

Voir Dire

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK - CRIMINAL TERM - PART: 59

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THE PEOPLE OF THE STATE OF NEW YORK,

Indict. No.  
71543-2023

-against-

CHARGE

DONALD J. TRUMP,

FALSIFYING BUSINESS  
RECORDS 1ST DEGREE

DEFENDANT.

JURY TRIAL

----- X

100 Centre Street  
New York, New York 10013  
April 19, 2024

B E F O R E:

HONORABLE JUAN M. MERCHAN  
JUSTICE OF THE SUPREME COURT

A P P E A R A N C E S:

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1 THE CLERK: This is The People of the State of  
2 New York against Donald J. Trump. Indictment, 71543 of  
3 '23. Appearances starting with the People, please.

4 MR. STEINGLASS: Good morning.

5 For the People, ADAs Joshua Steinglass, Susan  
6 Hoffinger, Matthew Colangelo, Christopher Conroy, Becky  
7 Mangold and Katherine Ellis.

8 THE COURT: Good morning.

9 MR. BLANCHE: Good morning. Todd Blanche for  
10 President Trump who is seated next to me. I am joined at  
11 counsel table by Emil Bove, Susan Necheles and Gedalia  
12 Stern.

13 Good morning.

14 THE COURT: Good morning.

15 Good morning, Mr. Trump.

16 MR. TRUMP: Good morning.

17 THE COURT: I am told that all 22 jurors are here  
18 and ready to go.

19 Is there any reason we can't bring them in?

20 MS. HOFFINGER: No, your Honor. Just two very  
21 short requests.

22 If we can have five extra minutes given that we  
23 have 22 jurors in the box. So instead of 20 minutes, if we  
24 can have 25 minutes perhaps.

25 THE COURT: Sure. That's fine.

1 MS. HOFFINGER: Judge, can we also just request  
2 that you have the jurors say their number before they  
3 answer the questions?

4 THE COURT: Yes. We can do that.

5 MS. HOFFINGER: Thank you so much.

6 THE COURT: We are also still working on the  
7 temperature in the courtroom.

8 Let's sit the jurors, please.

9 LIEUTENANT: Panel entering.

10 (Whereupon the prospective jury panel entered the  
11 courtroom and were properly seated.)

12 THE COURT: Good morning, jurors. Welcome back.

13 Jurors, I wanted thank you very much for being on  
14 time. As promised, we will start on time.

15 Now, we will pass around the questionnaires.  
16 Please take a look at the questionnaire even before it is  
17 your turn so that you can familiarize yourself with the  
18 various questions.

19 When it's your turn to answer, if you believe  
20 that there is a question in there that is disqualifying to  
21 you, please do not wait until we get to that question.

22 For example, if question 34, for example, might  
23 be disqualifying, don't wait until you get to question 34  
24 you can just jump ahead to that.

25 Also, when it's your turn, if you can just please

1 begin by reading your three digit number out loud so we  
2 know exactly who we are talking to.

3 All right.

4 Good morning. We can start with you there.

5 PROSPECTIVE JUROR: Hello. Hi. My number is  
6 428.

7 With the disqualifying things, I think, possibly,  
8 I have really bad anxiety, and so, I think it might just --  
9 I might not be able to be completely fair and not  
10 impartial. That concerns me.

11 THE COURT: So this is anxiety?

12 PROSPECTIVE JUROR: Yes. Yes. I have -- I take  
13 medicine for it.

14 But like the more days that it goes on and the  
15 more people in my life know that I am here without me  
16 telling them, they are going to put the pieces together. I  
17 don't think I will be able to be completely here and fair  
18 throughout the trial.

19 THE COURT: Even when you take your medication.

20 PROSPECTIVE JUROR: Yeah, it's not --

21 THE COURT: Even if we are just working two days  
22 in a row?

23 PROSPECTIVE JUROR: Yeah, it's not --

24 THE COURT: Any objection?

25 MS. HOFFINGER: No objection.

1 THE COURT: You are excused.

2 (Juror is excused.)

3 THE COURT: Good morning. You can start.

4 PROSPECTIVE JUROR: Good morning B441.

5 What is your question? I am sorry.

6 THE COURT: You can just answer all the  
7 questions.

8 PROSPECTIVE JUROR: Okay, I will start then.

9 I am not a native New Yorker. I live here for  
10 many years. I live different neighborhood.

11 I am currently having a place in Murray Hill.

12 I live in New York for many years. I am here  
13 from Spain.

14 I also lived in Miami for a few years.

15 I am not currently working.

16 Um, I used to work for, um, companies that focus  
17 in the Hispanic market.

18 Um, my employer -- my educational background  
19 right now is college degree, several certifications.

20 THE COURT: If you can just speak a little bit  
21 more slowly, please.

22 PROSPECTIVE JUROR: I used to play a lot of  
23 sports so I got certifications in sports. I study for  
24 license, things like that.

25 I am married.

1 I am a parent. I do have kid.

2 My husband works in the advertising industry.

3 I do have adult children, college.

4 And in my spare time, seeing since I am currently  
5 not working, in my spare time I basically do some  
6 traveling. But since I am not working, it's easy to go.

7 Now, honestly, it's different now. I enjoyed  
8 working.

9 So, yes, I do have some interest and hobbies.  
10 Being in New York especially I have some interest in art,  
11 and, sorry, try to go to special events at the concert I am  
12 interested.

13 No. I don't belong to any organization.

14 I did some charity work objection, but I don't  
15 belong to anything.

16 I never served as a jury -- as a jury duty ever.  
17 This is my first time.

18 Oh, um, I don't watch news. I skim through  
19 headlines.

20 I used to wake up and be very well informed, but  
21 since years ago I don't do that any longer.

22 And I don't really watch the news to the point  
23 that my husband is the one if he thinks that I need to know  
24 something, he will send me a text or he will send me  
25 whatever, some news or something.

1                   But I don't really going into that, into  
2 anything.

3                   So, I want to skip number ten.

4                   It says here do you listen or watch podcasts?

5                   No, never. I heard about, obviously, many  
6 podcasts in my country. I am very well informed of the  
7 names of people, who they are and what they do and how they  
8 have podcasts, et cetera, but I don't follow them.

9                   No. No, I don't. I don't risen to the radio.

10                  No. I don't have close friend or anyone related  
11 to victim of a crime.

12                  Relative, no. I don't have any relative employed  
13 by a law enforcement agency.

14                  Have you or close friends been a -- no, I don't  
15 know anybody employed by a federal, state or any local  
16 government, including but not limited to the State of New  
17 York.

18                  Have you ever been -- no, I don't have friends or  
19 relatives employed in the accounting or finance field.

20                  No. I don't have any education, training or work  
21 expertise at all in the legal field.

22                  No. No. Question 18A, no.

23                  No, I didn't have -- I don't have any experience  
24 in the no, Criminal Justice System. B and C no. No apply.

25                  Okay. Question 19, have you a relative or close

1 friend ever -- no. I don't have close friends or never met  
2 anybody convicted of any crime.

3 No, for question 20. I don't have a relative or  
4 a close friend having any pending criminal case.

5 Question 21, I don't have, no, I don't have --  
6 no, I don't have any political belief that following the  
7 court instructions.

8 Do you have any political, religious belief, no.  
9 No. I don't have any of political or intellectual or  
10 religious believes that are going to interfere with my  
11 ability to serve or give a verdict in any criminal case.

12 Do I have a health condition?

13 No. I don't have any health condition. I have  
14 been very fortunate in my life. I don't have the  
15 conditions. So, no.

16 Number 22, nothing prevents me from serving as a  
17 juror.

18 And number 23, without telling us the name, do  
19 you take any medication that would prevent you from being  
20 able to concentrate or pay attention to any proceedings or  
21 during deliberations?

22 No. I don't take any medication, not even  
23 Tylenol. As I said before, I have been very fortunate with  
24 my health.

25 Twenty-four -- around 4:30 in the afternoon,



1           alright. We may work beyond that. That's good with me.  
2           That's fine with me. I am flexible. I don't work so I can  
3           stay here as long as everyone decides to stay.

4                       Work later, yes. I can work on the weekends. I  
5           can do anything that will help this case advance or  
6           whatever is needed.

7                       Twenty-five, do you practice -- no, I don't  
8           practice a religion, that would prevent me from sitting as  
9           a juror on any particular weekday or weeknight.

10                      Number 26, can you give us an assurance that you  
11           will be fair and impartial and not base your decision in  
12           this case upon a bias or prejudice in favor of take -- oh,  
13           yes. I can assure I will be objective and neutral for this  
14           case and for any case or for anything that the justice  
15           system needs me to do, whatever.

16                      No. I don't have any political views about  
17           number 26 if it is clear.

18                      Should I go to 27?

19                      THE COURT: You answered 26?

20                      PROSPECTIVE JUROR: Yes. Perfect.

21                      Then 27, nothing is going to influence my  
22           decision --

23                      THE COURT: Okay.

24                      PROSPECTIVE JUROR: -- in court. As I said  
25           before, I will be totally neutral. So, no.

1                   Twenty eight, no. I don't know anybody who works  
2                   for any company or organization that is run by Donald Trump  
3                   or anyone in his family.

4                   Twenty-nine, have you close friend worked  
5                   volunteer for Trump, no.

6                   B, no. I have never come to an event for -- no,  
7                   I haven't done it.

8                   C, are you signed up for -- no. I did not sign  
9                   up ever for newsletters or anything related to Mr. Trump or  
10                  the Trump Organization.

11                  I don't have any social media. I don't have  
12                  Instagram. I don't have Snapchat, whatever it is. I never  
13                  had it.

14                  THE COURT: You can just answer the question.  
15                  You don't need to read the question.

16                  Thank you.

17                  PROSPECTIVE JUROR: No. I don't know anybody for  
18                  E, no.

19                  For F, no.

20                  For G, no. I have sign up.

21                  For H, I don't follow any group or cite or  
22                  anything.

23                  Thirty, no. I don't even know. Number 30, I  
24                  never support any of those groups.

25                  Thirty-one, I don't have strong opinions or

1 beliefs where the President may be criminally charged --  
2 no, I don't.

3 Do you have any feelings -- no, not particularly.

4 Yes, I can assure you that I will decide the case  
5 solely on the evidence.

6 Thirty-four, no, I don't have strong opinions  
7 about former President Donald Trump that will interfere  
8 with my ability to be a fair juror.

9 I have never read a book written by Michael  
10 Cohen, no.

11 No, I have never read any of the books.

12 No. Number 37, I don't have opinions about the  
13 legal limits governing political contributions. I don't  
14 have any opinions.

15 Yes, I can promise that, number 38.

16 Thirty-nine, yes. I am giving my absolute  
17 assurance right now that I will refrain from discussing  
18 this case with anyone.

19 Forty, yes, I will follow your instructions.

20 Forty-one, I will not hold anything against  
21 anybody.

22 THE COURT: Okay. Thank you.

23 Good morning.

24 PROSPECTIVE JUROR: Good morning.

25 How are you?

1 THE COURT: Good. What is your number?

2 PROSPECTIVE JUROR: 706.

3 THE COURT: 7306. It's usually three numbers.

4 PROSPECTIVE JUROR: 706.

5 THE COURT: As I mentioned, you don't have to  
6 read the questions. In other words, you don't have to  
7 repeat the questions so we can move along quicker.

8 PROSPECTIVE JUROR: I live in Hells Kitchen.  
9 Lived there for five years.

10 I am originally from the Bronx. Raised in Long  
11 Island and moved back to the city when I went to college.

12 I work for (REDACTED) I have to say that.

13 I have been doing that for over a year, but less  
14 than two.

15 Not retired.

16 So, educational background, number four, I have  
17 my JD, MA and a bachelor's.

18 Not married. Never been married.

19 Don't have kids.

20 Live alone with my dog.

21 In my spare time, I love the Yankees, go to a lot  
22 of games. I used to be an amateur boxer. So I follow  
23 that.

24 I don't do that anymore because black eyes are  
25 frowned upon in the office space. I mostly watch TV on the

1 couch. That's my favorite hobby.

2 Don't participate in any organizations or  
3 advocacy groups.

4 Have not served on a jury before.

5 I browse through headlines that are kind of  
6 pertinent to the city just to see what's going on within  
7 the organization. That primarily is the Times, New York  
8 Post, sometimes X. It depends. That's not necessarily a  
9 news source though.

10 Not a podcast person.

11 Don't listen to talk radio.

12 Yeah. I have been sexually assaulted on the  
13 train a couple of times. Had my cell phone stolen.

14 Yeah. My father is a court officer I want to say  
15 in New Jersey or New Rochelle. He moves around a lot and  
16 my uncle is a retired officer from the NYPD.

17 No. Or maybe friends that I went to law school  
18 with are employed by a Federal agency. I am not really  
19 sure.

20 No relative or friend employed in the accounting  
21 and financial field that I know of.

22 No. None of my family members were lawyers.

23 Not that I am aware of, number 18 A, B or C  
24 because that hasn't happened.

25 My uncle went to jail once when I was a kid. I

1           don't know what that was for but it happened.  
2                           No.  
3                           Number twenty is no.  
4                           Twenty-one A is no.  
5                           Twenty-one B, no.  
6                           Twenty-two is no.  
7                           Twenty-three is no.  
8                           Twenty-four is yes.  
9                           Twenty-five is no.  
10                          Twenty-six is yes.  
11                          Twenty-seven, yes.  
12                          Twenty-eight, no.  
13                          Twenty-nine A, no.  
14                          Twenty-nine B, no. C, no. D, no. E, no. F,  
15           no. G, no.  
16                          I mean, there are some Instagram accounts. But  
17           it wouldn't necessarily qualify as organizations.  
18                          Thirty, no to any of these organizations.  
19                          Thirty-one, no.  
20                          Thirty-two, no.  
21                          Thirty-three, yes.  
22                          Thirty-four, no.  
23                          Thirty-five, no.  
24                          I may have read Art of the Deal when I was  
25           younger. I am not entirely sure.

1                   Thirty-seven, no.

2                   Thirty-eight, yes.

3                   Thirty-nine, yes.

4                   Forty, yes.

5                   Forty-one, yes.

6                   Forty-two, no.

7                   THE COURT: Thank you.

8                   PROSPECTIVE JUROR: Your Honor, may I turn off my  
9 cell phone?

10                   I forgot to do it earlier.

11                   THE COURT: Yes.

12                   Good morning.

13                   PROSPECTIVE JUROR: Good morning. 644.

14                   I want to jump ahead to 34. I think in the last  
15 day and after some introspection, I don't think I can be  
16 impartial.

17                   I wanted to be and I had every intention when I  
18 first started, but I think after the questions posed to  
19 prospective jurors and asking those questions to myself, I  
20 don't think I can be impartial.

21                   THE COURT: Any objections?

22                   MS. HOFFINGER: No objection.

23                   MR. BLANCHE: No.

24                   THE COURT: We are going to excuse you. Thank  
25 you.

1 (Juror is excused.)

2 THE COURT: Good morning.

3 PROSPECTIVE JUROR: Good morning.

4 THE COURT: What is your number?

5 PROSPECTIVE JUROR: B616. (REDACTED)

6 THE COURT: Thank you. We will take you up on  
7 that later.

8 PROSPECTIVE JUROR: I just moved into Inwood  
9 three weeks ago. I was in the upper west side for four  
10 years before that.

11 I am a native New Yorker born and raised.

12 I have over a hundred, I guess, employees.

13 Before that I was in a recording studio.

14 I have a high school diploma and an audio  
15 engineer certificate.

16 I am married.

17 I have one child.

18 My wife is a karate instructor.

19 I am a big in martial arts. I practice a lot and  
20 I have interest in games, chess.

21 I am involved with the (REDACTED)

22 THE COURT: Can you say that last part again?

23 PROSPECTIVE JUROR: (REDACTED)

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR: I served on a jury.



1 Yes, it was a civil. They settled.  
2 Long time ago, over ten years.  
3 At times I read the New York Times or Washington  
4 Post. Facebook not too much, just very little.  
5 One podcast, the Order of Man, which is just how  
6 to be a better man and martial arts podcasts.  
7 No talk radio.  
8 I have been mugged.  
9 My dad was a police officer in Mexico.  
10 No, 15.  
11 Sixteen, no.  
12 Seventeen, no.  
13 Eighteen, no.  
14 Nineteen. B, C, no.  
15 Nineteen, no.  
16 Twenty, no.  
17 Twenty one, A, no. B, no.  
18 Twenty-two, no.  
19 Twenty-three, no.  
20 Twenty-four, I have to be home at nine, 9:00 p.m.  
21 if that's okay.  
22 So, no, 25, no.  
23 Twenty-six, yes.  
24 Twenty-seven, yes.  
25 Twenty-eight, no.

1                   Twenty-nine, no, A. B, no. C, no. D, no. E,  
2                   no. F, no. G, no. H, no.

3                   Thirty, no.

4                   Thirty one, no.

5                   Thirty-two, yes. I have, yes, my feelings or  
6                   opinions that is treated in this case, I guess fairly.

7                   THE COURT: Fairly?

8                   PROSPECTIVE JUROR: Yes.

9                   Thirty-three, yes.

10                  Thirty-four, no.

11                  Thirty-five, no.

12                  Thirty-six, no.

13                  Thirty-seven, so can you explain number 37 a  
14                  little bit, please, your Honor.

15                  THE COURT: That's a good question.

16                  So, do you have any opinions about the legal  
17                  limits governing political contributions?

18                  So, there are certain laws in place that limit  
19                  how much an individual person can contribute towards a  
20                  political candidate. That's a very simple explanation.

21                  Do you have any opinions about that.

22                  PROSPECTIVE JUROR: No strong opinions.

23                  THE COURT: Okay. Thank you.

24                  PROSPECTIVE JUROR: So 37, no.

25                  Thirty-eight, yes.

1                   Thirty nine, absolutely.  
2                   Forty, yes.  
3                   Forty-one, yes.  
4                   Forty two, no.  
5                   THE COURT: Okay. Thank you.  
6                   Good morning.  
7                   PROSPECTIVE JUROR: Good morning. Number 447,  
8                   B447.  
9                   I live on the upper east side for the past 12  
10                  years. Born and raised New Yorker.  
11                  Question two, (REDACTED)  
12                  Educational background, some college and a coding  
13                  degree.  
14                  I am married. No children.  
15                  My wife is a grant coordinator.  
16                  Hobbies would be watching TV, anime, running.  
17                  Number eight, no.  
18                  Number nine, no.  
19                  Number ten, no. Mostly YouTube.  
20                  Eleven, no.  
21                  Twelve, no.  
22                  Thirteen, no.  
23                  Fourteen, no.  
24                  Fifteen, no.  
25                  Sixteen, my wife just because she worked for --

1 with grants.  
2 My wife as well. She is a lawyer but she does  
3 not practice.  
4 Eighteen, no.  
5 Nineteen, no.  
6 Twenty, no.  
7 Twenty-one A, no.  
8 Twenty-one B, no.  
9 Twenty two, no.  
10 Twenty-three, no.  
11 Um, 24, no issues with schedule.  
12 Twenty-five, no.  
13 Twenty-six, yes. I will be fair and impartial.  
14 Twenty-seven, yes.  
15 Twenty-eight, no.  
16 Twenty-nine no. B, no.  
17 C, when I did follow the White House account on  
18 Instagram when Mr. Trump was president, obviously, I was  
19 receiving updates.  
20 D, no. E, no. F, no. G, no. And H no.  
21 Thirty, no.  
22 Thirty-one, no strong opinions.  
23 Thirty-two, I believe he is being treated fairly.  
24 Thirty-three, yes. I will decide solely on the  
25 evidence we see and hear from in the courtroom.

1                   Thirty-four, no. No strong opinions.  
2                   Thirty-five, no.  
3                   Thirty-six, no.  
4                   Thirty-seven, no.  
5                   Thirty-eight, yes.  
6                   Thirty-nine, yes.  
7                   Forty, yes.  
8                   Yes, I will give my assurance that I will not  
9                   hold it against him.  
10                  Forty two, no.  
11                  THE COURT: Thank you.  
12                  Good morning.  
13                  PROSPECTIVE JUROR: Good morning, B530.  
14                  THE COURT: Thank you.  
15                  PROSPECTIVE JUROR: I live in the Gramercy  
16                  neighborhood. I lived there about 12 years.  
17                  I am sort of a native New Yorker. I was born in  
18                  Yonkers.  
19                  I have been in Manhattan for over 20 years  
20                  between birth and then I was between New York State, New  
21                  Jersey and North Carolina.  
22                  For a living I am in the (REDACTED)  
23                  I have been doing that over 20 years.  
24                  My current employer is (REDACTED).  
25                  My educational background, I have a master's of

1           accounting.

2                       I have never been married and I do not have any  
3           children.

4                       I am living with my significant other and he is  
5           in finance.

6                       In my spare time I do travel, shopping, visiting  
7           with family, visiting cultural institutions.

8                       I am not a participator in any organizations or  
9           advocacy groups.

10                      I have served on a jury before and we did reach a  
11          verdict.

12                      Of these print publications --

13                      THE COURT: I am sorry. Was that a criminal case  
14          or a civil?

15                      PROSPECTIVE JUROR: Criminal.

16                      THE COURT: Okay. Thank you.

17                      PROSPECTIVE JUROR: Of these publications, I  
18          would say I have consistently read would be New York Times,  
19          New York Post, Wall Street Journal and Fox News.

20                      I don't listen to or watch podcasts.

21                      Also, I do have an Instagram account for fashion  
22          and style. Not a significant number of followers and  
23          nothing political or not many words, just a lot of  
24          pictures.

25                      I do watch YouTube videos. Nothing with any

1 consistency, just whatever catches my interest.

2 Fourteen, I don't have anyone close to me ever  
3 been employed by a law enforcement agency.

4 Fifteen, no.

5 Sixteen, me. Yes.

6 Seventeen, no.

7 Eighteen, no.

8 Nineteen, no.

9 Twenty, no.

10 Twenty-one, I looked at these all, A through --  
11 this isn't that one. I am sorry. I jumped the gun.

12 No, nothing would prevent -- no. Nothing  
13 about that.

14 Twenty-two, I don't have any health issues.

15 Twenty-three, no medicine.

16 Twenty-four, I can work the hours needed.

17 Twenty-five, no.

18 Yes, I can be impartial and fair, 26.

19 Twenty-seven, I can guard against stereotypes and  
20 attitudes.

21 Twenty-eight, no.

22 Twenty-nine, this is the A through H. All no.

23 Thirty, no.

24 Thirty-one, no.

25 Thirty-two, no.

1                   Thirty-three, yes.  
2                   Thirty four, no.  
3                   Thirty-five, no.  
4                   Thirty-six, no.  
5                   Thirty-seven, no.  
6                   Thirty-eight, yes.  
7                   Thirty-nine, yes.  
8                   Forty, yes.  
9                   Forty-one, I would not hold that against him.  
10                  Forty two, no.  
11                  THE COURT: Thank you.  
12                  Good morning.  
13                  PROSPECTIVE JUROR: Good morning.  
14                  I live in Chelsea. I lived there for five years.  
15                  I lived in Manhattan for 18 years in various  
16                  neighborhoods.  
17                  I am not a native New Yorker.  
18                  I grew up on the Jersey Shore and previously  
19                  lived in Oregon.  
20                  I am a (REDACTED)  
21                  I work for (REDACTED)  
22                  I have a bachelors degree.  
23                  I have been married for 11 years.  
24                  I have two elementary aged children.  
25                  My husband works in Queens in a soap



1 manufacturing company.

2 In my spare time I like to see live music, take  
3 my boys to Knicks games and we also like to attend Rubick's  
4 Cube speed solving competitions.

5 I am the President of the parent's association at  
6 my kid's school, but other than that, no.

7 I have never been on a jury.

8 I am not a big news person, but I do look at the  
9 New York Times. I like Reuters and BBC.

10 And I do have a FaceBook and Instagram profile,  
11 but I don't post or use them.

12 Number 11, no podcast.

13 Twelve, no.

14 I had somebody try to hack my 401K this year and  
15 drain the funds, so I had to file a police report for that.  
16 Other than that, no crimes.

17 Fourteen, no.

18 Fifteen, no.

19 Sixteen, no.

20 (REDACTED)

21 Eighteen, all no.

22 Nineteen, no.

23 Twenty, no.

24 Twenty-one, no for all.

25 Twenty-two, no.

1 Twenty-three, no.  
2 Twenty-four, no issue with the schedule.  
3 Twenty-five, no.  
4 Twenty-six, yes.  
5 Twenty-seven, yes.  
6 Twenty-eight, no.  
7 Twenty nine, also no.  
8 Thirty, no.  
9 Thirty-one, no.  
10 Thirty-two, no.  
11 Thirty-three, yes.  
12 Thirty four, no.  
13 Thirty-five, no.  
14 Thirty-six, no.  
15 Thirty-seven, no.  
16 Thirty-eight, yes.  
17 Thirty nine, yes.  
18 Forty, yes.  
19 Forty-one, yes. I will not hold that against  
20 him.  
21 Forty-two, no.  
22 THE COURT: Thank you.  
23 Good morning.  
24 PROSPECTIVE JUROR: Good morning. B445.  
25 THE COURT: Thank you.

1 PROSPECTIVE JUROR: So, I am in the financial  
2 district. I lived there for seven years.

3 Prior to that I lived in Connecticut for several  
4 years and prior to that three years in New York.

5 I am originally from Europe. Moved here over 18  
6 years ago.

7 (REDACTED)

8 I have a Bachelors of Science Degree in  
9 economics.

10 I am married.

11 I have two adult daughters and one stepson.

12 My wife is not working.

13 My older daughter, she is a project manager for a  
14 Scandinavian company.

15 My other daughter is the chief of staff for the  
16 sales organization of my company.

17 And, unfortunately, I don't know what my stepson  
18 does for a living.

19 In my spare time I like to -- I like long walks,  
20 good food, good restaurants. Everyday I clean my local dog  
21 park and I do that for self interest because it's my  
22 meditation and exercise at the same time.

23 I do not participate in any organizations or  
24 advocacy groups.

25 Answer to number nine is no.

1                   I don't follow regular news as much as most  
2                   people. My main source of news is Why Compiler News. I do  
3                   subscribe to a -- I do scribe to a -- this is more  
4                   stressful than I thought.

5                   THE COURT: Take your time. You are doing great.

6                   PROSPECTIVE JUROR: I do subscribe to social  
7                   media. That's mostly to keep in touch with my family. I  
8                   don't get the news from there.

9                   When something is going on, I alternate between  
10                  ABC, CBS and Fox News.

11                  Wall Street Journal I subscribe to.

12                  I don't listen or watch podcast.

13                  I used to on my way to work and I have this  
14                  interesting routine that I listen to NPR and Fox News in a  
15                  single walk, 30 minutes, to get a view of what's going on,  
16                  remarkably different. They are remarkably different.

17                  I don't recall a close friend or relative being  
18                  the victim of a crime.

19                  Question 14, are you -- is this about US,  
20                  specifically, or globally.

21                  THE COURT: It can be for both.

22                  PROSPECTIVE JUROR: So my grandfather, he was the  
23                  commissioner at a local municipality. My father was an  
24                  intern in the police there when he was young.

25                  Fifteen, same thing, not in the US. My

1 grandfather ended up being a Supreme Court judge. My  
2 father worked for parliament. Yes, so that's that.

3 Number sixteen, I used to be in finance. So some  
4 of my close friends are in the finance fields.

5 My father is a lawyer, retired. My grandfather  
6 was a lawyer as well.

7 One of my partners and close friends in the  
8 business operations is a lawyer as well.

9 Eighteen, is a tough question, yes. It was a  
10 hard experience. It was a tough one and this system was  
11 helpful.

12 Answer to nineteen, it is, yes, as well.

13 Twenty, no.

14 Twenty-one no.

15 Twenty-two, no.

16 Twenty-three, no.

17 Twenty-four, I usually work until late hours so  
18 this would be no different.

19 Twenty-five, no.

20 Twenty-six is important to me, yes.

21 Thirty-seven as well, yes.

22 Twenty eight, not to my knowledge.

23 Twenty nine, no, or not to my knowledge and it  
24 goes for all the way into H.

25 Number 30, no.

1                   Thirty-one, no. I believe everybody is equal to  
2                   the law.

3                   Thirty-two, the only thing to know is what I  
4                   witnessed in the courtroom which seems orderly.

5                   Thirty-three is important to me, yes.

6                   Thirty four, coming from a Scandinavian country  
7                   where the difference between people of power and regular  
8                   people is less, so I believe everybody should be treated  
9                   very equally.

10                  I don't know who Mark Pomerantz is. I heard of  
11                  Michael Cohen. I haven't read any of those mentioned here.

12                  Thirty-six, I have not read any of those books.

13                  Thirty-seven, I appreciate we do have a law. I  
14                  do not have an educated opinion of that law.

15                  Thirty-eight, yes.

16                  Thirty-nine, yes.

17                  Forty, yes.

18                  Forty-one, yes.

19                  Forty-two, no.

20                  THE COURT: Thank you, sir.

21                  Good morning.

22                  PROSPECTIVE JUROR: Good morning. I live in  
23                  Upper Manhattan. I have been there for six years.

24                  Prior to that I was born in New York, but I grew  
25                  up in New Jersey and also lived in Ohio, Georgia and

1 California.

2 (REDACTED)

3 I have a bachelor of science, as well a MBA in  
4 information systems.

5 I am not married. Have never been married and do  
6 not have any children.

7 I live alone with my dog.

8 I said no kids.

9 In my spare time I cook, bake, watch hockey. So,  
10 that's about it. I go to a lot of theater.

11 I am on the board of my synagog, the executives  
12 board, and I have never been on a jury before.

13 I do occasionally read the New York Times and the  
14 Washington Post, but most of my news is from NPR when I do  
15 follow it. But I try to keep it very limited to certain  
16 parts of my day.

17 I do listen to podcasts. They are typically  
18 about cooking or science.

19 I do not listen to talk radio.

20 My parent's house was burglaried a couple years  
21 ago. Nothing ever came of it.

22 Fourteen, no.

23 Fifteen, no.

24 Sixteen, my uncle is an accountant.

25 Seventeen, no.

1                   Eighteen, no.  
2                   Nineteen, no.  
3                   Twenty, no.  
4                   Twenty-one A and B are both no.  
5                   Twenty-two, no.  
6                   Twenty-three, no.  
7                   Twenty-four, is no, but you had mention yesterday  
8                   about Passover, which I do observe.  
9                   I wanted to know how you were planning to treat  
10                  Monday and Tuesday.  
11                  THE COURT: What are your needs?  
12                  PROSPECTIVE JUROR: I am planning to attend  
13                  Seders in the evening on both days. I have to have enough  
14                  travel time get to New Jersey.  
15                  THE COURT: If we broke at 2:00 in the afternoon,  
16                  would that work for you?  
17                  PROSPECTIVE JUROR: Yes.  
18                  THE COURT: Thank you.  
19                  PROSPECTIVE JUROR: Thank you.  
20                  I forgot where I was, a 24.  
21                  Twenty-five is no.  
22                  Twenty-six is yes.  
23                  Twenty-seven is yes.  
24                  Twenty-eight is no.  
25                  Twenty-nine, all the way down is no.



1 Same for Thirty.  
2 Thirty-one, no.  
3 Thirty-two, no.  
4 Thirty-three, yes.  
5 Thirty-four, no.  
6 Thirty-five, no.  
7 Thirty-six, no.  
8 Thirty-seven, no.  
9 Thirty-eight, yes.  
10 Thirty-nine, yes.  
11 Forty, yes.  
12 Forty-one, yes.  
13 And forty-two, no.  
14 THE COURT: Thank you.  
15 Good morning.  
16 PROSPECTIVE JUROR: Good morning. Number 647.  
17 I am a born and bread New Yorker. I lived here  
18 all of my life.  
19 (REDACTED)  
20 Obviously, I have no current employer.  
21 (REDACTED)  
22 I am a widower.  
23 I have one adult son.  
24 He is -- he went into the family business.  
25 (REDACTED)

1                   In my spare time, New York Philharmonic, New York  
2                   Historical Society, a variety of other cultural  
3                   organizations. And I like to bike.

4                   I am an officer in the (REDACTED) I spend a lot  
5                   of time doing that.

6                   I started a -- I served on a jury decades ago for  
7                   a civil case that was settled.

8                   I read the New York Times every morning, NPR,  
9                   C-Span, CNN.

10                  As far as social media, only sports.

11                  I don't watch podcasts.

12                  Twelve, no.

13                  Thirteen, no.

14                  Fourteen, no.

15                  A very close friend was an assembly member and a  
16                  city counsel member who is now retired. And a current  
17                  friend of mine is a current member of the New York State  
18                  Assembly.

19                  I have a cousin who works in the finance field in  
20                  DC.

21                  Seventeen, I don't think so.

22                  Eighteen, A, B, C, no.

23                  Nineteen, no.

24                  Twenty, no.

25                  Twenty-one, no, to A and B.

1                   Twenty two, no.  
2                   Twenty-three, no.  
3                   I can. I have no time problems.  
4                   Twenty-five, no.  
5                   Twenty-six, absolutely.  
6                   Twenty-seven, absolutely.  
7                   Twenty-eight, no.  
8                   Twenty-nine, no. All the way down.  
9                   Thirty, no.  
10                  Thirty-one, I believe that everyone should obey  
11                  the law.  
12                  I think we should make our decisions solely on  
13                  the evidence presented before us.  
14                  The fact of Mr. Trump's prior employment is not  
15                  relevant.  
16                  Yes, I will decide the case based solely on the  
17                  evidence.  
18                  I have no strongly held beliefs that would  
19                  influence my decisions.  
20                  I never read any of the books.  
21                  And 37, citizens united is the law of the land,  
22                  but I do favor the people who make political contributions  
23                  have the source of the contributions made public.  
24                  Thirty-eight, I would solely make my decision  
25                  based upon the evidence presented in the courtroom.

1                   Yes, I can give you absolute assurance.

2                   Yes, I would listen to the Judge's instructions  
3                   implicitly.

4                   Forty-one, I agree totally. I think the  
5                   constitution is the ruling document.

6                   And forty-two, there is no reason why I can't be  
7                   a fair and impartial juror.

8                   (Whereupon, Senior Court Reporter, Vicki Benkel,  
9                   was relieved by Principal Court Reporter, Susan  
10                  Pearce-Bates.)

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1 (Whereupon, Principal Court Reporter Susan  
2 Pearce-Bates was relieved by Senior Court Reporter Vikki  
3 Benkel)

4 THE COURT: Thank you.

5 Good morning.

6 PROSPECTIVE JUROR: Good morning.

7 B-800.

8 Can I jump to 26?

9 I don't think I could be impartial. After  
10 thinking about this yesterday when I heard the questions, I  
11 don't think I can be impartial.

12 THE COURT: All right, is there any objection?

13 MS. HOFFINGER: No, Your Honor.

14 MR. BLANCHE: No.

15 THE COURT: You can step out.

16 (Whereupon, the prospective juror was excused and  
17 left the courtroom)

18 THE COURT: Thank you.

19 Good morning.

20 PROSPECTIVE JUROR: Good morning, B-456.

21 I live on the Upper East Side. I have lived there  
22 with my wife for about three years or so.

23 Not a native New Yorker, originally from the  
24 Midwest, Minnesota, Wisconsin and Indiana, for a number of  
25 years each.

1           What do I do for a living, number two, large  
2 professional services firm.

3           I am a management consultant, been doing this for  
4 about three to four years full-time.

5           Number four, tens of thousands of employees, very  
6 large privately held firm. I am sorry, that is number  
7 three.

8           Number four, educational background. Both  
9 undergrad and MBA in management, and minor in finance.

10          Married, for number five.

11          Number six, I am living with my wife, she is a  
12 dentist. No children.

13          Number seven, I like to play a lot of basketball  
14 and spend time outside, anything not in front of a screen  
15 because I am looking at a computer all day.

16          Number eight, no.

17          Nine, no.

18          Ten, I don't read or watch any news, but I do go  
19 on Google.

20          I have a Facebook, I have not been on it in quite  
21 a while. I have not posted in many years. Signed up when I  
22 was in middle school or whatever.

23          I do listen to some podcasts.

24          I do work a lot, so I don't have a lot of time to  
25 read the news. I do listen to several summaries, namely

1 Wall Street Journal, NPR, different finance ones, the Apple  
2 one sometimes, just different summary podcasts.

3 I don't listen to talk radio unless you count the  
4 NPR podcast, I guess. It is, I think it is pre-recorded,  
5 not sure.

6 13, no.

7 14, no.

8 15, no.

9 16, uhm, I used to work in private wealth  
10 management for a few years after college, I guess that is  
11 kind of finance, but I don't fully consider that.

12 17, no.

13 18, no for all of them.

14 19, no.

15 20, no.

16 21, no beliefs that would prevent me from serving  
17 fairly for A and B or prevent me.

18 22, no, no health condition.

19 23, no medication.

20 24, that time is not an issue.

21 25, no religious restrictions that would prevent  
22 me.

23 26, yes, I can be fair and impartial.

24 27, yes, I can guard against stereotypes.

25 28, no.

1           29, this is A through H, no, unless you count I  
2 feel like I get a lot of junk mail for politicians, I don't  
3 read it or interact with it, that is C to G I guess.

4           30, no.

5           31, no strong beliefs. I had to read it a couple  
6 of times.

7           32, no strong opinions.

8           33, I will decide, yes, fully based on evidence.

9           34, no.

10          35, no.

11          36, yes, I read the Art of the Deal maybe ten to  
12 15 years ago, I was initially going to go into real estate,  
13 so I read that.

14          37, no, no strong opinions.

15          38, yes, I can set aside things that I may hear  
16 and not bring them into the courtroom.

17          39, yes, I will refrain from discussion.

18          40, yes, I will follow your rules as you explain  
19 the law.

20          41, yes, I will not hold that against him, I will  
21 not hold that against him, that is just a no.

22          42, no.

23          THE COURT: Thank you.

24          Good morning.

25          PROSPECTIVE JUROR: Good morning.



1 B-561.

2 I was going to jump to 35. Not an issue for me in  
3 terms of being fair and impartial, but I work in music and  
4 entertainment and it is investment structure as a private  
5 equity fund manager. One of our minority investments is in  
6 a podcast company, I believe that podcast company produces  
7 Mea Culpa. I was not part of any of that decision making, I  
8 never listened to it, but I am sort of connected to it in a  
9 way, without having any insight or decision making.

10 THE COURT: Thank you.

11 You can continue, you can start.

12 I live Downtown Manhattan in NoHo, lived there for  
13 about 20 years, before that Union Square.

14 Was raised in New Jersey.

15 Went to college in Delaware.

16 As I said, I work in music and entertainment,  
17 partnering with high profile music artists and their income  
18 streaming royalty streams in a fund manager role, managing  
19 private equity fund.

20 Been working in music entertainment for like 30  
21 years.

22 It is mine, I am a partner in the company.

23 We have about one hundred employees.

24 I have a bachelor's degree. Besides a bachelor's  
25 degree some post graduate work.

1           Five, I am married, no children.

2           My spouse works in lighting.

3           Spare time, fitness, yoga, lots of art and  
4 culture, theater, travel, film, music and art.

5           No organizations other than being on the board of  
6 my co-op.

7           I have served as a criminal juror decades ago, but  
8 I was the alternate, so I did not deliberate.

9           I served on a civil court, we did reach a verdict.  
10 Number ten, mainly The New York Times.

11           Don't watch much TV, but if I was to put on the  
12 news, it would be probably MSNBC.

13           I have an Instagram account that I am probably  
14 more active on. I have a Facebook account, very inactive.

15           Don't really listen, I listen to some podcasts but  
16 periodically, nothing consistent.

17           No talk radio.

18           Number 13, some thefts, including home burglary.

19           Number 14, no.

20           Number 15, no.

21           Number 16, so I have an accounting background, so  
22 within my company I was the CFO, currently the COO.

23           Number 17, brother-in-law attorney, and I oversee  
24 the business and legal affairs area of my company.

25           Number 18, no, no, no, no.

1                   Number 19, no.  
2                   20, no.  
3                   21, no.  
4                   22, no.  
5                   23, no.  
6                   24, no.  
7                   25, no.  
8                   26, yes, I can give assurance.  
9                   27, yes, I can promise.  
10                  28, no.  
11                  29 A is no.  
12                  B is no.  
13                  C, no.  
14                  D, no.  
15                  E, I volunteered for Get Out the Vote for the  
16   democratic party during the Clinton campaign.  
17                  F, I attended the Women's March and another rally.  
18                  G is no.  
19                  H, no.  
20                  30, no.  
21                  31, all U.S. citizens should be subject to the  
22   law.  
23                  32, no strong feelings.  
24                  33, yes, assurance.  
25                  34, no.

1                   35, I have not read or listened to any of that.  
2                   36, no.  
3                   37, no.  
4                   38, yes.  
5                   39, yes.  
6                   40, yes.  
7                   41, yes.  
8                   42, no reason.  
9                   THE COURT: Thank you.  
10                   Good morning.  
11                   PROSPECTIVE JUROR: Good morning.  
12                   B-557.  
13                   I live in Chinatown, I lived there for I think  
14                   four years now.  
15                   Not a native New Yorker, I was in Texas before.  
16                   I am part of the creative operations for a  
17                   clothing company, I have been there for about five years.  
18                   My current employer is (-REDACTED-) it is over a  
19                   hundred employees.  
20                   Prior employer, I worked at a film studio.  
21                   I have a high school diploma.  
22                   I am married, no children.  
23                   Spare time, concerts, restaurants.  
24                   Interests, music.  
25                   Eight is no.

1           Nine is no.  
2           Ten, New York Times, Google.  
3           No podcasts.  
4           No radio.  
5           13 is no.  
6           14, no.  
7           15, no.  
8           16, no.  
9           17, no.  
10          18, no for all.  
11          19, no.  
12          20, no.  
13          21, no.  
14          22, no.  
15          23, no.  
16          24, I am fine with the scheduling.  
17          25, no.  
18          26, yes.  
19          27, yes.  
20          28, no.  
21          29, no for all.  
22          30, no.  
23          31, no.  
24          32, no.  
25          33, yes.

1                   34, no.

2                   35, no.

3                   36, no.

4                   37, no.

5                   38, yes.

6                   39, yes.

7                   40, yes.

8                   41, yes, I can give assurance.

9                   42, no.

10                  THE COURT: Thank you.

11                  Good morning.

12                  PROSPECTIVE JUROR: Good morning.

13                  596.

14                  THE COURT: Thank you.

15                  PROSPECTIVE JUROR: I live Uptown and have for the

16 past six years. Before that in New Jersey for five years.

17 Before that West Tennessee.

18                  I am a program manager for a global med tech

19 company, I have been doing that for 30 years.

20                  I skipped ahead, apologies.

21                  They have between seventy-five and a hundred

22 thousand employees.

23                  Number four, I have a bachelor of science in

24 mechanical engineering.

25                  Number five, I am married, no children.

1           Six, I live with my husband, he is retired, no  
2 children.

3           And in my spare time I teach and practice yoga, as  
4 well as home renovations.

5           Number eight, yes.

6           A, yes.

7           B, Society of Women Engineers, Health Care  
8 Business Women's Association, Med Tech Women, and a limited  
9 partner in three different venture capital funds, chair of a  
10 board of directors for a rehab for adolescents and young  
11 adults.

12           Nine A is yes, I served on a jury before,  
13 criminal, about 30 years ago. I really don't remember what  
14 it was about.

15           I was on grand jury as well, I don't think there  
16 was a verdict reached.

17           Number ten, I use Google for search engine  
18 capabilities. I have a Facebook account, an X account,  
19 Linked In, NPR, BBC.

20           I listen -- number 11, I listen to the random  
21 podcast, but I don't follow anything in particular.

22           Number 12, I listen to talk radio when I am down  
23 south and have to drive a lot.

24           I have had my car stolen, my house has been broken  
25 into and I am a victim of credit card fraud about three

1 different times.  
2 14, no.  
3 15, my father was a plumbing inspector for the  
4 local government.  
5 16, no.  
6 17, I have a close friend who is an IP,  
7 intellectual property litigator.  
8 18 A, B, C, no.  
9 19, yes, I have several close friends who are  
10 felons.  
11 20, no.  
12 21, no.  
13 21 A and B, no.  
14 22, no.  
15 23, no.  
16 24, I am good with the time, as long as we get to  
17 eat, I like to eat, yeah.  
18 25, no.  
19 26, yes.  
20 27, yes.  
21 28, no.  
22 29 A through H, no.  
23 30, no.  
24 31, no.  
25 32, no.



1           33, yes.

2           34, no.

3           35, no.

4           36, no.

5           37, no.

6           38, yes.

7           39, yes.

8           40, yes.

9           41, yes.

10          42, no.

11          THE COURT: Thank you.

12          PROSPECTIVE JUROR: You're welcome.

13          THE COURT: Good morning.

14          PROSPECTIVE JUROR: Hi, good morning.

15          I am B-588.

16          I don't know if this disqualifying, I will jump to

17   29 A. My father is lifelong friends of former Governor

18   Chris Christie, so I know they worked together and that

19   ended. I just thought I would start there.

20          THE COURT: Thank you for telling us about that.

21          Would anything about that relationship effect your

22   ability to be fair and impartial in this case?

23          PROSPECTIVE JUROR: I don't believe so, no.

24          THE COURT: When you say you don't believe so, is

25   that just a figure of speech or are you not sure?

1 PROSPECTIVE JUROR: Just a figure of speech, I am  
2 nervous.

3 THE COURT: Take your time.

4 PROSPECTIVE JUROR: I live on the Upper East Side  
5 for about nine months, but I lived in New York for almost  
6 six years.

7 I grew up in North Carolina prior to that.

8 I work for a publically traded (-REDACTED-) I work  
9 in sales, I have been doing that for almost six years now.  
10 I think that answers two and three.

11 Four, I have a bachelor's degree in psychology.

12 Five, I have never been married and have no  
13 children.

14 Seven, I like to walk in Central Park, go to  
15 restaurants, enjoy living in New York City.

16 I guess eight, technically I am a member of the  
17 Women's Bond Club, but I don't think that is super relevant.

18 I have never served on a jury before.

19 For news I use Bloomberg at work, so it basically  
20 pulls from news for every single source on this list.

21 I have Twitter and Instagram accounts as well, but  
22 mostly just a follower.

23 Personal news reading I guess New York Times, Wall  
24 Street Journal, New York Post and Bloomberg News.

25 Podcasts, I used to listen to The Daily, but it is

1 too depressing, so I stopped.

2 I don't listen to talk radio.

3 No for 13.

4 14 is no.

5 15, I spoke to that already, and then my dad's  
6 other lifelong friend is a New Jersey judge.

7 I work in financial services, my brother works in  
8 financial services, so does my sister-in-law, lots of  
9 friends.

10 My father is a tax attorney, for number 17.

11 18 is no.

12 19 is no.

13 20, no.

14 21, no.

15 22 is no.

16 23, no.

17 24, yes.

18 25, I am Jewish but two p.m. is fine for Monday  
19 and Tuesday.

20 26 is yes.

21 27, yes.

22 28, no -- oh, Michael Cohen's son works at my  
23 company, I never worked with him, but I don't know if that  
24 is relevant, but I would throw that out there. I could  
25 eventually work with him, but I never have.

1 I follow the POTUS account, so when it was his  
2 account, I was following it.

3 30 is no.

4 31, no.

5 32, no.

6 33, yes.

7 34, I have opinions but it is not, I don't think  
8 it should interfere.

9 35, no.

10 36, no.

11 37, no, I just learned about that law today.

12 38, yes.

13 39, yes.

14 40, yes.

15 41, yes.

16 42, no.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR: Thank you.

19 THE COURT: Good morning.

20 PROSPECTIVE JUROR: Good morning, Your Honor.

21 Sorry, I have a sinus infection.

22 B-651.

23 And if I could start with 14. I have two close  
24 friends in local P.D. in New Jersey. I have three family  
25 members in New York State courts, and one of them is

1 actually a court officer in this room.

2 THE COURT: In this room?

3 PROSPECTIVE JUROR: Yeah, so.

4 THE COURT: Would that effect your ability to be  
5 fair and impartial if you served as a juror in this case?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Could you assure us that you will not  
8 discuss anything about this case with your cousin?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR: I live in Midtown East, I have  
12 for three years. Born in Queens. Lived in New Jersey,  
13 moved back three years ago.

14 I am an insurance broker, I have been doing it six  
15 years.

16 I currently work for my family's business, with 30  
17 employees. And I am part owner.

18 I used to work for (-REDACTED-)

19 I have a bachelor's in finance and marketing and  
20 master's in real estate.

21 Not married, never been married, no kids.

22 Not living with anyone.

23 I tried to find a wife in my spare time, it is not  
24 working out.

25 I am on various insurance boards for different

1 organizations throughout the City.

2 I have never served on a jury before.

3 Follow most of these, I am well read when it comes  
4 to the news. I am not on X. Not on Tik Tok. I use Google.

5 Don't listen to podcasts.

6 Don't listen to radio.

7 No one has been a victim of crime, answer to 14.

8 No one has -- 15 is no.

9 I have a lot of friends in accounting and finance.

10 My brother and his fiance are lawyers.

11 Never -- well, I have had positive experiences in  
12 law enforcement and legal system.

13 No one has been convicted of crime or accused.

14 No pending criminal cases.

15 No to A and B of 21.

16 No health conditions.

17 No medications.

18 I can stay as long as you need me to.

19 No to 25.

20 I will be fair and impartial, 26.

21 I promise to 27.

22 No to 28.

23 No to all of 29.

24 I am not a supporter of any of those groups.

25 No to 31.

1           No to 32.

2           Can give my assurance.

3           No to 34.

4           I have not read any of those books.

5           I have not read any of the books by the defendant.

6           I have no opinions.

7           I can set aside everything.

8           I will give you my absolute assurance.

9           I will listen to your instructions.

10          I give you my assurance for 41.

11          Nothing will prevent me from being fair and

12 impartial.

13          THE COURT: Thank you.

14          PROSPECTIVE JUROR: Thank you very much.

15          THE COURT: We will continue with the jurors in

16 the front row.

17          You have a question?

18          PROSPECTIVE JUROR: Not necessarily a question, I

19 want to revise my answer to one of the questions.

20          I don't have the questionnaire in front of me, I

21 want to clarify that I did attend the Women's March.

22          THE COURT: Okay, thank you.

23          Good morning.

24          PROSPECTIVE JUROR: Good morning.

25          My number is B-468.

1                   For number one, I live in Chelsea, I have lived  
2 there for almost five years. Not a native New Yorker, from  
3 Florida.

4                   I am a corporate lawyer, I have been doing that  
5 for almost five years.

6                   My current employer is a (-REDACTED-) easily over  
7 a thousand attorneys.

8                   I have a bachelor's and JD.

9                   I am married, no children.

10                  My husband is also a lawyer at a big law firm.

11                  In my spare time I like to hang out with my  
12 friends, go to the gym, listen to music, watch TV.

13                  I do not participate in any organizations or  
14 advocacy groups.

15                  Never served on a jury.

16                  I am not really an avid reader of news, I am on  
17 social media on Twitter mostly. And these publications will  
18 come up on my feed, if there is an interesting headline I  
19 will read it. It is probably all these publications.

20                  I do listen to podcasts, but mostly sports and  
21 entertainment.

22                  Don't listen to talk radio.

23                  13 is no.

24                  14 is no.

25                  15 is no.



1           16 is yes, I work in finance in my practice as a  
2 lawyer, I mainly do leverage finance and capital markets.

3           17 is yes, I am a lawyer, my husband is a lawyer,  
4 we have several lawyer friends.

5           18 is no.

6           19 is yes, I have an uncle who has served time in  
7 prison, I was young when that happened, I don't really know  
8 the details.

9           20 is no.

10          21 A and B is no.

11          22 is no.

12          23 is no.

13          24 is fine.

14          25 is no.

15          26 is yes.

16          27 is yes.

17          28 is no.

18          29 A through H is no.

19          30 is no.

20          31 is no.

21          32 is no.

22          33 is yes.

23          34 is no.

24          35 is no.

25          36 is no.

1           37 is no.

2           38 is yes.

3           39 is yes.

4           40 is yes.

5           41 is yes, I can give you my assurance.

6           42 is no.

7           THE COURT: Thank you.

8           Good morning.

9           PROSPECTIVE JUROR: B-620.

10           I live on the Upper East Side for four years, and  
11 before that I lived in Park Slope for ten to 12 years.

12           I am an estimator project manager for a small  
13 construction company, let's say they probably have about 40  
14 employees.

15           I have an associate's degree.

16           I am divorced, I have three boys.

17           I am living with somebody and he is a mounted unit  
18 police officer, detective actually, sorry.

19           I do whatever my kids want me to do in my spare  
20 time.

21           I don't participate in any organizations or  
22 advocacy groups.

23           I have never served on a jury before.

24           I have a subscription to the New York Times, but I  
25 usually just play Spelling Bee.

1 I watch New York 1.

2 I listen to true crime podcasts. I listen to Mark  
3 Simmons through osmosis through my boyfriend, not on  
4 purpose.

5 No one I know has been a victim of crime.

6 My grandmother was a private secretary for a judge  
7 in Nassau County.

8 And my boyfriend is a police officer, obviously.  
9 Other than that I can't think of anybody else.

10 I don't know anybody in the accounting field.

11 My ex-husband was a lawyer, also he does legal  
12 malpractice.

13 So 18 and 19 are kind of combined. My father was  
14 convicted of a federal crime when I was in high school, I  
15 was shielded from the details, so I am not really sure  
16 exactly, I mean I know about it, but not too much.

17 Nobody has a pending crime, I do not.

18 21 A and B is no.

19 22 and 23 is no.

20 24 is yes.

21 25 is no.

22 26 is yes.

23 27 is yes.

24 28 and 29 are no for everything.

25 And 30 is no as well.

1           31 is no.

2           32 is no.

3           33, yes.

4           34, no.

5           35 and 36 is no.

6           37 is no.

7           38 is yes.

8           39 is yes.

9           40 is yes.

10          41 is yes.

11          And 42 is no.

12          THE COURT: Thank you.

13          Good morning.

14          PROSPECTIVE JUROR: Good afternoon.

15                 Can we skip to Page 3, because I am sure I will  
16 get disqualified.

17                 I actually filled out a questionnaire in January  
18 and tried to do this, but the State of New York keeps  
19 calling me back, so that is why I stuck it out.

20          THE COURT: Which question are we talking about?

21          PROSPECTIVE JUROR: 14 through 19.

22                 I have served time in Massachusetts. I wrote down  
23 all my crimes -- and I am about to cry, sorry. It was over  
24 ten years ago and you guys keep calling me back for jury. I  
25 am pretty sure I should not be here.

1                   THE COURT:  Would you like to approach the bench  
2   so you can discuss this a little more privately.

3                   PROSPECTIVE JUROR:  Sure.

4                   (The following takes place at side-bar, out of the  
5   hearing of open court, among the Court, counsel and a  
6   prospective juror.)

7                   (The following portion was sealed)

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1 (The following took place in open court)

2 THE COURT: Thank you for sharing with us, I know  
3 that was not easy, thank you.

4 PROSPECTIVE JUROR: I apologize for crying.

5 I live on the Upper East Side for six and a half  
6 years, I am from Berkshire County, Massachusetts, originally  
7 born and raised.

8 I have -- I used to be a dental hygienist, no  
9 longer can do that legally, okay, now I run gyms.

10 I am a general manager for a (-REDACTED-) in New  
11 York City, a pretty famous one too.

12 I have been doing that for six years.

13 It is a private corporation or private gyms owned  
14 by like a (-REDACTED-), there is four of them in New York  
15 City. We have about a total of 150 employees between the  
16 four locations.

17 I have an AAS in science for dental hygiene.

18 I was married, best friends with my ex-husband.

19 We have four grown children together.

20 My children -- let's see, I live with my  
21 significant other though, he is not my husband.

22 My children, my oldest is a project manager for a  
23 medical software company.

24 My next child is in the U.S. Army.

25 My third child is about to graduate from

1 Assumption University for a poli sci, her aspiration is to  
2 be a politician or lawyer.

3 Spare time, I work all the time.

4 My interests and hobbies, I just kind of hang out  
5 and FaceTime my kids and I have three grandchildren, so I  
6 FaceTime them all the time.

7 No groups.

8 No organizations.

9 I actually live a really quiet low life now.

10 I don't pay attention to the news, I don't watch  
11 the news. I had a long life, so I try to keep it chill now.

12 I have Facebook and I have Instagram as of  
13 recently, but it is mostly because my adult kids made me do  
14 it, and it is pure family oriented.

15 No podcasts.

16 No talk radio.

17 Yes, 13 is yes, I was a victim of domestic abuse  
18 and abused as a child.

19 I have a cousin that works for the Secret Service,  
20 she is stationed in California now with her husband, who is  
21 also a financial analyst for the government, but in the past  
22 ten years we keep it short and sweet because it's  
23 discretionary that people can be associated with me  
24 sometimes.

25 That's it for the federal government.

1           No, nothing I am aware of.

2           He is a financial analyst, so I am sure he has a  
3 degree in finance.

4           My daughter is a poli sci major, she is about to  
5 get her degree.

6           Everything to do with 17 and 18, I served two and  
7 a half years in MCI in Birmingham, Massachusetts. Upon  
8 release I had to do small little just like time-served type  
9 things to avoid an extradition for petit larceny, all  
10 affiliated with drug charges.

11           I was convicted or sentenced about ten years ago  
12 and I served about two years total.

13           I have a nephew that has a drug problem, I am sure  
14 he has warrants for his arrest.

15           I have no political view, I just try to keep, I  
16 just like good people around me all the time, so that's  
17 pretty much it. I try to keep things chill and peaceful.

18           No health conditions, except for when I get  
19 emotional like this.

20           No medications.

21           It's fine, the timeframe will always work for me,  
22 I am general manager of where I work, so I am the boss so.

23           My son is, my youngest son who is in high school  
24 is practicing religion, he goes to religious high school. I  
25 could foresee him being a pastor or priest when he is older,



1 but other than that I am not super religious, I drop him off  
2 to church every Sunday.

3 Catholic is what our background is.

4 I would be completely fair and impartial.

5 I don't stereotype against anybody.

6 No, I don't know anybody affiliated with Donald  
7 Trump or any of his organizations.

8 Never been to a rally.

9 Don't know anybody who does go to rallies.

10 I don't have any E-mails or anything like that  
11 that have any political orientation. So everything in the  
12 letters are no.

13 30 is no for everything.

14 Uhm, so no, I don't have any, I mean I am a firm  
15 believer that when people do something they should be  
16 accountable for their actions, and it is probably because of  
17 what I went through.

18 Yes, I could be completely fair and give my full  
19 assurance on everything about this case.

20 I would be fair and impartial.

21 No, I have not read anything.

22 No reading any books, nothing political or  
23 anything like that.

24 I can promise to set aside because I don't really  
25 pay attention to stuff like that.

1 I could promise to set everything aside.

2 I don't discuss things because things make me  
3 emotional.

4 I promise to follow your instructions, sir.

5 I believe in the constitution, so yes, I believe  
6 in all of this and I will be impartial to everything.

7 That's it, thank you.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR: Sorry.

10 PROSPECTIVE JUROR: Hello.

11 B-763, that is my number.

12 I live in Battery Park, we have lived there for  
13 about 14 years.

14 I grew up in Minnesota, but born in India and have  
15 lived in India as well.

16 What I do for a living? I am retail executive,  
17 but I recently started my own business, so I am doing  
18 sourcing and product development, exciting to have that.

19 So I am self-employed for number three.

20 For number four, I have a bachelor's degree.

21 I am married, my husband is in sales.

22 We do not have any children.

23 What do we do in spare time? I like to travel,  
24 read and like to go and enjoy New York.

25 Eight, I do not participate in any organizations

1 or advocacy groups.

2 I did participate in the Women's March and I did  
3 post in my Instagram about that.

4 I have not served on a jury.

5 For publications I read The New York Times, Daily  
6 Mail, CNN.

7 I do have a Facebook and Instagram account, but  
8 there is nothing political that I really post.

9 For podcasts, I do listen to podcasts, but mainly  
10 about entrepreneurship and reality TV.

11 I don't listen to talk radio.

12 I was mugged when I was younger.

13 Number 14, no.

14 Number 15, no.

15 Number 16, I do have close friends and cousins  
16 that are in finance.

17 Number 17, only just family members not in U.S.  
18 but abroad are in the legal field.

19 18 is no.

20 19, no.

21 20, no.

22 21, no.

23 22, no, no health conditions.

24 23, no medication.

25 24, time is fine.

1           25, no.

2           26, yes, I can be fair and impartial.

3           27, yes, I can, I do not stereotype.

4           28, no, nobody I know has worked for Donald Trump.

5           No one I know has volunteered or worked in his

6 organization, so all no for all of 29.

7           30 no.

8           31, I believe everyone has to follow the law.

9           32, no, I don't have feelings about that.

10          33, yes, I will give my assurance.

11          34, no.

12          35, I have not read any of the books or podcasts.

13          36, I have not, no.

14          37, no opinion.

15          38, yes, I will judge this case based solely on

16 the evidence presented.

17          39, yes, I will refrain from discussing.

18          40, yes, I will follow your instructions.

19          41, no.

20          And 42, no, there is nothing.

21          THE COURT: Okay, thank you very much.

22          We are going to take a very short ten minute

23 recess at this time.

24          When you come back, we will hear from the

25 attorneys.

1           So I will ask the jurors to please follow the  
2 instructions of the court officers and step out.

3           I will ask everybody else to please remain seated.

4           (Whereupon, the panel of prospective jurors left  
5 the courtroom)

6           THE COURT: Before we break, I just wanted to say,  
7 you know, we all just heard from a very brave woman who  
8 shared very personal things about her life. And I know that  
9 that was not easy to do in a room full of strangers.

10          So I just want to encourage the press to please be  
11 kind, please be kind to this person.

12          Let's take ten minutes.

13          (Whereupon, there was a brief recess in the  
14 proceedings)

15          THE COURT: We have been in touch with the  
16 Commission of Jurors just to try to get a straight answer,  
17 it is difficult to try to get a very clear answer.

18          The short answer is that she does not have her  
19 certificate of relief from civil disabilities today, so she  
20 is disqualified today.

21          What I would like to do is bring her in so I could  
22 explain to her what she needs to do in the future.

23          Now, having the certificate does not automatically  
24 guarantee that she will be qualified, it really depends on  
25 the charges.

1           Any questions about that?

2           MS. HOFFINGER: No, other than, Your Honor, would  
3 we perhaps be able to seal the record with what she said at  
4 the bench?

5           THE COURT: Any objection to that?

6           MR. BLANCHE: No.

7           THE COURT: The record will be sealed involving  
8 her comments and conversations.

9           If we could just bring her up to the front please  
10 so I can tell her, thank you.

11           (Whereupon, the aforementioned prospective juror  
12 entered the courtroom)

13           THE COURT: Hi, thank you for coming back in.

14           I looked into your situation, I wanted to be able  
15 to explain to you what the answer is, as best as I can.

16           Before I do, I want to thank you, what you just  
17 did, most people in this courtroom would not be able to do,  
18 so thank you.

19           I have been in touch with the Commissioner of  
20 Jurors, the short answer is, the mere fact that you were  
21 convicted of a felony does not preclude you from serving as  
22 a juror. The problem today is that you don't have your  
23 certificate of relief from civil disabilities, so  
24 unfortunately today you cannot serve.

25           But if you are interested in serving in the

1 future, please bring it with you or get a copy, if you can  
2 get a copy. At that point it really depends on the nature  
3 of the charges at that time will determine whether you can  
4 serve or not.

5 PROSPECTIVE JUROR: Okay, thank you.

6 THE COURT: You're welcome.

7 Thank you very much.

8 PROSPECTIVE JUROR: Good luck.

9 (Whereupon, the aforementioned prospective juror  
10 left the courtroom)

11 THE COURT: Now we can get the jurors whenever you  
12 are ready.

13 Counsel, please approach for one minute.

14 (Whereupon, a bench conference was held off the  
15 record)

16 THE COURT: You can bring in the jurors.

17 (Whereupon, the panel of prospective jurors  
18 entered the courtroom)

19 THE COURT: Jurors, as you have seen, at this time  
20 the lawyers will address those in the jury box for about 25  
21 minutes each, and the law requires that the assistant  
22 district attorney speak to you first.

23 Please remember that whatever the lawyers say to  
24 you at any time is not evidence. So what the lawyers are  
25 about to say to you now is not evidence.

1           You may begin.

2           MS. HOFFINGER: Thank you, Your Honor.

3           Good morning.

4           My name is Susan Hoffinger. I, along with Joshua  
5 Steinglass, Christopher Conroy, Matthew Colangelo, Becky  
6 Mangold and Katherine Ellis, we represent the People of the  
7 State of New York.

8           First I want to thank you, thank you for being  
9 here and thank you for staying here and answering our  
10 questions.

11           Obviously this is very important, and I know that  
12 you all understand that it is important for you to be open  
13 and honest, as much as possible.

14           What we are trying to do here is pick a fair jury  
15 for this particular case and for both sides, so we thank you  
16 for that.

17           First, just based on anything that any of you have  
18 heard, either from the judge or from my colleague Joshua  
19 Steinglass when you were in the audience, or from defense  
20 counsel, does anybody based on what you heard have any  
21 concerns at this point about being a fair impartial juror in  
22 this case?

23           I apologize for not also saying good morning to  
24 you.

25           So you know what this case is about at this point,



1 this is about whether the defendant, Donald Trump, broke the  
2 law in falsifying business records to cover up an agreement  
3 with others to unlawfully influence the 2016 presidential  
4 election, that is what it is about.

5 And like every other criminal case, it is our  
6 burden to prove every element of the crimes for which he is  
7 charged, that is 34 counts of falsifying business records.  
8 It is our burden to prove those elements beyond a reasonable  
9 doubt and that is what we have to prove, no more and no  
10 less.

11 This is not about Mr. Trump being a former  
12 president, it is not about his being a candidate for the  
13 presidency, it is not about his popularity, and it is not  
14 about who you are going to vote for or who you might vote  
15 for in the fall. It is only about whether the evidence  
16 proves he is guilty of the crimes charged in the indictment  
17 beyond a reasonable doubt. And that standard of proof is  
18 the same standard of proof for him as for everybody else.

19 Is there anybody here sitting here now who feels  
20 that because of his position, because of what his position  
21 was and is now, that somehow you feel that we should prove  
22 more than what the judge says the law requires, which is  
23 proof beyond a reasonable doubt. Does anybody feel that  
24 way?

25 Can I ask, I may ask a few of you here and there,

1 if I don't get to everybody, I apologize.

2 Juror 441, can I ask you how do you feel about  
3 that concept?

4 PROSPECTIVE JUROR: I don't have a particular  
5 objection or anything about that.

6 MS. HOFFINGER: Can you promise to hold us to our  
7 burden of beyond a reasonable doubt but nothing more?

8 PROSPECTIVE JUROR: Yes.

9 MS. HOFFINGER: And nothing else of course?

10 PROSPECTIVE JUROR: Absolutely.

11 MS. HOFFINGER: Can I ask juror 706, I apologize  
12 for the numbers, how do you feel about that?

13 PROSPECTIVE JUROR: I completely agree, I agree  
14 that saying is appropriate.

15 MS. HOFFINGER: Same standard for everybody in  
16 this courthouse applies to Mr. Trump?

17 PROSPECTIVE JUROR: Yes.

18 MS. HOFFINGER: Can I ask you, sir, 616.

19 PROSPECTIVE JUROR: Yes.

20 MS. HOFFINGER: How do you feel about that  
21 concept?

22 PROSPECTIVE JUROR: I agree, definitely treat  
23 everyone fairly.

24 MS. HOFFINGER: Same standard of proof for  
25 everybody, you will not require us to prove more?

1 PROSPECTIVE JUROR: I won't.

2 MS. HOFFINGER: Thank you.

3 So you know that this case has been in the news,  
4 there has been a fair amount of publicity here, there have  
5 been even books written about it, your friends, your family  
6 members, colleagues may want to talk to you about this case,  
7 may have talked to you about the case in the past. We don't  
8 expect you not to have heard about this case and we don't  
9 expect you not to have heard of course of Mr. Trump, but  
10 what we need to do is to make sure that you will make a  
11 decision based only on the evidence that you see and hear in  
12 this courtroom. And there is a good reason for that, that  
13 is because folks on the outside, the media, they don't have  
14 access to the facts, the truths that you are going to hear  
15 if you are picked in this courtroom. We are talking about  
16 testimony, we are talking about documentary evidence.

17 Can you all assure us that you will, if you are  
18 picked as a juror, that you will base your decision only on  
19 the evidence in this case that you hear in this courtroom  
20 and that you will block out anything that you heard before,  
21 and of course you will make sure not to read anything or to  
22 try to learn anything outside of this courtroom. Can you  
23 all assure us of that?

24 Does anyone here have an issue with that or even  
25 have a concern about it?

1           Let me try someone else, juror 530.

2           PROSPECTIVE JUROR: I am comfortable basing my  
3 decision on solely what is presented here.

4           MS. HOFFINGER: Thank you.

5           Can I ask seat number eight also, 624.

6           PROSPECTIVE JUROR: Yes, same answer.

7           MS. HOFFINGER: You can assure us of that?

8           PROSPECTIVE JUROR: Yes, definitely.

9           MS. HOFFINGER: Can I ask, sir, 445.

10          PROSPECTIVE JUROR: Burden of proof is in criminal  
11 cases, there is burden of proof and I don't see why should  
12 be any different in this case than any other case that is  
13 criminal.

14          MS. HOFFINGER: Will you base your decision solely  
15 on the facts and evidence that you see and hear in this  
16 courtroom, of course advised by the judge on the law?

17          PROSPECTIVE JUROR: Absolutely.

18          MS. HOFFINGER: So you are going to hear, and I  
19 think Mr. Steinglass spoke a bit about this, you will hear  
20 that some of the witnesses in this case have spoken out  
21 publically about their experiences with Mr. Trump, and a  
22 number of them have expressed some pretty negative opinions  
23 about him.

24          Does the fact that someone has negative opinions  
25 about the defendant because their experiences with him, and

1 they have told their accounts in the past of that, is that  
2 something that -- it is something that you should consider,  
3 but is it something that somehow might prevent you from  
4 considering all the evidence and giving that person a fair  
5 listen in the courtroom?

6 PROSPECTIVE JUROR: If I understand the question  
7 correctly, if I am picked for a jury, the only thing I  
8 should influence the decision is the evidence presented in  
9 this room, nothing else.

10 MS. HOFFINGER: So in other words, you will not  
11 pre-judge someone because they made statements outside this  
12 courtroom in the past, for example, they have made negative  
13 comments about Mr. Trump. Will you pre-judge that person or  
14 will you wait to hear that person and see what that person  
15 has to say, compare his or her testimony against the other  
16 evidence in the case, including documents and other  
17 testimony?

18 PROSPECTIVE JUROR: Yeah. As I said, it is the  
19 testimony given in this courtroom. If I am on a jury I will  
20 base my decision only on testimony here and facts presented  
21 in this courtroom.

22 MS. HOFFINGER: Thank you.

23 Can you pass that back to the gentleman behind  
24 you, so I don't pick on all the same people in the front  
25 row.

1                   Sir, what do you think about that? If there are  
2 folks that are going to testify in this case that have  
3 spoken in the past about some of the facts here, they have  
4 spoken to the media, they might have done podcasts, might  
5 have even been in a documentary, they have expressed some  
6 negative opinions in the past about the defendant.

7                   PROSPECTIVE JUROR: Thank you, counselor.

8                   Yes, I will listen to what they have to say.

9                   May I ask a question?

10                  The burden of proof is subjective to each  
11 individual juror, correct, my burden could be higher than  
12 the juror next to me?

13                  MS. HOFFINGER: That is an interesting question.  
14 I asked other jurors that, there is only one burden here, it  
15 is our burden to prove that the evidence proves this  
16 defendant guilty beyond a reasonable doubt, that is the same  
17 burden of proof for every defendant who is accused of a  
18 crime in this courthouse.

19                  Do you feel that there should be a different  
20 standard of proof for Mr. Trump?

21                  PROSPECTIVE JUROR: No, I feel that the standard  
22 of proof should be the same.

23                  MS. HOFFINGER: Did I answer your question?

24                  PROSPECTIVE JUROR: I believe so.

25                  MS. HOFFINGER: Thank you.

1           So let me ask you a question, if someone has  
2 written a book in the past or been on a podcast and had some  
3 negative opinions about Mr. Trump, is that something that  
4 will cause you to perhaps close your ears and not want to  
5 listen to them any further, or will you have an open mind?

6           PROSPECTIVE JUROR: I would want to hear what they  
7 say, I would have an open mind.

8           MS. HOFFINGER: You will evaluate their testimony  
9 seeing how they testify and comparing evidence against other  
10 evidence in the case, including documents?

11          PROSPECTIVE JUROR: Yes.

12          MS. HOFFINGER: I appreciate that.

13          Thank you.

14          Can I ask the next juror, as long as we are going  
15 down the line, 588.

16          PROSPECTIVE JUROR: Yes, that's correct.

17          MS. HOFFINGER: How do you feel about that  
18 concept?

19          PROSPECTIVE JUROR: I feel fine about that  
20 concept.

21          I have to be honest, I feel so nervous and anxious  
22 right now, I am sorry, I thought I could do this, but I  
23 would not want someone who feels this way to judge my case,  
24 I am sorry.

25          MS. HOFFINGER: Do you want to take a minute?

1 PROSPECTIVE JUROR: I just thought I could do  
2 this. I don't want to waste the Court's time, I don't want  
3 you to feel like I wasted anyone's time, but this is so much  
4 more stressful than I thought it would be.

5 THE COURT: Would you like to come up to the bench  
6 and we can talk a little bit more about it?

7 PROSPECTIVE JUROR: Sure.

8 (The following takes place at side-bar, out of the  
9 hearing of open court, among the Court, counsel and a  
10 prospective juror.)

11 PROSPECTIVE JUROR: I am sorry.

12 THE COURT: That's okay, nothing to be sorry  
13 about.

14 I want to understand what it is you are trying to  
15 convey.

16 PROSPECTIVE JUROR: I think I am, I feel so  
17 emotional and nervous right now that I don't think I am in a  
18 position where I could be fair and impartial because there  
19 is too many emotions running through my head right now, I  
20 don't want that to sway it in one way or another.

21 THE COURT: Do you deal with anxiety usually?

22 PROSPECTIVE JUROR: Yes, but I thought I was able  
23 to control it. I felt calmer today after listening to it  
24 yesterday, so I thought I felt less stressful.

25 THE COURT: Do you take any medications for it?



1 PROSPECTIVE JUROR: No.

2 THE COURT: So you just normally deal with it on  
3 your own and it passes?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Is it fair to say that it kind of  
6 comes and goes depending on the situation?

7 PROSPECTIVE JUROR: Yes, and I don't think that is  
8 great for a juror, sorry.

9 THE COURT: Is this the first time that you felt  
10 this way since you have been in the courthouse?

11 PROSPECTIVE JUROR: I definitely felt anxious on  
12 Tuesday when I walked in, but anxious the second I got the  
13 microphone earlier, and I calmed down a little.

14 I don't feel, I feel like emotions should not be  
15 part of this at all, it is not emotionally about the  
16 defendant or anything of that, I just I don't think I could  
17 do this.

18 THE COURT: Any follow up questions?

19 MS. HOFFINGER: No.

20 MR. BLANCHE: No.

21 THE COURT: We will excuse you.

22 PROSPECTIVE JUROR: Thank you.

23 (Whereupon, the aforementioned prospective juror  
24 was excused and left the courtroom)

25 THE COURT: Seat 17 is excused.

1 MS. HOFFINGER: 596, you have the microphone, so I  
2 might as well ask. How do you feel about that concept?  
3 Because people may come in to testify that have spoken  
4 publically about Mr. Trump and had negative opinions about  
5 him and spoken publically about it.

6 Does that cause you some concern?

7 PROSPECTIVE JUROR: It does not.

8 MS. HOFFINGER: Would you promise to keep an open  
9 mind and evaluate each of those persons' testimony here  
10 alongside other evidence with the documents?

11 PROSPECTIVE JUROR: Yes, ma'am.

12 MS. HOFFINGER: Thank you, appreciate that.

13 Can I ask you as well?

14 PROSPECTIVE JUROR: Yes, I will keep an open mind.

15 MS. HOFFINGER: So one of the other things that  
16 you will learn, in fact, I am sorry, you were sitting in the  
17 audience and you probably have learned it already, one of  
18 the witnesses, Michael Cohen, has previously plead guilty  
19 back in 2018 to a number of federal crimes, including  
20 campaign finance violations, and also lying to congress.

21 You will learn that before pleading guilty he  
22 denied publically some of the key facts that he will likely  
23 testify to here.

24 Some of the other witnesses also may have, for a  
25 period of time, denied some of the facts that they will

1 testify to here.

2           You will hear and you will learn from them about  
3 why they each tried to prevent the public from learning the  
4 truth about Mr. Trump's conduct. You will learn and you  
5 will hear about why they each decided to turn a page and to  
6 tell the truth.

7           The fact that a witness has in the past been  
8 untruthful or perhaps plead guilty to crimes, those are  
9 factors you should take into consideration. The question  
10 though is whether that is the only fact that you will  
11 consider in deciding whether that person is credible or  
12 whether you will listen to them, find out why they did what  
13 they did and why they did not tell the truth for a period of  
14 time.

15           Again, this is the question of sort of pre-judging  
16 witnesses and whether you will keep an open mind.

17           Can I ask 456 a question.

18           How do you feel about that?

19           PROSPECTIVE JUROR: Yes, definitely willing to  
20 keep an open mind, especially because most of them I  
21 probably have not heard before, so I will definitely wait to  
22 see and hear in the courtroom.

23           MS. HOFFINGER: So the fact that someone has plead  
24 guilty in the past does not mean that you will stop  
25 listening to him?

1 PROSPECTIVE JUROR: That's correct, I will keep  
2 listening to him and I will evaluate his testimony and avoid  
3 implicit bias, everything.

4 MS. HOFFINGER: The judge will give you some  
5 factors that will help to determine, you can use to help to  
6 determine whether someone is credible, do they seem  
7 comfortable with the way they are testifying, answering in a  
8 straightforward manner, is their testimony consistent with  
9 some of what other witnesses have said and also whether  
10 they're consistent with documents.

11 We will be showing you a lot of documents if you  
12 are chosen as a juror. I think you mentioned you don't want  
13 to look at documents so much because you do that in your  
14 job; is that correct?

15 PROSPECTIVE JUROR: Well, specifically computer  
16 screen, but yeah, by extension.

17 MS. HOFFINGER: So documents are important because  
18 there is an old expression that documents don't lie, right,  
19 they don't have an opinion, they tell it like it is, it is  
20 just on paper.

21 It is going to be important for us to show you all  
22 a lot of documents because they corroborate testimony.

23 I know you don't like to do that in your spare  
24 time, you would rather do other things. Is that something  
25 that you will do, work through the documents with us to make

1 sure you look at them carefully. And it might seem like a  
2 slog, and you don't want to do something that is so  
3 important.

4 (Whereupon, Senior Court Reporter Vikki Benkel was  
5 relieved by Senior Court Reporter Vincent Gerald)

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1 PROSPECTIVE JUROR: Absolutely, I can.

2 I meant I don't like to do it in my free time on  
3 the weekends, but I'm good at it. I do it all at time.

4 MS. HOFFINGER: Terrific.

5 I also don't like doing it in my spare time, but  
6 it's necessary in this case, obviously.

7 PROSPECTIVE JUROR: Exactly.

8 MS. HOFFINGER: Thank you so much.

9 Let me ask you a question, sir, if we could go  
10 back to 445 just for a moment:

11 The question that I asked about someone who has  
12 pled guilty in the past and whether, upon hearing that,  
13 you'll stop listening or whether you'd be willing to listen  
14 to that person, understand why they did what they did, and  
15 to evaluate that person's testimony in light of the other  
16 evidence.

17 PROSPECTIVE JUROR: So, people are complicated.  
18 The world is not black and white. So, absolutely. What  
19 they're doing here is important. It's important to  
20 understand all the facts presented.

21 MS. HOFFINGER: I appreciate that.

22 So, you won't prejudge on that either?

23 PROSPECTIVE JUROR: No.

24 MS. HOFFINGER: Terrific.

25 Thank you so much.

1           616?

2           I'm sorry, sir. I don't mean to jump, but I know  
3 we spoke a little bit. I apologize.

4           How do you feel about that concept in terms of  
5 someone who's pled guilty in the past?

6           PROSPECTIVE JUROR: No prejudgments. I will  
7 listen to everyone fairly.

8           MS. HOFFINGER: Appreciate that.

9           Can I ask you as well.

10          PROSPECTIVE JUROR: I agree with 445, the  
11 gentleman next to me. No prejudgments.

12          MS. HOFFINGER: Keep an open mind?

13          PROSPECTIVE JUROR: That's correct.

14          MS. HOFFINGER: Wait until you hear that witness  
15 testify?

16          PROSPECTIVE JUROR: Correct.

17          MS. HOFFINGER: Thank you.

18          Can I ask you as well.

19          PROSPECTIVE JUROR: Same thing, open minded. I  
20 will make sure I will go through all the pieces of  
21 evidence. I'm an extremely detailed and oriented person in  
22 my life. So, I think that I can do very well because it's  
23 something I like to do.

24          MS. HOFFINGER: I appreciate that.

25          Thank you.

1           Could you pass it back. I haven't had a chance  
2 to ask you a question yet.

3           How do you feel about that concept--someone who  
4 has pled guilty to crimes? Will you keep an open mind and  
5 give that person a fair listen or is it something where you  
6 will not be able to do that?

7           PROSPECTIVE JUROR: Absolutely, I can keep an  
8 open mind.

9           MS. HOFFINGER: As long as you have the  
10 microphone, I'll ask you this:

11           So, Mr. Steinglass spoke a little bit about  
12 what's called accessorial liability. It's a concept the  
13 judge will instruct you on. It's a concept about people  
14 acting together--people who act together can be held  
15 criminally liable for the acts of other people. As I said,  
16 the judge will instruct you on what's required for that.  
17 Do you feel or does anybody else here feel that, despite  
18 the judge's instructions on the law, somehow, you just  
19 couldn't hold Mr. Trump responsible for what his partners  
20 in crime did with him?

21           PROSPECTIVE JUROR: I would follow the  
22 instructions of the judge. I don't know law.

23           MS. HOFFINGER: Appreciate that.

24           I'm not sure how we send it over, but I don't  
25 want to ignore everybody over here.



1           How do you feel about that concept?

2           PROSPECTIVE JUROR: I will listen to the judge's  
3 instructions.

4           MS. HOFFINGER: Okay.

5           So, it's not something that would prevent you  
6 from finding Mr. Trump guilty?

7           PROSPECTIVE JUROR: No.

8           MS. HOFFINGER: May I ask you as well.

9           PROSPECTIVE JUROR: I would follow the  
10 instructions.

11          MS. HOFFINGER: Does it give you any pause or  
12 concern about the concept that people working together can  
13 be held responsible for each other's actions?

14          PROSPECTIVE JUROR: No.

15          MS. HOFFINGER: Thank you.

16          PROSPECTIVE JUROR: No pause.

17          MS. HOFFINGER: You're good as well.

18          Thank you.

19          So, one of the other things that's  
20 important--again, I hate to say Mr. Steinglass has already  
21 spoken to you about it, but I want to sort of shorten  
22 things a little bit--is the issue and the concept about  
23 intent. In criminal cases, intent is, in most crimes and  
24 in this one, a requirement. Intent is a requirement. You  
25 can't open up someone's head and dig inside and figure out

1 what someone's intent is, but you can figure it out from  
2 the circumstances of what they do, what they say, and at  
3 what times. These are things that we ask you to use common  
4 sense and make logical inferences.

5 To look at surrounding circumstances is very  
6 important. What did Mr. Trump and his co-conspirators do  
7 and say before, during, and after the payoffs that are at  
8 issue here? It's important to see what those clues are and  
9 what things have been done and said during that time  
10 period. What did Mr. Trump and his co-conspirators say and  
11 do during the creation of the false business records, which  
12 is the essence of the crime here. What did he and his  
13 co-conspirators do after the crimes were committed and the  
14 truth began to come out? These are all important clues and  
15 details.

16 MS. NECHELES: Objection, your Honor.

17 THE COURT: Overruled.

18 MS. HOFFINGER: We ask you to apply  
19 logic--logical inferences, common sense--and to take those  
20 facts and, from those facts, to determine what his intent  
21 was. Is there anybody here who thinks that they can't do  
22 that?

23 (NO HANDS RAISED)

24 MS. HOFFINGER: Anybody have a concern about  
25 using logical inferences based on the facts and

1 circumstances before, during, and after the commission of  
2 the crimes?

3 (NO HANDS RAISED)

4 MS. HOFFINGER: Anybody who has any issue with  
5 it?

6 (NO HANDS RAISED)

7 MS. HOFFINGER: Now, I want to come back to  
8 something that I spoke about at the beginning--that is, our  
9 burden of proving the elements of the crime beyond a  
10 reasonable doubt. That is a burden that we proudly accept  
11 and it's the same standard for every single defendant in  
12 this courthouse.

13 If you're chosen to be a juror on this case,  
14 we're going to ask you at the end of the case to come back  
15 and, based on the evidence, find the defendant guilty of  
16 the crimes charged in the indictment. We need you to be  
17 able to do that if, in fact, the evidence does prove his  
18 guilt beyond a reasonable doubt.

19 I'd like to ask each of you actually to think for  
20 a moment and ask yourselves, if we do our job and we  
21 provide evidence that proves his guilt beyond a reasonable  
22 doubt, will you hesitate to find Mr. Trump guilty of the  
23 crimes? So, I'd like to actually ask each of you, as long  
24 as you have the microphone, if the evidence proves his  
25 guilt beyond a reasonable doubt, what will your verdict be?

1 PROSPECTIVE JUROR: It will be guilty.

2 MS. HOFFINGER: Similarly, if we don't prove it,  
3 I assume that --

4 PROSPECTIVE JUROR: It will be not guilty.

5 MS. HOFFINGER: Okay.

6 What would your verdict be if we proved, beyond a  
7 reasonable doubt, the crime here?

8 PROSPECTIVE JUROR: If you proved it, it would be  
9 guilty.

10 MS. HOFFINGER: If we don't prove it?

11 PROSPECTIVE JUROR: If you didn't, it would be  
12 not guilty.

13 MS. HOFFINGER: Thank you.

14 Same question.

15 PROSPECTIVE JUROR: Same answers.

16 MS. HOFFINGER: Okay.

17 So, if the evidence proves his guilt beyond a  
18 reasonable doubt, what would your verdict be?

19 PROSPECTIVE JUROR: Guilty.

20 MS. HOFFINGER: And similarly?

21 PROSPECTIVE JUROR: Not guilty.

22 MS. HOFFINGER: Thank you so much.

23 I'm going to ask to just go down the line and I'm  
24 going to ask each of you the question.

25 PROSPECTIVE JUROR: I would make a verdict based

1 on reaching the burden of beyond a reasonable doubt.

2 MS. HOFFINGER: Okay.

3 So, if the evidence proves his guilt, what will  
4 your verdict be?

5 PROSPECTIVE JUROR: If it's beyond a reasonable  
6 doubt, I absolutely can say guilty or not guilty as is  
7 appropriate.

8 MS. HOFFINGER: Thank you.

9 Sir?

10 PROSPECTIVE JUROR: If the testimony and the  
11 evidence shows that the person is guilty, I would vote  
12 guilty. If not, I would vote not guilty.

13 MS. HOFFINGER: Thank you.

14 PROSPECTIVE JUROR: Guilty and not guilty, same  
15 order.

16 MS. HOFFINGER: Thank you.

17 PROSPECTIVE JUROR: If there's evidence beyond a  
18 reasonable doubt within the confines of the law, I would  
19 say guilty. If it's the opposite, I would say not guilty.

20 MS. HOFFINGER: Thank you.

21 PROSPECTIVE JUROR: Same thing, guilty if proved  
22 and not guilty if not.

23 MS. HOFFINGER: Thank you.

24 PROSPECTIVE JUROR: Same, guilty or not guilty.

25 MS. HOFFINGER: Based on if the evidence --

1 PROSPECTIVE JUROR: Based on the evidence, yes,  
2 ma'am.

3 MS. HOFFINGER: Thank you.  
4 Sir?

5 PROSPECTIVE JUROR: If the evidence proves beyond  
6 a reasonable doubt that he's guilty, then he will be  
7 guilty. If it does not, then he will be not guilty.

8 MS. HOFFINGER: Thank you.

9 PROSPECTIVE JUROR: Based on the evidence  
10 presented, if the evidence proves beyond a reasonable doubt  
11 guilt, the verdict would be guilty. Otherwise, it will be  
12 not guilty.

13 MS. HOFFINGER: Thank you.

14 PROSPECTIVE JUROR: Beyond a reasonable doubt,  
15 guilty. Otherwise, not guilty.

16 MS. HOFFINGER: Thank you.

17 PROSPECTIVE JUROR: If the standard is met,  
18 guilty. If not, not guilty.

19 MS. HOFFINGER: Thank you.

20 PROSPECTIVE JUROR: Guilty if it's proved beyond  
21 a reasonable doubt. Then, not guilty if it wasn't proved.

22 MS. HOFFINGER: Thank you.

23 PROSPECTIVE JUROR: If the evidence is presented  
24 that proves the defendant guilty beyond a reasonable doubt,  
25 the verdict will be guilty. If it doesn't prove beyond a

1 reasonable doubt, the evidence suggested here, it will be  
2 not guilty.

3 MS. HOFFINGER: Thank you.

4 PROSPECTIVE JUROR: If the prosecution proves the  
5 burden of proof beyond a reasonable doubt, then it will be  
6 guilty. Otherwise, it's not guilty.

7 MS. HOFFINGER: Thank you.

8 PROSPECTIVE JUROR: Same thing, guilty or not  
9 guilty depending on if you prove the evidence beyond a  
10 reasonable doubt. Sorry. I got confused. Yes, I will  
11 determine my verdict of guilty or not guilty depending --

12 MS. HOFFINGER: So, if the evidence proves his  
13 guilt beyond a reasonable doubt, what will your verdict be?

14 PROSPECTIVE JUROR: I have no problem, guilty.

15 MS. HOFFINGER: Thank you very much.

16 Judge, may we approach just for one minute?

17 THE COURT: Sure.

18 (The following occurred at sidebar out of the  
19 presence of the prospective jurors)

20 MS. HOFFINGER: Judge, there is one gentleman,  
21 Number 9, on the side who previously answered the question  
22 about a prior conviction and he seemed to be tearing up. I  
23 didn't want to ask him in front of everyone. He seemed to  
24 answer the question about having been through some sort of  
25 a prior criminal conviction, but I didn't think it was

1 appropriate to --

2 MS. NECHELES: I don't think it was a criminal  
3 conviction. I thought something happened, though.

4 THE COURT: I didn't take it as a conviction  
5 either. I took it as something happened.

6 If you want, you could finish your voir dire.  
7 Then, if you want me to follow up, I can ask him.

8 MS. HOFFINGER: Okay.

9 MS. NECHELES: Your Honor, I was going to try to  
10 sensitively ask it. Should we move on or should I ask him?

11 THE COURT: I rather not do it now. We could do  
12 it afterwards.

13 MS. NECHELES: Okay.

14 So, I'm not going to ask, your Honor?

15 THE COURT: If you want to ask, you can. If you  
16 don't, you don't have to.

17 MS. NECHELES: Is it all right if I say to him,  
18 "If it's sensitive, you could approach?"

19 THE COURT: Yes.

20 (The following occurred in open court in the  
21 presence of the prospective jurors)

22 THE COURT: Counsel?

23 MS. NECHELES: Thank you, your Honor.

24 Good afternoon, everybody. How are you today?

25 My name is Susan Necheles. You've heard that,



1 along with Todd Blanche, Emil Bove, and Gedalia Stern, we  
2 represent together President Trump.

3 I want to take this time now, obviously, to ask  
4 you some questions. I appreciate the candor that you've  
5 shown up to this point.

6 As the prosecution has said, this is extremely  
7 important for all of us. It's important for the  
8 government, but it's very important for President Trump.

9 What we're trying to understand here is people's  
10 biases--things that you bring with you into this courtroom.  
11 We all bring biases. We particularly bring biases about  
12 someone who is as public and outspoken as President Trump  
13 is. There's nobody who doesn't know him in this room. We  
14 all come into this courtroom knowing him. Bias colors the  
15 way that we look at the world and the way that we evaluate  
16 evidence. I know that you assured us that you could be  
17 fair and that you will all try to be fair, but, through  
18 this process, we're trying to understand what you bring  
19 into this courtroom so that we can judge that. That, of  
20 course, is the defendant's right. It's part of our  
21 American constitutional system that he is able to look at  
22 you and understand what you bring into the courtroom. So,  
23 I ask that you continue to do the best that you can to  
24 really be honest with us and share with us whatever things  
25 you have brought into the courtroom.

1           Now, I just want to start talking about some of  
2 the things that the prosecutor, Ms. Hoffinger, just said  
3 because she talked a lot about what she thinks are the  
4 facts of this case. She said, "The witnesses are going to  
5 be this. The witnesses are going to be that." That's her  
6 opinion. That's what she thinks. You all understand that  
7 that is not evidence? The judge has told you what the  
8 lawyers say is not evidence. Is there anyone here who  
9 would have a problem putting aside what you have heard  
10 Ms. Hoffinger say or Mr. Steinglass say because that's not  
11 evidence? Does anyone have a problem or think that it  
12 would cause them difficulties putting that aside?

13                           (NO HANDS RAISED)

14           MS. NECHELES: She talked about and  
15 Mr. Steinglass talked before about evaluating evidence and  
16 evaluating credibility. That would be your job. You're  
17 going to hear witnesses who will come into this courtroom  
18 who have admitted that they committed perjury in the past  
19 and have changed their story repeatedly over time. Would  
20 anybody have a problem evaluating the witnesses and taking  
21 into consideration that people have changed their stories?  
22 Does anyone have a problem with that?

23                           (NO HANDS RAISED)

24           MS. NECHELES: Let me just ask you. I hate to  
25 use numbers, but I'm going to call you Ms. B-441.

1           Would you be able to consider the fact that  
2 people change their stories and that might indicate that  
3 they're lying?

4           PROSPECTIVE JUROR: No. As I said before, I will  
5 base my verdict on the evidence. I won't take into  
6 consideration whatever happened in the past.

7           MS. NECHELES: Okay.

8           PROSPECTIVE JUROR: Besides, I wouldn't know what  
9 happened in the past. I don't know who commit perjury or  
10 not because I wouldn't be familiar with that.

11          MS. NECHELES: Okay.

12          So, if you heard a witness testify that, yes,  
13 they have committed perjury in the past and, yes, they have  
14 told the story four or five different ways, would you  
15 consider that?

16          PROSPECTIVE JUROR: I would need the evidence  
17 that that happened because I would only take into  
18 consideration the evidence. If it's not proven, I will  
19 just hear that but not really. When it comes to a verdict,  
20 I --

21          MS. NECHELES: So, you understand, when the  
22 witness testifies, that will be evidence; right?

23          PROSPECTIVE JUROR: Yes.

24          MS. NECHELES: Okay.

25          So, the witness gives you evidence. If you hear

1 evidence in this court that someone has continued to change  
2 their story, would you be able to understand that maybe  
3 that person was not credible?

4 PROSPECTIVE JUROR: I'm sorry? You're asking me  
5 if --

6 MS. NECHELES: Well, let me ask you:

7 In just your life experience, when someone has  
8 changed their story repeatedly, does that cause you to  
9 doubt their story?

10 PROSPECTIVE JUROR: Well, it depends. Certain  
11 details can be -- through time, can be changed. I don't  
12 know what's the margin for that, but I think I will, more  
13 or less -- We can all hear the testimony and know if it's  
14 changed so much. It depends on how it will change, to be  
15 honest with you.

16 MS. NECHELES: If it's changed so much, maybe the  
17 person is lying; right?

18 PROSPECTIVE JUROR: Yeah, but I wouldn't know.

19 THE COURT: Ms. Necheles, if I could just help  
20 out for a minute?

21 MS. NECHELES: Sure.

22 THE COURT: So, you're right--a decision has to  
23 be based on the evidence and the law, but it has to be  
24 based on the credible evidence. You, as jurors, will have  
25 an opportunity to see the witnesses as they sit here and as

1 they testify. You'll have an opportunity to form an  
 2 opinion as to their credibility. There are many factors  
 3 that you should consider when making that determination. I  
 4 think what Ms. Necheles is asking is --

5 I don't want to speak for you.

6 MS. NECHELES: I appreciate it, your Honor.

7 THE COURT: If there's incidents in the past of  
 8 someone changing their story, do you agree that that is  
 9 something that will go towards your evaluation of a  
 10 person's credibility? Do you agree with that?

11 PROSPECTIVE JUROR: I agree with that as long as  
 12 I -- I've never experienced that before. So, I don't know  
 13 how this would work. I do believe that, if someone changed  
 14 their story, obviously, they're changing their story for  
 15 something. So, I will take that into consideration--that  
 16 they changed their story. I don't know how I will take the  
 17 details of how they changed their story, but I will  
 18 certainly --

19 THE COURT: You have to wait until you see and  
 20 you hear.

21 PROSPECTIVE JUROR: I would have to hear and then  
 22 evaluate.

23 THE COURT: Okay.

24 MS. NECHELES: I want to ask you:

25 You said you work --

1 PROSPECTIVE JUROR: I have a question.

2 THE COURT: Ms. Necheles, I didn't hear you.

3 MS. NECHELES: Thank you, your Honor.

4 PROSPECTIVE JUROR: I'm sorry.

5 Could I approach the bench? I feel like, through  
6 this line of questioning, I'm getting the same anxiety and  
7 self-doubt.

8 THE COURT: Come on up.

9 (The following occurred at sidebar out of the  
10 presence of the prospective jurors)

11 THE COURT: Hi.

12 PROSPECTIVE JUROR: I'm sorry.

13 I'm just sitting here and listening to the whole  
14 line of questioning and I'm having a really hard time with  
15 my anxiety. I'm just sweating. Only in really tough  
16 conditions do I feel this way. I thought I could go  
17 through it, but I'm sorry.

18 The questions related to whether I could be  
19 impartial to someone switching, I don't think I can, to be  
20 honest with you. I feel like I'm the type that, if  
21 somebody said something and then they're going back and  
22 forth, I doubt that person and I just don't want to do that  
23 in this trial.

24 THE COURT: Okay.

25 Any follow-up questions?

1 MS. HOFFINGER: No.

2 MS. NECHELES: No.

3 THE COURT: Any objections?

4 MS. HOFFINGER: No.

5 MS. NECHELES: No.

6 THE COURT: Thank you.

7 You're excused.

8 (At this time, Prospective Juror B-763 was  
9 excused)

10 (The following occurred in open court in the  
11 presence of the prospective jurors)

12 THE COURT: Seat 22 is excused.

13 MS. NECHELES: Juror 706?

14 PROSPECTIVE JUROR: Hi.

15 MS. NECHELES: Hi.

16 You said you were (REDACTED) or  
17 you worked there at the (REDACTED); is that  
18 correct?

19 PROSPECTIVE JUROR: With the (REDACTED).

20 MS. NECHELES: With the?

21 PROSPECTIVE JUROR: With the  
22 (REDACTED).

23 MS. NECHELES: What do you do there?

24 PROSPECTIVE JUROR: I work within (REDACTED).  
25 So, I currently do (REDACTED)

1 purposes.

2 MS. NECHELES: Okay.

3 You mean you do it for --

4 PROSPECTIVE JUROR: I can give you an example, if  
5 that helps.

6 MS. NECHELES: Sure.

7 PROSPECTIVE JUROR: Let's say someone was  
8 incarcerated and alleges that a Rikers'  
9 officer had put on handcuffs, broke their hand, and  
10 they're never going to be the same for the rest of  
11 their life, but you go on their Facebook and  
12 they're frolicking on the field at Coachella. That's a  
13 red flag. So, I would have to  
14 (REDACTED).

15 MS. NECHELES: Those people within (REDACTED),  
16 you're saying?

17 PROSPECTIVE JUROR: Yes.

18 MS. NECHELES: You said that you attended the  
19 Women's March; correct?

20 PROSPECTIVE JUROR: I did, yes.

21 MS. NECHELES: That was a long time ago; right?

22 PROSPECTIVE JUROR: Correct.

23 MS. NECHELES: The events in this case took place  
24 a long time ago; right?

25 PROSPECTIVE JUROR: Correct.



1 MS. NECHELES: It was during the time period of  
2 the events in this case that you attended the  
3 Women's March; right?

4 PROSPECTIVE JUROR: I believe so.

5 MS. NECHELES: It was a pretty passionate time;  
6 right?

7 PROSPECTIVE JUROR: Correct.

8 MS. NECHELES: There was a lot of anger at that  
9 march against President Trump; right?

10 PROSPECTIVE JUROR: Yes. I believe that it was  
11 more of a women's solidarity event, at least in my  
12 perspective.

13 MS. NECHELES: Okay.

14 Do you have strong feelings about  
15 President Trump?

16 PROSPECTIVE JUROR: Not at the moment. I believe  
17 that my primary biases --

18 If I give a long-winded answer, please forgive  
19 me.

20 I think my personal biases or opinions about  
21 President Trump are more focused on his base. I think that  
22 his rhetoric, at times, enables people to feel as if they  
23 have permission to discriminate or act on their negative  
24 impulses. To be honest, this is a little embarrassing, but  
25 I'm not exactly sure even what Trump's policies are. I

1 haven't really looked into one of his rallies. Any time I  
 2 try to look, it just feels like I'm intruding on a personal  
 3 conversation. I think that the base, sometimes, could feel  
 4 enabled by his rhetoric.

5 MS. NECHELES: So, you dislike his rhetoric?

6 PROSPECTIVE JUROR: I don't know what his  
 7 rhetoric is. I just know that, in the interactions that  
 8 I've had with people in the community, let's say,  
 9 specifically, within the -- I used to box so within that  
 10 kind of environment, there were homophobic comments made or  
 11 different racist comments made and they would kind of cite  
 12 to President Trump as the reason that they felt able to do  
 13 so.

14 MS. NECHELES: But will you hold him responsible  
 15 for that?

16 PROSPECTIVE JUROR: No. I think that's an issue  
 17 for me in the ballot box that I will have to deal with, not  
 18 necessarily within the courtroom.

19 MS. NECHELES: When you say "not necessarily" --

20 PROSPECTIVE JUROR: That's just a phrase.

21 Not within this courtroom.

22 MS. NECHELES: I appreciate that.

23 Thank you.

24 PROSPECTIVE JUROR: No problem.

25 MS. NECHELES: You also said, I believe, that you

1 have been the victim of sexual assault?

2 PROSPECTIVE JUROR: Correct.

3 MS. NECHELES: You understand, in this case, that  
4 there will be women who have--well, not in this case in  
5 particular--but there have been women who have accused  
6 President Trump of assaulting them?

7 PROSPECTIVE JUROR: Yes.

8 MS. NECHELES: Would that affect you at all?  
9 Does that affect you at all?

10 PROSPECTIVE JUROR: No.

11 MS. NECHELES: It doesn't affect you and your  
12 opinion of him?

13 PROSPECTIVE JUROR: No.

14 MS. NECHELES: You would be able to put that out  
15 of your mind and anything about that?

16 PROSPECTIVE JUROR: Yes.

17 MS. NECHELES: Is there anything about this case  
18 that would affect your opinion?

19 PROSPECTIVE JUROR: No.

20 MS. NECHELES: Thank you.

21 PROSPECTIVE JUROR: No problem.

22 MS. NECHELES: B-616?

23 PROSPECTIVE JUROR: Yes.

24 MS. NECHELES: You said you were a native  
25 New Yorker?

1 PROSPECTIVE JUROR: Yes.

2 MS. NECHELES: What neighborhood did you grow up  
3 in?

4 PROSPECTIVE JUROR: Upper Manhattan. First, I  
5 grew up in Hamilton Heights. Then, I went to the Bronx.  
6 Then, I went to the Upper West Side.

7 MS. NECHELES: Okay.

8 Do you have any strong opinion of  
9 President Trump?

10 PROSPECTIVE JUROR: I don't have a strong  
11 opinion.

12 MS. NECHELES: Do you have an opinion about him?

13 PROSPECTIVE JUROR: It doesn't matter.

14 MS. NECHELES: I understand that it doesn't  
15 matter, but we're just trying to understand what your  
16 opinion is.

17 PROSPECTIVE JUROR: My opinion is that  
18 Donald Trump is a man just like I am and should be treated  
19 fairly in a court of law just like I would like to be  
20 treated fairly.

21 Every man should respond to their wrongdoings, if  
22 they're found. I think that a man promotes growth if they  
23 attempt to correct their wrongdoings, whether in private or  
24 in public. Nonetheless, if there's evidence found against  
25 a man, there are consequences and a man should move forward

1 with that.

2 MS. NECHELES: Okay.

3 Thank you.

4 Now, this case involves some allegations that the  
5 President was unfaithful. Is there anything about that  
6 that would cause you difficulty if you believe that that  
7 was true?

8 PROSPECTIVE JUROR: Can you repeat that.

9 MS. NECHELES: In this case, there is going to be  
10 some allegations that President Trump was unfaithful in his  
11 marriage. Is there anything about that that would cause  
12 you to have difficulty being fair? It's not a crime.  
13 Obviously, it's not a crime to be unfaithful in a marriage.  
14 Even if you believe it, that's not a reason for convicting  
15 someone of a crime. Would there be anything about that if  
16 you believed it to be true?

17 PROSPECTIVE JUROR: No.

18 MS. NECHELES: Would that cause you any  
19 difficulty in this case?

20 PROSPECTIVE JUROR: No, it wouldn't.

21 MS. NECHELES: Anybody on the jury that that  
22 would cause any difficulty in this case?

23 (NO HANDS RAISED)

24 MS. NECHELES: Thank you.

25 Mr. B-530, is that not you?

1 PROSPECTIVE JUROR: I'm 530, but Ms. 530.

2 MS. NECHELES: I skipped right over you.

3 Mr. 447, is there anything about this case that  
4 would cause you difficulty?

5 PROSPECTIVE JUROR: No. Nothing about this case  
6 will cause me difficulties.

7 MS. NECHELES: Do you have an opinion about  
8 President Trump?

9 PROSPECTIVE JUROR: No. He's a New Yorker. I'm  
10 a New Yorker.

11 MS. NECHELES: Where did you grow up?

12 PROSPECTIVE JUROR: Lower East Side of Manhattan.

13 MS. NECHELES: You live now?

14 PROSPECTIVE JUROR: On the Upper East Side.

15 MS. NECHELES: Okay.

16 When you say he's a New Yorker and you're a  
17 New Yorker, you've heard stuff about him for a long time?

18 PROSPECTIVE JUROR: No. One of my beliefs is, as  
19 New Yorkers, we don't really get starstruck or care about  
20 anything like that. It's just a normal person like me.  
21 That's the way I see Trump.

22 MS. NECHELES: Okay.

23 Juror 530?

24 PROSPECTIVE JUROR: Hello.

25 MS. NECHELES: Hi.

1           Can you tell us about your opinion of  
2   President Trump.

3           PROSPECTIVE JUROR: I would say it's very  
4   balanced. I actually have favorable opinions of some of  
5   the policies that he enacted, tech policy and foreign  
6   policy. Also, I would say his family unit is strong, which  
7   is admirable, but there are also people that I've known  
8   that maybe had reasons not to have a favorable opinion.  
9   So, I take that into account as well.

10          MS. NECHELES: So, when you say that, you mean  
11   friends or other people you know?

12          PROSPECTIVE JUROR: Or colleagues.

13          MS. NECHELES: Would you feel any pressure in  
14   this case because of friends' or colleagues' negative  
15   opinion of President Trump?

16          PROSPECTIVE JUROR: I have never felt pressure.

17          MS. NECHELES: Thank you.

18          Juror 624, how are you today?

19          PROSPECTIVE JUROR: Good.

20          How are you?

21          MS. NECHELES: Can you tell us about your opinion  
22   of President Trump.

23          PROSPECTIVE JUROR: I have no really strong  
24   opinions about President Trump.

25          MS. NECHELES: Have you posted on social media

1 about President Trump?

2 PROSPECTIVE JUROR: No.

3 MS. NECHELES: Okay.

4 Is there anything about this case that will give  
5 you concern?

6 PROSPECTIVE JUROR: No, not at all.

7 MS. NECHELES: Thank you.

8 Juror 530?

9 Did I get that wrong?

10 PROSPECTIVE JUROR: You got me a couple times.

11 MS. NECHELES: I'm sorry.

12 Juror 445?

13 PROSPECTIVE JUROR: Yeah.

14 MS. NECHELES: How are you?

15 PROSPECTIVE JUROR: Good.

16 MS. NECHELES: Sir, can you tell us about whether  
17 you have an opinion about President Trump.

18 PROSPECTIVE JUROR: It's a very interesting  
19 question because it's one question but it has five or six  
20 different answers. So, there's the person, the politician,  
21 the businessman. I think that's why people kind of  
22 struggle with this question. So, I can just go through the  
23 categories and then you can tell me if I answered your  
24 question.

25 I don't know him personally. He's a family man.



1 He's a businessman. Clearly, I think he's brought a lot of  
2 value to the economy. He's successful.

3           When you talk about the politician, then,  
4 actually, in my head, there are two categories. There's  
5 the presidential candidate and there's the  
6 Republican Party, which Trump is also representing. I  
7 think that's where things get a little bit tricky because I  
8 really like lower taxes in this country. I like lower  
9 regulations for businesses. I like start-ups to have an  
10 easier way to be founded and created. I want more jobs  
11 through information technology. So, the lower taxes and  
12 all of that, I subscribe to. I think, when you think about  
13 the Republican Party and why we need to bring religion into  
14 people's life and women's rights for their own bodies,  
15 that's kind of where me and the party don't necessarily  
16 see.

17           If you take it all together on President Trump, I  
18 would say mutual, lean positive.

19           MS. NECHELES: I appreciate that.

20           Thank you.

21           Sir, I don't want to get too personal, but I saw  
22 that there was something that you had a little difficulty  
23 discussing before or maybe didn't really want to discuss in  
24 public. I understand that. So, I'm just curious what it  
25 is or whether it would affect this trial.

1 PROSPECTIVE JUROR: I would -- I'm okay  
2 discussing it at the bench, if that's okay.

3 THE COURT: Sure.

4 Come on up, sir.

5 (The following occurred at sidebar out of the  
6 presence of the prospective jurors)

7 THE COURT: Hi.

8 PROSPECTIVE JUROR: I have a stepson who was  
9 arrested on drug charges. He was living in New York City  
10 at the time. He took one-and-a-half years.

11 Sorry. It's emotional.

12 THE COURT: Take your time.

13 PROSPECTIVE JUROR: We've lost contact with him,  
14 mostly.

15 Anyway, he was arrested. I got him a great  
16 law firm. He couldn't speak coherently. He had conspiracy  
17 theories. We found a lawyer that specializes in people  
18 with mental illness. He ended up being incarcerated at the  
19 M.C.C. because he broke his parole.

20 He actually got an offer. We had lined up  
21 Hazelden and everything. Going into court, we just told  
22 him, "You just have to say yes." He said no. He spent  
23 time in prison. He came back. Now, he wants to go there.  
24 He spent nine months there. He came back. He was on a  
25 visa. Basically, I had to write a letter to the Court that

1 there's no support system in the United States and he has  
 2 family in Iceland. He got out on time served. We took him  
 3 to the plane and he went off.

4 It was hard at times. The DA was aggressive at  
 5 times, but everybody was playing a role. The way I view  
 6 the system after that is he would have died if he hadn't  
 7 been arrested. He got a chance. I told him, "If you stay  
 8 on the right path, it's going to be fine."

9 Can I type this up? It's better.

10 THE COURT: It's okay.

11 PROSPECTIVE JUROR: I know he was sober for at  
 12 least 12 months, but I don't know anything more.

13 THE COURT: You don't what?

14 PROSPECTIVE JUROR: I don't know anything more.

15 I have great respect to the judge and DA. The  
 16 defense attorney was great. Even though the system is  
 17 hard, there are elements that help.

18 THE COURT: That was handled here in this  
 19 courthouse?

20 PROSPECTIVE JUROR: Southern District.

21 THE COURT: Suffolk County?

22 PROSPECTIVE JUROR: Southern District.

23 I was living in Connecticut at that time. He was  
 24 living in New York.

25 THE COURT: Are there any follow-up questions?

1 MS. NECHELES: I'm sorry to pry, but is there  
2 anything about that that would make you feel like you  
3 couldn't be fair in this case?

4 PROSPECTIVE JUROR: Absolutely not, no.

5 MS. NECHELES: Okay.

6 THE COURT: Anything?

7 MS. HOFFINGER: No.

8 THE COURT: Thank you, sir.

9 (The following occurred in open court in the  
10 presence of the prospective jurors)

11 MS. NECHELES: Juror 483, I just wanted to ask  
12 you the same:

13 Do you have any opinion about President Trump?

14 PROSPECTIVE JUROR: I do not.

15 MS. NECHELES: Anything about this case that  
16 would affect your ability to be fair?

17 PROSPECTIVE JUROR: No.

18 MS. NECHELES: Juror 647?

19 PROSPECTIVE JUROR: No. I have to separate the  
20 outside world and make all decisions based upon what is  
21 presented to me by the witnesses, the attorneys, and the  
22 judge.

23 MS. NECHELES: Okay.

24 Do you have an opinion about President Trump?

25 PROSPECTIVE JUROR: There's been so much thrown

1 around for the last few years that I simply have  
2 disregarded as much as I can.

3 MS. NECHELES: Have you posted on social media  
4 about President Trump?

5 PROSPECTIVE JUROR: Not that I can remember. I  
6 post mostly about sports.

7 MS. NECHELES: Okay.

8 You don't remember any posts about him?

9 PROSPECTIVE JUROR: I don't know. I might have  
10 said something. I don't really know. I don't recall. I  
11 don't post that much.

12 MS. NECHELES: Have you attended rallies or  
13 events opposing him?

14 PROSPECTIVE JUROR: No.

15 MS. NECHELES: So, you don't think that you have  
16 posted negative things about him?

17 PROSPECTIVE JUROR: Not that I can remember.

18 MS. NECHELES: Thank you.

19 Juror 456?

20 PROSPECTIVE JUROR: Yes.

21 MS. NECHELES: That's a nice number.

22 PROSPECTIVE JUROR: Yeah. It's actually B-456,  
23 which sounds like "3456." So, you just have to remember.

24 MS. NECHELES: Are you going to play it today?

25 PROSPECTIVE JUROR: Did I what?

1 MS. NECHELES: Are you going to play it today?

2 PROSPECTIVE JUROR: No.

3 MS. NECHELES: Sir, do you have an opinion about  
4 President Trump?

5 PROSPECTIVE JUROR: Yeah. I mean, I think  
6 everybody here has an opinion. I know we're kind of like  
7 going around it in different ways, but it's an informed  
8 opinion. I have split family and split friends. I've  
9 lived in a lot of different states--blue/red. Yeah, I  
10 absolutely have an opinion, but not one that I would think  
11 is going to affect my ability to objectively judge this  
12 case in any way.

13 MS. NECHELES: What is that?

14 PROSPECTIVE JUROR: What is what?

15 MS. NECHELES: What is your opinion?

16 PROSPECTIVE JUROR: I think I'm not in agreeance  
17 with a lot of policies, as many people here have cited, but  
18 it's also something that I have had to take a step back and  
19 really talk to a lot of people that are close to me that,  
20 for some reason, that is connecting with. I think, in some  
21 ways, that's at least the reason that I feel that I'm still  
22 here and I want to still be here. It's metaphorical for  
23 how I would objectively judge this case; right? You need  
24 to take both sides and there does need to be a burden of  
25 proof in order to prove guilt. If there is that burden of

1 proof, beyond a reasonable doubt, that's the way you need  
2 to go; right? If it's not there, it's not. The system is  
3 in place for a reason.

4 THE COURT: Ms. Necheles, are you just about  
5 done?

6 MS. NECHELES: Yeah, just a few more.

7 THE COURT: Very quickly.

8 MS. NECHELES: Okay.

9 If I could just ask Juror 800 --  
10 What's your number?

11 PROSPECTIVE JUROR: 561.

12 MS. NECHELES: Okay.

13 Do you have an opinion about President Trump?

14 PROSPECTIVE JUROR: Yes.

15 MS. NECHELES: Have you posted about him?

16 PROSPECTIVE JUROR: I probably posted a handful  
17 of times around the 2016 election and around the  
18 insurrection.

19 MS. NECHELES: Okay.

20 You have something of a strong opinion about him;  
21 right?

22 PROSPECTIVE JUROR: I would say it's fairly  
23 negative.

24 Actually, I've been thinking about this the last  
25 couple days. When I was young growing up in New Jersey,

1 for me, I wanted to come to New York. I wanted to be  
2 successful. I probably said, "Oh, I'm going to live in  
3 Trump Tower." That was a positive symbol for me.

4 Now, throughout these past years, beyond  
5 disagreement with the policies, mostly, on a social  
6 level--which I don't even know if he's behind; I think he  
7 just pushes those to stay in power--it's more just a  
8 negative rhetoric and bias against people that he speaks  
9 about, which I think is the most harmful. There's a  
10 difference of saying those things when one is up for  
11 election and trying to be an opponent versus governing the  
12 country and continuing to make it divisive because of that.  
13 So, that is my strongest opinion about that, which makes it  
14 negative because I think it's a negative rhetoric.

15 MS. NECHELES: Well, you've expressed a strong  
16 dislike of him; right?

17 PROSPECTIVE JUROR: Yeah. Well, that's my  
18 perception based on him speaking.

19 MS. NECHELES: Okay.

20 You continue to hold that feeling of strong  
21 dislike for him?

22 PROSPECTIVE JUROR: Based on his rhetoric, yes.

23 Now, I'm also a very reasonable, fair, and I  
24 think an unbiased person. My job is here to understand  
25 what is the law, what constitutes breaking the law, and



1 what is the evidence there that shows that.

2 MS. NECHELES: Thank you for your honesty.

3 I just want to ask:

4 Does anyone else here, who I haven't been able to  
5 get to, have a strong dislike or a strong opinion about  
6 President Trump?

7 (NO HANDS RAISED)

8 MS. NECHELES: Anyone up there?

9 (NO HANDS RAISED)

10 MS. NECHELES: Over here?

11 (NO HANDS RAISED)

12 MS. NECHELES: Thank you.

13 THE COURT: Thank you, Ms. Necheles.

14 Jurors, the attorneys will have some time now to  
15 review their notes and make some decisions. So, I'll ask  
16 you to please step outside.

17 Please remember my instructions:

18 Do not discuss this case with anybody.

19 (At this time, the panel of prospective jurors  
20 exited the courtroom)

21 MS. HOFFINGER: Judge, would it be possible for  
22 us to have the lunch break to consider our challenges here?

23 THE COURT: I can't do that. The reason is, as  
24 you know, the other panel was here since 11:30. Realizing  
25 that we were not going to get done, I actually excused them

1 and told them to come back at 2:00. So, when they come  
2 back at 2:00, I really don't want to keep them waiting.

3 I'll give you some time now to review your notes  
4 and then we'll go through the challenges now.

5 MS. HOFFINGER: Okay.

6 MR. BLANCHE: Can we leave or do we need to stay  
7 in the courtroom?

8 THE COURT: There's no reason to leave. You can  
9 do it over there.

10 \* \* \* \* \*

11 (RECESS TAKEN)

12 \* \* \* \* \*

13 THE SERGEANT: Come to order.

14 Part 59 is back in session.

15 MR. STERN: Your Honor, could we just get a  
16 little clarification on the order we're going to do this  
17 in. Will we do it one by one for the alternates?

18 THE COURT: One by one.

19 MR. STERN: Both for cause and peremptories?

20 THE COURT: Cause/cause and  
21 peremptory/peremptory.

22 MR. STERN: Thank you.

23 THE COURT: Let's get started.

24 Looking at Seat number 2 --

25 MS. HOFFINGER: Can we have just one more moment,

1 your Honor?

2 THE COURT: Sure.

3 (People consulting with co-counsel)

4 (Pause in the proceedings)

5 MS. HOFFINGER: Thank you, your Honor.

6 THE COURT: Of course.

7 Beginning with Seat number 2, are there any  
8 challenges for cause from the People?

9 MS. HOFFINGER: No, your Honor.

10 THE COURT: Defense, for cause?

11 MS. NECHELES: No, your Honor.

12 THE COURT: Peremptory challenge, People?

13 MS. HOFFINGER: No, your Honor.

14 THE COURT: Defense?

15 MS. NECHELES: No, your Honor.

16 THE COURT: All right.

17 Seat 2 becomes Alternate number 2.

18 Looking at Seat 3, any challenges for cause,  
19 People?

20 MS. HOFFINGER: No, your Honor.

21 THE COURT: Defense, for cause?

22 MS. NECHELES: Yes, your Honor.

23 Your Honor, this woman had strong feelings about  
24 President Trump. She said things like he enables  
25 homophobic --

1 THE COURT: Can you use the microphone, please.

2 MS. NECHELES: Yes.

3 THE COURT: Thank you.

4 MS. NECHELES: Sorry about that, your Honor.

5 THE COURT: That's all right.

6 MS. HOFFINGER: This woman had strong feelings  
7 about President Trump. She made statements like he enables  
8 homophobic and racist comments. That's pretty strong  
9 language. So, we would ask that --

10 THE COURT: Say that again. He enables what?

11 MS. NECHELES: Homophobic and racist comments.

12 MS. HOFFINGER: Your Honor, I don't believe she  
13 said that about Mr. Trump. She talked about some of his  
14 followers, but she said she would not hold him responsible  
15 for that and that has nothing to do with what happens here  
16 in the courtroom. It would not affect her opinion of him  
17 and she could put it out of her mind.

18 THE COURT: I may be mistaken, but I don't  
19 remember her saying that, using those words. Do you have  
20 something you could show me?

21 MS. NECHELES: I don't have the transcript, but  
22 we have it in our notes.

23 I agree. She said that this is what enables his  
24 followers.

25 THE COURT: Did she use those words?

1 MS. NECHELES: Yes, she used those words. I'm  
2 pretty sure, your Honor. We have it in our notes.

3 THE COURT: Why don't we bring her in.  
4 Let's bring in Seat number 3, 706.

5 MS. HOFFINGER: Your Honor, I believe she said  
6 there were people in the boxing community that, sometimes,  
7 expressed those opinions.

8 THE COURT: We'll clarify.

9 MS. HOFFINGER: Okay.

10 THE COURT: Let's bring her in.

11 (At this time, Prospective Juror B-706 entered  
12 the courtroom)

13 THE COURT: Hi.

14 PROSPECTIVE JUROR: Hi.

15 THE COURT: Thank you for coming back in.

16 PROSPECTIVE JUROR: Sure.

17 THE COURT: I just wanted to clarify some of your  
18 responses.

19 You said some things about Mr. Trump and his  
20 followers. Can you just walk us through that one more  
21 time, please.

22 PROSPECTIVE JUROR: Sure.

23 I think the difficult thing about  
24 President Trump--and, again, I haven't necessarily paid  
25 attention to his rallies or watched any of that--but I

1 think that the people that -- it's almost like they're  
2 devout to him. It seems as if they typically acted in a  
3 way and feel emboldened by his rhetoric in order for it to  
4 be permissible to discriminate against others or utilize  
5 his rhetoric as a citation to kind of embolden them to act  
6 in a specific way that I disagree with.

7 THE COURT: When you say "others," you're  
8 referring to any specific group of people?

9 PROSPECTIVE JUROR: Yeah. The things that you  
10 referenced at the beginning of jury deliberations--gender,  
11 national origin, and things of that nature.

12 THE COURT: When you use the word "rhetoric," can  
13 you describe a little bit more what you mean by that.

14 PROSPECTIVE JUROR: I think people use his  
15 Facebook. A lot of people use his tweets. It's been a  
16 while. There were different speeches made about the "both  
17 sides" thing or just utilizing President Trump as like a  
18 justification or permission to act accordingly the way that  
19 they have.

20 Does that make sense? I hope that helps.

21 THE COURT: I think I understand what you're  
22 saying.

23 PROSPECTIVE JUROR: All right.

24 THE COURT: What I want to understand--and I  
25 think what the attorneys would need an assurance of--is how

1 you would be able to separate a person who is sitting here  
2 as a defendant and a person that you're referring to who  
3 has used rhetoric to cause others to behave in a certain  
4 way. So, how can you give us an assurance that you would  
5 be able to separate the two and decide this case solely on  
6 the evidence and the law? Can you do that?

7 PROSPECTIVE JUROR: I can do that just on the  
8 basis that I think these are issues that are outside of  
9 this courtroom. I think another juror had referenced that.  
10 These interactions or these individuals that I've  
11 interacted with personally don't have any credibility  
12 within this courtroom. That's not what we're evaluating.  
13 We're evaluating this case based on the evidence. My job,  
14 as a juror, is to follow the evidence to a credible  
15 verdict.

16 THE COURT: I think you also had mentioned  
17 something about conversations or comments within the boxing  
18 community.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Can you tell me more about that.

21 PROSPECTIVE JUROR: It just seems--and this is  
22 specifically within 2016--it was just these inner demons  
23 that people had been battling with regarding homophobia or  
24 allowing women within the ring. I don't know. Things like  
25 that, people felt emboldened by what President Trump was

1 saying to discriminate against me as a woman or  
2 discriminate against others on the basis of gender, sexual  
3 orientation, or things of that nature.

4 THE COURT: Did you have conversations with  
5 others within the community about this?

6 PROSPECTIVE JUROR: Within the fighting  
7 community?

8 THE COURT: Yes.

9 PROSPECTIVE JUROR: Yeah. I mean, people talk  
10 about it all the time. I'm not embarrassed of who I am. I  
11 believe that I'm valuable in any space. It was just  
12 something that would come up, but there were all these  
13 issues within that community before and I'm sure now, too.

14 THE COURT: Okay.

15 Ms. Necheles, do you have any follow-up  
16 questions?

17 MS. NECHELES: No, I don't.

18 THE COURT: People, do you have any follow-up  
19 questions?

20 MS. HOFFINGER: Do you think you could set aside  
21 whatever you heard in the boxing community or have heard  
22 and give both sides here a fair trial?

23 PROSPECTIVE JUROR: Yes.

24 MS. NECHELES: Your Honor, could I actually --

25 THE COURT: I'm sorry?



1 MS. NECHELES: Could I actually ask a question?

2 THE COURT: Sure.

3 MS. NECHELES: Thank you for your honesty.

4 PROSPECTIVE JUROR: No problem.

5 MS. NECHELES: Are these kind of comments things  
6 that continue to come up or that you continue to hear from  
7 other people?

8 PROSPECTIVE JUROR: As I said before, I haven't  
9 been involved in the fighting community in a while. I had  
10 to kind of give that up once I got out of school,  
11 graduated, and all that or even following (REDACTED). You  
12 can't go while you're doing all that. So, no, I haven't  
13 really engaged with it very much.

14 MS. NECHELES: In the fighting community?

15 PROSPECTIVE JUROR: Correct.

16 MS. NECHELES: But, in your community, do people  
17 make comments about President Trump?

18 PROSPECTIVE JUROR: Not within the (REDACTED) and  
19 not within the community either. I live in Hell's Kitchen.  
20 It's a very progressive space.

21 MS. NECHELES: All right.

22 Thank you.

23 THE COURT: Thank you very much for coming back.

24 PROSPECTIVE JUROR: No problem.

25 THE COURT: Appreciate it.

1                   (At this time, Prospective Juror B-706 exited the  
2 courtroom)

3                   THE COURT: Ms. Necheles, do you maintain your  
4 challenge for cause?

5                   MS. NECHELES: Yeah.

6                   Your Honor, I would note that one of the things  
7 she just said is that she feels that President Trump made  
8 comments that enabled discrimination against her  
9 personally. When someone comes into this case with that  
10 kind of baggage, I understand that she says she could put  
11 her prejudice aside, but that's the way she's viewing the  
12 world and the way she's going to be evaluating the evidence  
13 including evidence that talks about people that are  
14 accusing President Trump of doing all sorts of wrongdoing  
15 including allegations that --

16                  THE COURT: Did she say something that he had  
17 done affected her personally? Did she say that?

18                  MS. NECHELES: Yeah. She just said that he  
19 enabled discrimination against her.

20                  THE COURT: People?

21                  MS. HOFFINGER: I don't believe that's what she  
22 said. I believe that she said that there were some issues  
23 in the boxing community but that she was comfortable in any  
24 space. She also said it was before Mr. Trump became  
25 President.

1           I think she was very candid here. She was very  
2 open. She was comfortable saying what she had heard on the  
3 outside, but she was also--I thought--very straightforward  
4 and comfortable in saying that it would have no impact on  
5 her here in terms of being a fair juror and that she would  
6 decide this case solely on the evidence in this case. I  
7 just don't think -- I didn't see from her any kind of a  
8 visceral reaction or any kind of a really strong reaction  
9 whatsoever to Mr. Trump.

10           THE COURT: Well, I definitely agree with your  
11 assessment and description of her presentation. I don't  
12 believe she's being disingenuous. I do believe that she's  
13 credible.

14           Having said that, I just think that, to ensure  
15 finality with this case, it's best to err on the side of  
16 caution. Looking at her answers as a whole--especially her  
17 repeated use of the word "rhetoric" and when I asked her  
18 what she meant by that--I think the safer course is to  
19 grant the challenge for cause.

20           Seat 4 was excused.

21           Going to Seat 5, People, any challenge for cause?

22           MS. HOFFINGER: No, your Honor.

23           THE COURT: Defense, for cause as to Number 5?

24           MS. NECHELES: No, your Honor.

25           THE COURT: Peremptory challenge, People?

1 MS. HOFFINGER: One moment, please, your Honor.  
2 (People consulting with co-counsel)  
3 (Pause in the proceedings)  
4 MS. HOFFINGER: No, your Honor.  
5 THE COURT: Defense, peremptory challenge?  
6 MS. NECHELES: Can we have just one minute?  
7 THE COURT: Sure.  
8 (Counsel consulting with co-counsel)  
9 (Pause in the proceedings)  
10 THE COURT: Counsel, this is just the third seat.  
11 You really should be ready for this one.  
12 MS. NECHELES: No challenge, your Honor.  
13 THE COURT: Seat 5 becomes Alternate number 3.  
14 Seat 6, any challenge for cause from the People?  
15 MS. HOFFINGER: No, your Honor.  
16 THE COURT: Defense, for cause?  
17 MS. NECHELES: No, your Honor.  
18 THE COURT: Peremptory challenge, People?  
19 MS. HOFFINGER: No, your Honor.  
20 THE COURT: Defense, peremptory challenge?  
21 MS. NECHELES: Yes, your Honor.  
22 THE COURT: Seat 7, any challenge for cause from  
23 the People?  
24 MS. HOFFINGER: No, your Honor.  
25 THE COURT: Defense, for cause?

1 MS. NECHELES: No, your Honor.

2 THE COURT: Peremptory challenge, People?

3 MS. HOFFINGER: Yes, your Honor.

4 THE COURT: Seat 8, any challenge for cause from  
5 the People?

6 MS. HOFFINGER: No, your Honor.

7 THE COURT: From the defense for cause?

8 MS. NECHELES: No, your Honor.

9 THE COURT: Peremptory challenge, People?

10 MS. HOFFINGER: No, your Honor.

11 THE COURT: Defense, peremptory?

12 MS. NECHELES: No, your Honor.

13 THE COURT: Seat 8 becomes Alternate number 4.

14 Seat 9, is there any challenge for cause from the  
15 People?

16 MS. HOFFINGER: No, your Honor.

17 THE COURT: Defense, for cause?

18 MS. NECHELES: No, your Honor.

19 THE COURT: Peremptory challenge, People?

20 MS. HOFFINGER: Yes, your Honor.

21 THE COURT: Seat 10, is there any challenge for  
22 cause from the People?

23 MS. HOFFINGER: No, your Honor.

24 THE COURT: Defense, for cause?

25 MS. NECHELES: No, your Honor.

1 THE COURT: People, peremptory?

2 MS. HOFFINGER: No.

3 THE COURT: Defense, peremptory?

4 MS. NECHELES: Yes, your Honor.

5 THE COURT: Seat 11, any challenge for cause from  
6 the People?

7 MS. HOFFINGER: No, your Honor.

8 THE COURT: Defense?

9 MS. NECHELES: Yes, your Honor.

10 THE COURT: For cause?

11 MS. NECHELES: Yeah, for cause.

12 THE COURT: Okay.

13 MS. NECHELES: Your Honor, this juror has posted  
14 on Facebook some things about President Trump. In  
15 addition, I specifically asked him and pushed him on the  
16 expressed issue of, "Have you ever attended an anti-Trump  
17 rally," and he said, "No, absolutely not," and he has. He  
18 attended a rally right when President Trump was elected--at  
19 least that's one I know about because he posted that there  
20 was a massive anti-Trump rally in New York City at  
21 United Nations. He posted a lot of those things.

22 THE COURT: He posted that there was one.

23 MS. NECHELES: And he posted pictures of himself.

24 THE COURT: Okay.

25 Can you show me what you're referring to?

1 MS. NECHELES: Yes, your Honor.

2 (Handed to the Court and the People)

3 (Pause in the proceedings)

4 MS. NECHELES: If you look starting on Page 2 --

5 THE COURT: Well, I'm going to start on Page 1.

6 MS. NECHELES: Okay.

7 (Pause in the proceedings)

8 THE COURT: I'm looking now at Page 2.

9 (Pause in the proceedings)

10 THE COURT: It says, "Enormous crowd. Great  
11 signs. I love New York."

12 There's another picture beneath that. It says,  
13 "From the massive anti-Trump rally in New York City at  
14 United Nations at One United Nations Plaza." He took a  
15 picture of the crowd and one of the signs, which contains  
16 profanity.

17 On the next page, he posted a picture of someone  
18 holding a sign. Underneath it, he wrote, "My sentiment  
19 exactly."

20 There's another one on the same page. I don't  
21 really see any relevance to the very last one. I don't see  
22 any connection to your client.

23 People, would you like to be heard?

24 MS. NECHELES: Your Honor, could I just correct  
25 what I said before because I misspoke?

1 THE COURT: Sure.

2 MS. NECHELES: When I said that there were  
3 pictures of him, what I meant to say is that he tags  
4 himself that he's at United Nations at  
5 One United Nations Plaza. He tags himself as being at this  
6 rally.

7 THE COURT: Okay.

8 People?

9 MS. HOFFINGER: Your Honor, first of all, on the  
10 first page, the posts from 2016 are clearly jokes.  
11 Borowitz Report is a humorous report. It's 2016.

12 The 2017 posts, much of these seem to deal with  
13 issues having to do with equality. I understand that you  
14 may want to bring him in to question him again, but these  
15 are from 2017 and they're more -- they appear, at least, to  
16 be more about the issues.

17 However, he also said he could put aside anything  
18 from the past.

19 He said he didn't recall whether or not he had  
20 posted. I don't believe he said he didn't post. I think  
21 he said he wasn't sure what he had posted.

22 Of course, there's a question about whether this  
23 is also actually his posts, which you might ask, but he  
24 said he would absolutely only decide this case based on the  
25 evidence here.



1           So, no opposition if you want to bring him back  
2     in to ask him.

3           THE COURT: I'd like to bring him in, B-647.

4           Do you have a copy that you could hand to the  
5     gentleman?

6           MS. NECHELES: I just marked up my copy.

7           THE COURT: I'll hand him my copy, which is not  
8     marked up. I just need a copy that I could look at and  
9     follow.

10          MS. NECHELES: Do you want my copy?

11          THE COURT: Please.

12          (Handed to the Court)

13          (Pause in the proceedings)

14          THE COURT: Thank you.

15          (At this time, Prospective Juror B-647 entered  
16     the courtroom)

17          THE COURT: Good afternoon, sir.

18          Thank you for coming back in.

19          Sir, I just wanted to clarify some of your  
20     responses to make sure that we fully understand them.

21          Now, I recall that you were asked whether you had  
22     ever posted on social media about Donald Trump and I  
23     believe your response was that you were unsure and you  
24     don't remember. Is that a fair assessment?

25          PROSPECTIVE JUROR: Yeah. I did post, but, yes,

1 that's what I said.

2 THE COURT: Okay.

3 So, I'm going to show you some posts. I just  
4 want you to let me know if that is -- if those are your  
5 posts and if you remember those.

6 (Handed to Prospective Juror B-647)

7 (Pause in the proceedings)

8 PROSPECTIVE JUROR: It's 2016. I don't remember,  
9 but I guess they're mine.

10 THE COURT: Does that look like it's your--I  
11 don't know what you even call it--account?

12 PROSPECTIVE JUROR: I mean, I guess it is. I  
13 don't remember. It's a long time ago.

14 THE COURT: Okay.

15 If you could, turn the page and look at the next  
16 page. That appears to be a rally that took place in  
17 January of 2017. Do you recall attending that rally?

18 PROSPECTIVE JUROR: I did go because I wanted to  
19 take pictures. I went. It was right by my house. So, I  
20 just went downstairs and took pictures.

21 THE COURT: Okay.

22 Then, you wrote some comments underneath some of  
23 the pictures.

24 The first one, you wrote, "Enormous crowd. Great  
25 signs. I love New Yorkers."

1 Do you have a particular interest in signs?

2 PROSPECTIVE JUROR: In signs?

3 THE COURT: Yes.

4 PROSPECTIVE JUROR: I just thought the signs were  
5 really interesting. So, I took a group of pictures of  
6 them.

7 THE COURT: Okay.

8 Then, the one underneath, you wrote, "At  
9 United Nations."

10 Then, on the next page, you took a picture of one  
11 sign and, underneath it, you wrote, "My sentiment exactly."  
12 Do you remember that?

13 PROSPECTIVE JUROR: Yeah, sure. I think I still  
14 agree with that.

15 THE COURT: Tell me a little bit more about that.

16 PROSPECTIVE JUROR: Well, it says, "Equality over  
17 oppression," yeah.

18 THE COURT: I think it says, "Equality feels like  
19 oppression to the privileged." Is that what it is?

20 PROSPECTIVE JUROR: Yeah, I think so. I still  
21 agree with that.

22 THE COURT: Okay.

23 Then, the photograph that you took underneath  
24 that was, "All oppression creates a state of war and this  
25 is no exception." Do you agree with that as well?

1 PROSPECTIVE JUROR: Pretty much.

2 THE COURT: Okay.

3 Counsel, do you have any follow-up questions?

4 MS. NECHELES: If I could, sir, you consider this  
5 an anti-Trump rally; right?

6 PROSPECTIVE JUROR: No. It was a -- I thought of  
7 it as a women's rights rally. I felt I should -- It was  
8 right by my house. So, I went down. I more thought of it  
9 as a women's rights rally.

10 MS. NECHELES: Maybe I can remind you:

11 If you look on the second page of this handout,  
12 on the bottom picture, do you remember posting saying,  
13 "From the massive anti-Trump rally in New York City?"

14 PROSPECTIVE JUROR: Well, yeah. Whatever's here  
15 is here. I don't deny taking the pictures, no.

16 MS. NECHELES: If you turn to the next page, when  
17 you said the sign -- it was the Women's March that these  
18 pictures were taken at; right?

19 PROSPECTIVE JUROR: Yeah.

20 MS. NECHELES: Okay.

21 So, when you say, "All oppression -- In the  
22 picture that you took, "All oppression creates a state of  
23 war and this is no exception," you agree that it's the  
24 oppression of women?

25 PROSPECTIVE JUROR: Yes.

1 MS. NECHELES: This is a march protesting against  
2 how Donald Trump treats women?

3 PROSPECTIVE JUROR: I don't remember it being  
4 particularly for that reason. I thought it was just a  
5 general issue.

6 THE COURT: You said that you live right down the  
7 street from there?

8 PROSPECTIVE JUROR: I live right down the street  
9 from there.

10 THE COURT: Okay.

11 People, do you have any follow-up questions?

12 MS. HOFFINGER: No, your Honor.

13 THE COURT: Thank you very much, sir.

14 You can step out.

15 (At this time, Prospective Juror B-647 exited the  
16 courtroom)

17 THE COURT: Ms. Necheles, do you maintain your  
18 challenge for cause?

19 MS. NECHELES: Yes, your Honor. I think this  
20 person said it was his sentiment exactly. He considered it  
21 an anti-Trump rally and he said he still believes this.

22 THE COURT: People?

23 MS. HOFFINGER: I don't think this is sufficient  
24 for cause, your Honor. He didn't really attend the rally.  
25 He said it was in his neighborhood. He went out to take

1 pictures. He said, from his view, it was a women's rights  
2 rally. It was not so much an anti-Trump rally but a  
3 women's rights rally. In fact, one of the quotes on one of  
4 the posters is a quote from Simone de Beauvoir. This is  
5 clearly a women's rally. That is, for sure, his  
6 explanation of what his interest was in attending it and  
7 taking pictures. He's a New Yorker. He's a teacher. He  
8 felt it was a New York moment. He went out to take  
9 pictures. He agreed with, by the way, the women's rally  
10 sentiment, "Equality for Women." That doesn't mean that  
11 these are anti-Trump sentiments, your Honor.

12 THE COURT: Again, I found him to be very  
13 credible.

14 I don't know that these sentiments are anti-Trump  
15 sentiments.

16 He actually stood by them. He said he still  
17 feels the same way.

18 My concern is that his representation today is  
19 that he thought of it more as a women's rally and, yet,  
20 underneath one of the photographs, he wrote, "From a  
21 massive anti-Trump rally in New York City."

22 Again, I think too many people have worked too  
23 hard to get the case this far to jeopardize it. I'm going  
24 to grant your challenge for cause.

25 Seat 12 was excused.

1                   Going to Seat 13, People, any challenge for  
2                   cause?

3                   MS. HOFFINGER: No, your Honor.

4                   THE COURT: Defense, for cause?

5                   MS. NECHELES: No, your Honor.

6                   THE COURT: Peremptory challenge, People?

7                   MS. HOFFINGER: No, your Honor.

8                   THE COURT: Defense?

9                   MS. NECHELES: Yes, your Honor.

10                  THE COURT: Seat 14, any challenge for cause,  
11                  People?

12                  MS. HOFFINGER: No, your Honor.

13                  THE COURT: Defense, for cause?

14                  MS. NECHELES: Yes, your Honor.

15                  If I could pass up some tweets of his or social  
16                  media. I believe it's tweets.

17                  (Handed to the Court and the People)

18                  (Pause in the proceedings)

19                  MS. NECHELES: This person stated, when I asked  
20                  him questions -- he didn't volunteer, but, when I pressed  
21                  him and asked him questions, he admitted that he has a  
22                  dislike of President Trump. I think he said he had a  
23                  strong dislike. The language in the tweets is extremely  
24                  strong. I think --

25                  THE COURT: Can you direct me to a page.

1 MS. NECHELES: If you look on Page 4, there is a  
 2 post by Donald Trump, @realDonaldTrump, from 2020. He  
 3 writes underneath, "The fake news is the fake CNN chyron.  
 4 Ignorance is believing that CNN actually ran this.  
 5 Ignorance is not stopping to think if this video is  
 6 accurate. Not surprising from anyone who voted for current  
 7 President, who continues to defend his egomaniacal  
 8 sociopathic incompetence."

9 Then, on the next page, there's a number of  
 10 people who say negative things about President Trump and  
 11 this juror says, "I do believe that he actually is the  
 12 devil. Otherwise, what is the answer?"

13 THE COURT: All right.

14 Let me hear from the People.

15 MS. HOFFINGER: Your Honor, I think we should  
 16 just bring him in and confirm that's it's him. If it is,  
 17 then we have no objection.

18 THE COURT: I just want to confirm that this is  
 19 him.

20 Let's bring him in, 561.

21 (At this time, Prospective Juror B-561 entered  
 22 the courtroom)

23 THE COURT: Good afternoon, sir.

24 Thank you for coming back in.

25 I just wanted to show you a printout and see if



1 this is your social media account.

2 (Handed to Prospective Juror B-561)

3 (Pause in the proceedings)

4 THE COURT: Would you just confirm whether it is  
5 or not?

6 PROSPECTIVE JUROR: The top is my -- I believe is  
7 my Facebook image, but none of these posts underneath it.

8 THE COURT: Do you recognize any of these posts?

9 PROSPECTIVE JUROR: No. These are not my posts.

10 MS. NECHELES: Your Honor, if we could turn --

11 THE COURT: One second.

12 If you take a look at Page 5, there appear to be  
13 three entries or three posts there. Is the bottom one from  
14 you? It appears to have the same bicycle.

15 PROSPECTIVE JUROR: I don't recall posting that.

16 I may have. It was four years ago.

17 THE COURT: On the next page, there's another one  
18 with a bicycle. Do you remember posting that?

19 PROSPECTIVE JUROR: Honestly, I don't think this  
20 is my post. Where it says, "The earth is not round. It's  
21 square. I build the bestest," that's not mine. I didn't  
22 post that.

23 THE COURT: Well, going back to Page 4, that's  
24 the June 19th of 2020 post that says, "Not surprising from  
25 anyone who voted for current President, who continues to

1 defend his egomaniacal sociopathic incompetence." Does  
2 that describe your feelings at that time?

3 PROSPECTIVE JUROR: I don't remember posting  
4 that.

5 THE COURT: But does that describe your feelings  
6 at that time?

7 PROSPECTIVE JUROR: I wouldn't say it's too far  
8 off base.

9 THE COURT: On the next page, there's a post from  
10 June 4th of 2020 where it says, "I do believe that he  
11 actually is the devil. Otherwise, what is the answer?"  
12 Does that describe your feelings?

13 PROSPECTIVE JUROR: At that time, yeah, I may  
14 have felt that.

15 THE COURT: Thank you very much, sir.

16 You can step out.

17 (At this time, Prospective Juror B-561 exited the  
18 courtroom)

19 THE COURT: People, do you still oppose the  
20 challenge for cause?

21 MS. HOFFINGER: No opposition, your Honor.

22 THE COURT: Your challenge for cause as to  
23 Number 14 is granted.

24 Seat 15, any challenge for cause from the People?

25 MS. HOFFINGER: No, your Honor.

1 THE COURT: Defense?

2 MS. NECHELES: No, your Honor.

3 THE COURT: Peremptory challenge, People?

4 MS. HOFFINGER: No, your Honor.

5 THE COURT: Defense?

6 MS. HOFFINGER: I think they're out of them.

7 MR. STEINGLASS: Judge, I don't think they have  
8 any.

9 THE COURT: One second.

10 (Pause in the proceedings)

11 THE COURT: Seat 15, B-557, becomes  
12 Alternate number 5.

13 The defense is out of peremptory challenges for  
14 Seat number 5.

15 Looking at Seat 16, any challenge for cause,  
16 People?

17 MS. HOFFINGER: No, your Honor.

18 THE COURT: Defense, for cause?

19 MS. NECHELES: No, your Honor.

20 THE COURT: Peremptory challenge, People?

21 MS. HOFFINGER: Can we have one minute,  
22 your Honor?

23 THE COURT: Sure.

24 (People consulting with co-counsel)

25 (Pause in the proceedings)

1 MS. HOFFINGER: Yes, Judge, peremptory challenge.

2 THE COURT: Peremptory challenge as to Seat 16?

3 MS. HOFFINGER: Yes.

4 THE COURT: All right.

5 Looking at Seat 18, any challenge for cause,  
6 People?

7 MS. HOFFINGER: Yes, your Honor. He seemed to  
8 indicate a question about whether there were different  
9 standards of proof for different people in the case. I was  
10 concerned about that. I don't know if you want to question  
11 him further, but it was odd and it is certainly contrary to  
12 the law.

13 THE COURT: Well, I do recall that he asked a  
14 question. There's no doubt about that. He was kind of  
15 asking, "Can everybody have their own standard?" Then, I  
16 believe that you answered and I believe that he said he  
17 understood and agreed.

18 MS. HOFFINGER: Sure.

19 THE COURT: So, do you have a challenge?

20 MS. HOFFINGER: I'll withdraw the challenge for  
21 cause, your Honor.

22 THE COURT: Thank you.

23 Does the defense have a challenge for cause as to  
24 Number 18?

25 MS. NECHELES: No, your Honor.

1 THE COURT: People, any peremptory challenge as  
2 to 18?

3 MS. HOFFINGER: Yes, your Honor.

4 THE COURT: Looking at Seat 19, any challenge for  
5 cause from the People?

6 MS. HOFFINGER: No, your Honor.

7 THE COURT: Defense, for cause?

8 MS. NECHELES: No, your Honor.

9 THE COURT: Peremptory challenge?

10 MS. HOFFINGER: No.

11 THE COURT: I think the People are out of  
12 peremptory challenges.

13 Any peremptory challenge?

14 MS. NECHELES: Yes, your Honor.

15 THE COURT: All right.

16 Seat 20, any challenge for cause from the People?

17 MS. HOFFINGER: No, your Honor.

18 THE COURT: Defense, for cause?

19 MS. NECHELES: No, your Honor.

20 THE COURT: The People are out of peremptories.

21 Is there a peremptory challenge from the defense?

22 MS. NECHELES: No, your Honor.

23 THE COURT: Seat 20 becomes Alternate number 6.

24 I think we have our full panel.

25 Let's bring the jurors in, please.

1           I want to thank the entire crew for working  
2 through lunch like this. I appreciate it. We'll take a  
3 long lunch today.

4           (At this time, the panel of prospective jurors  
5 entered the courtroom)

6           THE COURT: Jurors, thank you for waiting so  
7 patiently.

8           The clerk of the court is going to call out a few  
9 numbers. If your name is called, it means that you have  
10 been selected to sit as a juror in this case. Please come  
11 up with your belongings. A court officer will show you  
12 where to sit.

13           Please remember that seat. That will be your  
14 seat for the remainder of the trial.

15           THE CLERK: Alternate 2, B-441.

16           Alternate 3, B-616.

17           Alternate 4, B-624.

18           Alternate 5, B-557.

19           Alternate 6, B-620.

20           THE COURT: Those of you in the audience, thank  
21 you very much for your service. You're excused.

22           (At this time, the unselected prospective jurors  
23 exited the courtroom)

24           THE CLERK: Are the remaining jurors satisfactory  
25 to the People?

1 MS. HOFFINGER: Yes, they are.

2 THE CLERK: To the defense?

3 MS. NECHELES: Yes.

4 THE CLERK: Will the unsworn jurors please rise  
5 and raise your right hand.

6 Do you solemnly swear or affirm that you will try  
7 the case of The People of the State of New York against  
8 Donald J. Trump in a fair and impartial manner and, to the  
9 best of your ability, render a true verdict according to  
10 the law and evidence? Do you swear or affirm?

11 (AFFIRMATIVE RESPONSE FROM JURORS)

12 THE CLERK: Thank you.

13 You may be seated.

14 THE COURT: Jurors, we've now completed jury  
15 selection for this case. I expect that we're going to  
16 begin the trial itself on Monday.

17 I'd like to start here in the courtroom at 9:30.  
18 As you know, that means that you need to arrive earlier  
19 than that so that we can get started at 9:30.

20 I also want to let you know now that, because of  
21 the Passover Holiday, we're going to work through lunch on  
22 Monday and stop at 2:00. So, we're going to call it a day  
23 at 2:00. The same thing will happen on Tuesday--we're  
24 going to work through lunch and stop at 2:00.

25 Before I excuse you, I just have some

1 instructions:

2           Please do not discuss this case either among  
3 yourselves or with anyone else.

4           Please continue to keep an open mind as to the  
5 defendant's guilt or innocence.

6           Please do not form or express an opinion as to  
7 the defendant's guilt or innocence.

8           Do not, at any time during the trial, request,  
9 accept, agree to accept, or discuss with any person the  
10 receipt or acceptance of any payment or benefit in return  
11 for supplying any information concerning the trial.

12           You must promptly report directly to me any  
13 incident within your knowledge involving any attempt by any  
14 person to improperly influence you or any member of the  
15 jury.

16           Do not read, view, or listen to any accounts or  
17 discussions of the case reported by newspapers, television,  
18 radio, the internet, or any other news media.

19           Do not attempt to research any fact, issue, or  
20 law related to the case whether by discussion with others,  
21 by research in the library or on the internet, or by any  
22 other means or source.

23           I emphasize that, in addition to not speaking  
24 face-to-face with anyone about the case, you must not  
25 communicate with anyone about the case by any other means



1 including by telephone, text messages, e-mails, chat rooms,  
2 blogs, and social websites.

3           You must not provide any information about the  
4 case with anyone by any means whatsoever. That includes  
5 the posting of information about the case or what you're  
6 doing on the case on any device or internet site including  
7 blogs, chat rooms, and social websites.

8           Finally, you must not Google or otherwise search  
9 for any information about the case, the law which applies  
10 to the case, or anyone involved in the case including the  
11 attorneys, the defendant, or myself.

12           The court officers are going to give you some  
13 instructions and we're going to exchange information with  
14 you.

15           We'll reach out to you if there's any change in  
16 the scheduling for any reason. I ask you to please reach  
17 out to us and let us know if you're going to be delayed for  
18 any reason. There are 18 jurors in total. We cannot start  
19 until every single juror is present. So, if you're going  
20 to be delayed for any reason, please give us a call and let  
21 us know.

22           (HAND RAISED)

23           THE COURT: If you have a question, you can ask  
24 the officer.

25           Thank you.

1                   You can step out.

2                   (At this time, the sworn jurors exited the  
3 courtroom)

4                   THE COURT: Two brief things:

5                   First, I have asked the clerk of the court to  
6 reach out to the other sworn jurors just to make them aware  
7 that we're going to break at 2:00. I don't think that they  
8 were previously aware of that. So, I want them to kind of  
9 coordinate.

10                  Second, I would like to start up at 3:15. At  
11 3:15, we'll have our Sandoval hearing.

12                  Counsel, can you hand up the sheet, please.

13                  (Handed to the Court)

14                  (Pause in the proceedings)

15                  THE COURT: Thank you.

16                  \*           \*           \*           \*           \*

17                  (At this time, a luncheon recess was taken and  
18 the trial adjourned to 3:15 p.m.)

19                  \*           \*           \*           \*           \*

20                  (At this time, Vincent M. Gerald, III was  
21 relieved by Susan Pearce-Bates as Senior Court Reporter)

22

23

24

25

1 (AFTERNOON SESSION)

2 THE CLERK: Case on trial continued.

3 THE COURT: Good afternoon everyone.

4 MR. STEINGLASS: Good afternoon.

5 MS. HOFFINGER: Good afternoon.

6 Your Honor, I have an application. It's about  
7 five-minutes long to seal four exhibits.

8 THE COURT: Sure.

9 MS. HOFFINGER: With your permission now or after  
10 the Sandoval Hearing.

11 THE COURT: You can do it now.

12 MS. HOFFINGER: Thank you, your Honor.

13 Your Honor, we are asking that four Exhibits be  
14 sealed. These are contact lists contained in Michael  
15 Cohen's cell phones, AT&T and Verizon phone records.

16 Together these exhibits comprise many, many  
17 thousands of pages, Your Honor. They contain extensive  
18 personal identifying information, Social Security numbers,  
19 dates of birth, phone numbers, home and work addresses, and  
20 email address.

21 These are relating to the witnesses, the  
22 defendant and his family, former employees, Trump  
23 Organization folks, and many, many individuals who have  
24 nothing to do with this case.

25 These exhibits are being offered by us for

1 summary exhibits to provide phone numbers and email  
2 addresses for relevant witnesses. And then we intend to  
3 show publicly just a few selected pages with the  
4 appropriate redactions for personal identifying  
5 information.

6 We have discussed this with defense counsel and  
7 sought their consent to sealing the records. They have not  
8 agreed, despite the fact that these contain scores of  
9 materials related to third parties.

10 Frankly, I don't have -- not heard any good  
11 reasons not to seal them, but that where we are at this  
12 point.

13 I am happy to hand up to the Court a proposed  
14 order for these and I can give you some color to the  
15 exhibits if you wish.

16 THE COURT: Let me hear from the defense.

17 You can hand up the proposed order.

18 MR. BOVE: Thank you.

19 To clarify, we do not object to redaction of  
20 personal identifying information in these exhibits, which I  
21 understand, based on that proffer, are the cell phone  
22 contacts for Michael Cohen's phone and a voluminous set of  
23 phone records from AT&T and Verizon.

24 So we consent to the redaction. We think that's  
25 appropriate.

1           What's not appropriate because this is a public  
2 courtroom and a public trial, is to seal trial exhibits.  
3 And what's really going on here, Judge, is that the People  
4 have marked as exhibits extremely large documents without  
5 regard to whether the specific contents line-by-line are  
6 relevant and admissible at the trial.

7           So the reason that Ms. Hoffinger is representing  
8 that there are parts of these documents that contain PII of  
9 third parties who are not relevant to the proceedings, is  
10 because that part of the exhibit -- is because that part of  
11 the exhibit is not admissible.

12           So we object on that ground. We don't think  
13 there is a basis for sealing because these portions of the  
14 exhibits are not admissible.

15           And so, again, public trial. There is a First  
16 Amendment Right of access. President Trump has a Sixth  
17 Amendment Right to a public trial and we don't consent to  
18 sealing any exhibits.

19           THE COURT: All right.

20           MS. HOFFINGER: Your Honor, these exhibits, just  
21 to give you a some additional color on the particular  
22 exhibits, I can hand up selected pages from the exhibits as  
23 well. I have some for defense counsel, if they like.

24           The problem, your Honor, here is that the  
25 redactions in this case would be extremely, extremely

1 burdensome. There are thousands and thousands of pages.

2 To give you have an example -- I will give you  
3 have an example, the phone contacts in Michael Cohen's  
4 phone contain 39,000 contacts.

5 And many, many of them relate to individuals that  
6 are not relevant. And as a back drop, if your Honor wishes  
7 for us not to seal them, we would redact wholesale anything  
8 that relates to third parties in those exhibits and only  
9 provide the relevant contacts.

10 Obviously, if we are showing them, we will redact  
11 personal identifying information.

12 In terms of telephone records, the AT&T and  
13 Verizon records, just as an example, I handed up a report  
14 which is one of seventeen reports. These are all for  
15 relevant individuals or witnesses.

16 Your Honor, the problem is that in those reports  
17 they are also calling scores of people that have nothing to  
18 do with the case and to comb through many thousands of  
19 pages.

20 So in one of those reports, People's Exhibit 400,  
21 we are talking about seventeen reports, at least four of  
22 them are over 9,000 pages long.

23 It's an almost impossible task, Your Honor, to  
24 comb through them and only pull out the relevant calls  
25 without exposing -- I mean, obviously, numbers and

1 information that relate to people whose information should  
2 not be exposed.

3 The easiest thing to do, your Honor, would be to  
4 seal the three sets of records and allow both parties to  
5 show whatever pages they want to show that are relevant and  
6 redact the appropriated personal information from them.

7 I think it's a fairly simple procedure, your  
8 Honor.

9 MR. BOVE: Judge, that whole argument was just  
10 couched in terms of what's relevant.

11 The People are only permitted to offer at trial  
12 what is relevant. They are obligated to redact what's not  
13 relevant because it shouldn't be coming into evidence.

14 The People have been investigating this case as,  
15 your Honor knows, since 2018. On a Friday before trial  
16 starts to stand up and say that it would be too much work  
17 for them to do, to call out what's relevant and admissible  
18 at trial, is outrageous.

19 MS. HOFFINGER: No, it's not calling out.

20 THE COURT: It sounds like to me like they have  
21 already identified what's relevant.

22 They are not asking now for permission for time  
23 to do that. They have identified what they intend to  
24 introduce.

25 MR. BOVE: Judge, my understanding --

1 MS. HOFFINGER: That's correct.

2 THE COURT: Am I right?

3 MS. HOFFINGER: Yes. That's correct. We are  
4 only showing, intend to so show, what's relevant.

5 THE COURT: I think the easiest way to deal with  
6 this, I think, I really don't see the issue here.

7 I think the easiest way to deal with this is to  
8 grant the application and if there is anything that you  
9 want to introduce, anything you believe that's in there  
10 that should be sealed, that should not be sealed, you can  
11 bring it to my attention and deal with it then.

12 I am not going to require the People to literally  
13 redact 39,000 contacts and that's just the contacts that  
14 doesn't even have to do with the phone records.

15 It's an absurd condition to impose on the People  
16 and the easiest solution is -- don't interrupt me.

17 MR. BOVE: I am not interrupting you.

18 THE COURT: You are. Have a seat.

19 I am going to sign the order. If there is  
20 something you want to introduce and believe is relevant,  
21 you can bring it to my attention. I am signing the order.

22 I will hand this back to you.

23 MS. HOFFINGER: Thank you, your Honor.

24 THE COURT: All right. Let's move on to  
25 Sandoval.



1           So this is a defense motion. I will hear you.

2           MR. BOVE: Yes, your Honor. Thank you.

3           We object to the use during any cross-examination  
4 of President Trump to each entry in the People's March 10,  
5 2024, Sandoval Notice and I am prepared to address those  
6 row by row.

7           THE COURT: Sure. Go ahead.

8           MR. BOVE: So the first proceeding referenced in  
9 the notice is James versus Trump.

10           This is the trial that was before Justice Engoron  
11 and sort of the first cell, the first part that the  
12 government would offer to cross-examine President Trump  
13 relates to Judge Engoron's findings at the conclusion of  
14 the trial. That's the document referenced at 1688, and  
15 then at the top cell; and then also Justice Engoron's  
16 summary judgment findings which are on page two and the  
17 document references 1531, and those should not be used,  
18 cannot be used to cross-examine President Trump should he  
19 testify at this trial for at least five reasons.

20           First of all, I think this is most important and  
21 nearly dispositive.

22           The Appellate Division has stayed in significant  
23 part all that the substantive relief, with the exception of  
24 the monitorship, that Justice Engoron granted here. These  
25 findings that the People seek to use to cross-examine

1 President Trump are very much subject to dispute and the  
2 First Department stay reflects a finding of likelihood of  
3 success on the merits.

4 So, right there we think that's reason enough to  
5 exclude these. There are other procedural issues that make  
6 this even more dubious as a basis for cross-examination.

7 The first, to state the obvious, Justice Engoron  
8 was making findings by a civil preponderance standard.

9 Second, the main charge, the main claim in that  
10 case, the violation of Executive Law 6312 has no scienter  
11 requirement. So Justice Engoron wasn't required to make  
12 any finding respect to President Trump's state of mind and  
13 that also dilutes whatever probative value --

14 THE COURT: One second. Let me just clarify.

15 I agree that 6312 has no scienter requirement  
16 when it comes to misdemeanor type offenses. If there are  
17 to be felony level offenses, there is a requirement.

18 What were the findings here? Was it a  
19 misdemeanor, felony or what level?

20 MR. BOVE: I am not sure.

21 THE COURT: Okay. That's your argument and you  
22 need to find out.

23 MR. BOVE: We will clarify that point.

24 The next point is there are similar charges in  
25 the case before Justice Engoron. So the ones that are at

1 issue here, the violations of Penal Law 175.10 and the risk  
2 there is the propensity interest. That if the government  
3 is permitted to cross-examine President Trump with respect  
4 to the Justice Engoron finding, the jury may infer that if  
5 it happened before Justice Engoron, based on the civil  
6 preponderance standard, which is very much subject to  
7 dispute on appeal, that it also happened beyond a  
8 reasonable doubt in this case.

9 We think that's another strong basis for  
10 excluding these.

11 Finally, this was a 10 or 11-week trial before  
12 Justice Engoron. A very, very factually dense proceeding.  
13 We dispute the outcome.

14 Even setting that aside, President Trump would be  
15 prepared, obligated, to respond to cross-examination on  
16 this issue and then we are down a rabbit whole of a  
17 different state of facts. The evidence is the allegations  
18 are old and they are not probative of anything that's  
19 relevant to President Trump's testimony.

20 THE COURT: That's only true if you were to go  
21 into the facts of the case, right?

22 I am sure you are asking that we not go into the  
23 facts of the case.

24 MR. BOVE: No, we are not asking that.

25 THE COURT: You are not asking that?

1           MR. BOVE: Our position is if there is going to  
2 be cross-examination on the issue, President Trump must be  
3 permitted to respond to the underlying claims that led to  
4 this finding.

5           THE COURT: That's a different side of the  
6 argument.

7           If the People are going to say, listen, we want  
8 to cross-examine Mr. Trump on this finding and in a typical  
9 Sandoval Decision the Court reaches a balance, right?

10           They try to balance the scales, and usually what  
11 the Court might say is this, you can ask were you convicted  
12 of this on such and such occasion, on such and such year,  
13 without going into any other facts.

14           Now, if the Defendant then wants to bring out the  
15 facts themselves, they can go ahead and do that. But I  
16 don't know if the People are asking that we go into the  
17 facts because that would be like having another trial  
18 within a trial and we are not going to do that.

19           MR. BOVE: My concern is that if President Trump  
20 is cross-examined regarding this finding that's subject to  
21 a stay right now by the First Department, that there would  
22 be a necessity for him to explain and dispute the  
23 underlying claims that are subject to the stay.

24           THE COURT: That's interesting. What you are  
25 describing is no different than what any other defendant

1 feels what he needs to do when he takes the witness stand.

2 Do they want to defend it?

3 Yes, they do. Do they want to explain it? Do  
4 they want to open the door?

5 That's up to the defendant.

6 If the Court rules you can ask, for example, were  
7 you convicted of, I don't know, burglary in 2017, a felony,  
8 and the answer is either yes, or no, or if they want to say  
9 yes, with an explanation, that's up to them. I think the  
10 same thing would apply to your client here on the Sandoval  
11 issue.

12 MR. BOVE: I understand. I think it's still  
13 relevant to Your Honor's consideration. That's all I have  
14 for the first issue on the merits conclusion by Justice  
15 Engoron.

16 THE COURT: Is there a response?

17 MR. COLANGELO: Thank you, your Honor. Matthew  
18 Colangelo for the People.

19 Let me address the arguments defense counsel just  
20 made as to items, one and five on the People's Sandoval  
21 Application. And let me note, first, that as findings of  
22 persistent fraud or illegality, these determinations by  
23 Justice Engoron are paradigmatic examples of  
24 cross-examination for impeachment.

25 Category number five, row number five, that was a

1 summary judgment determination on the Attorney General's  
2 claim of repeated and persistent fraud and then the  
3 post-trial judgment, your Honor, was an opinion post-trial  
4 opinion and findings of fact related to persistent and  
5 repeated illegality that included persistent and repeated  
6 falsification of business records, conspiracy to falsify  
7 business records, issuance of false financial statements,  
8 conspiracy to produce false financial statements and  
9 conspiracy to commit insurance fraud.

10 It is hard to think of something that is more  
11 squarely in the wheelhouse of appropriate impeachment  
12 examination of a testifying defendant as to his credibility  
13 then a finding by a judge of persistent and repeated fraud  
14 and illegality in a transaction of business in the State of  
15 New York over a period of years.

16 Defense counsel mentioned, your Honor, that the  
17 Appellate Division has, I believe, he said stayed the  
18 findings.

19 I think that is incorrect. After we served our  
20 Sandoval notice, it is correct that the Appellate Division  
21 issued a Partial Stay of Judgment. I have a copy of the  
22 Stay of Judgment that we can hand up if your Honor would  
23 like to see it.

24 THE COURT: Please.

25 MR. COLANGELO: The Stay of Judgment, your Honor,

1 as you will see, which was issued on March 25th, says  
2 nothing, whatsoever, about the merits.

3 The defendant sought a stay pending appeal under  
4 CPLR 55 19C and the Appellate Division is authorized to  
5 stay judgment pending appeal in its very broad discretion  
6 and considering a range of factors, which includes  
7 exigency, hardship or the merits.

8 Now where the Appellate Division didn't say  
9 anything one way or the other as to whether it was staying  
10 it on the merits, and where it, in fact, left in place and  
11 declined to stay a 175 million-dollar-disgorgement penalty,  
12 I think that's a very strong suggestion that the Appellate  
13 Division did not have any fundamental problems in the  
14 liability finding.

15 One other point as to the risk of propensity, I  
16 think that your Honor very well made the point that because  
17 this is an underlying civil determination I think the risk  
18 that the jurors will mistake cross-examination on these  
19 findings as evidence of those propensities of criminal  
20 conduct is less than in almost any other Sandoval case.

21 Ordinarily, the defendant is cross-examined on a  
22 criminal conviction. Here his credibility would be  
23 impeached on the basis of underlying civil findings, your  
24 Honor.

25 Thank you.

1 THE COURT: All right. Shall we move onto the  
2 next one?

3 MR. BOVE: Yes, your Honor. Thank you.

4 The next entry on the People's Sandoval Notice is  
5 the October 25th, finding of Justice Engoron.

6 This document entry, 1598 on the list, this  
7 relates to one of Justice Engoron's findings relating to  
8 the Gag Order in that case. That is a civil contempt  
9 finding.

10 We are just -- I think we respectfully disagree  
11 with the government that when we start to introduce  
12 different burdens of proof, and ask the jury to evaluate  
13 judicial findings on different standards, that there is not  
14 just a very significant risk of confusion here. And so, on  
15 that basis, we oppose this is entry number two in the  
16 Sandoval Notice.

17 I also want to note, there has been some back and  
18 forth in the in limine practice about whether findings by  
19 the US Attorney's Office with respect to Michael Cohen are  
20 admissible to impeach his credibility during  
21 cross-examination.

22 We are talking about a judicial finding here and  
23 I understand that, I think that the extent that there is a  
24 finding that the government can impeach President Trump  
25 with respect to Justice Engoron's findings, it's hard to



1 understand how we would not also be able to impeach Mr.  
2 Cohen with Judge Furman's findings.

3 THE COURT: We are not going to mix apples and  
4 oranges right now. We are going to stick with this issue.  
5 People, would you like to respond?

6 MR. COLANGELO: Yes, your Honor.

7 First, as the Court knows as well, a testifying  
8 defendant can be cross-examined as to his credibility, not  
9 only on a criminal conviction, but on any prior immoral,  
10 vicious or bad act.

11 But in many ways, the fact that the People can  
12 find ourselves exclusively to judicial determinations of  
13 prior immoral, vicious, illegal and bad act conduct, is a  
14 reflection of our extremely tailored in our approach.

15 It would have been appropriate to propose a wide  
16 range of other conduct that didn't result in a judicial  
17 finding. So defense counsel's objection that a civil  
18 determination somehow makes this less probative of the  
19 defendant's credibility than more, I think is simply wrong.

20 Then second, your Honor, as to the actual  
21 determination we are talking about here, and this is the  
22 second row in our application, and defense counsel was  
23 right, this is reflected in the Court's Order at document  
24 number 1598 issued on October 26th.

25 Your Honor, the People seek to cross-examine on

1 two findings related to this Court Order.

2 The first, is that after leaving the courtroom  
3 during the civil fraud trial, when the defendant made  
4 comments that, as reflected in this order, violated Justice  
5 Engoron's restriction on extra judicial speech, the Court  
6 held a civil contempt hearing.

7 He put the defendant on the stand. The defendant  
8 raised his right hand and took an oath to tell the truth.  
9 And then, as the Court found in his opinion, he lied.

10 It is very hard, very hard to think of something  
11 more probative of a testifying defendant's credibility than  
12 a prior finding by a judge in a courthouse 200 yards from  
13 here, if not closer, six months ago that the defendant's  
14 testimony, quote, rings hollow and untrue.

15 So, the findings of false testimony in front  
16 Justice Engoron, the People submit is not even a close  
17 call.

18 Thank you, Judge.

19 MR. BOVE: I will move on to the next entry,  
20 Judge.

21 This is document 1584, on page two of the  
22 Sandoval Notice. This is another finding by Justice  
23 Engoron and this one has some additional complicating  
24 features that I think push it over the line to being  
25 admissible.

1           It is another civil contempt finding. In  
2 addition to that, the order itself, sort of leaves open the  
3 possibility that the conduct that was found to violate the  
4 Gag Order may have been quote, inadvertent or due to  
5 negligence.

6           And in that respect, I think Justice Engoron was  
7 focused on the possibility that third parties may have made  
8 an error, and inadvertent error, in leaving the questioned  
9 posts up.

10           I think he actually addressed that explicitly in  
11 reference to employees or agents of President Trump.

12           There is not, I submit, a finding in that order  
13 of causation. And in this setting where the government is  
14 arguing that the charges in this case are based on  
15 accomplice liability, introducing that sort of causation  
16 concept in order to have them evaluate this finding by  
17 Justice Engoron, makes this one too attenuated, too remote  
18 and it shouldn't be admissible to cross-examine President  
19 Trump.

20           MR. COLANGELO: Your Honor, I think a fair  
21 reading of the Justice Engoron's order makes it clear that  
22 he was acknowledging the possibility -- let me state that  
23 differently.

24           He acknowledges defendant's position that the  
25 violation was inadvertent by way of staying his hand in

1 terms of financial sanctions he was going to impose, and he  
2 imposed only a nominal fine \$5,000.

3 Reading the Court's opinion in full makes clear  
4 that Justice Engoron believed that he had, and he did, very  
5 directly instructed the defendant in an October 3rd Order  
6 not only to cease from making threatening and personally  
7 identifying statements about the Judge's Principal Law  
8 Clerk, but also to remove all posts about the law clerk  
9 that he had made.

10 When those quotes did not come down within  
11 seventeen days, the Judge held a contempt finding and  
12 issued his order, but I don't believe, your Honor, that  
13 acknowledging the defendant's position wasn't the  
14 violation, it was inadvertence, and by imposing a reduced  
15 financial sanction is at all a conclusion that the judge  
16 believed the conduct was unintentional.

17 THE COURT: Let's go.

18 MR. BOVE: Thank you, Judge.

19 The next two matters in the People's Sandoval  
20 Notice are the Carroll matters before Judge Kaplan in the  
21 Southern District of New York and I think that they sort of  
22 breakdown into two parts.

23 And there are three issues that sort of, that  
24 overlap in all of them that cause this to be unacceptable  
25 as a basis for impeachment should President Trump testify.

1           The Sandoval notice speaks to the defamation  
2 claims at issue in this case. But really to address the  
3 nature of those claims requires consideration of events  
4 that we very much dispute that did not happen, that Ms.  
5 Carroll dates back to the 1990s. And those are too  
6 attenuated and too far back in time to call into question  
7 President Trump's credibility at this trial.

8           In addition, I think that there are some open  
9 questions, some moving parts right now in terms of what the  
10 government's case in chief will look like with respect to  
11 the types of evidence that they are going to offer in  
12 support of their case in chief.

13           Meaning, the testimony from Ms. Clifford. The  
14 testimony from Ms. McDougal, whether and to what extent the  
15 Access Hollywood tape will be admitted, and because all of  
16 these issues sort of bring up this idea of what is the  
17 government's theory on this case, at this trial.

18           Are they presenting evidence?

19           Are they making arguments about sexual  
20 misconduct?

21           I don't think so. We haven't heard that so far.

22           I think there is some suggestion in what Ms.  
23 Clifford has said publicly that she might be trending  
24 towards saying that should she testify at this trial. But  
25 I think the People on the other side of that line are not

1 alleging an impropriety. And to bring up Ms. Carroll's  
2 allegations at this trial sort of pushes the salaciousness  
3 on to another level.

4 Again, this is a case about documents, Judge.

5 THE COURT: How about if we don't deal with the  
6 allegations and just deal with the findings.

7 MR. BOVE: I think that, from my perspective,  
8 from our perspective, it still presents this question of,  
9 President Trump is confronted with findings and then forced  
10 with a decision about how to respond to those findings and  
11 explain to them.

12 And it sort of brings up these facts again and  
13 these facts are unduly prejudicial and should not be a  
14 basis for cross-examining him at trial.

15 MR. COLANGELO: A few responses, your Honor.

16 First, as the Court knows, in balancing the  
17 factors that the Court must consider, or one of the most  
18 important considerations, is whether the unnecessary  
19 exclusion of important impeachment topics, would itself  
20 distort the fact-finding process and prejudice the People.

21 That's an important consideration as well. The  
22 determinations that the People would illicit to impeach the  
23 defendant's credibility if he testifies, relate to  
24 defamation in 2019 and in 2022. That's not remote.

25 The elements of a defamation claim under New York

1 Law include, that the statements are false, and they were  
2 published with actual malice, which requires showing either  
3 knowledge of falsity, or reckless disregard for the truth.

4 So, again, this is an extremely tailored request.  
5 This is a, in one instance, a finding by a jury, and in  
6 another instance, a finding by a judge that the defendant  
7 defamed E. Jean Carroll by lying and by publishing  
8 defamatory statements with actual malice.

9 That's critical evidence that the jury ought to  
10 be able to consider in assessing the defendant's  
11 credibility if he testifies.

12 As to the concern regarding the potential  
13 prejudicial effect of the underlying sexual assault  
14 verdict, I think the proposal your Honor identified is a  
15 reasonable one. That determination, that jury verdict that  
16 the defendant sexually assaulted Carroll, could be elicited  
17 only to the extent necessary to establish it as an element  
18 for the defamation claims and the damage judgments.

19 It doesn't need to go further than that, Judge.

20 MR. BOVE: The next entry, Judge, relates to the  
21 Trump versus Clinton case in the Southern District of  
22 Florida and the document provided and cited in ECF 302.

23 This is just another situation where there is a  
24 judicial finding that is very much disputed. There is a  
25 whole core of underlying facts and -- and this is all in a

1 context where the government is not without other  
2 concededly admissible material to impeach President Trump.

3 He has spoken a lot. They are already -- his  
4 writings are all over the government Exhibit list. They  
5 are not constrained.

6 This is so far afield from what this case is  
7 actually about, and raises -- and so attenuated to his  
8 actual credibility, when you get down to what actually  
9 happened in that case, we are just taking a -- a case about  
10 documentaries in 2017 and bringing up civil claims and  
11 findings in a totally separate set of facts.

12 THE COURT: So, if I heard you correctly, you are  
13 saying that some of this, or all of it is in dispute?

14 Did you begin by saying that?

15 MR. BOVE: Yes. This is another situation like  
16 the Carroll case that we just spoke about. Like Justice  
17 Engoron's finding where there is a pending appeal.

18 There is very much a dispute, Judge.

19 THE COURT: And what the Court wrote here,  
20 apparently, quote, here we are confronted with a lawsuit  
21 that should never have been filed, which was completely  
22 frivolous, both factually and legally, and which was  
23 brought in bad faith for an improper purpose.

24 Mr. Trump is a prolific and sophisticated  
25 litigant who is repeatedly using the courts to seek revenge



1 on political adversaries.

2 He is the mastermind of strategic abuse of the  
3 judicial process and he cannot be seen as a litigant  
4 blindly following the advise of a lawyer. He knew full  
5 well the impact of his actions.

6 That sounds like it's squarely within Sandoval  
7 because if that's not Sandoval, I don't know what is.

8 MR. BOVE: If there -- this were the only entry  
9 on the People's Sandoval Notice, I do understand the point,  
10 but it's not.

11 And these things do have a compounding effect  
12 when we are talking about a series of civil findings, all  
13 subject to appeal, all disputed.

14 And this one, I think to me, is far over the line  
15 in terms of the prejudicial effect relative to what the  
16 government has access to for concededly admissible  
17 impeachment and whether they really need this and the  
18 confusion it will introduce at trial.

19 THE COURT: You refer to all the other evidence  
20 the People have, your client's posts, tweets, writings, but  
21 that's evidence that the People will seek to introduce,  
22 which the defense is going to dispute.

23 You are not consenting to any of that.

24 I don't think that you can compare that type of  
25 evidence with the Sandoval information that the People want

1 me to permit them to use. It's two different things.

2 The fact that the People may have a lot, or a  
3 little evidence, has very little to do with whether or not  
4 Sandoval applies or doesn't apply and to what extent. I  
5 don't see the connection between the two.

6 Forgive me. I think that the analogy that you  
7 are drawing is more akin to Molineux.

8 Now, there is law under Molineux that says that  
9 the Court should consider the extent to which the People  
10 need that evidence. That's definitely part of Molineux,  
11 although that isn't strictly written into Sandoval, the  
12 Courts do consider that when they are balancing the  
13 requests. But I don't think that the mere fact that they  
14 have a lot of evidence that they seek to introduce should  
15 preclude them from being able to also seek a favorable  
16 Sandoval Ruling.

17 MR. BOVE: It doesn't preclude them from seeking  
18 the ruling and we recognize that the Court has some  
19 discretion.

20 When I speak about the necessity that the Court  
21 assess this application in context of the whole record, one  
22 of the cases that I am referring to is the Court of Appeals  
23 decision in Bennett, BENNETTE. It is sounds like -- it  
24 looked from, your Honor's nod, that you are familiar with  
25 it.

1 THE COURT: I am not, actually, very good with  
2 case names. Go ahead.

3 MR. BOVE: I had to write it down myself.

4 There the Court of Appeals said, one of the  
5 relevant factors is whether the defendant is, quote,  
6 capable of being impeached by the use of other less  
7 sensitive instances.

8 So, that's the basis for my argument. And this  
9 one, in particular, where there is no factual overlap,  
10 again, the allegations in this Southern District of Florida  
11 lawsuit, which is subject to appeal, and the events in this  
12 case, what we are really doing is piling things on and  
13 introducing conclusions that distracts the jury's attention  
14 from what's really the issues.

15 THE COURT: I don't think factual overlap is a  
16 factor that the Court needs to consider in a Sandoval  
17 Ruling.

18 The People.

19 MR. COLANGELO: Judge, just a couple of responses  
20 to that.

21 Defense counsel mentioned People versus Bennette.  
22 The Court of Appeals there also said, in a case where the  
23 defendant's credibility was an important issue at the  
24 trial, there is a particular need to allow the People to  
25 admit evidence that will permit the jury to assess the

1 defendant's credibility if he chooses to testify.

2 This is a case where, as you have seen, in dozen  
3 of filings from the defense team, and as you heard, from  
4 the voir dire over the last couple of days, that the  
5 defense intends to make witness credibility a centerpiece  
6 of the trial.

7 So, in a case where credibility is and will be as  
8 core, as it is in this case, that's an argument for  
9 permitting the use of this Sandoval evidence, not for  
10 excluding it.

11 Bennette also, your Honor, is the case that I  
12 mentioned where the Court held that it, quote, must also  
13 consider the potential prejudice to the prosecution and the  
14 fact-finding process of denying the jury access to  
15 probative, perhaps even crucial evidence of the defendant's  
16 credibility.

17 The quote you read from the Federal Court's  
18 sanctions order, sanctioning the defendant and ordering him  
19 to pay nearly \$1 million in legal fees for filing frivolous  
20 bad faith lawsuit that should never have been filed, that's  
21 critical evidence of the defendant's credibility.

22 Two more points your Honor.

23 The defense counsel mentioned several times that  
24 the findings are disputed. There is no acceptance of  
25 responsibility proviso that the People are aware of in

1 Sandoval doctrine that allows the testifying defendant to  
2 be impeached only to prior bad acts that he owns up to.

3 So, it's unclear to me how the disputed nature of  
4 some of these finding is at all relevant to the core  
5 determination.

6 Second, defense counsel said that this  
7 determination, the sanctions finding of a million dollars  
8 for filing a frivolous and bad faith lawsuit, was too far  
9 afield.

10 On the E. Jean Carroll findings, he thought the  
11 facts might be too close. So that's a little bit of a  
12 heads I win, tails you loose argument. They can't both be  
13 right.

14 There is sort of a goldilocks problem here where  
15 the defendant wants to keep all of this the evidence out.

16 THE COURT: Thank you.

17 MR. BOVE: Next, we have on the list, People  
18 versus Trump Corp.

19 So this is a case, that as your Honor knows,  
20 involve similar charges, and it raises the same propensity  
21 risk that I talked about earlier when we have evidence  
22 relating to another case involving a 175.10 violation and  
23 the risk in that impeachment and the jury draws a  
24 propensity of the evidence because it happened in that  
25 case, it must have happened here. And that's one of the

1 things that we are concerned about.

2 But more importantly, the government in that case  
3 was pretty clear that those charges were not about  
4 President Trump and the transcript from September 12th of  
5 2023, there are several statements along those lines.

6 One from Mr. Steinglass, our theory of this case  
7 has never been that Mr. Trump himself was a high managerial  
8 agent. That's at page nine.

9 Page 51 on the same day, Ms. Hoffinger, this case  
10 is not about Donald Trump. It is about his companies. So  
11 Donald Trump is not charged here.

12 So that's another factor that we ask the Court to  
13 consider when evaluating whether, and to what extent, this  
14 is a permissible basis for impeachment at this trial, given  
15 the risk of confusion.

16 I think there is another complicating factor here  
17 and that's that there is a bit of a witness advocate  
18 problem because this is another case that's subject to  
19 appeal. The jury's verdict is disputed.

20 And this is a situation where, presumably, one of  
21 the prosecutors cross-examining President Trump, should he  
22 testify at this trial, would be one of the same prosecutors  
23 who presented that case and advocated its merits to the  
24 jury before.

25 That introduces another complicating feature,

1 which is yet another basis to keep this out as  
2 cross-examination.

3 MR. COLANGELO: Let me respond on the facts and  
4 the law, your Honor.

5 As your Honor knows because you presided over  
6 that trial, there was colloquy between the parties and the  
7 Court during summations. And my colleague, Mr. Steinglass,  
8 argued extensively on summation in response to defense  
9 arguments that in their summation where the defense argued  
10 that the defendant in that case, Allen Weisselberg, had  
11 gone rogue, the People argued at length that Mr. Trump, the  
12 defendant here, knew about the scheme to defraud,  
13 conspiracy, criminal tax fraud and falsifying business  
14 records at issue in that case.

15 I can hand up the colloquy with the Court, your  
16 Honor, I can pass a copy over to defense counsel. And  
17 the -- there is a colloquy between the Court and defense  
18 counsel at pages -- it runs from about pages 3023 to 3032.  
19 But your Honor's ruling is at page 3030.

20 I am satisfied with the explanation he, referring  
21 to Mr. Steinglass, has articulated, and I agree the defense  
22 has attempted to demonstrate somehow these defendants went  
23 rogue. It was actually McConnellly and Weisselberg. It was  
24 just their own thing and the argument has been it was not  
25 even both of them, but one of them. I think it is fair for

1 the People to respond and say, they didn't go rogue and  
2 then on to the next page, this is how we know the owners of  
3 the corporation knew about it.

4 Now, obviously, the owner of the corporation was  
5 Mr. Trump. And also included from the excerpt in the  
6 summation that I handed up is about 80 pages from Mr.  
7 Steinglass' summation, transcribed where he argues at  
8 length as to how the evidence at that trial shows that the  
9 defendant knew.

10 Under the Court of Appeals decision, People v  
11 Mattiace, that's at 77 NY 2d, 269, testifying defendant can  
12 be cross-examined on the corporate criminal convictions of  
13 a corporation that he owned or close to controlled.

14 As to the witness advocate problem that defense  
15 counsel identified, we don't see any plausible issue here.  
16 That's a rule of professional responsibility that applies  
17 where the attorney would be a fact witness on the matter  
18 where he or she is also an advocate.

19 Here, as you will see from our notice, the People  
20 are proposing to cross-examine the defendant if he  
21 testifies about the fact of the conviction, of the criminal  
22 convictions, for the Trump Corporation and Trump Payroll  
23 Corporation.

24 There is no plausible witness advocate problem  
25 there, Judge.



1 Thank you.

2 THE COURT: Thank you.

3 (Whereupon, Principal Court Reporter, Susan  
4 Pearce-Bates, was relieved by Senior Court  
5 Reporter, Vikki Benkel.)

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1                   (Whereupon, Principal Court Reporter Susan  
2 Pearce-Bates was relieved by Senior Court Reporter Vikki  
3 Benkel)

4                   THE COURT: Okay.

5                   MR. BOVE: The last entry on the list, Judge, is  
6 on Page 2 carrying over to Page 3, relates to James versus  
7 the Trump Foundation.

8                   This settlement, Judge, expressly was initiated  
9 based on the judge's urging in that case, that's the word  
10 used in Attachment 9 in the People's notice. This element  
11 also states explicitly, that stipulation is not intended for  
12 use by any third party in any other proceeding and is not  
13 intended and shall not be construed as an admission of  
14 liability by Respondent.

15                   So for both those reasons, Judge, we don't think  
16 this is a permissible basis for cross examination, it does  
17 not speak to President Trump's credibility and this one  
18 should stay out.

19                   MR. COLANGELO: Judge, I could clarify and address  
20 that.

21                   There are several stipulations that were appended  
22 to our notice. To be clear, those stipulations were  
23 included only to give notice to the defense, because they're  
24 incorporated by reference in the judge's finding, which was  
25 a finding by Judge Scarpello, not a stipulation, that quote,

1 and this is at Page 5 of the Court's decision and order at  
2 Attachment 9, that the parties stipulated to dissolution of  
3 foundation and to certain relief but left open for the judge  
4 the question whether Mr. Trump breached his fiduciary duty  
5 to the foundation. And if so, what penalties should be  
6 owed.

7 Page 5 of the document Tab 9, the judge held, as a  
8 director of the foundation, Mr. Trump owed fiduciary duties  
9 to the foundation, he was trustee of the foundation's  
10 charitable assets. A review of the records, including the  
11 factual admission being a final stipulation, establishes  
12 that Mr. Trump's fiduciary duty to the foundation and that  
13 waste occurred to the foundation.

14 Those fiduciary duty breeches included allowing  
15 his campaign to orchestrate a fundraiser. Allowed his  
16 campaign instead of the foundation to direct distribution of  
17 the funds. And using the fundraiser's distribution of the  
18 funds to further Mr. Trump's political campaign.

19 And quote and later in the same document, this is  
20 now Page 6 of the Court's finding, the Court held, quote, as  
21 stated above, I find that the 2.823 million dollars raised  
22 at the fundraiser was used for Mr. Trump's political  
23 campaign and disbursed by Mr. Trump's campaign staff, rather  
24 than by the foundation, in violation of the following  
25 provisions of state law.

1           That is a judicial finding, Your Honor, not a  
2 stipulation.

3           We note the stipulations only because they form  
4 part of the factual foundation for the judge's conclusion.

5           Thank you.

6           THE COURT: Do you agree?

7           MR. BOVE: I agree with the point about the way  
8 that documents are structured. But I think my point remains  
9 that the reason that -- the only reason this would be  
10 probative is that the order was entered based on the  
11 stipulation. The stipulation has no restrictions, so it  
12 does not say much of anything about President Trump's  
13 credibility, should he testify.

14           THE COURT: Do you agree that the decision and  
15 order is not governed by those restrictions?

16           MR. BOVE: Yes.

17           THE COURT: And it is within that decision and  
18 order that the Court makes certain findings regarding your  
19 client; am I right?

20           MR. BOVE: I understand, Judge.

21           THE COURT: Anything else on Sandoval?

22           MR. BOVE: No, Judge.

23           THE COURT: I just want to ask a follow up  
24 question.

25           You mentioned several times that on some of these

1 cases you either dispute the findings or are going to  
2 dispute the findings or the cases are going to be appealed.  
3 Is it your position because a case is being appealed or  
4 might be appealed, that therefore cannot be used on  
5 Sandoval?

6 MR. BOVE: Not categorically, Judge.

7 But I do think it is very salient consideration  
8 for Your Honor's exercise of discretion. I think it came up  
9 on both sides in today's argument, there are ranges of type  
10 of Sandoval evidence from a final criminal conviction to  
11 allegations from a witness. Some are stronger and more  
12 probative of credibility than others. Disputed findings  
13 from civil cases based on the preponderance of evidence  
14 standard are less probative because they are less conclusive  
15 than some types of evidence. And I understand the point on  
16 the other side.

17 That is our position.

18 THE COURT: It is not your position merely because  
19 they are being appealed or might be appealed cannot be used?

20 MR. BOVE: Not categorically.

21 THE COURT: People, do you have any case law, any  
22 citations you can refer to regarding the use of not criminal  
23 matters? I know that they can be used, but in this  
24 courthouse normally we are dealing with prior convictions,  
25 so this is a little but unusual.

1 Do you have anything that I can rely upon?

2 MR. COLANGELO: I think, Your Honor, the broadest  
3 case is probably People v Duffy, which allows cross  
4 examination where there is a reasonable basis in fact that  
5 prior immoral or bad acts conduct occurred, that is 36 NY2d  
6 258.

7 I am not sure I have a copy of that to hand up,  
8 Your Honor, we can send it up.

9 THE COURT: We also began the Sandoval hearing  
10 without actually discussing the standard and what Sandoval,  
11 what the standard is.

12 Would you like to go into that?

13 MR. COLANGELO: The truth is, Your Honor, that I  
14 am sure you have held more than your fair share of Sandoval  
15 hearings and are familiar with the standards, but if the  
16 Court would like us to identify.

17 Obviously the People are authorized to, in the  
18 exercise of the Court's discretion, to inquire about prior  
19 bad acts where probative of the defendant's credibility if  
20 he testifies.

21 It is the defendant's burden to show that the  
22 prejudicial effect of any such evidence would so far  
23 outweigh the probative value of that evidence on the issue  
24 of credibility as to warrant its exclusion.

25 So applying that standard where the defendant has

1 the burden to show that any prejudicial effect would so far  
2 outweigh the probative value as to warrant the exclusion,  
3 our position would be that each of the items we identified  
4 in our notice is sufficiently probative and insufficiently  
5 prejudicial as to warrant it's exclusion.

6 THE COURT: Thank you.

7 Anything else from either side on Sandoval?

8 MR. BOVE: No, Your Honor, thank you.

9 MR. COLANGELO: Nothing for the People, thank you.

10 THE COURT: I am going to reserve decision on  
11 Sandoval, you will have a decision Monday morning.

12 We have a little time left today, so there are a  
13 couple of matters that I would like to take up, this has to  
14 do with some of the pre-motion letters that I have that have  
15 been filed, motions that have been filed. So I am going to  
16 go through some of these. There are a number that remain on  
17 this undecided by the Court, I would like to address some of  
18 those right now.

19 First addressing the presidential immunity  
20 argument pre-motion letter. Defense pre-motion letter was  
21 dated April 16th of '24. And in that letter the defense  
22 requests that the letter, together with the original motion  
23 dated March 7th of '24, be relied on by the Court and be  
24 considered defense full submission.

25 Is that right?

1 MR. BOVE: Yes, Your Honor.

2 THE COURT: And then the People responded on April  
3 18th of '24 and the defense argument in substance are that  
4 the Court should preclude the following items under the  
5 theory of presidential immunity.

6 One, People's Exhibit 81, the executive branch  
7 personal public financial disclosure report that Mr. Trump  
8 submitted to the Office of Government Ethics on May 15th,  
9 2018.

10 Two, People's Exhibits 407 G and 407 I, the 2018  
11 social media posts to Twitter that Mr. Trump used while  
12 president.

13 And third, witness testimony regarding President  
14 Trump's official acts during his first time in office. For  
15 example, the anticipated testimony from former white house  
16 staffers about communications Mr. Trump had while in office.

17 The defense also argued that the request is  
18 timely, unlike the pretrial motion which was denied as  
19 untimely. And the argument goes that because CPL 255.10  
20 does not apply to motions to preclude evidence, Trump also  
21 is not required to raise evidentiary objections prior to  
22 trial.

23 The People responded that the Court should adhere  
24 to it's April 3, 2024 ruling and reserve judgment on the  
25 evidentiary objections until trial.



1           People also argue that defendant should have  
2 raised these issues in his motion in limine and that he  
3 forfeited his right to request a pretrial advisory ruling by  
4 not raising them then.

5           This Court's reasoning in the decisions that has  
6 been handed down previously remains the same, they are  
7 unchanged, the defendant could have raised these arguments  
8 at the times that the motions in limine were filed, but did  
9 not. Defense could have raised the argument and still  
10 relied upon the Supreme Court's decision on presidential  
11 immunity ruling coming after the motions in limine deadline.  
12 But because the defendant was already briefing the matter,  
13 the defense was already aware of the matter and aware of the  
14 issue, for whatever reason chose not to raise it at that  
15 time. We are going to wait until trial and you can make  
16 your objections at that time.

17           Both of you have already made your arguments in  
18 the letters, so the Court will decide it at the time of  
19 trial when the objection is made.

20           So that matter is decided and will not be  
21 addressed any further.

22           Second pre-motion letter that I would like to  
23 refer to has to do with the limiting instruction regarding  
24 Cohen pleads to FECA and AMI non prosecution agreement.

25           The defense filed its pre-motion letter on April

1 18th of '24.

2 The People have not yet responded.

3 Basically what the defense has done is submitted  
4 proposed language to be used, and I have accepted that and I  
5 am waiting for the People to do yours as well.

6 MR. STEINGLASS: Judge, we don't necessarily see  
7 the need to respond to the pre-motion letter with another  
8 pre-motion letter. This seems like a relative routine  
9 matter that could be handled orally.

10 I can give you my response in three sentences.

11 THE COURT: Okay.

12 MR. STEINGLASS: The Court said in its motion in  
13 limine, and I quote, if requested, the Court can give the  
14 jury a limiting instruction explaining the purpose for which  
15 Cohen's plea and AMI conciliation agreement may and may not  
16 be considered. That is on Page 6 of Your Honor's ruling on  
17 the defense motions in limine.

18 The defense proposal fails to inform the jury a  
19 significant purpose for which the plea may be considered.  
20 The fact is that a jury may consider the guilty plea to the  
21 extent it impacts on Michael Cohen's decision to break from  
22 the defendant after months of lying at the defendant's  
23 behest.

24 We discussed this at great length on Monday.

25 We are not telling them, contrary to the

1 defendant's suggestion, the instruction that we propose,  
2 which I believe is also included in the defense letter, but  
3 which I am happy to hand up.

4 THE COURT: Please.

5 MR. STEINGLASS: Yes.

6 The prosecution's proposal is not telling them  
7 that the guilty plea should be considered for that purpose,  
8 just that it may be considered for that purpose. Which was  
9 the whole point of the Court's ruling, which is to instruct  
10 the jury what the plea may and may not be considered for.

11 So for that reason we believe that our proposal is  
12 more accurate.

13 THE COURT: All right.

14 The Court will consider both proposals and can  
15 come up with its own decision or limiting instruction.

16 The third matter, this is the pre-motion letter  
17 filed in connection with the presence of counsel argument.  
18 The defense filed their pre-motion letter on April 16th of  
19 '24. It appears that the defense wants to brief this issue  
20 again, am I right, or at least you did not ask for the  
21 letter to be treated as a submission.

22 MR. BOVE: The letter can be treated as our  
23 submission, Judge. It flags arguments that we hope to make  
24 based on the testimony as it comes in during the trial.

25 THE COURT: All right.

1           And the People responded on April 18th of '24 and  
2 requested until today to file their official opposition.

3           Is that still your intention to file that or would  
4 you like to respond now on the record?

5           MR. COLANGELO: Your Honor, we did intend, if the  
6 Court would permit, to submit something in writing at the  
7 end of the day.

8           THE COURT: Okay, thank you.

9           In substance the defense argument is that Mr.  
10 Trump believes that his conduct was legal because;

11           One, Cohen as an attorney negotiated payments in  
12 question and obtained compensation from Trump based on these  
13 negotiations.

14           And second, Mr. Trump was aware that Pecker had  
15 consulted with AMI counsel in connection with the  
16 transactions.

17           I will wait for the People to hand their  
18 submission and I will hand down a decision or ruling from  
19 the bench next week.

20           Next, dealing with the motion or the pre-motion  
21 letter to reargue or clarify the Court's ruling precluding  
22 DANY from arguing -- the Court's decision on the defense  
23 charge that DANY be precluded from arguing that Penal Law  
24 Section 175.10 enterprise at issue in this case is anything  
25 but the one DANY specified in the indictment.

1           This one the defense asked that the letter be  
2     treated as their submission.

3           The People responded on the same date and asked  
4     that their letter also be treated as a submission and that  
5     they rest on that letter.

6           The defense argument in substance is that the  
7     defendant's original motion sought to prevent DANY from  
8     making a prejudicial constructive amendment of the  
9     indictment through evidence and argument that the divergent  
10    material from operative allegations.

11          Defense goes on to say the Court found that there  
12    was no legal relevance that the distinction between  
13    President Trump and the Trump Organization for purposes of  
14    legal sufficiency, but that the reason he does not apply the  
15    defendant's constructive amendment argument.

16          Defendant also seeks clarification on the Court's  
17    cautioning the defense not to raise this argument again to  
18    the jury.

19          The People in their opposition present that this  
20    is the third time that the defense is attempting to argue  
21    constructive amendment, that the indictment expressly  
22    mentions both the defendant and the Donald J. Trump Trust.  
23    That the People did not make any change to the factual  
24    theory and that the Court's order is clear with respect to  
25    the warnings that the defendant not raise the argument

1 again.

2 This Court agrees with the People, that the  
3 defendant's argument regarding the constructive amendment is  
4 denied.

5 This is, I believe, the third time that it has  
6 been raised.

7 Again, the defense has asked for clarification.  
8 The Court has made numerous efforts to clarify this, raising  
9 yet another point, this is the last thing that I will deal  
10 with today.

11 That is that defense cannot continue to submit  
12 pre-motion letters or motions or requests to reargue or  
13 requests for the Court to reconsider every single one of its  
14 decisions in its omnibus decision and motions in limine and  
15 other pretrial motions. At this point what is happening is  
16 defense is literally targeting individual decisions one by  
17 one by one by one in filing pre-motion letters.

18 As the People suggested a minute ago, that has to  
19 end, okay, there comes a point where you accept my rulings.  
20 My rulings are what they are. I have entertained the  
21 motions, I have entertained your argument in good faith, I  
22 have handed down decisions, but at some point you need to  
23 accept the Court's rulings.

24 The Court's decision on the motions in limine is  
25 clear, the Court's decision to the omnibus motions is clear,

1 there is nothing else to clarify, there is nothing else to  
2 reargue. We are going to have opening statements on Monday  
3 morning, this trial is starting.

4 Anything else?

5 MR. STEINGLASS: For the same reason, Judge, there  
6 is yet another pending motion regarding the Access Hollywood  
7 tape, which is for the exact reasons that Your Honor just  
8 stated, yet it is the third bite at the apple, having  
9 already litigated in both motions in limine then again on  
10 Monday then we got yet another pre-motion letter which seeks  
11 to reargue it.

12 We are not going to bother to respond, we think  
13 your ruling has been clear and for the reasons you just  
14 said, this is just dilatory.

15 THE COURT: I am reading now the letter from Mr.  
16 Blanche dated April 17th. I will read the first paragraph.

17 Dear Justice Merchan, we respectfully submit in  
18 pre-motion letter seeking reargument of the Court's April  
19 15, 2024 clarification of the March 18, 2024 in limine  
20 ruling.

21 So your April 17th letter sought to reargue the  
22 clarification that I made on April 15th, which I made  
23 following my decision on March 18th to the motions in  
24 limine.

25 This is an example of the type of thing that has

1    been going on.  There is nothing to reclarify here, nothing  
2    to address here, the Court has made its ruling, the tape  
3    does not come in.  The People are allowed to refer to what  
4    was said on the tape.  And I am not going to repeat  
5    everything else that we have transcripts for and I already  
6    ruled on.

7                   MR. BLANCHE:  Your Honor, we put that motion in  
8    because the People asked the Court to reexplain or to  
9    clarify its decision this past Monday morning.

10                   They started the proceedings off before the jury  
11    came in asking Your Honor to clarify what we believed was a  
12    clear decision regarding the Access Hollywood tape and the  
13    evidence on the Access Hollywood tape.  They did that by  
14    putting an E-mail on the screen, as the Court will recall,  
15    asking the Court to clarify that they can put that E-mail in  
16    with the text of the Access Hollywood tape.

17                   That in our view was inconsistent with the Court's  
18    ruling.  The reason why we asked for clarification of Your  
19    Honor's clarification was because of what the People did on  
20    Monday.

21                   THE COURT:  Did I not explain the Court's decision  
22    on Monday?

23                   MR. BLANCHE:  No, Your Honor, respectfully there  
24    was back and forth, they did not bring this up to us  
25    beforehand that they would do that on Monday morning, of



1 course, so when we went back and thought about what Your  
2 Honor had said regarding the deposition, Your Honor's  
3 original ruling said that it would not come in, then the  
4 clarification saying that in essence a transcript of the  
5 recording could come in. We believed that was inappropriate  
6 and was inconsistent with Your Honor's ruling, which is why  
7 we asked permission to reargue.

8 THE COURT: Would you like to respond?

9 MR. STEINGLASS: This sounds suspiciously like the  
10 half an hour we spent debating this on Monday and laid out  
11 defense points, the prosecution points and Your Honor ruled.  
12 Yet we are faced with another motion to reargue or renew  
13 with no new facts, no misapprehension of law, just another  
14 tactic.

15 We ask you to reject that.

16 THE COURT: How is it that you believe, help me  
17 understand why the transcript of the tape would violate or  
18 run counter to my decision?

19 MR. BLANCHE: Your Honor, our understanding of  
20 Your Honor's decision, there would be testimony through  
21 witnesses about the crisis that was going on during the  
22 campaign when the Access Hollywood tape was leaked or  
23 released and that crisis resulted in a lot of things,  
24 including a decision made by Mr. Cohen, that is why we are  
25 here, it caused them to change the way they were preparing

1 for debate, there was a lot that happened.

2 That the introduction of the fact that there was a  
3 very salacious tape that caused the campaign to panic or  
4 whatever word the witnesses will describe, was enough for  
5 Mr. Cohen to explain what happened.

6 That is what we understand Your Honor's ruling to  
7 mean. That is what we are preparing for. Not that an  
8 E-mail would be introduced that has actually the text of  
9 what was said. That is better than the audio tape, Your  
10 Honor, of course, we very much agree, that is better than a  
11 deposition where it is read out, but it is still in our view  
12 is more than what Your Honor's decision had allowed for.  
13 Which is why we asked for clarification.

14 THE COURT: Anything else from the People?

15 MR. STEINGLASS: Not unless you are entertaining  
16 this again.

17 THE COURT: He is asking for clarification, is  
18 there anything else that you want to offer?

19 MR. STEINGLASS: I will not get into the merits of  
20 it again, because I think we laid this all out very clearly  
21 on Monday. I will just say that we understand Your Honor's  
22 ruling to mean that the tape itself was, because it  
23 contained the defendant's voice and his person and walking  
24 off the bus was too prejudicial for the jury to hear those  
25 words in the defendant's voice, we asked you to clarify why

1 we thought the transcript was admissible and the importance  
2 of admitting the transcript incorporating by reference  
3 everything I said on Monday, and most importantly both sides  
4 had a full and fair opportunity to be heard on that on  
5 Monday and raised the same prejudice arguments that they are  
6 raising now. And Your Honor ruled on that.

7           So that is why we oppose this serial motion  
8 practice of relitigating issues that have been decided.  
9 There is absolutely nothing new about their argument now nor  
10 does anything about what Your Honor said on Monday require  
11 one iota of clarification.

12           THE COURT: All right.

13           So just to make sure we are all on the same page,  
14 I will go back and reread the transcript from Monday, I will  
15 see exactly what I said there and whether I in anything I  
16 said there, is inconsistent with my prior rulings.

17           I can tell you now that the Court's main concern  
18 with the introduction of the tape was that the jury would  
19 hear your client's voice, see your client's face, observe  
20 your client's mannerisms and everything that goes with  
21 seeing a video and hearing the words that were uttered. My  
22 concern was that would be extremely prejudicial and that's  
23 the main reason why I wanted to keep the video itself out.

24           But I will go back, I will go back and reread the  
25 transcript.

1           If you have a page number you can direct me to  
2 now, that would be helpful.

3           If not, I can find it myself.

4           MR. BLANCHE: I don't have one now, but we can  
5 provide it to Your Honor.

6           MS. NECHELES: Can I raise another thing?

7           The openings are on Monday, then the People will  
8 call their first witness, of course we don't want any delay,  
9 we want to be ready to cross-examine that witness. So I  
10 wanted to renew the request that we get at least the name of  
11 one witness.

12           If the People are concerned about my client's  
13 tweeting about it, they can give the name of the witness to  
14 the attorneys and order that we not share it with our  
15 client.

16           But we don't want to be delaying the trial, there  
17 are 20 witnesses or so on their list, it is just impossible  
18 to have the materials for everybody here and to be ready to  
19 go. In the last trial we had the names of the witnesses.

20           THE COURT: Whether you get the name or not, you  
21 will not delay the trial.

22           MS. NECHELES: We don't want to.

23           THE COURT: You won't.

24           People.

25           MR. STEINGLASS: I will say two things.

1           First, unless Your Honor orders us differently, we  
2 are not supplying the name of the witness to a defendant who  
3 contumaciously violates this Court's order by tweeting about  
4 the potential witnesses in this case.

5           What we are prepared to do is say two things:

6           One, you are not getting to cross on Monday of  
7 anyone.

8           And two, we will provide to defense counsel the  
9 name of the witness that will testify on Monday morning on  
10 Sunday. And if that should be tweeted, that will be the  
11 last time we provide a courtesy.

12           THE COURT: The request was made yesterday and  
13 raised in terms of courtesy. You were asking the People to  
14 extend the courtesy.

15           The People's response was compelling.

16           You are requesting that the People turn over  
17 information that they are not required to turn over yet,  
18 when at the present moment there is a contempt hearing  
19 scheduled for Wednesday with ten counts, ten counts of  
20 contempt.

21           Now, I understand your argument yesterday and I  
22 understand your argument now, it would be for counsel's eyes  
23 only, I get that. But I still think that under the  
24 circumstances the People's response is understandable, I  
25 will not compel them to do anything.

1                   They now offered that they will turn over one name  
2   on Sunday. They also represented you will not get to cross  
3   examination on Monday, that is good enough.

4                   I will see you Monday.

5                   MR. STEINGLASS: One thing, you said that the  
6   contempt hearing was Wednesday. I think maybe you misspoke,  
7   I think we rescheduled that for Tuesday. I want everybody  
8   to be clear about that.

9                   THE COURT: You are right, I stand corrected, it  
10   is Tuesday at 2:15.

11                   Sir, can you please have a seat, thank you.

12                   I am corrected again, it is Tuesday at 9:30.

13                   So what I have to do is make sure that I tell the  
14   jurors on Monday to not come in at 9:30 on Tuesday.

15                   MR. BOVE: We have a procedural application.

16                   Our response in connection with that hearing is  
17   due at five p.m. In order to allow us to confer with the  
18   People regarding necessary redactions, we ask permission to  
19   submit unredacted copy to the Court at five, pending that  
20   discussion with the People.

21                   MR. STEINGLASS: No objection.

22                   THE COURT: All right, the People --

23                   You said objection?

24                   MR. STEINGLASS: I said no objection.

25                   THE COURT: Now the public filing will be

1 redacted.

2 MR. BOVE: Yes, Your Honor, we will confer with  
3 them, that is all I am asking.

4 THE COURT: Okay.

5 MR. STEINGLASS: Sorry if I did not speak clearly.

6

7 (Whereupon, the proceedings were adjourned until  
8 Monday April 22, 2024)

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