked Justice Ketanji Brown Jackson: “So your point is that a chaotic effort to overthrow the government is not an insurrection?”

“This was a riot, not an insurrection,” Mitchell said. “The events were shameful, criminal, violent, all of those things, but it did not qualify as insurrection.” Trump, he said, bore no responsibility for his supporters’ violent assault.

For most of the two-hour argument, however, justices showed little desire to debate the events of Jan. 6. Instead, they focused on how Section 3 of 14th Amendment, which was ratified in 1868 to prevent former officeholders who defected to the Confederacy from retaking power in the state or federal governments, should be enforced.



A line had formed Wednesday outside the Supreme Court for Thursday's hearing. PHOTO: JOSE LUIS MAGANA/ASSOCIATED PRESS

There is little clear precedent on applying Section 3, which largely has been inoperative since Congress restored the rights of most ex-Confederates in 1872. Without guidance on the framers' understanding or a line of authority interpreting the provision, both conservative and liberal justices looked to the implications of permitting each state to set its own definition of insurrection and ballot disqualification for presidential candidates.

Justice Brett Kavanaugh said that democratic principles weighed against removing presidential candidates without clear authority from Congress. "What about the idea that we should think about democracy, think about the right of the people to elect candidates of their choice?" he told Murray. "Because your position has the effect of disenfranchising voters to a significant degree."

"The reason we're here is that President Trump tried to disenfranchise 80 million Americans who voted against him," Murray said. "And the Constitution doesn't require that he be given another chance."

Thursday probably won't be the only time Trump's name comes before the justices this year. He is expected to appeal Tuesday's circuit court decision denying him categorical immunity for crimes allegedly committed while serving as president, in a case filed by special counsel Jack Smith over Trump's efforts to retain office despite losing the 2020 election.

Separate criminal prosecutions and civil suits percolating against Trump in Georgia, New York and Florida could bring other issues to the justices later in the

year.

Murray, pressing his uphill argument Thursday, said Colorado wasn't trying to control the national ballot but rather direct its own electoral-college delegation.

"Colorado is not deciding who other states get to vote for president. It's deciding how to assign its own electors," he said. Because the state retained control over selection of its own officials, he suggested it would be anomalous to require that Colorado permit Trump to stand for president when he was disqualified from holding lesser positions.

"If he were appointed as a state judge, he could not hold that office," Murray said.

Several justices seemed to disagree with Murray's argument. Justice Elena Kagan questioned why a single state should get to decide a candidate's eligibility for the White House.

Added Justice Amy Coney Barrett: "It just doesn't seem like a state call."

The Colorado case was organized by an advocacy group, Citizens for Responsibility and Ethics in Washington, which tangled with Trump while he served in the White House.

Dave Williams, chairman of the Colorado Republican Party, said before Thursday's arguments that the lawsuit served to "force Donald Trump and Republicans to waste resources that otherwise would be deployed into the field," while having "at least one court legitimize the Jan. 6 hearings and the insurrection idea so they could use it in the political campaign."

But if Citizens for Responsibility and Ethics in Washington happens "to throw a Hail Mary where they succeed at the United States Supreme Court, that would be the cherry on top," Williams said.

Write to Jess Bravin at Jess.Bravin@wsj.com and Jan Wolfe at jan.wolfe@wsj.com

Appeared in the February 9, 2024, print edition as 'Trump Ballot Spot Appears Safe'.

EXHIBIT 11

Trump's Legal Cases: Here, There and Everywhere

Tracking the many criminal and civil proceedings against the former president highlights their tangled and interconnected nature, and the challenge to the judicial system.



By Alan Feuer

Feb. 12, 2024

Sign up for the On Politics newsletter. Your guide to the 2024 elections.
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Former President Donald J. Trump sped in and out of the federal courthouse in Fort Pierce, Fla., on Monday for a closed-door hearing in the case accusing him of illegally holding on to classified documents after he left office.




In Washington, the Supreme Court received a filing that same day from Mr. Trump involving his last-ditch efforts to claim immunity from separate charges of plotting to overturn the 2020 election.

The judge in Georgia overseeing the case accusing him of seeking to overturn his election loss in that state will hold a hearing on Thursday about whether to disqualify the district attorney who filed the charges.

And in New York, two proceedings related to Mr. Trump were set to take place later in the week on two consecutive days, in two different courthouses, just two blocks from each other, with major implications for both him and his real estate business.

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That is how it has been for nearly a year now as Mr. Trump has become ensnared in a web of legal cases so tangled that it almost defies comprehension. The panoply of proceedings amounts to a test of the judicial system's capacity to handle a range of criminal and civil accusations against a once and potentially future president fairly, efficiently and against the backdrop of a campaign in which he has made his treatment a central issue.

The logistics alone are daunting, with Mr. Trump facing four criminal trials in four cities, plus several civil cases, even as he campaigns to return to the White House.

No single person or authority is coordinating the arrangements, as this week makes clear. The task has seemed at times as if competing air traffic controllers have been trying to land several different airplanes on the same runway with a hurricane blowing in.

Each new development has ripple effects, and several cases could reach inflection points this week, with possibly profound but as yet unknowable implications for his broader legal standing and the future of his presidential bid.

Complicating matters even further, Mr. Trump has hardly shied away from his legal travails, opting instead to make the proceedings something akin to campaign events.

Flying in the face of the normal rules of politics, his litany of courthouse woes hasn't seemed to harm him or his electoral ambitions, but appears instead to have only boosted his standing with his followers.

He has frequently appeared in court spouting talking points and assailing the array of legal cases he is facing as one collective "witch hunt" purposefully designed to damage his standing in the polls. In turn, he has also used actual campaign events to describe his prosecutions as partisan acts of persecution.

And at least so far, he has succeeded, managing to wrest political gain out of playing up, not playing down, the efforts to use the courts to hold him accountable. Still, opinion surveys have suggested that his popularity with voters could seriously suffer if any of the cases he is facing results in a conviction.

Part of the reason for the complexity of the various proceedings is that Mr. Trump has relentlessly sought to postpone his trials until after the election in November. If successful, that strategy would deprive the public not only of hearing the evidence collected against him, but also of considering a potential guilty verdict when deciding on his candidacy.

Indeed, this strategy of delay was front and center in the petition his lawyers filed to the Supreme Court on Monday.

As a technical matter, Mr. Trump asked the court to extend a pause in his election interference case in Washington as the justices consider a novel question: whether he should be immune from prosecution on the underlying charges, which arose from actions he took while he was president.

But winning the immunity claim on its merits is not his only goal. Mr. Trump is also hoping his Supreme Court appeal will take enough time that it will be impossible to try him on the election charges until after Election Day.

It remains unclear when the court will lay out its plans for taking on or rejecting the immunity appeal. But its decision could arrive within days of another ruling by the justices that will help decide Mr. Trump's future: whether he should be disqualified from the ballot in Colorado for helping stoke the violence at the Capitol on Jan. 6, 2021.

And its ultimate decision on the question of immunity will determine whether Mr. Trump goes to trial in the election case this spring, this summer or in 2025. It is also likely to have an effect on the timing of at least one of his other criminal cases.

On Thursday, for instance, at one of the two hearings in state courts in New York, Justice Juan M. Merchan, who is overseeing the case accusing Mr. Trump of being involved in hush money payments to a porn star, could decide to proceed to trial, as originally planned, on March 25.

While that would allow the election trial to start in Washington later in the year, Justice Merchan will probably have to make his decision without a crucial piece of information: the Supreme Court's schedule on the immunity appeal, which will be instrumental in determining when the federal election trial will start in the first place.

The other hearing in New York this week will not present a threat to Mr. Trump's liberty, but it could severely damage his wallet.

At the hearing, which is scheduled for Friday, Justice Arthur F. Engoron is expected to deliver a decision about whether to strip Mr. Trump of control of his company, the Trump Organization, after having found him liable for business fraud.

Mr. Trump's aides have said he might attend the hearing — as he has attended others in the case. But if he does, he will not be able to show up at a different hearing scheduled for that same day in a different case in a different city: one that concerns the disqualification of the district attorney, Fani T. Willi, from the racketeering case he is facing in Georgia accusing him of conspiring to subvert the election in that state.

Alan Feuer covers extremism and political violence for The Times, focusing on the criminal cases involving the Jan. 6 attack on the Capitol and against former President Donald J. Trump. [More about Alan Feuer](#)

A version of this article appears in print on , Section A, Page 12 of the New York edition with the headline: Trump's Legal Travails Are Campaign Events

EXHIBIT 12



POLITICS

Donald Trump

Add Topic

'Pay dearly for what he's done': Donald Trump in court for defamation trial

[Aysha Bagchi](#) and [Bart Jansen](#) USA TODAY

Published 8:38 a.m. ET Jan. 16, 2024 | Updated 12:43 p.m. ET Jan. 17, 2024

Key Points

Damages expert witness for Carroll helped two election workers get \$148 verdict against Rudy Giuliani.

Carroll asked judge to consider avenues to prevent Trump from turning trial "into a circus."

E. Jean Carroll's lawyer told a New York federal jury that "self-proclaimed billionaire" Donald Trump needs to "pay dearly" for defaming her after he denied assaulting her in the mid-1990s.

Trump, whose 2024 presidential campaign is colliding with a crowded schedule of criminal cases and lawsuits, sat attentively Tuesday in Judge Lewis Kaplan's Manhattan courtroom, glaring and scowling at times as about six-dozen prospective jurors answered questions posed by the judge over everything from their prior involvement with the judicial system to their political beliefs.

When Kaplan asked if any members of the jury pool felt they'd been mistreated by the court system, Trump subtly raised his hand, to laughter from the gallery. "We know how you stand," the judge said.

'The biggest microphone on the planet'

Nine jurors were selected for the trial, which Kaplan said is likely to last three to five days. Jurors will remain anonymous, even to Trump, Carroll, lawyers and judicial staff, and will be driven to and from the courthouse from an undisclosed location for their safety, the judge said.

Prep for the polls: See who is running for president and compare where they stand on key issues in our Voter Guide

In their opening statements, lawyers for Carroll and Trump painted each other's client as the true villain of a case with potentially millions of dollars at stake.

Carroll's lawyer Shawn Crowley told the jury that Trump, as president, had used "the biggest microphone on the planet" to defame the writer after she first publicly accused him of rape in 2019. Trump "unleashed his millions of followers" to threaten and terrorize Carroll, who now sleeps with a gun nearby, Crowley said. "It's time to make him stop. It's time to make him pay dearly for what he's done."

Trump attorney Alina Habba said Carroll was anything but a victim of Trump's comments. "Her career has prospered and she has been thrust back into the limelight like she always wanted," Habba said, telling jurors that Carroll "wanted status." "She wanted the attention," Habba said.

Trump leaves court to campaign in New Hampshire

Earlier Tuesday, with the New Hampshire primary looming, Trump attacked the trial and his accuser.

"It is a giant Election Interference Scam, pushed and financed by political operatives. I had no idea who this woman was," Trump wrote in a post on Truth Social. "PURE FICTION!"

Trump, 77, and Carroll, 80, were both in court for the trial's first day. Protesters stood outside the courthouse Tuesday morning holding signs that said "We believe E. Jean Carroll" and "Justice Matters."

With a campaign speech scheduled in New Hampshire, Trump left before opening statements.

Trump has said he plans to attend the the Manhattan federal trial and "to explain I don't know who the hell she is." However, he won't be allowed to argue that he didn't sexually assault Carroll, Kaplan ruled last week. That's because a jury found Trump liable for sexually abusing Carroll in a separate civil trial in May, although it didn't find him liable for rape.

Trump chose not to attend the previous trial, where he was also found to have defamed the bestselling author in 2022 by calling her a "con job."

Assault, defamation and damages

Carroll first publicly accused Trump of rape in 2019, describing in a book excerpt how, sometime around 1996, the real estate magnate attacked her in a dressing room at the Bergdorf Goodman department store. After Trump denied the charge, Carroll sued him, first for defamation and, in 2022, for battery and defamation under a New York state law that temporarily put the statute of limitations on hold for alleged sexual assault victims. The cases were moved to federal court.

The current trial will focus on what Trump should have to pay for defaming Carroll after she first accused him of rape. The allegedly defamatory statements at issue include: "Shame on those who make up false stories of assault to try to get publicity." Jurors will be asked whether those statements harmed Carroll and, if they did, how much she should get in damages.

Trump was ordered to pay \$5 million in combined damages for sexual abuse and a 2022 incident of defamation in the May 2023 trial.

More: Trump trials: Why former president faces 'extraordinary' challenges

What is this trial about?

The trial is only focused on any potential damages Trump might have to pay for his 2019 statements. A jury will be tasked with determining whether his remarks harmed Carroll and, if so, how to quantify that harm in dollars. The jury will also decide if Trump should be hit with punitive damages to deter him from continuing to defame Carroll.

"I'll say it with great respect: Number one, she's not my type. Number two, it never happened. It never happened, OK?" Trump told reporters in the White House. Carroll said she confided in two friends soon after the attack but chose not to go to the police at the time, and didn't come forward publicly until numerous other women accused Trump of assault during his 2016 presidential campaign.

Violent threats vs. mean tweets

Trump's statements "unleashed his followers to go after her online" and "to threaten her life," Crowley said in her opening statement. "Donald Trump used the most famous platform on Earth to lie about what he had done."

In a video presentation, Crowley showed jurors some of the threats Carroll had received from Trump supporters, including messages that read, "I will rape u, e jean carroll" and "I hope you die soon. I hope someone really does attack, rape and murder you."

Habba said that, after the publication of her allegations in New York Magazine, Carroll had been the target of critical social media posts for hours before Trump first commented. "She wants President Trump to pay for the risks she took," Habba said. "Her career was dwindling and it needed a spark."

Carroll wanted the jury to "give her a windfall because some people on social media said mean things about her," Habba said.

Trump had tried to argue that he is protected from the lawsuit by presidential immunity because the statements responded to allegations that threatened his ability to govern effectively. But Kaplan and an appeals court both ruled he had waived that argument by waiting too long to raise it.

Will Trump testify, and what could he say?

Trump's lawyer said in a Sunday letter to the court that there is "considerable testimony" Trump can offer in his defense while respecting the court's restrictions, including an argument that he shouldn't be punished with extra damages because he didn't act maliciously.

Kaplan on Friday denied a Trump request to delay the trial to allow him to attend his mother-in-law's funeral. Trump also raised the death in a failed request to delay closing arguments in a New York civil fraud trial last week. Funeral preparations didn't prevent Trump from campaigning in Iowa over the weekend ahead of the state's presidential nomination caucuses on Monday.

On Tuesday morning, Kaplan again refused to suspend the trial for the funeral, in a fiery exchange between the judge and the former president's lawyers.

Trump attorney Michael Madaio argued that the judge had made "inconsistent and unfair" rulings that "drastically changed our ability to defend this case and largely stripped us of our defenses."

Habba then requested that the trial be adjourned on Thursday for the funeral of former first lady Melania Trump's mother, Amalija Knavs.

“I am not stopping him from being there,” Kaplan replied.

Habba responded: “No, you’re stopping him from being here.”

Kaplan agreed to let Trump testify on Monday if he wants, even if the trial is otherwise finished by Thursday.

Potential juror worked for Ivanka Trump

During jury selection, Trump twisted in his chair to look at a prospective juror who said she had worked in a communications capacity for his daughter Ivanka Trump’s company in 2017 and 2018. Another potential juror said he’s a lawyer who has worked on unrelated issues with the firm representing Carroll. Both said they could be fair and impartial.

After several dozen prospective jurors were sworn in, Trump shook his head as Kaplan described the case and explained that for purposes of the trial, it had already been determined that Trump “did sexually assault Ms. Carroll.”

Last week, Carroll's lawyer asked Kaplan to consider measures to prevent Trump from turning the trial "into a circus." The lawyer cited Trump's attacks on both a judge and the New York attorney general when he was given a brief opportunity to make a personal closing argument alongside his attorneys in the civil fraud case. The judge in that case urged an attorney to "control" the former president.

Trump's lawyer shot back Sunday that Trump is "well aware" of restrictions on his testimony, and that it would be unjust to try to force him to say he is guilty of acts he denies.

Kaplan was circumspect in a written opinion about what he might do to ensure his rulings and the law are followed, saying he will take measures he "finds appropriate."

How much could it cost Trump?

Damages expert Ashlee Humphreys, a Northwestern University professor who helped two election workers win a \$148 million defamation judgment against former Trump attorney Rudy Giuliani, is set to testify for Carroll as well. Trump's legal team tried to get her booted from the case, but the judge said their request was late and their criticisms of her methodology are fair game for cross-examination.

Humphreys estimated it would take between \$2.1 million and \$12.1 million to repair damage to Carroll's reputation. Carroll wants not just compensation for the alleged harm she suffered, but also punitive damages, arguing that Trump's ongoing statements against her since her victory in May "show the depth of his malice" and the need for a hefty verdict to punish and deter him.

The verdict against Giuliani included \$40 million for intentionally inflicting emotional distress and about \$108 million more in compensation for defamation and punitive damages.

That's a likely reason Trump wanted Humphreys gone from the case, according to Carroll's legal team. "That Professor Humphreys recently testified in another case that resulted in a \$108 million defamation verdict likely adds to Trump's sense of urgency," they told the court.

Giuliani, who is also facing criminal charges for allegedly conspiring with Trump to overturn the 2020 presidential election results, has since filed for bankruptcy.

Contributing: Associated Press

EXHIBIT 13

POLITICS

Stone-faced Trump watches as jurors are picked for his second defamation trial involving E. Jean Carroll

By [Ben Kochman](#), [Kyle Schnitzer](#) and [Priscilla DeGregory](#)

Published Jan. 16, 2024

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00:20 / 00:44

A stone-faced Donald Trump appeared in Manhattan court Tuesday [fresh off his landslide GOP victory in Iowa](#) to watch jury selection for his second defamation trial involving sex abuse accuser E. Jean Carroll.

The case could cost Trump more than \$10 million — but even that did not stop him from posting comments online about Carroll before and during court, including one saying: “Can you believe I have to defend myself against this woman’s fake story?!”

Carroll's camp Tuesday revealed that she would take the stand Wednesday against the 77-year-old former president, who walloped his Republican presidential opponents in Monday night's caucuses.

Trump is expected to be there to catch her in person before he testifies later in the case.

Trump **was already ordered at a previous trial to pay \$5 million** to the 80-year-old "Ask E. Jean" advice columnist after jurors in that case found him liable of sexually abusing her in a Bergdorf Goodman fitting room in 1996 and then defaming her by writing online in 2022 that her claims were a "complete con job."

This latest defamation case involves similar comments Trump made against Carroll after she went public about the alleged attack in 2019. A judge has already ruled that Trump defamed Carroll in 2019. The jury is now deciding how much he should pay her for it. Her camp is seeking more than \$10 million.

The fresh expected one-week trial is set to feature the now-infamous recording of Trump once boasting to then-"Access Hollywood" host Billy Bush that women **"allow" him to grab them "by the p—y"** because he's a "star."

Lawyers for both sides **gave their opening statements** Tuesday after the nine-member jury was selected.



A courtroom sketch shows prospective jurors file into the courtroom as Donald Trump looks on.

AP

Judge Lewis Kaplan asked prospective jurors at one point during the selection process, “Is there anyone who feels that Mr. Trump is being treated unfairly by the court system?”

Trump gave a cheeky half-wave from his seat at the defense table.

Kaplan then quipped, “Well, we know where you stand,” and Trump put his hand down.

As the prospective jurors were being questioned, Trump also turned around, with his left arm draped over his chair, to scan the pool of potential panelists, including some who said they believe the 2020 election was stolen from him.



Trump and his lawyers are not allowed to deny during the defamation trial that he sexually assaulted Carroll.

AP

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Nine jurors were eventually picked, including a retired transit worker, a banker, a former teacher, a doctor and publicist.

Trump did not appear to make any eye contact with Carroll, who sat at the table in front of him, during jury selection.

He had arrived in court around 9:45 a.m. and sat down flanked by his lawyers wearing a dark blue suit, white shirt and red tie.

Before jury selection began, Kaplan instructed Trump and Carroll to “not say anything within earshot of any juror ... directly or indirectly.”



Trump also turns around to scan the pool of potential jurors as they are questioned, in a courtroom sketch.

AP

Court officials ahead of trial also gave strict instructions to anyone attending the proceeding — including members of the public and press — that phones and political signs were not allowed in the courtroom.

“Spectators may not bring into or display in the Courtroom placards, signs, posters or other such writings or graphical material,” a court official wrote. “Spectators also may not wear clothing that displays any messages concerning the litigants or the issues to be tried.”

Trump lawyer Alina Habba and Kaplan also had previously gone back and forth about delaying the start of the trial so that Trump could attend the funeral for his mother-in-law, Amalija Knavs — the mother of former first lady Melania Trump — which would require him to be in Florida on Wednesday and Thursday.

Trump’s side over the weekend asked to postpone the trial for the week, a request that Kaplan denied.

Since the case is civil, Trump is not required to be present in court, as he would be in a criminal case.



Carroll has asked a jury to order Trump to pay more than \$10 million in damages at the defamation trial.

Alec Tabak

A source said he was expected to attend the proceeding again Wednesday but skip Thursday because of Knave's funeral.

"I think it is completely unfair — I've never seen it frankly that someone has to make a choice to be at their trial ... or go to their mother-in-law's funeral," Habba had argued to the judge when seeking a delay. "We are again asking for a one-day adjournment."

Kaplan shot back, "I am not stopping him from being there."

Habba has told Kaplan that her side plans to call two people to the stand: Carol Martin — a friend who Carroll confided in after she was allegedly sexually assaulted by Trump — and Trump.

Late in the morning Tuesday, dozens of prospective jurors were brought into the courtroom to be quizzed by the judge on a series of questions to help the parties and the jurist whittle down the group for trial by eliminating people who have biases — both for and against the former commander-in-chief.

Kaplan kicked things off by telling the room of potential panelists that "it has been determined already that Mr. Trump did sexually assault Ms. Carroll" — prompting Trump to shake his head.

Jurors at Trump's previous defamation and abuse trial in May found there to be more than a 50% chance — or a “preponderance of the evidence” — that Trump **sexually abused Carroll** in the Bergdorf Goodman fitting room in 1996. Trump dodged potential criminal charges in the case because of the statute of limitations.

As for the 2019 defamation claim, Kaplan used the term “actual malice” at the time to describe Trump's behavior in that case.

Numerous jurors Tuesday morning raised issues that could get them disqualified from serving on the panel, including one woman who said she worked with Trump's daughter Ivanka and knew her personally and at least three others answering yes to questions suggesting they had sympathy for the 45th president.

Two prospective jurors stood up to acknowledge they thought the 2020 presidential election was stolen, and another pair signaled they thought Trump was being treated “unfairly” by the court system — all opinions which could get them sent home.

Several other potential jurors said they watched Trump's television show “The Apprentice.”

Trump was not in court for the last trial.

The judge has ruled that if Trump does take the stand as a witness, he won't be allowed to repeat his prior claims that he does not know Carroll.

Trump and his lawyers also cannot deny in court that he sexually assaulted the writer, according to Kaplan — who Saturday issued a cryptic warning for what might happen if the 2024 GOP presidential frontrunner flouts the order.

“The court will take such measures as it finds appropriate to avoid circumvention of its rulings and of

NEW YORK POST

LOG IN

Kaplan was appointed by former President Bill Clinton in 1994 and has presided over several newsworthy cases in nearly 30 years on the bench, including the trials of **al-Qaeda operatives** and members of the **Gambino crime family**.



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Jurors have already found there to be a “preponderance of the evidence” that Trump sexually abused Carroll in 1996.

AP

Most recently, he served as the judge in the trial of fallen crypto prince Sam Bankman-Fried, whom a **jury convicted in November** of stealing \$10 billion from users of his crypto exchange and lying to lenders and investors.

Kaplan was also the judge in the first Carroll v. Trump civil case.

441 **What do you think? Post a comment.**

Trump took to social media Sunday to rip Kaplan as “another Trump hating Judge” and “the terrible, biased, irrationally angry Clinton-appointed Judge in the Bergdorf’s Hoax.

“This Judge has been ruthlessly unfair from the first day of Crooked Joe Biden’s Election Interfering Witch Hunt,” he wrote in a Truth Social post.

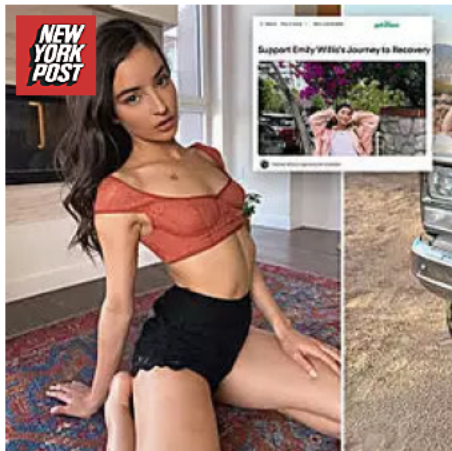
At a separate \$370 million civil fraud trial in state court — which was heard by a judge rather than a jury — Trump was allowed to **deliver uninterrupted rants** during his November testimony, insulting the judge and calling New York Attorney General Letitia James a “hack.”

441

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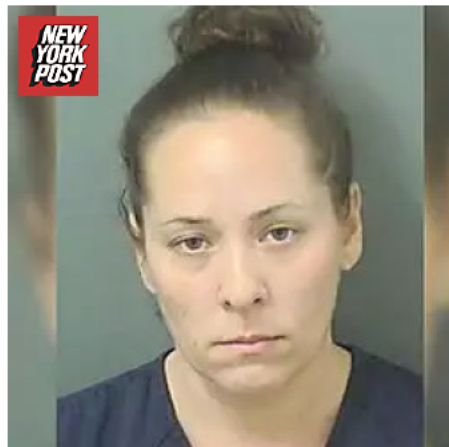


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Glen Benjamin ...

16 January, 2024

She and her lawyer got the law changed so she could sue Trump even though statute of limitations passed. She is looking for a big payday and got one.

She does nit remember the day, month or even year it is alleged to have occurred. Any judge in their right mind would have thrown this lawsuit out.

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Jerseyguy57 ...

16 January, 2024

Also remember, it was in a very high end store where no one heard or saw anything. No one saw him there or remembers him being there. She also never reported it.

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1 reply

Peter Thomas Baum ...

16 January, 2024

Our hero the orange minstrel has no money left. He's taking center stage with the election fund hat to pay all the woe in his world ... he's running not to win but to beg for a few cents.

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6 replies

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Keith Shaw ...

16 January, 2024

so they can play that tape at the trial but not Carroll's Anderson Copper interview? and the media wonders why Trump is surging in the polls.

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Isabel ...

16 January, 2024

Exactly. The left can never not put their finger on the scale because they always lose when it's a fair fight. Allow me to digress for a second. Last night, the Emmys had a category ..best late night talk show. I don't even remember who won - some loser. But here's the thing Greg Gutfeld's talk sh...

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amnezix ...

16 January, 2024

You realize that Carroll was talking about men, right ?

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G.U.R.U. 469 ...

16 January, 2024

The difference between Democrats and Republicans is Democrats believe our rights come from the power of big government. The Republicans believe our rights come from God. The Democrats also believe it's their duty to control every aspect of our lives. The Republican believe we need to be set free fr...

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amnezix ...

16 January, 2024

Justice and religion are principally incompatible. Thus the separation of state and religion decreed by the founders. You know better than them ?

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DeadManWalking ...

16 January, 2024

Please explain republicans stance on abortion then.

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EXHIBIT 14

Jury Orders Trump to Pay Carroll \$83.3 Million After Years of Insults

The ex-president was found liable for sexually abusing E. Jean Carroll, but called her a liar. The award was “a huge defeat for every bully who has tried to keep a woman down,” she said.

By Benjamin Weiser, Jonah E. Bromwich, Maria Cramer and Kate Christobek

Jan. 26, 2024

Former President Donald J. Trump was ordered by a Manhattan jury on Friday to pay \$83.3 million to the writer E. Jean Carroll for defaming her in 2019 after she accused him of a decades-old rape, attacks he continued in social media posts, at news conferences and even in the midst of the trial itself.

Ms. Carroll’s lawyers had argued that a large award was necessary to stop Mr. Trump from continuing to attack her. After less than three hours of deliberation, the jury responded by awarding Ms. Carroll \$65 million in punitive damages, finding that Mr. Trump had acted with malice. On one recent day, he made more than 40 derisive posts about Ms. Carroll on his Truth Social website.

On Friday, Mr. Trump had already left the courtroom for the day when the judge, Lewis A. Kaplan, called in the nine-member jury shortly after 4:30 p.m., warning the lawyers, “We will have no outbursts.” The verdict was delivered nine minutes later to utter silence in the courtroom.

In addition to the \$65 million, jurors awarded Ms. Carroll \$18.3 million in compensatory damages for her suffering. Mr. Trump’s lawyers slumped in their seats as the dollar figures were read aloud. The jury was dismissed, and Ms. Carroll, 80, embraced her lawyers. Minutes later, she walked out of the courthouse arm in arm with her legal team, beaming for the cameras.

“This is a great victory for every woman who stands up when she’s been knocked down and a huge defeat for every bully who has tried to keep a woman down,” Ms. Carroll said in a statement, thanking her lawyers effusively.

Mr. Trump, who had walked out of the courtroom earlier during the closing argument by Ms. Carroll’s lawyer, said in a Truth Social post that the verdict was “absolutely ridiculous.”

“Our Legal System is out of control, and being used as a Political Weapon,” he said, pledging to appeal. “They have taken away all First Amendment Rights.”

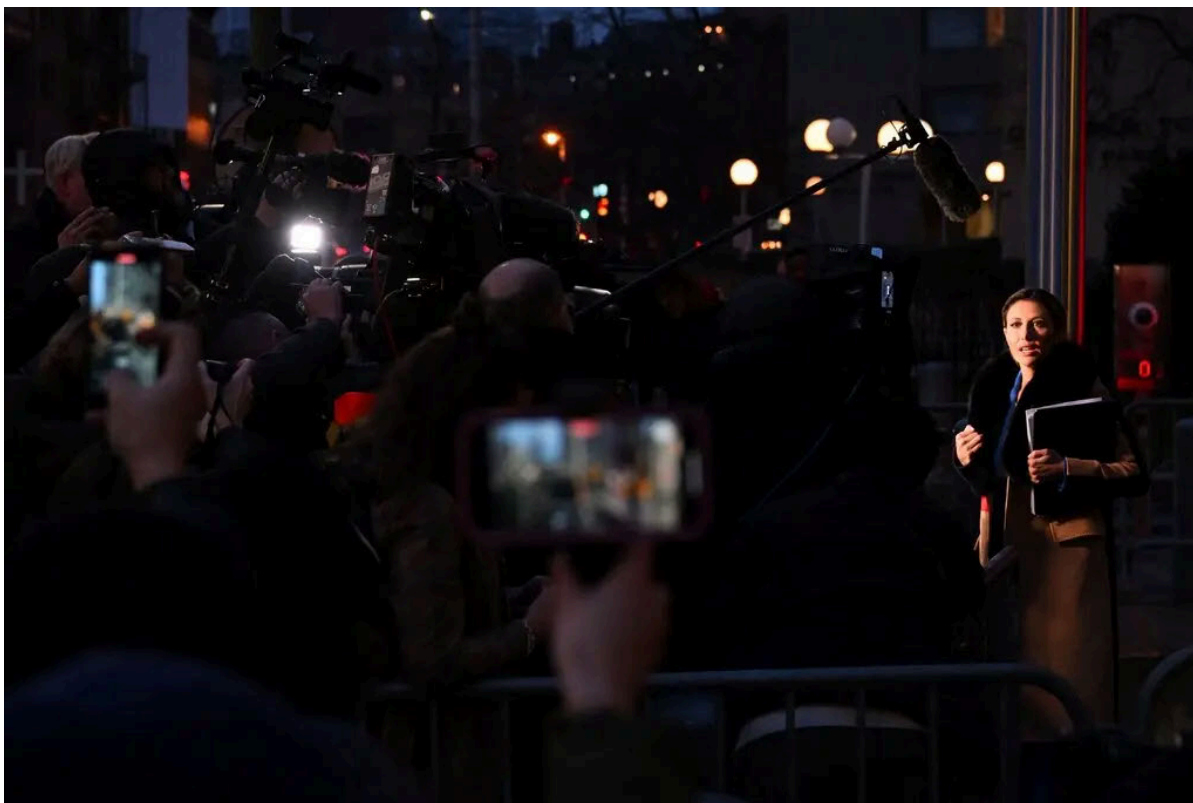
Notably, he did not attack Ms. Carroll.

Outside the courthouse, Mr. Trump’s lawyer, Alina Habba, combined complaints about how Judge Kaplan had handled the case with sloganeering, echoing Mr. Trump’s claims that he was being ill-treated by a corrupt system. “We did not win today,” she told reporters, “but we will win.”

Mr. Trump’s appeal will likely keep Ms. Carroll from receiving the money she is owed anytime soon.

Ms. Carroll’s lead lawyer, Roberta A. Kaplan, said the verdict “proves that the law applies to everyone in our country, even the rich, even the famous, even former presidents.”

The verdict vastly eclipsed the \$5 million a separate jury awarded Ms. Carroll last spring after finding that Mr. Trump had sexually abused her in a Bergdorf Goodman dressing room in the mid-1990s and had defamed her in a Truth Social post in October 2022. The verdict came after Mr. Trump attended nearly every day of the latest trial, and testified, briefly, this week.



Alina Habba, the president's lawyer, argued that Ms. Carroll's reputation had improved after being attacked by the president. Angela Weiss/Agence France-Presse — Getty Images

Judge Kaplan, who presided over both trials, had ruled that the jury's findings last May would carry over to the current one, limiting the second jury's focus solely to damages. Mr. Trump, who is running for president again, was not allowed to stray beyond that issue in his testimony. On Thursday, the judge, out of the jury's presence, asked Ms. Habba for a preview of that testimony. "I want to know everything he is going to say," the judge said.

In the end, Mr. Trump, by his actions and words, was his own worst enemy. During the trial, he attacked Ms. Carroll online and insulted her last week at a campaign stop in New Hampshire. Inside the courtroom, the judge warned Mr. Trump that he might be excluded after Ms. Carroll's lawyers complained that he was muttering "con job" and "witch hunt" loudly enough for jurors to hear.

In their closing arguments on Friday, Ms. Carroll's lawyers, Ms. Kaplan and Shawn G. Crowley, used Mr. Trump's presence in court as a weapon against him. Ms. Crowley said his actions demonstrated his belief that he could get away with anything, including continuing to defame Ms. Carroll.

“You saw how he has behaved through this trial,” Ms. Crowley said. “You heard him. You saw him stand up and walk out of this courtroom while Ms. Kaplan was speaking. Rules don’t apply to Donald Trump.”

There could be more financial damage to come for Mr. Trump. He is still awaiting the outcome of a civil fraud trial brought by New York’s attorney general that concluded this month. The attorney general, Letitia James, has asked a judge to levy a penalty of about \$370 million on Mr. Trump.

The former president is also contending with four criminal indictments, at least one of which is expected to go to trial before the November election. His civil cases will soon be behind him, but the greater threat — 91 felony charges, in all — still looms.

The verdict on Friday provided a coda to two weeks of political success for Mr. Trump. He completed an Iowa and New Hampshire sweep in the first two presidential nominating states of 2024 and cemented himself as the likely Republican nominee.

He has used his courtroom appearances as a fundamental element of his campaign, painting himself as a political martyr targeted on all sides by Democratic law enforcement officials, as well as by Ms. Carroll. His loss to her will most likely sting for some time.

During the trial, Ms. Carroll testified that Mr. Trump’s repeated taunts and lashing out had mobilized many of his supporters. She said she had faced an onslaught of attacks on social media and in her email inbox that frightened her and “shattered” her reputation as a well-regarded advice columnist for Elle magazine.

Ms. Carroll told the jury she had been attacked on Twitter and Facebook. “I was living in a new universe,” she said.

The trial took about five days over two weeks, and was marked by repeated clashes between Mr. Trump’s lawyers and Judge Kaplan, who is known for his command of the courtroom. The former president’s testimony was highly

anticipated for days, but on Thursday, he was on the stand for less than five minutes, and his testimony was notable for how little he ended up saying.

On Friday, Ms. Kaplan, who is not related to the judge, asked the jury in a crisp and methodical summation to award Ms. Carroll enough money to help her repair her reputation and compensate her for the emotional harm Mr. Trump's attacks had inflicted.

Ms. Kaplan also emphasized that Mr. Trump could afford significant punitive damages, which come into play when a defendant's conduct is thought to have been particularly malicious. She cited a video deposition excerpt played for the jury in which he estimated that his brand alone was worth "maybe \$10 billion" and that the value of various of his real estate properties was \$14 billion.

"Donald Trump is worth billions of dollars," Ms. Kaplan told the jury.

"The law says that you can consider Donald Trump's wealth as well as his malicious and spiteful continuing conduct in making that assessment," Ms. Kaplan said, adding, "Now is the time to make him pay for it, and now is the time to make him pay for it dearly."

Mr. Trump was not present to hear her. After scoffing, muttering and shaking his head throughout the first few minutes of Ms. Kaplan's closing argument, Mr. Trump rose from the defense table without saying anything, turned and left the 26th-floor courtroom. Ms. Kaplan continued to address the jury as if the stark breach of decorum had not occurred.

"The record will reflect that Mr. Trump just rose and walked out of the courtroom," Judge Kaplan said.

Mr. Trump returned about 75 minutes later, when his lawyer Ms. Habba began her summation.

Mr. Trump's lawyers cast Ms. Carroll as a fame-hungry writer who was trying to raise a diminishing profile when she first made her accusation against Mr. Trump in a 2019 book excerpt in *New York* magazine about an encounter she has said

traumatized her for decades.

Ms. Habba, her voice loud and heavy, her tone mocking and sarcastic, argued that Ms. Carroll's reputation, far from being damaged, had improved as a result of the president's statements. And she said Ms. Carroll's lawyers had not proved that the deluge of threats and defamatory statements the writer received were a response to Mr. Trump's statements.

"No causation," Ms. Habba thundered, adding, "President Trump has no more control over the thoughts and feelings of social media users than he does the weather."

Ms. Crowley, in an animated and passionate rebuttal to Ms. Habba, rejected her contention that Mr. Trump's statements did not prompt the threats Ms. Carroll received. "There couldn't be clearer proof of causation," Ms. Crowley said.

The jurors remained attentive during the closing arguments. One watched Ms. Kaplan intently during much of her summation; others alternated between looking at the lawyers, staring at the exhibits on the screens and taking notes.

During the summations, Mr. Trump's account on his Truth Social website made about 16 posts in 15 minutes mostly attacking Judge Kaplan and Ms. Carroll, with his familiar insults — the kinds of insults that have now become very costly.

Ms. Kaplan said in her closing argument that the only thing that could make Mr. Trump stop his attacks would be to make it too expensive for him to continue.

The jury, in its verdict, appears to have agreed.

Olivia Bensimon, Anusha Bayya, Maggie Haberman, Shane Goldmacher and Michael Gold contributed reporting.

Benjamin Weiser is a reporter covering the Manhattan federal courts. He has long covered criminal justice, both as a beat and investigative reporter. Before joining The Times in 1997, he worked at The Washington Post. [More about Benjamin Weiser](#)

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A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Jury Says Trump Owes \$83 Million



Alina Habba, the president's lawyer, argued that Ms. Carroll's reputation had improved after being attacked by the president. Angela Weiss/Agence France-Presse — Getty Images

Judge Kaplan, who presided over both trials, had ruled that the jury's findings last May would carry over to the current one, limiting the second jury's focus solely to damages. Mr. Trump, who is running for president again, was not allowed to stray beyond that issue in his testimony. On Thursday, the judge, out of the jury's presence, asked Ms. Habba for a preview of that testimony. "I want to know everything he is going to say," the judge said.

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What to Know About E. Jean Carroll's Accusations

Why did she also sue him for defamation? In 2019, Carroll [filed a defamation lawsuit](#) against Trump in New York for making disparaging comments and branding her a liar after the publication of her memoir. Carroll [sought additional damages](#) in response to Trump's insults after she won her rape lawsuit. The trial in that case ended on Jan. 26 with a Manhattan jury [ordering Trump to pay \\$83.3 million to Carroll](#).



In their closing arguments on Friday, Ms. Carroll's lawyers, Ms. Kaplan and Shawn G. Crowley, used Mr. Trump's presence in court as a weapon against him. Ms. Crowley said his actions demonstrated his belief that he could get away with anything, including continuing to defame Ms. Carroll.

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EXHIBIT 15



POLITICS

Trump 'Access Hollywood' tape won't be shown to NY defamation trial jury, clearing way for ex-president's testimony

By Associated Press

Published Jan. 21, 2024, 1:44 p.m. ET



EXPLORE MORE

No post-State of the Union bump for Biden, even as he clinches Dem nomination, polls show

Judge overseeing Georgia election interference case dismisses some charges against Trump— including infamous 'find 11,780 votes' call

Trump 'Access Hollywood' tape won't be shown to NY defamation trial jury, clearing way for ex-president's testimony

A lawyer for a writer who says Donald Trump sexually abused her in the 1990s and then defamed her while president in 2019 said Saturday that the infamous "Access Hollywood" tape and two women who accused Trump of abuse will not be put before a New York jury considering defamation damages.

The revelation by attorney Roberta Kaplan, who represents advice columnist E. Jean Carroll, means that the Republican front-runner in this year's presidential race could testify in Manhattan federal court as early as Monday, a day before the New Hampshire primary.

The jury is considering whether Trump owes more to Carroll than the **\$5 million awarded** to her last spring by another jury that concluded Trump sexually abused but did not rape Carroll in the dressing room of a luxury Manhattan department store in spring 1996 and then defamed her in October 2022.

Trump attended the trial for two of its first three days, only skipping it on Thursday, when he attended **the funeral** of his mother-in-law in Florida.

Kaplan said late Saturday in a letter to the judge that she would not show jurors the 2005 tape in which Trump is caught on a hot mic speaking disparagingly of women to keep the issues in the trial "focused."

For the same reason, she said she won't call two other Trump accusers as witnesses: Natasha Stoyanoff and Jessica Leeds.



A jury previously found that Trump sexually abused Carroll.

AP

Both women testified at the trial that ended last May. Leeds, a former stockbroker, said Trump abruptly groped her against her will on an airline flight in the 1970s, while Stoyanoff, a writer, said Trump forcibly kissed her against her will while she was interviewing him for a 2005 article.

Kaplan noted that Trump's lawyers had said he is entitled to testify concerning the "Access Hollywood" tape and the allegations of Stoyanoff and Leeds, though he would not be if they were not introduced into the case by Carroll's attorneys.

The judge in the case has instructed the jury that it must accept the findings of the jury last year and thus the evidence has focused almost exclusively on what harm has been caused to Carroll by Trump's continuous claims that he never attacked her and doesn't know her and that she is lying.

Trump, 77, has denied her claims in the last week during campaign stops, on social media and at a news conference. And he continues to assert that Carroll, 80, made false claims against him to sell the 2019 memoir in which she first revealed the allegations publicly and for political reasons.

The judge has severely limited what Trump can testify about if he takes the witness stand, and Carroll's lawyers likely decided to limit the introduction of more evidence to prevent Trump from straying into subjects such as what he maintains are many false claims against him.

SEE ALSO



Donald Trump defamation trial live updates: Ex-prez spars with judge, who roasts attorney Alina Habba for flubbing basic procedure

However, Kaplan said she does plan to show the jury statements Trump has made since her client finished testifying in the case on Thursday.



Trump could testify as soon as Monday.

Getty Images

Kaplan said Trump said he plans to repeat his claims that he never attacked Carroll and doesn't know her "a thousand times."

"Such statements," she wrote, "are of course relevant to the issue of punitive damages, as they illustrate that Defendant has no intention of ceasing his defamation campaign against Ms. Carroll, even in the face of judicial proceedings in which his liability for defaming her is settled."

A lawyer for Trump did not return a request for comment on Kaplan's letter Saturday night.

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EXHIBIT 16

SUBSCRIBER-ONLY NEWSLETTER

The Tilt

A Trump-Clinton Analogy That Could Give Biden Comfort

Democrats who aren't fans of the president could come home when faced with a Trump presidency, just as Republicans returned to their party in the final days of the 2016 race.

**By Nate Cohn**

Feb. 13, 2024

You're reading The Tilt newsletter, for Times subscribers only. Nate Cohn, The Times's chief political analyst, makes sense of the latest political data. [Get it in your inbox.](#)



Hillary Clinton and Donald Trump in 2016. Stephen Crowley/The New York Times

There's no precedent for a presidential candidate to face doubts as serious over age and mental acuity as President Biden faces today.

But there is precedent for a candidate to face similarly serious, fundamental doubts about handling the job of president. It's a precedent that lends itself to a somewhat peculiar but still useful comparison to today.

That precedent is Donald J. Trump in 2016.

The 2016-era concerns about Mr. Trump's fitness for office, as reflected in polling, suggested that a majority of voters harbored the most basic doubts about his ability to do the job. In Mr. Biden's case, those doubts have stemmed from his age. For Mr. Trump, it was his lack of experience and unpresidential temperament.

The doubts about Mr. Trump set the stage for a volatile campaign, as a crucial segment of traditional Republican-leaning voters recoiled at their party's nominee in pre-election polls. At times, Mr. Trump's percentage of support among Republican-leaning voters was as low as the 70s, and it was in the 80s as the

election approached. Today, Mr. Biden finds himself in a somewhat similar position, as defections among Black, Hispanic and younger voters have given Mr. Trump a narrow lead in the early polls.

Mr. Trump's weakness among Republican-leaning voters wasn't exclusively because they questioned whether he could do the job effectively. Many Republicans were repelled by his insults against ethnic groups or John McCain's military service, or his treatment of women — including the "Access Hollywood" tape. Many opposed his views on trade, immigration and foreign policy. Others doubted his commitment to conservative causes, like opposition to abortion rights. Similarly, many traditionally Democratic voters are skeptical of Mr. Biden's handling of the economy or the Israeli-Palestinian conflict. But as with Mr. Biden and the issue of age today, Mr. Trump's inexperience and unpresidential conduct were a major aspect of their misgivings.

With these challenges, Mr. Trump might have lost by a wide margin had his opponent not been Hillary Clinton — a candidate under criminal investigation (later dropped) who polls showed was nearly as disliked as he was. She probably would have been an underdog against a more typical Republican, and she was also deeply vulnerable to Mr. Trump's populist critique of establishment-backed policies on immigration, foreign policy and trade.

Together, her weaknesses and those of Mr. Trump left the race in a strange spot. An unusually high share of voters said they were undecided or would support a minor party candidate, with Gary Johnson, the Libertarian Party candidate, peaking near 10 percent. Mr. Trump's populist pitch yielded huge gains among white voters without a college degree, but she maintained a modest lead by the margin of defections among Republican-leaning voters. As I put it on Nov. 2, 2016:

[Mr. Trump] hasn't been able to capitalize on strength among white working-class voters in part because of his weakness among Republican-leaning voters in the same states.

It's a strange position for Mr. Trump. In a way, he's already done the hard part: He has pulled off what Republicans have long wished for in places like Green Bay, Wis., and Scranton, Pa., but he's not even approaching traditional Republican benchmarks in the suburbs around Philadelphia and Milwaukee.

This could quickly change if he could do the easy part, consolidating Republican-leaning voters — adding to his strength among white working-class voters.

In the end, Mr. Trump was able to do the easy part: Republican-leaning voters consolidated around him in the final days of the race. Mr. Trump's recovery among those voters was not entirely surprising. Mrs. Clinton did try to appeal to Republican-leaning voters, but as a Democrat whom Republicans had opposed for decades, she was poorly suited to the task.

At the same time, there was nothing inevitable about Mr. Trump's win. These late-deciding voters did not necessarily *want* to support him. They weren't "shy" Trump supporters who were guarding a closely held secret. According to polling, they did not like him, did not support him, did not want to vote for him, and in many cases made the choice only when they felt they absolutely had to — in the voting booth. And up until they decided otherwise, they could have just as easily stayed home or voted for Mr. Johnson. Indeed, millions of voters made exactly that choice.

Does every detail of this story match 2024? No, not at all, but there's a lot that resembles the polling today. As with Mr. Trump in 2016, the polls show that a clear majority of voters do not believe Mr. Biden has what it takes to be an effective president. Partly as a result, he faces those surprising defections from Democratic-leaning constituencies.

Against a typical Republican, Mr. Biden might be a clear underdog. But as luck would have it, Mr. Biden appears to have his Hillary Clinton: Mr. Trump himself, an opponent under criminal investigation (in this case many investigations). Many

voters again find themselves upset with the choice at hand, and many appear willing to back minor party candidates in the early polls.

For now, Mr. Trump leads because he's faring better among young, Black and Hispanic voters than he did four years ago. Just as Mrs. Clinton was not a great fit for the Republican-leaning voters who seemed undecided, Mr. Trump is not the perfect candidate to win these voters. It's clear they don't like Mr. Biden, but will they really vote for Mr. Trump or a minor party in the end? If Mr. Trump leads the polling to the end, we might not know until Election Day.

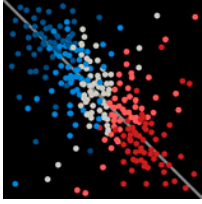
On this point, Mr. Trump's win in 2016 represents a decent but still mixed precedent for Mr. Biden. On the one hand, being seen as unfit for the presidency in 2016 was not necessarily disqualifying at the ballot box. Voters may have had deep reservations about Mr. Trump, but many Republicans ultimately cast a ballot for him against a detested Democrat like Mrs. Clinton. This time around, Mr. Biden will hope for a similarly intense dislike of his own opponent.

On the other hand, Mr. Trump really did suffer an electoral penalty for his various shortcomings. In the end, he bled significant, if not quite decisive, support among Republican-leaning voters. Minor party candidates like Mr. Johnson and Evan McMullin, a conservative anti-Trump candidate, received an unusually large share of the vote. Longtime Republican suburbs really did lurch toward Democrats. Mr. Trump's problems were patently clear, and he could have easily lost a very winnable election under slightly different circumstances (in fact, he lost the popular vote).

That's clearly not what Democrats wanted a Biden-versus-Trump rematch to look like a year ago, even if it might count as a somewhat favorable precedent given the polling today.

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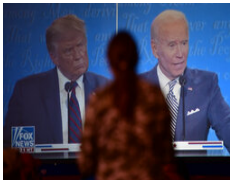
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What Does the Uncommitted Vote in Michigan Mean for 2024?



Not an Ordinary Special Election, and Yet a Typical Result

EXHIBIT 17

In Trump's Defamation Trial, the Nine Most Important People Are Enigmas

The identities of the jurors deciding how much the former president will pay E. Jean Carroll are secret, thanks to a judge's order.



By **Maria Cramer** and **Benjamin Weiser**

Jan. 25, 2024

Attorneys for E. Jean Carroll and Donald J. Trump, pitted against each other in a civil defamation trial in Manhattan, know little about the nine people considering her claim for millions of dollars in damages against the former president.




So, their lawyers have been left making pitches to those nine, the jurors, about whom they have only the barest scraps of information, working on hunches and instincts to persuade people who by design are not knowable.

The judge, Lewis A. Kaplan, ordered that the jurors remain anonymous as they considered how much Mr. Trump should pay for saying Ms. Carroll lied when she accused him of sexual abuse, for which he has already been found liable. Judge Kaplan said jurors should be identified only by number and even suggested they not share their actual names with one other.

In a pretrial ruling, he explained his rationale, citing the potential for influence attempts, harassment or worse by Mr. Trump's supporters — or the former president himself.

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The jurors in the trial, which resumed Thursday after a pause following a juror's illness, have revealed no real clues about how they view the case unfolding before them.

Ordinarily, before a trial, lawyers on both sides dig into the backgrounds of those summoned for jury duty, scanning their social media pages and, in a case like *Carroll v. Trump*, searching for indications of polarized political beliefs, said Rosanna Garcia, the chief executive of Vijilent Inc., a Massachusetts-based research firm that gathers public data about prospective jurors for attorneys.

"You can go through someone's Facebook postings, and you can see a photo of them wearing a 'Make America Great Again' hat," she said. "In that case, you don't even have to ask any questions. You know where they stand."

Eighty prospective jurors were called in for *Carroll v. Trump* in U.S. District Court in Manhattan, according to a court spokesman; it took about half a day on Jan. 16 to conduct voir dire, the traditional examination used to screen out potential bias. The panel that was selected includes seven men and two women.

The trial comes less than a year after a different jury in the same courthouse awarded \$5 million to Ms. Carroll, 80, a former *Elle* magazine advice columnist, after finding that Mr. Trump sexually abused her in a department-store dressing room in the 1990s and defamed her in a post on his Truth Social website in 2022.

Judge Kaplan has ruled that those earlier findings apply in the current trial, which covers separate remarks, and that Mr. Trump, 77, may not contest in court — as he frequently does elsewhere — Ms. Carroll's version of events or argue that she fabricated her account.

The narrow damages issue before the jury stems from comments Mr. Trump made in June 2019, after Ms. Carroll first accused him of the assault in a New York magazine article. Mr. Trump, who was then still in office, responded that her claim was “totally false,” that he had never met her and that she was trying to sell a book.

Ms. Carroll testified last week that her reputation has been “shattered” by Mr. Trump's comments and his continued lashing out in social media posts, on CNN, in news conferences and on the campaign trial, as recently as last week.

When jury selection was held last week, Ms. Carroll and Mr. Trump's lawyers jockeyed to identify those who they felt would be sympathetic to their client's cause. But they were able to assess potential jurors only by their limited answers to questions Judge Kaplan posed concerning their backgrounds, occupations and politics.



Alina Habba, one of Mr. Trump's lawyers, has been trying put her arguments across to people about whom little is known. Michael M. Santiago/Getty Images

Many of the prospective jurors indicated that they were registered with a political party, though they were not asked which one. Many said they had voted in the presidential elections of 2016 and 2020, but they were not asked to reveal for whom they had cast their ballots.

Those whose responses suggested they were more politically engaged did not make it onto the panel — like one retired English teacher who got her news from “Pod Save America,” a podcast hosted by former aides to former President Barack Obama, and a workplace investigator from Westchester who had attended a Trump rally.

Nor did a 60-year-old corporate lawyer from Manhattan who answered affirmatively when Judge Kaplan asked whether anyone felt that Mr. Trump was being treated unfairly by the courts.

“I don't think a lot of these matters have been brought with any sense of fairness,” the lawyer said, referring to the myriad civil and criminal cases Mr. Trump is facing. “The motives, in my view, are suspect.”

Some of the questions were more mundane. People were asked whether they had ever contributed money or supported a political campaign for Mr. Trump, Mr. Obama, Hillary Clinton or Joe Biden.

“Have any of you ever read any books by Mr. Trump?” the judge asked. “No affirmative response,” he noted.

How about books or columns by Ms. Carroll? he continued.

“I've read her column a few times,” one woman responded.

“Would that affect your ability to be fair to both sides in this case?” Judge Kaplan asked.

“No,” the woman said.

“Has anybody ever watched ‘The Apprentice?’” the judge asked. A handful indicated they had.

In the end, those selected for the jury included a retired track supervisor for the New York City Transit Authority, a property manager, an emergency medicine doctor, a publicist and five other New Yorkers.

A majority said they were from Manhattan, the Bronx and Westchester County. Not everyone offered their age, but among those who did, the ages ranged from 26 years old to 60 years old.

In court, the jury has been hard to read. Jurors have largely kept their expressions blank, focusing on testimony and taking notes.

One male juror cracked a smile when the title of one of Ms. Carroll’s books, “What Do We Need Men For?” was said aloud in court.

The same juror chuckled after Ms. Carroll’s lawyers displayed a post on X that showed a photo of her smiling next to an image of the Crypt-Keeper, a decaying comic-book and television character. “I want to stipulate that I am on the left,” Ms. Carroll remarked drolly.

It was a light moment amid difficult testimony by Ms. Carroll about the deluge of often cruel posts on social media and emails to her inbox, some containing threats to kill or rape her.

As Ms. Carroll described the fear she felt as she read the messages, jurors looked solemn and attentive; Mr. Trump shook his head and sometimes scoffed.

Kate Christobek contributed reporting.

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A version of this article appears in print on , Section A, Page 21 of the New York edition with the headline: Trump’s Defamation Trial Resumes, With Elements of Drama and Mystery

EXHIBIT 18

Jury Selection in Trump's Defamation Trial Has Watchful Eyes: His

As E. Jean Carroll, whom Donald Trump assaulted decades ago, seeks millions to deter his verbal attacks, the former president tries to make a political virtue of his legal travails.

By Benjamin Weiser, Maggie Haberman, Maria Cramer and Kate Christobek

Published Jan. 16, 2024 Updated Jan. 17, 2024

Hours after Donald J. Trump cemented his political standing with a romp through the caucus rooms of Iowa, he arrived Tuesday morning in his other world: a courtroom.




The former president's motorcade drove through wet snow to the federal courthouse in Lower Manhattan, where he rode to the 26th floor. There, a jury was selected to hear arguments in a trial over how much money, if any, the former president would have to pay the writer E. Jean Carroll for defaming her after she accused him of raping her nearly three decades ago.

Ms. Carroll, 80, has said she encountered Mr. Trump in the mid-1990s at the Bergdorf Goodman department store in Manhattan, where he shoved her against a dressing room wall and forced himself on her. Mr. Trump, 77, has vigorously denied that he assaulted Ms. Carroll ever since she first accused him of doing so more than four years ago.

The trial is the second in eight months in which Ms. Carroll will face off against the former president. Last May, a jury awarded her just over \$2 million after finding Mr. Trump liable for sexually assaulting her in the dressing room and nearly \$3 million for defamation when he called her story a lie.

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The civil trial that began on Tuesday focuses on separate statements that Mr. Trump made in June 2019 after Ms. Carroll revealed her allegations in New York magazine, but the judge has ruled that Ms. Carroll does not need to prove abuse and defamation a second time, given the jury's decision last May.

Mr. Trump, who was still in office in 2019, called Ms. Carroll's rape claim "totally false," saying that he had never met Ms. Carroll, a former Elle magazine advice columnist, and that she had invented the story to sell a book. The current case — filed before the suit that has already been heard — had been held up by appeals.

Shawn G. Crowley, one of Ms. Carroll's lawyers, told the jury in an opening statement that "speaking from the White House, Donald Trump used the most famous platform on earth to lie about what he had done, to attack Ms. Carroll's hard-earned integrity and to falsely accuse her of inventing a terrible lie."

Ms. Crowley said Mr. Trump had persisted in his attacks even as his supporters deluged Ms. Carroll with cruel insults about her looks and threats to her life. He continued to brand her a liar even after last year's trial in which he was found

liable for abusing her, all the way through this week. Ms. Crowley noted that over the course of Tuesday, he posted more lies about Ms. Carroll — by last count 22 social media posts, she said.

“Twenty-five years after sexually assaulting Ms. Carroll, Donald Trump defamed her for speaking up and then he did it again and again,” Ms. Crowley said. “He keeps doing it, even now. It’s time to make him stop.”

Ms. Carroll is seeking at least \$10 million for damage to her reputation, in addition to unspecified punitive damages intended to punish Mr. Trump and deter further attacks.

Mr. Trump’s lawyer, Alina Habba, told the jury in her statement that the trial was not about assault or even Mr. Trump’s statements as he “defended himself.”

She turned the focus to Ms. Carroll, saying the case was “about a plaintiff who used her story to obtain as much fame and notoriety as possible,” and who now blames Mr. Trump for the backlash she received.

“She has been thrust back into the limelight like she always has wanted,” Ms. Habba said. She displayed pictures to the jury that showed Ms. Carroll beaming before photographers and cameras. “She doesn’t want to fix her reputation, ladies and gentlemen. She likes her new brand.”

Mr. Trump, who is on a quest for the Republican presidential nomination, has attacked Ms. Carroll regularly and relentlessly. He has said for weeks that he wanted to attend Ms. Carroll’s trial and to testify. On Tuesday, he sat through jury selection, but left in the afternoon two hours before a campaign rally in New Hampshire, which holds its presidential primary next week.

Mr. Trump is not obligated to be in the courtroom, but he has been trying to make a political virtue of his legal travails, which also include four criminal indictments. In the Republican primary, that approach has worked for him, with the indictments propelling his fund-raising and consolidating his support among a party base that sees him as being unfairly persecuted.

“I want to go to all of my trials,” Mr. Trump told reporters last week when he attended closing arguments in a New York civil fraud case.

During jury selection Tuesday morning, Mr. Trump seemed focused and attentive, whispering to his lawyers and pivoting in his seat to look at potential jurors as they responded to the judge’s questions. When Judge Lewis A. Kaplan asked whether any believed that the 2020 presidential election had been stolen, two jurors said yes; and Mr. Trump let his gaze fall on them for several moments.

Politics seeped into the courtroom as the judge asked whether potential jurors had voted in recent presidential elections and whether they were registered to vote. Had they attended Mr. Trump’s rallies? Had they contributed to the campaigns of Barack Obama, Hillary Clinton or Joseph R. Biden Jr.? Or of Mr. Trump?

Jurors were asked if they belonged to fringe groups like QAnon, Antifa, the Proud Boys and the Oath Keepers. None answered yes.

When Judge Kaplan asked if anyone thought that Mr. Trump was being treated unfairly by the court system, at least a couple of jurors said yes and for an instant, Mr. Trump half-raised his hand, seemingly more a reflex than an act of defiance.

Judge Kaplan told the prospective jurors that if selected, they would remain anonymous during the trial and he recommended that they not even use their real names when conversing with each other. “This is for your own protection,” he said. “This case has attracted media attention in the past and that’s likely to continue.”

He said the jurors would be taken to and from the court’s underground garage to drop-off locations in the city. The reason, he said, was “to protect all of you from any unwanted attention, harassment and invasion of your privacy.”

The question jurors will consider this week is purely financial. The judge previously ruled that Ms. Carroll did not need to prove again that Mr. Trump had sexually abused her in the mid-1990s or that his comments in 2019 were defamatory, finding they were substantially the same as the statements that prompted last year’s award.

The judge has said that Mr. Trump may not dispute in court Ms. Carroll's version of the events that occurred at Bergdorf's — as he frequently does in posts on his Truth Social website, on the campaign trail and recently, in a news conference in Manhattan.

Ms. Carroll testified in the trial last spring that the attack at Bergdorf's came after she bumped into Mr. Trump one evening and he asked her to help him buy a present for a female friend.

They ended up in the department store's lingerie section, where he motioned her to a dressing room, shut the door and began assaulting her. Using his weight to pin her, he pulled down her tights and forced his fingers and then, she said, his penis into her vagina.

Judge Kaplan has ruled that even though the jury did not find that Mr. Trump used his penis to assault her, Ms. Carroll's rape claim was “substantially true under common modern parlance.”

But despite the judge's rulings, Mr. Trump's attacks continued even as jurors were chosen Tuesday to decide further punishment. Among his 22 posts was an image of Ms. Carroll on CNN, with the caption, “Can you believe I have to defend myself against this woman's fake story?!”

Olivia Bensimon contributed reporting.

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Maria Cramer is a Times reporter covering the New York Police Department and crime in the city and surrounding areas. [More about Maria Cramer](#)

EXHIBIT 19

How Herd Mentality Explains Our Behavior

By Toketemu Ohwovoriole | Published on May 04, 2023

✓ Reviewed by David Susman, PhD

Herd mentality, also known as mob mentality or crowd mentality, is a psychological phenomenon that significantly impacts human behavior. It occurs when individuals adopt the beliefs, behaviors, or attitudes of the majority in a group, often at the expense of their own judgment or individuality. This behavior can be observed in various aspects of daily life, from fashion trends to investment decisions and even political affiliations.

Understanding the principles behind herd mentality can empower you to better recognize its impact on your life and learn how to make more informed choices. When we recognize and understand the influence of herd mentality, we can maintain our uniqueness and autonomy despite intense societal pressures.

What Are Examples of Herd Mentality?

Herd mentality can be observed in both historical and hypothetical situations. Here are a few examples to illustrate its prevalence and impact:

- **Stock market bubbles:** Investors may follow the crowd in purchasing overvalued stocks, leading to financial bubbles and subsequent crashes. The dot-com bubble and the housing bubble are prominent examples of how herd mentality can lead to market instability and financial losses.
- **Fashion trends:** People often adopt popular clothing styles and brands influenced by the preferences of the majority. The rapid adoption and subsequent abandonment of trends can have significant environmental and economic impacts, such as increased waste and financial strain on individuals.
- **Social media:** The spread of viral content and the desire to follow popular accounts or engage with trending topics can be attributed to herd mentality. This phenomenon can create echo chambers, where people are exposed primarily to content that

aligns with their existing beliefs and preferences, limiting their exposure to diverse perspectives and reinforcing existing biases.

- **Political movements:** It's common for people to follow popular opinions and ideas, even when they don't fully comprehend or support them. The rise of extremist political movements throughout history can be partially attributed to herd mentality, as people join in with the dominant group, often out of fear of being ostracized or persecuted. The rise of Nazi Germany is one such example.
- **Panic buying:** In times of crisis, people may hoard essential items out of fear, leading to shortages and further exacerbating the situation. The COVID-19 pandemic saw widespread panic buying things like toilet paper, hand sanitizer, and face masks, creating additional stress and challenges.

Recognizing the Signs of Herd Mentality

To recognize herd mentality in ourselves and others, you can look for the following signs:

- **Conformity:** People may change their beliefs or behaviors to align with the majority, even if they previously held different opinions. This can manifest in various ways, from adopting popular views on social media to following the latest fashion trends.
- **Fear of missing out (FOMO):** The anxiety associated with being left behind or excluded from a popular trend or activity can drive people to conform. FOMO can lead to impulsive decision-making and constantly needing to stay updated on the latest news, trends, and events.
- **Group polarization:** As people interact within a group, they may adopt more extreme opinions, amplifying the group's collective beliefs. This can result in escalation of conflicts, marginalization of minority viewpoints, and a potential for groupthink—a phenomenon where group members prioritize consensus over critical thinking and rational decision-making.
- **Suppression of dissent:** People may be discouraged from expressing contrary opinions or challenging the status quo, leading to a lack of diversity in thought and decision-making. In some cases, this suppression can result in silencing critical voices, creating an environment where potential problems or alternative perspectives are not adequately considered.

What Causes Herd Mentality?

Herd mentality can be attributed to several factors. At the top of this list is social influence. We are inherently social creatures and often look to others for guidance or validation, especially in uncertain situations. This can result in conformity.

As humans, our brains tend to take mental shortcuts that sometimes cause us to depend on the views and behaviors of others instead of thinking critically. An example of cognitive bias that contributes to herd mentality is confirmation bias, where you selectively seek out information that supports your existing beliefs.

The average person also has an innate longing to belong and fit in with group norms. This provides a sense of security and acceptance. Even when they may not necessarily agree with their neighbors' ideas and practices, people occasionally adopt them out of fear of being alone.

When people observe the actions of others and assume they are based on accurate information, they may follow suit, creating a domino effect. This can lead to the rapid spread of beliefs or behaviors throughout a group, even if the initial information is incorrect or misleading.

Can Herd Mentality Be Good?

In certain circumstances, herd mentality can have positive effects. In situations where people have limited information or expertise, following the majority can lead to better outcomes, as the group's collective knowledge outweighs that of any single person.

For example, crowd-sourced solutions or predictions can often be more accurate than individual experts. The success of online encyclopedias like Wikipedia are an example of this. Wikipedia is built on collective knowledge and efforts. Users are responsible for developing, updating, and maintaining its massive collection of entries.

When everyone in a group follows the same rules, everyone in the group works better together and feels more connected. This is especially crucial when people need to collaborate on a project or make decisions collectively.

When making a quick decision, relying on the group's collective judgment can speed up the process and save time. This is useful in crises or high-pressure situations where swift action is required. It's crucial to carefully consider the potential benefits and risks of following the crowd, including the suppression of individuality, the perpetuation of misinformation, and the potential for poor decisions based on group behavior.

How to Avoid Following the Crowd

To resist the influence of herd mentality and maintain a sense of individuality, consider implementing the following strategies:

- **Cultivate self-awareness:** Consider your principles, beliefs, and preferences and determine whether your behaviors reflect your genuine self or are swayed by external pressures. Self-reflection regularly might help you establish a stronger sense of identity and make more authentic decisions.
- **Embrace critical thinking:** Question the validity of popular opinions and trends, and weigh the pros and cons before making decisions. Developing strong critical thinking skills can help you resist the allure of herd mentality and make more informed and objective choices.
- **Seek diverse perspectives:** Engage in conversations with people with different viewpoints, backgrounds, and experiences to gain a broader understanding of issues and avoid groupthink. Actively seeking alternative views can help you challenge your assumptions and develop a more nuanced understanding of complex topics.
- **Be comfortable with uncertainty:** Recognize that feeling unsure in some situations is normal and that following the crowd isn't always the best course of action. Embracing uncertainty can help you resist the pressure to fit in and make decisions based on your own intuition.
- **Develop your confidence:** Strengthen your self-esteem and trust in your judgment so you feel empowered to make independent decisions. Building self-confidence can help you resist the pull of herd mentality and navigate social situations with greater independence and resilience.

We can improve ourselves and society by resisting herd mentality and making independent choices. This means developing critical thinking skills and valuing our individuality. Doing so can create a more diverse and inclusive community where collective decisions are made while respecting personal autonomy and independent thought.

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Verywell Mind uses only high-quality sources, including peer-reviewed studies, to support the facts within our articles. Read our editorial process to learn more about how we fact-check and keep our content accurate, reliable, and trustworthy.

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EXHIBIT 20

Article

The Influence of Herd Mentality on Rating Bias and Popularity Bias: A Bi-Process Debiasing Recommendation Model Based on Matrix Factorization

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Abstract: To reduce the impact of rating bias and popularity bias in recommender system, and make the recommender system reach a balance between recommendation utility and debias effect at the same time, we propose a bi-process debiasing recommendation model based on matrix factorization. Firstly, considering the problem that the user's ratings are affected by the herd mentality, which leads to a consistency between the rating and the selection of rating items, resulting in the power-law distribution, the k -times parabolic fuzzy distribution was used to fuse the user's age to redistribute the ratings. Secondly, the loss function is optimized by the continuously increasing flow and popularity of items. Finally, user emotion and item popularity are combined to construct user psychological tendency, which is divided into three levels: strong, medium and weak, and different levels are given different weights. To verify the performance of the model, the experimental results on real datasets show that the model proposed in this paper not only effectively reduces the recommendation bias but also ensures the recommendation utility.

Keywords: power-law distribution; herd mentality; rating bias; popularity bias; recommender system



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1. Introduction

As an important tool to alleviate information overload, the recommender system makes a significant contribution to improving personalized experiences such as e-commerce shopping, movie recommendations, and travel recommendations by using historical interaction data between users and items to generate recommendation predictions [1,2]. However, the recommender systems that only aims to improve the recommendation utility can easily lead to the Matthew effect [3], Filter bubble [4], Process Fairness [5], Outcome Fairness [5], and other problems, and the bias of the recommender systems is one of the reasons for increasing the unfairness of process and unfairness of outcome [6]. Recommender bias includes popularity bias, exposure bias, position bias, rating bias, etc., which are commonly found in data, models, and results [7]. Influenced by the herd mentality, the rating bias is manifested in that users tend to make similar ratings with others or choose similar rating items, even if the rating or selection is contrary to the original intention of users, so the rating bias fails to reflect the real preferences of users [8]. When the ratings of the user group all focus on the same item, the item becomes a high-popularity item. The recommendation model was trained with this kind of user-item historical interaction information, which makes the prediction results contain popularity bias. Popularity bias refers to the fact that items with high popularity are recommended more often than their popularity [9]. Popularity bias has an important impact on the data, model, and results of the recommender systems, and is one of the reasons why most items are not fairly recommended [2].

From the perspective of data, the data presents a power-law distribution [10], that is, in most real-world datasets, the number of high-popularity items is much less than that of low-popularity ones. However, the corresponding attention and flow are very different

from the amount, that is, a small number of high-popularity items get a large number of user visits and flow, while a large number of low-popularity items share a small amount of flow from users. Therefore, the distribution of data shows a power-law distribution with a high degree of imbalance, which affects the recommendation model and results.

For models, the collaborative filtering recommendation models based on matrix factorization tend to expand the bias by over-recommending items with high popularity [10]. Since the purpose of the recommendation model is to predict the rating value of unrated items by users using the historical interaction data between users and items, its goal is to continuously fit the data to achieve the minimum loss, so as to achieve accurate prediction. It is precisely because of the power-law distribution of data and the blind fitting of the model that the existing popularity bias in the data source is further amplified with the training of the model, and then in the subsequent recommendation, the system still tends to recommend the items with high popularity with high frequency.

From the perspective of results, popularity bias damages user satisfaction and trust in recommendation services [11]. If the results with popularity bias are recommended to users, the information received by users will be homogenized. In the long run, users are prone to burnout and have aesthetic fatigue, the system will lose users, and users will also reduce their trust in the recommendation service. Therefore, it is undoubtedly critical to mitigating popularity bias from the perspective of data, models, or results.

In view of this, this paper combines the data and model perspectives, respectively, considering the power-law distribution phenomenon of user ratings affected by herd mentality and the problem that the recommendation model based on matrix factorization will amplify the popularity bias. Starting from the data and model, in-processing and post-processing are optimized in the recommendation cycle to reduce the impact of bias on the results, in order to achieve a balance between unbiased recommendation and improved accuracy.

At the same time, this paper takes herd mentality as the entry point to explore the impact of users' rating choices on the rating bias and popularity bias, and proposes the corresponding debiasing model to effectively mitigate the bias. In addition, according to the research results, this paper extracts the important factors affecting commodity sales and user satisfaction, and puts forward corresponding suggestions to the platform and merchants.

1.1. Herd Mentality

Psychological research shows that the herd mentality of users is directly related to its decision-making behavior [12]. In the context of group behavior, people underestimate their judgments and individuals imitate group choices [13]. Especially when users are in an uncertain environment, imitation is a "safe" choice that users can make. However, this choice is not necessarily subjective, which is different from conformity [14]. Conformity behavior depends on the "observation" of others' behavior, and is more a kind of "following". Subjectivity, on the other hand, often relies on information received from important people [15,16].

1.2. Rating Bias

Liu et al. [8] believed that influenced by the high rating of a project's public comments, users are likely to change their original low rating in order to avoid a harsh rating. This kind of conformity phenomenon is common, which will lead to the bias of user ratings. Krishnan et al. [17] believed that when users rated items before or after being exposed to public opinion, user evaluations followed different distributions. In addition, Chaney et al. [18] and Wang et al. [19] showed that conformity bias may be caused by social influence, in which users tend to behave similarly to their friends. Thus, the observed ratings are biased and may not reflect a user's true preference for the item. Adomavicius et al. [20] showed that if the user preference rating is distorted, it will pollute the user's subsequent input rating on the recommender system, and further cause the uncertainty of the recommender system, so as to provide users with fuzzy views of non-real preferences. Xu et al. [1]

believed that the observed ratings would lead to redundant or inaccurate recommendation results for all users. Therefore, Xu et al. [1] aimed to explore the hidden information of observation ratings to alleviate this recommendation dilemma.

1.3. Popularity Bias

Popularity bias results in users who tend to evaluate popular items, resulting in the majority of user evaluations clustered in popular items, while the evaluation of long-tail items are ignored. In addition, the system will recommend similar items to users according to their frequent clicking behavior, and the Matthew effect will appear in such a cycle, thus affecting the real preferences of users, resulting in a decline in user satisfaction and content richness. Liu et al. [21] argued that the feedback loop ecology of recommender systems further exacerbated this Matthew effect. Jadidinejad et al. [22] pointed out that recommender systems are usually evaluated based on user interactions collected from existing and deployed recommender systems. As a result, users only provide feedback on the published project, creating a closed-loop feedback. The feedback loop ecology of the recommender system further intensifies this Matthew effect. Mansoury et al. [2] pointed out that one of the main reasons why different items do not receive fair exposure in recommendations is the influence of popularity bias, that is, a few popular items are over-recommended, while most other items do not receive due attention. Abdollahpouri et al. [23] also showed that this bias towards popular items will have a negative impact on less popular items and new items in the system. Jannach et al. [24] believed that the most advanced recommendation models also show obvious bias from the recommended items favored by most people. Saito et al. [25] believed that popular items attract more attention than other items, so popular items can receive more user behaviors. These popular items will have a greater impact on model training, making the model recommendation results more favorable to these items.

1.4. Related Research from the Perspective of Data

From the perspective of data, the historical interaction data between users and items are mainly composed of rating information by users. Sreepada and Patra [26] verified that rating datasets commonly used in recommender systems follow power-law distribution. One of the reasons for the power-law distribution is that user ratings are easily affected by external factors, including but not limited to herd mentality, social influence bias, and persuasion bias, which tends to make the ratings consistent and centralized. Moreover, it leads to the polarization of the scoring situation of high-popularity items and low-popularity items, and the low-popularity items are increasingly marginalized. Liu et al. [8] believed that users will be influenced by others' opinions when making choices online. Sipos et al. [27] concluded from an experiment on voting that users' behaviors are not always honest, and their decisions are largely derived from the surrounding environment. This phenomenon of user ratings being changed by herd mentality exists in most scenarios, including programs and digital products [28–30].

Some related studies use matrix factorization to indirectly improve the bias of users influenced by others. Chaney et al. [18] developed the social Poisson decomposition based on the Bayesian model, which uses the user's potential preferences and the potential influence of social relations to explain the user's consumption behavior on the item at the social level. Wang et al. [19] proposed a personalized social association preference matrix factorization model based on probability matrix factorization considering the influence of strong social ties and weak social ties on users. There are also related studies that directly use existing resources to improve. Sreepada and Patra [31] proposed a hybrid framework to mitigate the long-tail effect by using the Siamese network and reformulating the input of the network. Steck [32] adopted the method of data rescaling to increase the rating of long-tail items. Meanwhile, Sreepada and Patra [26] injected ratings into long-tail items in a systematic way to provide a new perspective for solving long-tail problems.

1.5. Related Research from the Perspective of the Model

From the perspective of the model, as a common explicit factor in recommender systems, rating data are often the preferred input of the model because it is easy to obtain and contains obvious user preferences to a certain extent. However, the model is easy to amplify the inherent bias in the data and even brings other recommendation biases. For example, the collaborative filtering recommendation model based on matrix factorization tends to amplify the popularity bias. Liu et al. [33] showed that ignoring the bias would lead to the recommendation model converging into a biased suboptimal solution. Mena-Maldonado et al. [34] pointed out that the main goal of the recommender system is to recommend users' favorite items rather than popular items. However, recommender systems themselves set up a feedback loop, and Carraro and Bridge [35] pointed out that users are generally more likely to interact with the suggestions provided by the system than with other items.

Some related studies tend to quantify the popularity bias in the in-processing stage of the recommendation life cycle and make corresponding optimization strategies. Bhadani [36] quantified the popularity bias by using the existing market data, deepened the understanding of the popularity bias and promoted the stable development of the recommender system. Steck [32] adopted the method of weight allocation, aiming to increase the weight of long-tail items. Some studies also adopted a new scoring strategy in the post-processing stage of the recommendation life cycle, aiming to improve the recommendation of low-ranked items in line with user needs. Zhu et al. [37] combined user value scale and preference degree to compensate low-popularity items to improve their probability of being recommended. Abdollahpouri et al. [38] designed a post-processing framework based on diversified re-ranking, which is flexibly applicable to the output of the recommender system and increases the proportion of low-popularity items in the recommendation.

In summary, most scholars focus on one perspective of the recommender system or are committed to solving a type of bias in the recommender system, lacking the universal ability to consider mixed data and model bias. From the perspective of the whole life cycle of the recommender system, both data and model play a decisive role in the results.

1.6. Contribution of This Paper

Therefore, this paper proposes a bi-process debiasing model that mixes rating bias and popularity bias from the perspective of data and model. The main contributions of this paper are as follows:

1. By taking the rating bias in the data as an entry point, considering that the user's rating behavior can easily be affected by herd mentality, and integrating the characteristics of different user age groups, the K-times parabolic fuzzy distribution is used to adjust the user's historical rating information to reduce the rating bias.
2. With the popularity bias in the model as the starting point, the continuously increasing flow and popularity of the item are considered, and by incorporating the debiased-rating as the weight to optimize the model, the scoring bias and popularity bias are reduced.
3. The psychological line is introduced as a proxy tool for studying user emotions, and the popularity index is introduced as a proxy tool for item popularity. The psychological tendencies of users are divided into three levels: strong, medium, and weak, and different weighting strategies are adopted for different levels to ensure the balance between recommendation utility and debias effect.

2. Materials and Methods

2.1. Preliminaries

2.1.1. Psychological Line

The purpose of psychological line (PSY) in the stock market is to explore the psychological fluctuations of investors on the rise and fall of the stock market, which can reflect the strength of investors' willingness to buy and sell, and is one of the emotional indicators

for the study of investor psychology. The calculation formula of the psychological line is as follows:

$$PSY = \frac{N_{rise}}{N} * 100\% \quad (1)$$

where, N represents the number of days, which is permanently set at 12 in the stock market application; N_{rise} indicates the number of days in N in which the stock market rises.

The stock rises continuously, and the investor strongly invests in the willingness to buy this stock. In recommender systems, the continuous increase of browsing flow leads to an item's high popularity, which will affect the user in selecting the item. At the same time, system suggestions are more inclined to recommend items with high popularity, which forms a bad closed-loop feedback. However, this herd mentality and frequent browsing of similar types of highly popular items are not permanent. With the passage of time or repeated push, users' emotions will change significantly, leading to the birth of reverse psychology, further affecting the benefits of the item and the platform, and more seriously, leading to the loss of a large number of users in the platform. Therefore, this paper creatively applies psychological lines to the recommender system as one of the tools for studying user emotion agents.

2.1.2. Sentiment Indicators

Sentiment indicators (AR) reflect the sentiment of market trading in the stock market, attach importance to the opening price of the stock market, and reflect the market situation and stock price trend through the opening price of a certain period. The sentiment indicator is calculated using the following formula:

$$AR = \frac{\sum high - open}{\sum open - low} * 100\% \quad (2)$$

where *high* represents the highest price of the stock in a fixed period; *low* indicates the lowest price of a stock in a fixed period; *open* indicates the opening price of a stock in a fixed period. In stock market applications, the fixed period is usually set to 26 days.

When the market sentiment is high, the stock price will do better, but too high means that the price may fall at any time. In the recommender system, the higher the popularity of the item, the easier it is to attract the attention of users. Although high-popularity items are helpful to increase system flow and guide user behavior, popularity bias occurs when high-popularity items are recommended more frequently than their popularity, which makes long-tail items that are low-popularity items difficult to recommend. This will have adverse effects on recommendation platforms, suppliers, and users in the long run. Therefore, this paper attaches importance to the average popularity of all items in the system and creatively applies the sentiment indicators to the recommender system as one of the proxy tools to study the popularity of items.

2.1.3. K-Order Parabolic Fuzzy Distribution

The fuzzy distribution [39] has certain advantages in dealing with uncertain information, especially for multi-attribute decision-making problems. In most cases, the result of the decision is not only black and white, as sometimes the result will appear to be close to one side or ambiguous. However, fuzzy does not mean that it is an incorrect state; fuzzy distribution is the condensation of fuzzy state, so that it forms a tangible concept. The calculation formula of k-order parabolic fuzzy distribution is as follows:

$$\mu_A = \begin{cases} \left(\frac{x-a}{b-a}\right)^k, & a \leq x \leq b \\ 1, & b \leq x \leq c \\ \left(\frac{d-x}{d-c}\right)^k, & c \leq x \leq d \\ 0, & x < a, x \geq d \end{cases} \quad (3)$$

where, the fuzzy set A is determined by any mapping from the domain X to the closed interval $[0, 1]$ and $A = (a, b, c, d)$ is the fuzzy number on the real number R ; μ_A is the membership function of the fuzzy set A . k denotes the degree of parabolic fuzzy distribution.

2.2. Model Building

2.2.1. Similarity Measurement Model Based on K-Order Parabolic Fuzzy Distribution

First, consider that users of the same age group are more likely to have the same preferences and rating habits. The purpose of age grouping is to bring active users as close as possible to a group of neighbors [40], but the distribution of age has no natural boundary in classical set theory [41]. However, human interpretation allows a gradual transition between the categories of “old” and “too old” [42]. Therefore, combined with the age distribution of users in the real dataset, this paper divides the users into three age groups, which are group A: (1–30), group B: (15–60), and group C: (45–75). However, age is a user attribute with ambiguous nature, that is, an exact age value, such as 30 years old, can be classified as young users or middle-aged users. At the same time, the user’s age and the user’s behavior sometimes do not match, such as “an old head on young shoulders”.

Secondly, because the user’s rating behavior is easily affected by herd mentality, the rating information may not conform to the user’s real preference. According to the common scoring mechanism of 1–5 points, this paper divides the user’s rating of the item into three groups: group D: (0–2), group E: (1–4), and group F: (3–5). However, the evaluation of 1 to 5 points is a kind of rating with ambiguity, that is, when the rating tends to the middle rating, the system cannot well capture whether the user’s preference for the item tends to be good or bad. At the same time, users are influenced by the herd mentality, which makes their ratings consistent with the surrounding crowd, and also makes the ratings fuzzy.

Given this, group A has intersecting parts with group B, group B has intersecting parts with group C, group D has intersecting parts with group E, and group E has intersecting parts with group F, to reflect the real situation in line with the real problem.

For group A, $a = 0, b = 0, c = 15, d = 30$; for group B, $a = 15, b = 30, c = 45, d = 60$; for group C, $a = 45, b = 60, c = 75, d = 75$; for group D, $a = 0, b = 0, c = 1, d = 2$; for group E, $a = 1, b = 2, c = 3, d = 4$; for group F, $a = 3, b = 4, c = 5, d = 5$. Let $k = 1$ and transform it into first-order parabolic fuzzy distribution.

The membership function of groups A, B, C are as follows:

$$A_{\mu_A}(x) = \begin{cases} 1, 0 \leq x \leq 15 \\ (30 - x)/15, 15 \leq x \leq 30 \\ 0, x < 0, x \geq 30 \end{cases} \quad (4)$$

$$B_{\mu_A}(x) = \begin{cases} (x - 15)/15, 15 \leq x \leq 30 \\ 1, 30 \leq x \leq 45 \\ (60 - x)/15, 45 \leq x \leq 60 \\ 0, x < 15, x \geq 60 \end{cases} \quad (5)$$

$$C_{\mu_A}(x) = \begin{cases} (x - 45)/15, 45 \leq x \leq 60 \\ 1, 60 \leq x \leq 75 \\ 0, x < 45, x \geq 75 \end{cases} \quad (6)$$

The membership function of groups D, E, F are as follows:

$$D_{\mu_A}(x) = \begin{cases} 1, 0 \leq x \leq 1 \\ -x, 1 \leq x \leq 2 \\ 0, x < 0, x \geq 2 \end{cases} \quad (7)$$

$$E_{\mu_A}(x) = \begin{cases} x - 1, 1 \leq x \leq 2 \\ 1, 2 \leq x \leq 3 \\ 4 - x, 3 \leq x \leq 4 \\ 0, x < 1, x \geq 4 \end{cases} \quad (8)$$

$$F_{\mu_A}(x) = \begin{cases} x - 3, & 3 \leq x \leq 4 \\ 1, & 3 \leq x \leq 4 \\ 0, & x < 3, x \geq 5 \end{cases} \quad (9)$$

Finally, because the improved Euclidean distance function has good performance in compatibility with multi-attribute similarity calculation, the fuzzy distance function proposed by Kant and Bharadwaj [43] is used to calculate the similar user preference rating of a parabolic fuzzy distribution integrating user age and rating information. The formula of fuzzy distance function is as follows:

$$F_{one}(u, v) = \frac{1}{3} \sum_{j=1}^3 \sqrt{(u_{i,j} - v_{i,j})^2} \quad (10)$$

$$F_{sim}(u, v) = 1 - \frac{1}{2} \sum_{i=1}^2 F_{one}(u, v) \quad (11)$$

where, $u_{i,j}$ and $v_{i,j}$ respectively represent the corresponding membership degree values of the j -th group when user u and v take i as the scoring information or age information. $F_{one}(u, v)$ represents the fuzzy distance function of single information.

By fusing the user's age and rating information, it was converted into a k -order parabolic fuzzy distribution, and the fuzzy distance function between users based on this distribution was calculated to obtain the similar user set. Then, the prediction function was used to calculate the predicted rating of the user for the item, which was used as the weight of the debiased rating, and the weight matrix of the debiased rating was denoted as w . The prediction function is as follows:

$$w_{u,t} = \bar{r}_u + \frac{\sum_{v \in V} F_{sim}(u, v) * (r_{v,t} - \bar{r}_v)}{\sum_{v \in V} F_{sim}(u, v)} \quad (12)$$

where, V represents the set of users with similar feature preferences; $r_{v,t}$ represents the actual rating of the item t by user v ; \bar{r}_u and \bar{r}_v represents the average ratings of user u and v , respectively.

2.2.2. Loss Function Based on Continuously Increasing Flow and Popularity

The continuously increasing flow and popularity of items are the key points to explore the user sentiment and popularity of the item, which further affects the user's rating decision. Firstly, the weight matrix of the debiased rating is normalized, and the processing formula is as follows:

$$nw_{ut} = \frac{w_{ut} - \min_{1 \leq u \leq U, 1 \leq t \leq T} \{w_{ut}\}}{\max_{1 \leq u \leq U, 1 \leq t \leq T} \{w_{ut}\} - \min_{1 \leq u \leq U, 1 \leq t \leq T} \{w_{ut}\}} \quad (13)$$

where U represents the set of users; T represents the set of items.

Secondly, the debiased rating normalized by Equation (13) is used as the weight. Finally, the matrix factorization model obtained by integrating the continuously increasing flow and popularity of the item is as follows:

$$\mathcal{L} = nw_{ut} (r_{ut} - \sum_{k=1}^k p_{uk} * q_{kt})^2 + \frac{\lambda}{2} (\|p_{uk} + w_{uk}\|^2 + \|q_{kt} + w_{kt}\|^2) + \frac{\lambda_1 + \lambda_2}{2} \left\| p_{uk} + \frac{1}{mcount_k} + mdate_k \right\|^2 + \frac{\lambda_1 + \lambda_2}{2} \left\| q_{kt} + \frac{1}{mcount_k} + mdate_k \right\|^2 + \frac{\lambda_3}{2} \|mcount\|^2 + \frac{\lambda_4}{2} \|mdate\|^2 \quad (14)$$

where, k represents the dimension of hidden factor space; r_{ut} represents the rating of item t by user u ; p and q represent k dimensional user latent factor matrix and dimensional item latent factor matrix, respectively; $mdate_k$ and $mcount_k$ represent the continuously increasing flow and popularity of the item in k dimension, respectively; $mdate$ and $mcount$ represent

successively increasing flow value sequence and popularity value sequence of all items, respectively. $\lambda, \lambda_1, \lambda_2, \lambda_3, \lambda_4$ represent the regularization parameters.

2.2.3. Recommendation Model Based on User Emotion and Item Popularity

User sentiment and item popularity are important factors affecting user rating decisions. In the initial case, users will be affected by herd mentality and persuasion bias, and follow the crowd to browse the highly popular items, resulting in the vast majority of flow converging on the highly popular items. However, with the increase of users' historical behavior information, the recommendation model will predict users' clicking behavior based on it. The model takes existing historical interaction data as input and a list of suggestions as output. Over time, the list of suggestions will be highly consistent with the user's history, but this scenario is just a stereotypical information prediction and does not take into account the user's emotional changes. The system recommends items with high consistency for a long time, which will cause users to become bored and even more frustrated with the platform. At the same time, the popularity of the item is the key to guiding the user's behavior. In the initial state, users tend to browse the popular items in the vast number of items, and a series of interaction records are generated. However, with the formation of closed-loop feedback, high-popularity items are recommended more than their popularity, which brings adverse effects.

Given this, this paper constructs the user emotion evaluation function based on the psychological line. The larger the value, the more positive the user's emotion is and the more inclined the user is to give a higher rating to the recommended item. The user emotion evaluation function is as follows:

$$emotion(u) = \frac{mdate(t)}{N} \quad (15)$$

where, $mdate(t)$ represents the maximum continuously increasing flow of item t in time period N .

At the same time, in the study of item popularity, we focus on the average popularity of all items in the system. Therefore, the item popularity evaluation function is constructed based on the sentiment indicators. The larger the value is, the higher the item popularity is, and the more users are inclined to interact with the recommended item. The item popularity evaluation function is as follows:

$$popularity(t) = \frac{mcount(t) - \bar{g}}{\bar{g} - icount(t)} \quad (16)$$

where, $mcount(t)$ and $icount(t)$ represent the maximum and minimum popularity value of the item, respectively; \bar{g} represents the average popularity of all items in the system.

According to the strong and weak tendency of user emotion and item popularity, the psychological tendency function is constructed. The psychological tendency corresponds to the degree to which users will interact with the item recommended by the system and give higher ratings. The psychological tendency function is as follows:

$$\theta_{ut} = emotion_{ut} + popularity_{ut} \quad (17)$$

The psychological tendency values were divided into three levels: strong (6, 9], medium (3, 6], and weak [0, 3]. Different weight allocation strategies are adopted when the user psychology is in different level intervals, and the final model prediction rating is as follows:

$$\hat{r}_{ut} = \begin{cases} e^\alpha * (\hat{r}_{ut} + \frac{1}{mcount_t}), 6 < \theta \leq 9 \\ e^\beta * (\hat{r}_{ut} + \frac{1}{mcount_t}), 3 < \theta \leq 6 \\ e^\gamma * (\hat{r}_{ut} + \frac{1}{mcount_t}), 0 \leq \theta \leq 3 \end{cases} \quad (18)$$

where, α, β, γ is the weight parameter of strong, medium, weak, and psychological tendency, respectively, and $\alpha + \beta + \gamma = 1$.

3. Results

3.1. Experimental Preparation

3.1.1. Experimental Dataset

Movielens dataset [44] is widely used in recommender systems. It contains user-item rating, user occupation, user gender, user age, and other information, and is one of the famous recommender datasets. Meanwhile, Sreepada and Patra [12] have verified that the rating data in Movielens follows the power-law distribution, which meets the experimental requirements of this paper. In this paper, the ratio of training set: validation set: test set is 7:2:1. The information about the dataset is shown in Table 1.

Table 1. Information of Movielens dataset.

Dataset		Movielens-100 k	
Users	943	Ratings	100,000
Items	1682	Density	6.3%
Average Popularity	59.45	Age distribution	7~73

3.1.2. Evaluation Metrics

To evaluate the performance of the model from two levels of recommendation utility and recommendation bias, this paper uses two types of metrics to evaluate the proposed model.

1. Recommendation utility

$$NDCG@_s = \frac{DCG@_s}{IDCG@_s} \quad (19)$$

$$DCG@_s = \sum_{i=1}^s \frac{2^{rel_i} - 1}{\log_2(i + 1)} \quad (20)$$

NDCG is one of the commonly used evaluation metrics of recommendation utility. The higher the value of NDCG, the better the recommendation utility of the model. Where, rel_i represents the true relevance of item i ; s represents the recommended number. $IDCG@_s$ is $DCG@_s$ in the ideal state.

2. Recommendation bias

$$PRU = -\frac{1}{N} \sum_{u \in U} SCC(\text{pop}(I_s), \text{pre}(\hat{I}_s)) \quad (21)$$

PRU [37] measures the popularity bias from the perspective of users. The smaller the value of PRU is, the smaller the popularity bias of the model from the perspective of users is. Where, I_s represents the collection of historical items; \hat{I}_s represents the set of predicted items; N represents the total number of items; $SCC(\cdot, \cdot)$ represents the calculated Spearman correlation coefficient of the two; $\text{pop}(I_s)$ represents the popularity list of historical items; $\text{pre}(\hat{I}_s)$ represents the ranking list of recommended items predicted by the model.

$$D_M = \frac{1}{D(h(I_s)^@l)} * (D(p(\hat{I}_s)^@l) - D(h(I_s)^@l)) \quad (22)$$

D_M [45] measured the difference in popularity distribution between the historical item list and the item recommendation list predicted by the model from the five dimensions of mean, median, variance, skew, and kurtosis of the data, denoted as D_Mean , D_Median , D_Var , D_Skew , and $D_Kurtosis$, respectively. Where, $h(I_s)^@l$ represents the popularity list of historical items of length l ; $p(I_s)^@l$ represents the list of recommended item popularity predicted by the model with length l ; $D(\cdot)$ means mean, median, variance, skew, and kurtosis as measures.

When $D(\cdot)$ is chosen as the mean and median, if D_Mean or D_Median is positive, it means that the recommendation model recommends more popular items to users on the whole. When $D(\cdot)$ is the variance, if D_Var is positive, it means that the list of recommended items predicted by the model is more diverse than the user's historical items. When $D(\cdot)$ is skew, if D_Skew is positive, it means that the right tail of the distribution of the recommendation list predicted by the model is heavier than the tail of the distribution of the user's historical items relative to the left tail. When $D(\cdot)$ is kurtosis, if $D_Kurtosis$ is positive, it means that the recommendation distribution is close to the normal distribution to some extent. The tail of the popularity distribution of recommended items predicted by the model is heavier than its corresponding items.

In general, when $D(\cdot)$ is the mean, median, and variance, D_M tends to evaluate the recommendation of the model for items with high popularity. When $D(\cdot)$ is skew and kurtosis, D_M tends to evaluate the recommendation of the model for long-tail items, that is, low-prevalence items.

3.2. Psychological Tendency Parameter Settings

Since the frequency of all popular items being recommended does not necessarily exceed their popularity, the medium-popularity items may not cause popularity bias, and blindly reducing the proportion of high-popularity items will actually harm the recommendation accuracy. At the same time, in the composition of psychological tendency function, the calculation of user sentiment and item popularity is affected by the popularity of the item, and the strength of psychological tendency is positively correlated with the popularity. Therefore, this paper does not consider increasing the weight of the weak psychological tendency interval in the setting of psychological tendency parameters, and focuses on the recommendation utility and recommendation bias when users are in the strong psychological tendency interval. The step of parameter selection is set to 0.1, and the experimental results are shown in Table 2.

Table 2. The weights α , β and γ of the three intervals of strong, medium, and weak psychological tendency were adjusted, respectively, according to the step size of 0.1, and PRU and NDCG were used as evaluation metrics.

α	β	γ	PRU	NDCG@60
0.8	0.1	0.1	0.4821	0.2073
0.7	0.1	0.2	0.3933	0.2033
	0.2	0.1	0.4777	0.2052
0.6	0.1	0.3	0.3501	0.1838
	0.2	0.2	0.4060	0.1929
	0.3	0.1	0.4677	0.1832
0.5	0.1	0.4	0.2506	0.1546
	0.2	0.3	0.3258	0.1665
	0.3	0.2	0.4042	0.1566
	0.4	0.1	0.4301	0.1245

According to Table 2, when α is maximized, the recommendation utility reaches the optimum, but the recommendation bias also reaches the maximum. On the contrary, when γ takes 0.4, the maximum value of low weight, it means that compared with other low-weight values, the weight of low-popular items in the weak psychological tendency interval is increased, so the recommendation bias is the smallest and the debias effect is the best. However, if the weight is excessively increased, the recommendation utility will be lost. When β takes the maximum value of the low weight, the essence is that it increases the weight of medium-popular items, so its recommendation bias is between the bias when α takes the maximum value and the bias when γ takes the maximum value. At the same time, since the user-item interaction information in the medium psychological tendency interval

has the largest amount among the strong, medium, and weak intervals, its recommendation utility is not as good as the recommendation utility when γ is the maximum.

Based on the above situation, in order to balance the weights of strong, medium, and weak intervals, and make the model balance the recommendation utility and the debias effect, it can be seen that when $\alpha = 0.7, \beta = 0.1, \gamma = 0.2$, the recommendation utility is close to the optimal state, and the debias effect is considerable. Therefore, this paper takes $\alpha = 0.7, \beta = 0.1, \gamma = 0.2$ as the psychological tendency parameter of the proposed model.

3.3. Comparative Experiment

In order to evaluate the performance of the proposed model from two levels of recommendation utility and recommendation bias, the model is denoted as R&P-MF. In this paper, two classical models and three debiasing models are selected for comparison. The comparative experimental results are shown in Figure 1.

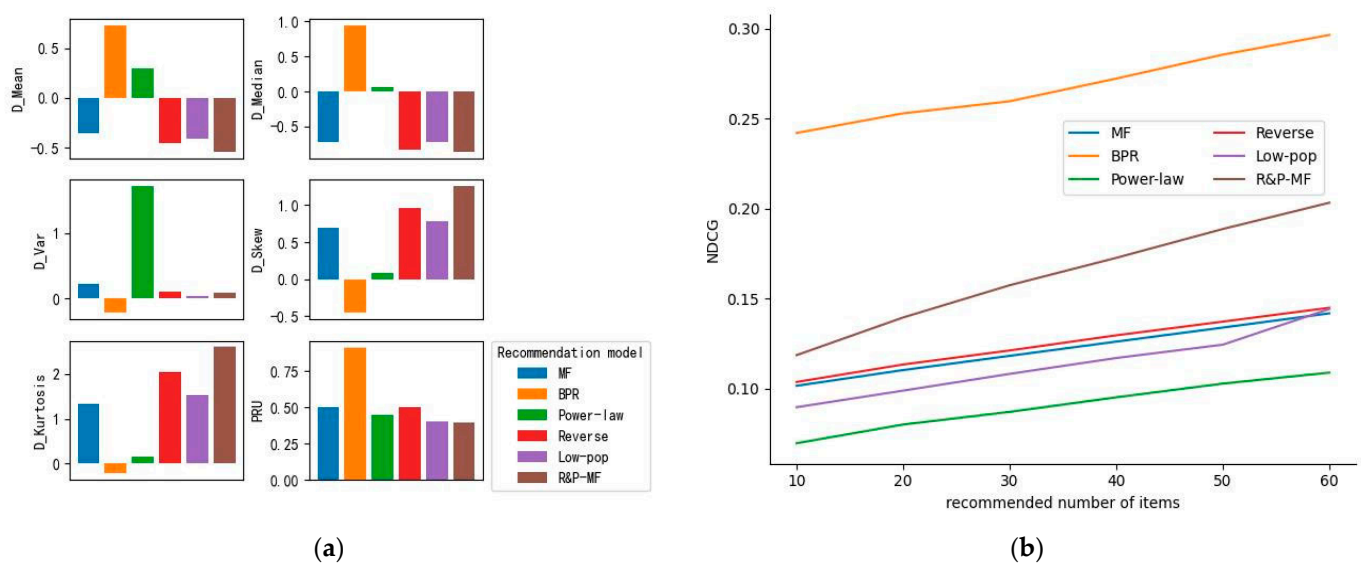


Figure 1. Experimental Settings: $\lambda = 0.02, \lambda_1 = 0.04, \lambda_2 = 0.04, \lambda_3 = 0.002, \lambda_4 = 0.03$. (a) Results of all models (MF, BPR, Power-law, Reverse, Low-pop, and R&P-MF) with $D_M@60$ and PRU as metrics; (b) Results of all models (MF, BPR, Power-law, Reverse, Low-pop, and R&P-MF) with NDCG@ (10–60) as metrics.

- (A) MF [46]: Matrix factorization is one of the most commonly used recommendation models due to its good recommendation performance. It reduces the dimension of the rating matrix, obtains the mapping of users and items in the hidden factor space, and uses the latent factor matrix to predict the user rating.
- (B) BPR [47]: Pairwise ranking recommendation model based on the Bayesian formula has good performance in dealing with implicit feedback. It assumes that different users have independent preferences and the same user has independent preferences for different items, and constructs user-item interaction behaviors in the form of triples to predict user preferences.
- (C) Power-law [32]: A hierarchical test of popularity based on power-law distribution, which assigns weights to the observable ratings of items in the training data, aiming to assign items with low popularity to higher ratings, so that they can obtain higher recommendation rankings in training.
- (D) Reverse [32]: Similar to reverse propensity weighting, the original data sample is rescaled according to the popularity of the items to uniformly boost the ratings of low-popularity items.

- (E) Low-pop [37]: The items with low popularity are compensated for popularity according to the degree of user preference and the scale of user value. The lower the popularity of the item, the more compensation is obtained.

4. Discussion

It can be seen from Figure 1 that BPR has the best recommendation utility and the largest recommendation bias. Both D_{Mean} and D_{Median} of BPR and Power-law are positive, indicating that BPR and Power-law tend to recommend more popular items to users on the whole. Compared with BPR, Power-law has more diverse recommended and suggested items than user history items. MF shows the opposite trend to BPR. According to the positive values of D_{Skew} and D_{Kurtosis} , Reverse, Low-pop, and R&P-MF increase the recommendation of long-tail items, that is, low-popularity items. R&P-MF has the best performance among the three, and has the best recommendation utility when the bias value reaches the minimum. A larger D_{Kurtosis} means that more items in the recommendation list are distributed in low-popularity areas. In summary, R&P-MF has the best performance in the comparison model by considering both recommendation utility and debias effect.

The model proposed in this paper focuses on collaborative filtering based on matrix factorization and is a non-pairwise recommendation model. In view of the fact that the pairwise recommendation model such as BPR has strong recommendation utility but at the cost of losing the debias effect, future research will explore the bias problem of the pairwise recommendation model, in order to maintain its good recommendation utility and improve a certain degree of debiasing ability.

Herd mentality causes users to make the same evaluation as others, resulting in the bias of recommendation results. However, the recommendation result will react on the user, resulting in a bad circular effect and affecting the recommendation utility. The model proposed by us effectively alleviates the bias problem and guarantees the recommendation utility.

5. Conclusions

5.1. Based on Model

The rating bias and popularity bias in recommendation bias exist in data, models, and results, which are important reasons for the unfairness of recommender system process and outcome. Users are influenced by the herd mentality, so that they will produce herd behavior in item selection and rating decisions, and the resulting rating bias will further lead to popularity bias with the training of the recommendation model. In view of this, this paper improves the collaborative filtering recommendation model based on matrix factorization from two stages: data and model. Firstly, k -order parabolic fuzzy distribution is used to fuse the user's age to adjust the rating, and a similarity measure based on this is constructed to obtain the debiased rating. Secondly, a new matrix factorization loss function is constructed by using the debiased rating as the weight and integrating the continuously increasing flow and popularity of the item, in order to reduce the rating bias and popularity bias. Finally, psychological line and sentiment indicators were introduced as proxy tools to measure user emotion and item popularity, respectively. User emotion and item popularity were mixed to construct user psychological tendency, which was divided into three levels: strong, medium, and weak, and different weights were assigned to different levels to ensure the balance between recommendation utility and debias effect. The model proposed in this paper is compared with other classical models and debiasing models. Experimental results show that the model has good performance in both recommendation utility and debias effect.

5.2. Implications

Based on the above research on the rating bias and popularity bias, the important factors affecting commodity sales and user satisfaction can be extracted from them. At the same time, according to the research results of this paper, we can take these recommenda-

tions for platforms and merchants to strengthen their commodities' quality and also pay attention to users' psychology and preferences.

5.2.1. Strengthen the Quality of High-Popularity Commodities

The recommendation model based on collaborative filtering tends to recommend high-popularity commodities to users. Even when the popularity bias is reduced, the list of recommendation results still contains part of high-popularity commodities. As the "front" of the recommendation platform and the "big head" in the recommendation list, the platform should strengthen the supervision of highly popular commodities, put quality assurance in the first place, take regular sampling inspection strategy for the commodities that have been popular for a long time, pay attention to the user feedback of such commodities, and make corresponding improvements according to the feedback. At the same time, as the source supply of commodities, merchants should check the quality of commodities before they enter the platform, and follow up every key point from the launch to the sale to the feedback, so as to ensure that the commodities with high popularity live up to their name, rather than deceive users under the guise of traffic.

5.2.2. Ensure the Quality of Low-Popularity Commodities

Low-popularity commodities do not receive attention due to their low probability of being recommended. However, the number of low-popularity commodities is far greater than that of high-popularity commodities, accounting for a considerable proportion in the recommendation platform. Increasing the recommendation of low-popularity commodities can bring profits to the platform merchants and bring novel experience to users. Therefore, the quality of low-popularity commodities also needs to be strongly guaranteed. Although the recommendation frequency of low-popularity commodities is far less than that of high-popularity commodities, once they are discovered by users, the quality becomes a decisive factor for whether the commodities will be re-purchased and recommended to social groups by users. At the same time, quality is also the key to commodities' jump from unpopular categories to frequently purchased commodities, therefore, the quality assurance of low-popularity commodities is undoubtedly crucial.

5.2.3. Pay Attention to Users' Curiosity

With the increasing number of commodity categories, the number of commodities has exploded on the recommendation platform, and users' basic needs have been easily satisfied. Some users are not satisfied with the conventional purchase needs or are driven by the psychology of curiosity, which prompts them to turn their eyes to novel and unpopular commodities, but the recommendation mechanism limits the needs of these types of users. Novel commodities and unpopular commodities are often difficult to enter into the public view because of their low frequency of recommendation. In addition to losing their own value, they will also affect the personalized experience of users seeking novelty. Paying attention to users' curiosity should become a new entry point for platforms to increase profits and retain users. Considering the needs from the perspective of different types of users and taking into account the preferences of different types of users is the key for platforms to improve user satisfaction.

5.2.4. Pay Attention to Users' Boredom

A long-term recommendation of the same type of high-popularity commodities to users makes it easy to present the user recommendation list with a trend of homogeneity. In the initial state, users will not reject these kinds of commodities due to the popularity and conformity, but with the long-term recommendation, users will become tired of it. Once users start to become tired of such commodities, it will cause unmarketable commodities, affect platform profits, and even cause user loss when users leave the platform. Therefore, the platform should pay attention to the causes and results of users' psychology. Although the mass sales of high-popularity commodities will bring great profits to the platform, we

should not blindly recommend high-popularity commodities of the same type to users. It is important to pay attention to the psychological changes of users. While ensuring the sales volume and traffic of commodities with high popularity, take into account the counter-phenomenon caused by users' boredom, and make appropriate recommendations to create a good recommendation state.

5.2.5. Pay Attention to Users' Preferences

The purpose of recommendations is to make the recommendation conform to the real preferences of users. However, with the influence of time, psychology, emotion, and other factors, users' preferences will have new changes, and even their preferences after the change are quite different from the previous user-commodity interaction records. Therefore, recommendations should always be consistent with user preferences. Depending on the influence of the original data and recommendation mechanism, the recommendation performance of the platform often takes the improvement of the recommendation accuracy as the main evaluation means. Once the user preference changes, the system does not capture these details in time, and the accurate recommendation accuracy becomes the burden of the user. The platform shall pay attention to the real preferences of users and reasonably recommend corresponding commodities according to the change of preferences.

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