



1                   COURT OFFICER: All rise, part 59 of New York  
2 County is now in session. The Honorable Juan Merchan  
3 presiding.

4                   THE COURT: Good afternoon, please be seated.

5                   THE CLERK: This is in the matter of an  
6 application of the news organization related to the  
7 arraignment of indictment 71543 of 2023. Appearances  
8 please.

9                   MR. CONROY: Judge, for the People, Christopher  
10 Conroy, with my colleagues Cathrine McCaw, Matthew  
11 Colangelo, Susan Hoffinger, and Becky Mangold.

12                  THE COURT: Good afternoon.

13                  MR. BLANCHE: Good afternoon, Todd Blanche.

14                  MR. BALIN: Robert Balin on behalf of the 20 news  
15 organization petitions.

16                  THE COURT: Good afternoon.

17                  MS. NECHELES: Good afternoon, how are you.

18                  THE COURT: Nice to you see.

19                  MS. NECHELES: Nice to see you as well. Susan  
20 Necheles on behalf of President Donald J. Trump.

21                  MR. TACOPINA: Joseph Tacopina on behalf of  
22 President Trump.

23                  THE COURT: Good afternoon.

24                  All right, let the record reflect we are going to  
25 begin with a conference required by 22 NYCRR Section 131

1 point five.

2 I'll ask the parties if you have filed copies of  
3 your submissions. Have the People filed copies with the  
4 Court?

5 MR. CONROY: We have.

6 THE COURT: And defense, have you filed copies  
7 with the Court?

8 MS. NECHELES: We have, your Honor.

9 THE COURT: And Mr. Balin, have you?

10 MR. BALIN: Yes.

11 THE COURT: Has everybody received a copy of the  
12 Court's written decision as well?

13 MR. CONROY: Yes, Judge.

14 MR. BALIN: Yes, your Honor.

15 THE COURT: Now, other than what has already been  
16 included in the written submissions, is there anything that  
17 the People would like to put on the record?

18 MR. CONROY: No Judge, we rest on our submission.

19 THE COURT: How about the defense?

20 MR. BLANCHE: No, your Honor.

21 THE COURT: Mr. Balin.

22 MR. BALIN: I have a few short issues. It will  
23 not surprise your Honor that we don't agree with every one  
24 of your Honor's access rulings.

25 But, we surely agree with the major guiding

1 principles as your Honor set forth in your decision  
2 yesterday.

3 This is a proceeding of monumental significance to  
4 the American people.

5 They hunger, in your Honor's words, for accurate  
6 and timely information. And it is the obligation and the  
7 right of the press to serve as the eyes and the ears of the  
8 public in a proceeding like this.

9 Your Honor also pointed something else out that we  
10 agreed with completely. There are prevailing interests,  
11 there are security interests in this proceeding. There is  
12 the need to insure, because the world is watching, that  
13 there is a fair administration of justice.

14 And the first point, your Honor, is that the news  
15 media stands ready to actively, proactively, cooperate with  
16 this Court, with the Administrative Judge, with the Office  
17 of Public Information to work as these proceedings go  
18 forward on a media plan.

19 It has been our experience in past trials that  
20 case specific media plans help to avoid chaos, and help to  
21 insure that the very values that your Honor articulated,  
22 are upheld.

23 And so, that is my first very short point, your  
24 Honor, is that we look forward to working with the Court.  
25 I hope that if we could create a media plan, we will

1           increase the number of last minute press access  
2           applications.

3                         Three specific points, your Honor. I had the  
4           pleasure of standing outside this morning at 7:30 with the  
5           press corp, and they at least, I think I can say my clients  
6           go beyond the 20 petitioners; we spoke to many, many  
7           journalists.

8                         The three specific issues that I would like to  
9           raise with your Honor. One, we would ask, and I believe  
10          the Court is intending to do this anyway, but that as soon  
11          as this arraignment is over, that the indictment be made  
12          public, as well as the District Attorney's March 30th  
13          application and supporting affirmation for permission,  
14          which your Honor granted, to disclose to the public the  
15          fact that the grand jury had voted an indictment.

16                        So, we ask that be made available as soon as the  
17          proceeding are over.

18                        THE COURT: That will be made available by  
19          operation of law. It will be in the court file.

20                        MR. BALIN: And your Honor, I won't belabor it  
21          here. Going forward, when things are not filed, we hope to  
22          work with the Court to provide that those can be made  
23          public as promptly as possible.

24                        THE COURT: Of course.

25                        MR. BALIN: The second point was, your Honor, in

1           your order last night, you rightly pointed out that those  
2           sitting in this courtroom can see the back of my head.  
3           They cannot see my facial expressions, cannot see my  
4           demeanor.

5                        As a result, I would ask, that to the extent there  
6           are seats available in the jury box, that members of the  
7           press be able to sit in those seats so that they can see  
8           the facial expressions, the demeanor, and they can report  
9           to the American people. That is my next ask, your Honor.

10                      My last ask, I know it is the heaviest lift. Your  
11           Honor ruled that laptops are not permitted in this  
12           proceedings today.

13                      I know, your Honor, I believe I'm correct in  
14           saying that during the Trump Organization trial, as well as  
15           in the plea allocution of Mr. Weisselberg, your Honor did  
16           permit laptops.

17                      I do not believe, my clients do not believe that  
18           laptops pose a security risk. A risk to the fair  
19           administration of justice, or a risk of breaching any  
20           decorum in this courtroom.

21                      These are professional journalists, just like the  
22           Court Reporters in front of me, they tap, that is what they  
23           do quietly, as your Honor knows.

24                      I would ask that your Honor reconsider that one  
25           ruling.

1                   I sense, I know why your Honor is concerned. You  
2                   are concerned, I believe, and the Court will correct me if  
3                   I'm wrong, that someone might violate the no recording  
4                   rule.

5                   All I can say to your Honor is these are  
6                   professional journalists. They have press passes. They  
7                   would know full well that the weight of the law would come  
8                   down on them if they violated any rule, restriction against  
9                   recording.

10                  So, that is my last ask, your Honor, is whether  
11                  the Court would consider that one ruling.

12                  THE COURT: Well, thank you, Mr. Balin. With  
13                  regard to your second request, in the future perhaps, some  
14                  of the reporters can sit in the jury box. I'm open to  
15                  discussing that.

16                  I think another solution might be, perhaps, to put  
17                  the large monitors on the other side of the railing, so  
18                  that the video can be seen by those in the audience.

19                  With regards to the laptops and other electronics,  
20                  for purposes of this arraignment, I'm not going to deviate  
21                  from my order.

22                  That does not mean that future appearances the  
23                  same order would apply.

24                  MR. BALIN: The press thanks your Honor for the  
25                  time.

1 THE COURT: Of course.

2 MR. CONROY: Judge, if I may just address one  
3 thing. I think in the course of that conversation, I want  
4 to clarify, there was an affirmation that was filed under  
5 seal for that initial unsealing order.

6 We would like that to remain sealed with the  
7 Court's permission.

8 MR. BALIN: Your Honor, if we could have leave to  
9 brief that issue. Now that the Court ruled upon the  
10 application, typically once a motion is decided by a Court,  
11 the public right of access to the materials underlying that  
12 motion is at its zenith, and I don't want to take up the  
13 Court's time at this very moment, but we would ask for  
14 leave to brief this issue as quickly and as expeditiously  
15 as possible.

16 THE COURT: You can certainly brief it, that is  
17 fine; but it will remain sealed for the time being.

18 Let the record reflect we have concluded our  
19 conference pursuant to 22 NYCRR 131 point five. Call the  
20 next matter, please.

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I, Randy Berkowitz, a senior court reporter in and for the State of New York, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

Randy Berkowitz,  
Senior Court Reporter