

PART 59 APR 18 2024

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

SUPPLEMENTAL AFFIRMATION
IN SUPPORT OF THE PEOPLE'S
MOTION FOR CONTEMPT

Ind. No. 71543-23

CHRISTOPHER CONROY, an attorney admitted to practice before the courts of this state, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office. I am one of the attorneys assigned to the criminal trial against defendant Donald J. Trump. I am familiar with the facts and circumstances underlying this case. I make this affirmation on information and belief, the sources of which are my involvement in the investigation, a review of documents within the files of the Office, and conversations with knowledgeable individuals.

2. On March 26, 2024, the Court issued an order restricting defendant's extrajudicial statements. In relevant parts, that order prohibited defendant from "[m]aking or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding," and "[m]aking or directing others to make public statements about any prospective juror or any juror in this criminal proceeding." Decision and Order at 4, *People v. Trump*, Ind. No. 71543-23 (Sup. Ct. N.Y. County Mar. 26, 2024) (attached as Exhibit A).

3. On April 1, 2024, the Court issued an order expanding the restrictions contained in the March 26 order to also prohibit certain statements made about "the family members of any

counsel, staff member, the Court or the District Attorney.” Decision and Order at 4, *People v. Trump*, Ind. No. 71543-23 (Sup. Ct. N.Y. County Apr. 1, 2024) (attached as Exhibit B).

4. The Court’s April 1, 2024 order stated: “Defendant is hereby warned that any violation of this Order will result in sanctions under Judicial Law §§ 750(A)(3) and 751.”

5. On April 8, 2024, defendant filed a petition under C.P.L.R. article 78 in the Appellate Division, First Department seeking to prohibit enforcement of certain aspects of this Court’s April 1 order—including, as relevant here, its “restrictions on speech regarding Michael Cohen” and “Stephanie Clifford.” Verified Article 78 Petition (“Pet.”) ¶¶ 42, 79-82, 96-101. *Matter of Trump v. Merchan*, No. 2024-02369, NYSCEF Doc. No. 5 (1st Dep’t Apr. 8, 2024). Defendant’s article 78 petition does not raise *any* challenge regarding the order’s prohibition on “[m]aking or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.” Defendant also sought an interim “stay of proceedings pending resolution of the Article 78 proceeding in the nature of prohibition.” Sum. Stmt. on Application for Interim Rel. at 1, *Matter of Trump*, NYSCEF Doc. No. 6. On April 9, a justice of the Appellate Division denied defendant’s application for interim relief. Defendant’s underlying article 78 petition is currently returnable on April 29. *See Order, Matter of Trump*, NYSCEF Doc. No. 14.

6. After the Appellate Division denied defendant’s application for interim relief, defendant willfully violated the April 1 order with three social media posts about known witnesses concerning their participation in this criminal proceeding. The People filed with the Court and served on defendant an affirmation, Order to Show Cause, and Memorandum of Law on April 15, 2024. That same day the Court ordered the defendant to respond by 5 p.m. on Friday, April 19, 2024, and ordered a hearing to be held at 2:30 P.M. on April 24, 2024 (attached as Exhibit C). The

Court amended its order on the record later that day to reschedule the contempt hearing for 9:30 A.M. on April 23, 2024.

7. This affirmation describes seven additional violations of the Court's Order dated April 1, 2024. The People request that the hearing on April 23, 2024 include these violations as well as the violations outlined in the filing on April 15, 2024. We rely on the Memorandum of Law filed that same day to support this Supplemental Affirmation and the accompanying Order to Show Cause.

8. On April 15, 2024, at 9:12 a.m., defendant published a post on his Truth Social account (attached as Exhibit D) that stated: "A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system." Defendant's post contained a link to an article in the New York Post. Defendant's post includes a picture of Michael Cohen, a witness in this criminal trial. The linked article makes clear that the "serial perjurer" is a reference to Cohen.

9. On April 15, 2024 at 10:26 a.m., defendant published a post on his Truth Social account (attached as Exhibit E) that stated: "A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system." Defendant's post contained a link to an article in the New York Post. Defendant's post includes a picture of Michael Cohen, a witness in this criminal trial. The linked article makes clear that the "serial perjurer" is a reference to Cohen.

10. On April 15, 2024, on his official campaign website (www.DonaldJTrump.com), defendant published a link to an article from the New York Post (attached as Exhibit F) with the following introduction: ICYMI: "A serial perjurer will try to prove an old misdemeanor against

Trump in and embarrassment for the New York Legal System.” The linked article makes clear that the “serial perjurer” is a reference to Cohen.

11. On April 16, 2024 at 1:50 p.m., defendant published a post on his Truth Social account (attached as Exhibit G) that stated: “A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system.” Defendant’s post contained a link to an article in the New York Post. Defendant’s post includes a picture of Michael Cohen, a witness in this criminal trial. The linked article makes clear that the “serial perjurer” is a reference to Cohen.

12. On April 16, 2024, on his official campaign website (www.DonaldJTrump.com), defendant published a link to an article from the New York Post (attached as Exhibit H) with the following introduction: ICYMI: “A serial perjurer will try to prove an old misdemeanor against Trump in and embarrassment for the New York Legal System.” The linked article makes clear that the “serial perjurer” is a reference to Cohen.

13. On April 16, 2024, at 7:09 p.m., defendant published a post on his Truth Social account (attached as Exhibit I) that included the entirety of an article attacking the forthcoming testimony of Michael Cohen. The article included a picture of Michael Cohen, with the headline “No, Cohen’s Guilty Plea Does Not Prove Trump Committed Campaign Finance-Crimes.” The article disparages Michael Cohen and attacks his credibility in several misleading ways.

14. On April 17, 2024, at 5:46 p.m., defendant published a post on his Truth Social account (attached as Exhibit J) that stated: “‘They are catching undercover Liberal Activists lying to the Judge in order to get on the Trump Jury,’ Jesse Watters.”

15. There is good cause to believe that defendant is guilty of criminal contempt under Judiciary Law § 750(A)(3) by virtue of his posts to Truth Social and on his official campaign

website described above. Under that provision, a court may punish any party with criminal contempt for their “[w]ilful disobedience to its lawful mandate.” Judiciary Law § 750(A)(3). To establish criminal contempt, the moving party must prove beyond a reasonable doubt: (1) the existence of a lawful order expressing an unequivocal mandate, and (2) a violation of the order (3) that is made with knowledge and is willful. *See, e.g., Matter of Dep’t of Env’tl Protection of City of New York v. State Dep’t of Env’tl Conservation*, 70 N.Y.2d 233, 240 (1987).

16. The Court’s restrictions on defendant’s extrajudicial statements, reflected in the March 26 order as amended by the April 1 order, constitute a lawful order of the Court clearly expressing an unequivocal mandate that defendant refrain from making or directing to be made (i) public statements about known witnesses concerning their participation in this criminal proceeding and (ii) public statements about any prospective juror or any juror in this criminal proceeding. It is well-settled that defendant’s objections to this order and pending legal challenge to it in the Appellate Division neither excuse him from complying with the order nor prevent this Court from holding him in contempt. In any event, defendant has raised no challenge in his article 78 petition to the restrictions on statements about jurors.

17. Defendant violated those restrictions by making or directing to be made the social media posts and posts on the campaign website described above. The posts unquestionably relate to known witnesses and prospective jurors in this criminal trial. The statements about witnesses (*supra* ¶¶ 8-13) concern those witnesses’ participation because they were made on the eve of trial in the context of defendant’s broader criticisms of the trial, and because they concern attacks on these witnesses’ credibility, including for events relevant to these criminal charges. And the April 17 post (*supra* ¶ 14) contains a statement about “any prospective juror” by expressly referencing prospective jurors who are undergoing jury selection in this proceeding.

18. Finally, defendant's violations are willful. Defendant is indisputably aware of the April 1 order and has recent experience in New York courts regarding the scope of orders restricting his extrajudicial statements. Indeed, defendant engaged in the above violations after this Court issued the order to show cause to hold defendant in criminal contempt; after the Court warned defendant on Monday that there was no exception in the orders allowing defendant to make statements about witnesses who defendant perceives to have attacked him; and after this Court made it "crystal clear" to defendant that it would not "tolerate" his gestures and statements to jurors in the courtroom. Defendant's decision to specifically target individuals whom this Court's order protects is a deliberate flouting of this Court's directives that warrants sanctions under Judiciary Law § 751.

WHEREFORE, the People respectfully request that the Court order defendant to show cause why he should not be held in criminal contempt of the Court's order restricting extrajudicial speech.

Dated: April 18, 2024
New York, New York

Respectfully submitted,



Christopher Conroy
Assistant District Attorney
Of Counsel

Exhibit A

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

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant

DECISION and ORDER

People's Motion for an
Order Restricting
Extrajudicial Statements

Indictment No. 71543-23

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

BACKGROUND

Defendant is charged with 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10. The charges arise from allegations that Defendant attempted to conceal an illegal scheme to influence the 2016 presidential election. Specifically, the People claim that Defendant directed an attorney who worked for his company to pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with Defendant. It is further alleged that Defendant thereafter reimbursed the attorney for the payments through a series of checks and caused business records associated with the repayments to be falsified to conceal his criminal conduct. Trial on this matter is scheduled to commence on April 15, 2024.

On February 22, 2024, the People filed the instant motion for an order restricting extrajudicial statements by Defendant for the duration of the trial. The restrictions sought are consistent, in part, with those upheld in the U.S. Court of Appeals for the D.C. Circuit in *United States v. Trump*, 88 F4th 990 [2023]. On March 4, 2024, Defendant filed a response in opposition, arguing that his speech may only be restricted by the application of a more strenuous standard than applied by the D.C. Circuit and that the People have failed to meet that standard in this case.

DISCUSSION

The freedom of speech guaranteed by the First Amendment and the State's interest in the fair administration of justice are implicated by the relief sought. The balancing of these interests must come with the highest scrutiny. "Properly applied, the test requires a court to make its own inquiry into the imminence and magnitude of the danger said to flow from the particular utterance

and then to balance the character of the evil, as well as the likelihood, against the need for free and unfettered expression.” *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 842-843 [1978]. The Court has an obligation to prevent outside influences, including extrajudicial speech, from disturbing the integrity of a trial. *Id. at 350-351*; *see also Sheppard v. Maxwell*, 384 U.S. 333 [1966].

With the standard set forth in *Landmark*, this Court has reviewed the record of prior extrajudicial statements attributed to Defendant as documented in Exhibits 1-16 of the People’s Motion for an Order Restricting Extrajudicial Statements. Notably, Defendant does not deny the utterance of any of those extrajudicial statements, or the reported effect those statements had on the targeted parties. Rather, Defendant argues that, as the “presumptive Republican nominee and leading candidate in the 2024 election” he must have unfettered access to the voting public to respond to attacks from political opponents and to “criticize these public figures.” *See* Defendant’s Opposition to Motion at pgs. 8-9. Yet these extrajudicial statements went far beyond defending himself against “attacks” by “public figures”. Indeed, his statements were threatening, inflammatory, denigrating, and the targets of his statements ranged from local and federal officials, court and court staff, prosecutors and staff assigned to the cases, and private individuals including grand jurors performing their civic duty. *See* People’s Exhibits 1-16. The consequences of those statements included not only fear on the part of the individual targeted, but also the assignment of increased security resources to investigate threats and protect the individuals and family members thereof. *See* People’s Exhibits 1-16; *Trump*, at 996-998. Such inflammatory extrajudicial statements undoubtedly risk impeding the orderly administration of this Court.

Defendant contends that continued compliance with the existing orders, referencing both this Court’s admonition at the start of the proceedings (*see* court transcript dated April 4, 2023) and the recent Protective Order issued on March 7, 2024, with respect to juror anonymity, is an effective, less restrictive alternative. He supports this position by noting that he has generally refrained from making extrajudicial statements about individuals associated with the instant case in marked contrast from the significant volume of social media posts and other statements targeting individuals involved in every other court proceeding reflected in the People’s submission.

This Court is unpersuaded. Although this Court did not issue an order restricting Defendant’s speech at the inception of this case, choosing instead to issue an admonition, given the nature and impact of the statements made against this Court and a family member thereof, the District Attorney and an Assistant District Attorney, the witnesses in this case, as well as the nature and impact of the extrajudicial statements made by Defendant in the D.C. Circuit case (which

resulted in the D.C. Circuit issuing an order restricting his speech), and given that the eve of trial is upon us, it is without question that the imminency of the risk of harm is now paramount. The Supreme Court in both *Nebraska Press Ass'n v. Stuart*, 427 US 539 [1976] and *Sheppard v. Maxwell*, 384 US 333, 363 [1966] holds that the court has the obligation to prevent actual harm to the integrity of the proceedings. When the fairness of the trial is threatened, “reversals are but palliatives; the cure lies in those remedial measures that will prevent the prejudice as its inception.” *Sheppard*, at 363. On the record submitted, and in keeping with its mandate, this Court need not wait for the realization of further proscribed speech targeted at the participants of this trial.¹

The People propose an additional restriction on speech with respect to prospective and sworn jurors. The restrictions sought are an extension of the previously issued protective order regarding juror anonymity. While the D.C. Circuit decision addressed only the risks of influencing witnesses and intimidating or harassing other trial participants in accordance with the lower court’s ruling, it nevertheless opined that “one of the most powerful interests supporting broad prohibitions on trial participants’ speech is to avoid contamination of the jury pool, to protect the impartiality of the jury once selected, to confine the evidentiary record before the jury to the courtroom, and to prevent intrusion on the jury’s deliberations.” *Trump*, 88 F.4th at 1020, citing *In Re Russell*, 726 F.2d 1007, 1009, 1010 [4th Cir 1984]. While the protective order related to juror anonymity prevents the dissemination of certain personal information, it is not sufficient to prevent extrajudicial speech targeting jurors and exposing them to an atmosphere of intimidation. The proposed restrictions relating to jurors are narrowly tailored to obtain that result.

The uncontested record reflecting the Defendant’s prior extrajudicial statements establishes a sufficient risk to the administration of justice consistent with the standard set forth in *Landmark*, and there exists no less restrictive means to prevent such risk.

¹ Defendant argues that references to speech targeted at individual prosecutors in the instant case do not substantiate their claims, adding that the People only cite posts which occurred in March and June 2023. See Defendant’s Motion pg. 14. Notably, within hours of the court appearance on March 25, 2024, setting the trial date for April 15, 2024, the Defendant targeted an individual prosecutor assigned to this case, referring to him as a “radical left from DOJ put into [...] the District Attorney’s Office to run the trial against Trump and that was done by Biden and his thugs” in a press conference. *C-SPAN, press conference video dated March 25, 2024, at minute 2:34.*

THEREFORE, it is hereby


ORDERED, that the People's motion for a restriction on extrajudicial statements by the Defendant is **GRANTED** to the extent that Defendant is directed to refrain from the following:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel or staff member, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

The foregoing constitutes the Decision and Order of the Court.

Dated: March 26, 2024
New York, New York

MAR 26 2024



Juan M. Merchan
Judge of the Court Claims
Acting Justice of the Supreme Court

HON. J. MERCHAN

Exhibit B

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

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant

DECISION and ORDER

People's Motion for
Clarification or Confirmation
of An Order Restricting
Extrajudicial Statements

Indictment No. 71543-23

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

BACKGROUND

Defendant is charged with 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10. The charges arise from allegations that Defendant attempted to conceal an illegal scheme to influence the 2016 presidential election. Specifically, the People claim that Defendant directed an attorney who worked for his company to pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with Defendant. It is further alleged that Defendant thereafter reimbursed the attorney for the payments through a series of checks and caused business records associated with the repayments to be falsified to conceal his criminal conduct. Trial on this matter is scheduled to commence on April 15, 2024.

On February 22, 2024, the People filed a motion for an order restricting extrajudicial statements by Defendant for the duration of the trial. The restrictions sought were consistent, in part, with those upheld in the U.S. Court of Appeals for the D.C. Circuit in *United States v. Trump*, 88 F4th 990 [2023]. On March 4, 2024, Defendant filed a response in opposition, arguing that his speech may only be restricted by the application of a more strenuous standard than applied by the D.C. Circuit and that the People had failed to meet that standard in this case.

On March 26, 2024, this Court issued its Decision and Order Restricting Extrajudicial Statements by Defendant.

On March 28, 2024, the People filed a pre-motion letter seeking clarification or confirmation of the Order as to whether it proscribes extrajudicial speech against family members of the Court, the District Attorney, and of all other individuals mentioned in the Order. Today, April 1, 2024,

Defendant filed his opposition to the People's motion. The People have today also filed a supplement to their pre-motion letter.

DISCUSSION

The Defendant has a constitutional right to speak to the American voters freely, and to defend himself publicly. The Order issued on March 26, 2024, was narrowly tailored to protect that right. To clarify, the Order *did not* proscribe Defendant's speech as it relates to the family members of the District Attorney or this Court. The Court now amends the March 26, 2024, Order to include the family members of this Court and of the District Attorney of New York County. This Decision and Order is equally narrowly tailored and in no way prevents Defendant from responding to alleged political attacks but does address Defendant's recent speech.

One day following the issuance of said Order, Defendant made several extrajudicial statements attacking a family member of this Court. Contrary to the position Defendant took in his opposition to the People's February 22, 2024 motion for an order restricting extrajudicial statements, i.e. that his statements "plainly constitute core political speech on matters of great public concern and criticism of major public figures," Defendant's opposition to 2/22/24 Motion, pgs. 8-9, this pattern of attacking family members of presiding jurists and attorneys assigned to his cases serves no legitimate purpose. It merely injects fear in those assigned or called to participate in the proceedings, that not only they, *but their family members as well*, are "fair game" for Defendant's vitriol.

Courts are understandably concerned about the First Amendment rights of a defendant, especially when the accused is a public figure. *U.S. v. Ford*, 830 F.2d 596 [1987]. That is because "the impact of an indictment upon the general public is so great that few defendants will be able to overcome it, much less turn it to their advantage." 29 Stan.L.Rev. 607, 611. The circumstances of the instant matter, however, are different. The conventional 'David vs. Goliath' roles are no longer in play as demonstrated by the singular power Defendant's words have on countless others. The threats to the integrity of the judicial proceeding are no longer limited to the swaying of minds but on the willingness of individuals, both private and public, to perform their lawful duty before this Court. This is evidenced by the People's representations that "multiple potential witnesses have already expressed grave concerns [...] about their own safety and that of their family members should they appear as witnesses against defendant." People's 3/28/24 Pre-Motion Letter. It is no longer just a mere possibility or a reasonable likelihood that there exists a threat to the integrity of the judicial proceedings. The threat is very real. Admonitions are not enough, nor is reliance on self-

restraint. The average observer, must now, after hearing Defendant's recent attacks, draw the conclusion that if they become involved in these proceedings, even tangentially, they should worry not only for themselves, *but for their loved ones as well*. Such concerns will undoubtedly interfere with the fair administration of justice and constitutes a direct attack on the Rule of Law itself. Again, all citizens, called upon to participate in these proceedings, whether as a juror, a witness, or in some other capacity, must now concern themselves not only with their own personal safety, but with the safety and the potential for personal attacks upon their loved ones. That reality cannot be overstated.

Defendant, in his opposition of April 1, 2024, desperately attempts to justify and explain away his dangerous rhetoric by "turning the tables" and blaming those he attacks. The arguments counsel makes are at best strained and at worst baseless misrepresentations which are uncorroborated and rely upon innuendo and exaggeration. Put mildly, the assortment of allegations presented as "facts" and cobbled together, result in accusations that are disingenuous and not rational. To argue that the most recent attacks, which included photographs, were "necessary and appropriate in the current environment," is farcical.

The People argue in their submission that Defendant's attacks, which include referring to a prosecution witness last week as "death", are based on "transparent falsehoods." People's 4/1/24 Supplement at pg. 2. The People provide a plethora of compelling arguments in support of their claim that Defendant's conduct is deliberate and intended to intimidate this Court and impede the orderly administration of this trial.

The People request in their submission of April 1, 2024, "that any order this Court enters clarifying or confirming the scope of its March 26 Order should also include the relief the People requested in our February 22 Motion for a Protective Order; namely, that defendant be expressly warned that any statutory right he may have to access to juror names will be forfeited by continued harassing or disruptive conduct." People's 4/1/24 Supplement at pg. 7. The Court at that time reserved decision on the People's motion. The People's motion is now **GRANTED**.

It remains this Court's fundamental responsibility to protect the integrity of the criminal process and to control disruptive influences in the courtroom. *See Sheppard v. Maxwell*, 384 U.S. 333 [1966]. "Neither prosecutors, counsel for defense, *the accused*, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function." *Id.* at 363 (emphasis added).

Consistent with the decision dated March 26, 2024, the uncontested record reflecting the Defendant's prior (and most recent), extrajudicial statements establishes a sufficient risk to the

administration of justice consistent with the standard set forth in *Landmark Communications, Inc. v. Virginia*, and there exists no less restrictive means to prevent such risk. 435 US 829, 842-843 [1978].

THEREFORE, Defendant is hereby put on notice that he will forfeit any statutory right he may have to access juror names if he engages in any conduct that threatens the safety and integrity of the jury or the jury selection process; and it is hereby

ORDERED, that the People's motion for clarification is **GRANTED**. The Court's Order of March 26, 2024, did not contemplate the family members of this Court or of the District Attorney. It is therefore not necessary for this Court to determine whether the statements were intended to materially interfere with these proceedings; and it is further

ORDERED, that the Court's Order of March 26, 2024, is amended as indicated below. Defendant is directed to refrain from:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel, staff member, the Court or the District Attorney, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

FURTHER, Defendant is hereby warned that any violation of this Order will result in sanctions under Judiciary Law §§ 750(A)(3) and 751.

The foregoing constitutes the Decision and Order of the Court.

Dated: April 1, 2024
New York, New York



John M. Merchant
Judge of the Court Claims
Acting Justice of the Supreme Court

APR 01 2024

HON. J. MERCHANT

Exhibit C

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

THE PEOPLE OF THE STATE OF NEW
YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**WARNING:
YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT**

Upon reading and filing the affirmation of Assistant District Attorney Christopher Conroy, dated April 15, 2024, and the exhibits annexed thereto, and good cause having been shown on the record before the Court, it is hereby:

ORDERED that pursuant to Judiciary Law § 750(A)(3), defendant Donald J. Trump show cause before the Supreme Court of the State of New York, County of New York, the Honorable Juan M. Merchan presiding, located at 100 Centre Street, Part 59, in Manhattan, on the 24th day of April, 2024, at 2:15 P.M. ~~9:30 a.m.~~, or as soon thereafter as counsel may be heard, why this Court should not issue an order granting the following relief:

1. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 10, 2024, at 10:07 a.m.;
2. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for

Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 10, 2024, at 10:48 a.m.;

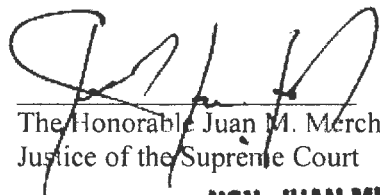
3. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 13, 2024, at 12:56 p.m.; and
4. granting such other relief as the Court deems just and proper; and it is further

ORDERED, that copies of this Order to Show Cause and Affirmation of Christopher Conroy, as well as the People's Memorandum in Support of the Motion for Contempt, shall be served personally on defendant and on Todd Blanche, counsel for the defendant, by email to todd.blanche@blanchelaw.com, on or before April 16, 2024, and that such be deemed due and sufficient service; and it is further

ORDERED, that any answering papers shall be served on the New York County District Attorney's Office by email to Assistant District Attorney Christopher Conroy, at conroyc@dany.nyc.gov, and filed with the Court according to the Protective Order and applicable Court directives governing the filing of materials, so that they are received in the District Attorney's Office on or before 5:00 p.m. on April 19, 2024.

Dated: April 15, 2024
New York, New York

ENTERED, **PART 59 APR 15 2024**



The Honorable Juan M. Merchan
Justice of the Supreme Court

HON. JUAN MERCHAN

Exhibit D

← Truth Details

277 replies

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Donald J. Trump ✓
@realDonaldTrump

"A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system"
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A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system

After an absurd \$450 million decision against Trump courtesy of AG Letitia James, Manhattan DA Alvin Bragg will bring his equally controversial criminal prosecution over hush money paid to Stormy D...

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Exhibit E

← Truth Details

188 replies

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Donald J. Trump ✓
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A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system

After an absurd \$450 million decision against Trump courtesy of AG Letitia James, Manhattan DA Alvin Bragg will bring his equally controversial criminal prosecution over hush money paid to Stormy D...

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🗨 Reply

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❤ Like



Exhibit F

TEXT TRUMP TO 88072



NEWS ABOUT TRUMP

CONTRIBUTE

SHOP

BACK TO NEWS

ICYMI: "A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system"

April 15, 2024



Read this up ed by Jonathan Turker in the New York Post [here](#)

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Exhibit G

← Truth Details

242 replies



Donald J. Trump
@realDonaldTrump

nypost.com/2024/04/14/opinion/...



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A serial perjurer will try to prove an old misdemeanor against Trump in an embarrassment for the New York legal system

After an absurd \$450 million decision against Trump courtesy of AG Letitia James, Manhattan DA Alvin Bragg will bring his equally controversial criminal prosecution over hush money paid to Stormy D...

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Donald J. Trump
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AND, WHICH'S WORSE? THE DOGS AND THE CATS Trump Committed Campaign-Finance Crimes

By Andrew C. McCarthy



Karen Cohen, the former personal secretary of President Donald Trump, is seen to testify before the Senate Committee on Oversight and Reform on Tuesday, April 10, 2024, in Washington, D.C. (Photo by AP/Wide World)

The ranking member in charge of the House Budget Committee is asking about the former president.

...We could conclude that there was no campaign-finance scandal, but let's say because Cohen pled guilty to these government-crime things by Trump, then Justice Department.

What to think?

Obviously, if it were true that the judgment of the Justice Department and the attorney general's SDNY prosecutors were equivalent, then the case against Trump should be considered closed right now. It's not enough to conclude the case against Cohen is closed because she pled guilty once a year crime was in the mix, it was a crime against no one more than she, and she pled guilty to her own campaign offenses, as such offenses, or something in between.

In addition to the bank fraud, Cohen pled guilty to five counts of tax evasion, each carrying a potential five-year prison term. By the Justice Department's description, these felonies involved over \$4 million in unreported income. The evidence of other SDNY cases "The Tax Evasion Scheme" revealed four years of this case to show generally that the fraud scheme would have been the same except within with the SDNY indicted a double indictment. That was the heart of the other prosecution.

This is why Cohen pled guilty. How is it that a year of a crime is a year. And it is common when a suspect is in a difficult position, to plea to something in all to become more easily a witness for the government. Why? Because under the federal sentencing guidelines, if the government can be persuaded to file a plea agreement, the sentencing is reduced. The defendant has to plead guilty to the crime, but the prosecution or prosecution of other suspects, especially suspects like me in the food chain, to help reduce the total sentence, the sentencing, which would impose a sentence of no jail time — or, at least, minimal jail time.

Cohen was being so self-defensive, as a cop. But here's the problem: The gas the prosecution would demand from Trump and Trump would be completed in any of the tax and bank fraud schemes at some point. Cohen's case.

...But the prosecutors did have to go over a hurdle. So they had the entire case to be "not in the public interest" that they were guilty to these campaign-finance felonies (the DeLoach and McLaughlin SDNY), implicating Trump in the underlying schemes, and that's another problem in respect to an agreement.

It was a no-risk operation on both sides. For Cohen, the campaign finance crime was what she and the other campaign finance involved in the use of money that were never compared to the four counts. They would thus have an indirect impact on other systems was involved. Now in the present, this was going to be combined together, and this was to be self-

...and Cohen, the former secretary of President Donald Trump, is seen to testify before the Senate Committee on Oversight and Reform on Tuesday, April 10, 2024, in Washington, D.C. (Photo by AP/Wide World)

At the time, Cohen was a Democrat, remember Cohen being admitted by Trump to make a speech. As I said, Cohen didn't talk to me, telling Trump, the campaign-finance scandal was a scandal. I'm not sure if Cohen, the principal of the crime, Cohen, the poor sap today, has already self-implicated something.

And what about the involvement in the campaign finance that Cohen, right?

Please. First, even if the argument could be taken seriously (it can't), Cohen's campaign-finance law is quite different from anything else. Cohen is in the position of a donor of alleged illegal contributions to the campaign. The law is a ban on illegal financial funds, the latter is not. However, when the illegal financial contributions are primarily campaign-related — i.e., when it is estimated, for purposes of the statute, would have been used for campaign purposes, as opposed to other purposes, campaign purposes such as paying a debt — then the intent of the statute would be very different from that of the statute. Even if the statute is intended to be the statute provided in the statute, the statute was, since Cohen, a Trump prosecutor, would have made a very bad job of it. For a statute could be motivated by whatever they have to believe the expenses in question. For Trump extends the statute to the agreements were to spare the wife, his family, and his reputation from punishment. A campaign finance crime, people and businesses with a lot to lose under law and probably for NDAA.

Now, here's why the crime is a crime. Cohen's case is a crime.

While the attempts would be to be a check on the statute. The statute, Cohen did not plead guilty in federal court because of campaign-finance violations, which were made an open public affair. Cohen pleaded guilty because the SDNY had him dead to rights on serious fraud charges.

guilty, even better, in pleading guilty, Cohen would also want the right to appeal. As the statute would be applied in the case, it could be, Cohen's campaign-finance crime would not be reviewed by the Supreme Court.

...Cohen did not get his cooperation agreement (even after upping the ante by agreeing to plead to a perjury charge in the Cohen investigation) and was sentenced to three years and lifetime terms of his funds. He made the SDNY in the "mass" line, and he has no "sympathy" in Cohen's guilty after all of the tax evasion charges to which he pled guilty — a just as if he had any further serious financial problems, witness for Cohen, but must also be a source of at least some embarrassment for those who may argue that the campaign-finance crime occurred because Cohen admitted to them when he pled guilty.

As for the SDNY, after a great deal of effort, prosecutors dropped the campaign-finance investigation of Trump because the case just wasn't there — at least not in the public interest, as prosecutors would say.

ANSWER: WHY ARE YOU ASKING? GILAN AT National Review Institute on NR commission chair, and author of [GILAN: THE CASE FOR CONSTITUTIONAL PROTECTION AGAINST UNLAWFUL AND UNCONSTITUTIONAL](#) [INVESTIGATION](#) (Southwest Publishing)

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“They are catching undercover Liberal Activists lying to the Judge in order to get on the Trump Jury,” Jesse Watters

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