

Jury Deliberation - Re-charge

4909

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK - CRIMINAL TERM - PART: 59  
----- X

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  
May 30, 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:

FOR THE PEOPLE:

ALVIN BRAGG, JR., ESQ.  
DISTRICT ATTORNEY, NEW YORK COUNTY  
One Hogan Place  
New York, New York 10013

BY: JOSHUA STEINGLASS, ESQ.  
MATTHEW COLANGELO, ESQ.  
SUSAN HOFFINGER, ESQ.  
CHRISTOPHER CONROY, ESQ.  
BECKY MANGOLD, ESQ.  
KATHERINE ELLIS, ESQ.

Assistant District Attorneys

BLANCHE LAW

BY: TODD BLANCHE, ESQ.  
EMIL BOVE, ESQ.  
KENDRA WHARTON, ESQ.

NECHELES LAW, LLP

BY: SUSAN NECHELES, ESQ.  
GEDALIA STERN, ESQ.

Attorneys for the Defendant

SUSAN PEARCE-BATES, RPR, CSR, RSA  
Principal Court Reporter  
LAURIE EISENBERG, RPR, CSR  
LISA KRAMSKY  
THERESA MAGNICCARI  
Senior Court Reporters

Susan Pearce-Bates, RPR, CCR, RSA  
Principal Court Reporter

1 SERGEANT: All rise.

2 Part 59 is now in session. The Honorable Juan  
3 Merchan is presiding.

4 THE COURT: You may be seated.

5 THE CLERK: This is The People of the State of  
6 New York against Donald J. Trump. Indictment 71543 of '23.  
7 Appearances, starting with the People.

8 MR. STEINGLASS: For the People, ADAs Joshua  
9 Steinglass, Matthew Colangelo, Susan Hoffinger, Becky  
10 Mangold, Christopher Conroy, Katherine Ellis.

11 Good morning, everyone.

12 THE COURT: Good morning.

13 MR. BLANCHE: Good morning, Your Honor.

14 Todd Blanche, and I am joined by Emil Bove, Susan  
15 Necheles, and Kendra Wharton, and President Trump to my  
16 left.

17 Good morning.

18 THE COURT: Good morning.

19 Good morning, Mr. Trump.

20 So, as promised, I did review the disputed  
21 sections of read-back, and I sent you an email this morning  
22 telling you what I had decided.

23 In substance, I determined that all of the areas  
24 that were in dispute, which at this point weren't really  
25 very many, they should all come in.

1           Subsequent to that, I received another email  
2 suggesting that if I was going to include one section, that  
3 I should include another; and my position is that you  
4 should as well.

5           Anything that either one of you would like to put  
6 on the record regarding that?

7           MR. STEINGLASS: No thank you, Judge.

8           MR. BLANCHE: No, your Honor.

9           THE COURT: So, I think we are ready for the read  
10 back.

11           We did receive another note that I would like to  
12 put on the record. It's marked as Court Exhibit Number 6,  
13 signed by the Jury Foreperson at 9:32 this morning, and it  
14 says:

15           We, the jury, request:

16           First, that the read-back of the instructions  
17 begin with the description of how the jury considers the  
18 evidence and what inferences can be drawn from the facts,  
19 example, rain metaphor, through the description of the law  
20 with respect to Count 1.

21           As I see it, what they are asking then is for me  
22 to begin on Page 7 and continue to Page 35.

23           MR. BLANCHE: We agree.

24           THE COURT: You agree?

25           MR. BLANCHE: Yes.

1 MR. STEINGLASS: Do you want to start on Page 6?

2 MR. BLANCHE: I guess the only question is  
3 whether to start on Page 6, instead of 7, where the charge  
4 starts, Evidence. They certainly pointed to Page 7, which  
5 is the window, rain example, but they don't have a hard  
6 copy of the --

7 THE COURT: We can start on Page 6, that's fine.  
8 And then there was a second request:

9 Whether or not we can be provided with headphones  
10 with a 3.5 MM input jack for use with the evidence laptop.

11 I confirmed that we can provide them with such  
12 headphones, and I am also told that we can provide them  
13 with speakers that they can connect to the computer. This  
14 way they can all listen to it at the same time, which they  
15 can not do if they have headphones.

16 MR. STEINGLASS: We would just suggest both.

17 MR. BLANCHE: Agreed.

18 THE COURT: All right.

19 Okay. If there is nothing else to clarify, let's  
20 bring in the jury.

21 MR. STEINGLASS: I don't think the Court  
22 Reporters have the last thing added this morning. I just  
23 want to put that on the record, if you give me one minute,  
24 please.

25 So, we are adding Page 1481, Line 4 through Page

1 1482, Line 25. There was a piece of that that was already  
2 there, but it's now a more fulsome section.

3 Okay.

4 MR. BLANCHE: And we agree with that.

5 MR. STEINGLASS: May I, for the record, both  
6 parties were given a copy of Court Exhibit 6, which is a  
7 note from this morning and signed at 9:32 am.

8 It is the one that your Honor just read into the  
9 record.

10 THE COURT: Yes. Thank you for you acknowledging  
11 receipt.

12 And I read it correctly?

13 MR. BLANCHE: Yes, your Honor.

14 THE COURT: Yesterday, at the end of the day I  
15 mentioned that the laptop did not have Wi-Fi capability. I  
16 wasn't sure that was put on the record.

17 You both acknowledge that you heard that?

18 MR. BLANCHE: Yes.

19 MS. HOFFINGER: Yes.

20 MR. STEINGLASS: Yes.

21 THE COURT: Okay.

22 You can bring in the jury now.

23 SERGEANT: All rise.

24 Jury entering.

25 (Whereupon, the jury entered the courtroom

1 and were properly seated.)

2 THE COURT: Please be seated.

3 THE CLERK: Do all parties stipulate that all  
4 jurors are present and properly seated?

5 MR. STEINGLASS: Yes.

6 MR. BLANCHE: Yes.

7 THE CLERK: Thank you.

8 THE COURT: Good morning, Jurors.

9 Welcome back.

10 Jurors, it has been a little bit since I last  
11 read your two notes from yesterday, so I am going to  
12 re-read them now.

13 First note was signed by the Jury Foreperson at  
14 2:56. It was marked as Court Exhibit Number 4, and it  
15 says: We, the Jury, request:

16 First, David Pecker's testimony regarding the  
17 phone conversation to Donald Trump while David Pecker was  
18 in the investor meeting.

19 Two, David Pecker's testimony regarding the  
20 decision not to finalize and fund the assignment of  
21 McDougal's life rights.

22 Three, David Pecker's testimony regarding the  
23 Trump Tower meeting.

24 And four, Michael Cohen's testimony regarding  
25 Trump Tower meeting.

1           Okay. We have located that testimony, and we are  
2 ready to read it back to you in just one moment.

3           You also sent us another note which was signed by  
4 the Jury Foreperson at 3:51. It was marked as Court  
5 Exhibit 5.

6           It says:

7           We, the jury, request to re-hear Judge's  
8 instructions.

9           I then asked if you wanted to hear the entire set  
10 of instruction or just a portion of it.

11           And this morning you gave us another note. That  
12 note has been marked as Court Exhibit Number 6, and it is  
13 signed by the Jury Foreperson at 9:32. And it says:

14           We, the jury, request that the read back of the  
15 instructions begin with the description of how the jury  
16 considers the evidence and what inferences can be drawn  
17 from the facts, for example, the rain metaphor, through the  
18 description of the law with respect to Count 1.

19           Did I read that correctly, Mr. Foreperson?

20           JURY FOREPERSON: Yes, sir.

21           THE COURT: So, Mr. Foreperson, should I assume  
22 that you no longer need to deal with Court Exhibit Number  
23 5, that this replaces Court Exhibit Number 5?

24           JURY FOREPERSON: Yes.

25           THE COURT: There was a second request on this

1 note, and that is:

2 Whether or not we can be provided with headphones  
3 with a 3.5 MM input jack for use of the evidence laptop.

4 Did I read that correctly, Mr. Foreperson?

5 JURY FOREPERSON: Yes.

6 THE COURT: I am told that, yes, you can be  
7 provided with such a headphone, but I am also told that you  
8 can be provided with speakers that can be connected to the  
9 laptop so that more than one person can listen to it at a  
10 time.

11 The choice is yours. I am letting you know you  
12 have the choice to make. And just let me know later, send  
13 me another note, you don't have to come back out, let me  
14 know if you want the headphones or the speakers.

15 Ordinarily, I read the notes in the order in  
16 which they come out. But I wanted to ask whether you  
17 wanted the instructions read back first or you wanted the  
18 read-back first?

19 JURY FOREPERSON: The instructions first, please,  
20 your Honor.

21 THE COURT: Okay.

22 So, the instructions will be Pages 6 through 35.

23 When you judge the facts, you are to consider  
24 only the evidence.

25 The evidence in this case includes:

1           The testimony of the witnesses, the exhibits that  
2           were received in evidence, and the stipulations agreed to  
3           by the parties.

4           Remember, a stipulation is information the  
5           parties have agreed to present to the jury as evidence,  
6           without calling a witness to testify.

7           Testimony which was stricken from the record or  
8           to which an objection was sustained must be disregarded by  
9           you.

10          Exhibits that were received in evidence are  
11          available, upon your request, for your inspection and  
12          consideration.

13          Exhibits that were just seen during the trial, or  
14          marked for identification but not received in evidence, are  
15          not evidence, and are thus not available for your  
16          inspection and consideration.

17          Testimony based upon those exhibits that were not  
18          received in evidence may be considered by you.

19          In evaluating the evidence, you may consider any  
20          fact that is proven and any inference which may be drawn  
21          from such fact.

22          To draw an inference means to infer, find,  
23          conclude that a fact exists or does not exist based upon  
24          proof of some other fact or facts.

25          For example, suppose you go to bed one night and

1 it is not raining, and when you wake up in the morning, you  
2 look out your window. You do not see rain, but you see  
3 that the street and sidewalk are wet, and that people are  
4 wearing raincoats and carrying umbrellas. Under those  
5 circumstances, it may be reasonable to infer, that is  
6 conclude, that it rained during the night.

7 In other words, the fact of it having rained  
8 while you were asleep is an inference that might be drawn  
9 from the proven facts of the presence of the water on the  
10 street and sidewalk, and people in raincoats and carrying  
11 umbrellas.

12 An inference must only be drawn from a proven  
13 fact or facts, and then, only if the inference flows  
14 naturally, reasonably and logically from the proven fact or  
15 facts, not if it is speculative.

16 Therefore, in deciding whether to draw an  
17 inference, you must look at and consider all the facts in  
18 light of reason, common sense and experience.

19 As you know, certain exhibits were admitted into  
20 evidence with some portions blacked out or redacted. Those  
21 redactions were made to remove personal identifying  
22 information and to ensure that only relevant admissible  
23 evidence was put before you.

24 You may not speculate as to what material was  
25 redacted or why, and you may not draw any inference,

1 favorable or unfavorable against either party, from the  
2 fact that certain material has been redacted.

3 You may recall that I instructed you several  
4 times during the trial that certain exhibits were being  
5 accepted into evidence for a limited purpose only, and that  
6 you were not to consider that evidence for any other  
7 purpose.

8 Under the law we refer to that as a limiting  
9 instruction. I will now remind you of some of the limiting  
10 instructions that you were given during the course of the  
11 trial.

12 You will recall that you heard testimony that  
13 while David Pecker was an executive at AMI, AMI entered  
14 into a Non-Prosecution Agreement with Federal prosecutors,  
15 as well as the Conciliation Agreement with the Federal  
16 Election Commission, the FEC. I remind you that evidence  
17 was permitted to assist you, the jury, in assessing David  
18 Pecker's credibility and to help provide context for some  
19 of the surrounding events. You may consider that testimony  
20 for those purposes only.

21 Neither the Non-Prosecution Agreement, nor the  
22 Conciliation Agreement is evidence of the Defendant's  
23 guilt, and you may not consider them in determining whether  
24 the Defendant is guilty or not guilty of the charged  
25 crimes.

1           You also heard testimony that the Federal  
2 Election Commission conducted an investigation into the  
3 payment to Stormy Daniels and of responses submitted by  
4 Michael Cohen and his attorneys to the investigation. That  
5 evidence was permitted to assist you, the jury, in  
6 assessing Michael Cohen's credibility and to help provide  
7 context for some of the surrounding events. You may  
8 consider that evidence for those purposes only.

9           Likewise, you will recall that you heard  
10 testimony that Michael Cohen pled guilty to violating the  
11 Federal Election Campaign Act, otherwise known as FECA. I  
12 remind you that evidence was permitted to assist you, the  
13 jury, in assessing Mr. Cohen's credibility as a witness and  
14 to help provide context for some of the events that  
15 followed. You may consider that testimony for those  
16 purposes only.

17           Neither the fact of the FEC investigation,  
18 Mr. Cohen and his attorney's responses, or the fact that  
19 Mr. Cohen pleaded guilty constitutes evidence of the  
20 Defendant's guilt, and you may not consider them in  
21 determining whether the Defendant is guilty or not guilty  
22 of the charged crimes.

23           You will recall that certain Wall Street Journal  
24 news articles were accepted into evidence during the trial.  
25 I remind you now that the articles were accepted and may be

1 considered by you for the limited purpose of demonstrating  
2 that the articles were published on or about a certain date  
3 and to provide context for the other evidence.

4 The exhibits may not be considered by you as  
5 evidence that any of the assertions in the articles are  
6 actually true.

7 There were other exhibits which contained hearsay  
8 and were not accepted for the truth of the matter asserted  
9 but for another purpose.

10 For example, there were several National Enquirer  
11 headlines and an invoice from Investor Advisory Services  
12 which is People's 161 in evidence. Those were accepted for  
13 the limited purpose of demonstrating that the articles were  
14 published and the document created.

15 There were also some text messages that were  
16 accepted with a similar limitation.

17 For example, People's Exhibit 171-A with respect  
18 to Gina Rodriguez's texts and 257 with respect to Chris  
19 Cuomo's texts, those text messages were accepted for the  
20 limited purpose of providing context for the responses by  
21 Dylan Howard and Michael Cohen.

22 The exhibits which were accepted into evidence  
23 with a limiting instruction are 152, 153-A, 153-B, 153-C,  
24 161, 171-A, 180, 181 and 257.

25 If you have any additional questions or need

1 clarification as to which exhibits were accepted into  
2 evidence with limitations, just send me a note with your  
3 question, and I will be happy to clarify.

4 We now turn to the fundamental principles of our  
5 law that apply in all criminal trials: The presumption of  
6 innocence, the burden of proof, and the requirement of  
7 proof beyond a reasonable doubt.

8 Throughout these proceedings, the Defendant is  
9 presumed to be innocent. As a result, you must find the  
10 Defendant not guilty, unless, on the evidence presented at  
11 this trial, you conclude that the People have proven the  
12 Defendant guilty beyond a reasonable doubt.

13 In determining whether the People have satisfied  
14 their burden of proving the Defendant's guilt beyond a  
15 reasonable doubt, you may consider all of the evidence  
16 presented, whether by the People or by the Defendant.

17 In doing so, however, remember that even though  
18 the Defendant introduced evidence, the burden of proof  
19 remains on the People.

20 The fact that the Defendant did not testify is  
21 not a factor from which any inference unfavorable to the  
22 Defendant may be drawn.

23 The Defendant is not required to prove that he is  
24 not guilty. In fact, the Defendant is not required to  
25 prove or disprove anything.

1           To the contrary, the People have the burden of  
2 proving the Defendant guilty beyond a reasonable doubt.  
3 That means, before you can find the Defendant guilty of a  
4 crime, the People must prove beyond a reasonable doubt  
5 every element of the crime including that the Defendant is  
6 the person who committed that crime.

7           The burden of proof never shifts from the People  
8 to the Defendant.

9           If the People fail to satisfy their burden of  
10 proof, you must find the Defendant not guilty, and if the  
11 People satisfy their burden of proof, you must find the  
12 Defendant guilty.

13           What does our law mean when it requires proof of  
14 guilt beyond a reasonable doubt?

15           The law uses the term of proof beyond a  
16 reasonable doubt to tell you how convincing the evidence of  
17 guilt must be to permit a verdict of guilty.

18           The law recognizes that in dealing with human  
19 affairs, there are very few things in this world that we  
20 know with absolute certainty. Therefore, the law does not  
21 require the People to prove a defendant guilty beyond all  
22 possible doubt.

23           On the other hand, it is not sufficient to prove  
24 that the Defendant is probably guilty. In a criminal case,  
25 the proof of guilt must be stronger than that. It must be

1       beyond a reasonable doubt.

2               A reasonable doubt is an honest doubt of the  
3       Defendant's guilt for which a reason exists based upon the  
4       nature and the quality of the evidence. It is an actual  
5       doubt, not an imaginary doubt. It is a doubt that a  
6       reasonable person, acting in a matter of this importance  
7       would be likely to entertain because of the evidence that  
8       was presented or because of the lack of convincing  
9       evidence.

10              Proof of guilt beyond a reasonable doubt is proof  
11       that leaves you so firmly convinced of the Defendant's  
12       guilt, that you have no reasonable doubt of the existence  
13       of any element of the crime or of the Defendant's identity  
14       as the person who committed the crime.

15              In determining whether the People have proven the  
16       Defendant's guilt beyond a reasonable doubt, you should be  
17       guided solely by a full and fair evaluation of the  
18       evidence.

19              After carefully evaluating the evidence, each of  
20       you must decide whether that evidence convinces you beyond  
21       a reasonable doubt of the Defendant's guilt.

22              Whatever your verdict may be, it must not rest  
23       upon baseless speculation. Nor may it be influenced in any  
24       way by bias, prejudice, sympathy, or by a desire to bring  
25       an end to your deliberations or to avoid an unpleasant

1 duty.

2 If you are not convinced beyond a reasonable  
3 doubt that the Defendant is guilty of a charged crime, you  
4 must find the Defendant not guilty of that crime, and if  
5 you are convinced beyond a reasonable doubt that the  
6 Defendant is guilty of a charged crime, you must find the  
7 Defendant guilty of that crime.

8 As judges of the facts, you alone determine the  
9 truthfulness and accuracy of the testimony of each witness.

10 You must decide whether a witness told the truth  
11 and was accurate, or instead, testified falsely or was  
12 mistaken.

13 You must also decide what importance to give to  
14 the testimony you accept as truthful and accurate.

15 It is the quality of the testimony that is  
16 controlling, not the number of witnesses who testified.

17 If you find that any witness has intentionally  
18 testified falsely as to any material fact, you may  
19 disregard that witness's entire testimony, or you may  
20 disregard so much of it as you find was untruthful and  
21 accept so much of it as you find to have been truthful and  
22 accurate.

23 There is no particular formula for evaluating the  
24 truthfulness and accuracy of another person's statements or  
25 testimony. You bring to this process all of your varied

1 experiences. In life, you frequently decide the  
2 truthfulness and accuracy of statements made to you by  
3 other people. The same factors used to make those  
4 decisions should be used in this case when evaluating the  
5 testimony.

6 Some of the factors that you may wish to consider  
7 in evaluating testimony of a witness are as follows:

8 Did the witness have an opportunity to see or  
9 hear the events about which he or she testified?

10 Did the witness have the ability to recall those  
11 events accurately?

12 Was the testimony of the witness plausible and  
13 likely to be true, or was it implausible and not likely to  
14 be true?

15 Was the testimony of the witness consistent or  
16 inconsistent with other testimony or evidence in the case?

17 Did the manner in which the witness testified  
18 reflect upon the truthfulness of that witness's testimony?

19 To what extent, if any, did the witness's  
20 background, training, education or experience affect the  
21 believability of that witness's testimony?

22 Did the witness have a conscious bias, hostility  
23 or some other attitude that affected the truthfulness of  
24 the witness's testimony?

25 Did the witness show an unconscious bias, that

1 is, a bias that the witness may have even unknowingly  
2 acquired from stereotypes and attitudes about people or  
3 groups of people, and if so, did that unconscious bias  
4 impact that witness's ability to be truthful and accurate?

5 You may consider whether a witness had, or did  
6 not have, a motive to lie.

7 If a witness had a motive to lie, you may  
8 consider whether and to what extent, if any, that motive  
9 affected the truthfulness of that witness's testimony.

10 If a witness did not have a motive to lie, you  
11 may consider that as well in evaluating the witness's  
12 truthfulness.

13 You may consider whether a witness hopes for or  
14 expects to receive a benefit for testifying. If so, you  
15 may consider whether and to what extent it affected the  
16 truthfulness of the witness's testimony.

17 You may consider whether a witness has any  
18 interest in the outcome of the case, or instead, whether  
19 the witness has no such interest.

20 You are not required to reject the testimony of  
21 an interested witness, or to accept the testimony of a  
22 witness who has no interest in the outcome of the case.

23 You may, however, consider whether an interest in  
24 the outcome, or the lack of such interest, affected the  
25 truthfulness of the witness's testimony.

1           You may consider whether a witness has been  
2 convicted of a crime or has engaged in criminal conduct,  
3 and if so, whether and to what extent it affects your  
4 evaluation of the truthfulness of that witness's testimony.

5           You are not required to reject the testimony of a  
6 witness who has been convicted of a crime or who has  
7 engaged in criminal conduct, or to accept the testimony of  
8 a witness who has not.

9           You may, however, consider whether a witness's  
10 criminal conviction or conduct has affected the  
11 truthfulness of the witness's testimony.

12           You may consider whether a witness made  
13 statements at this trial that are inconsistent with each  
14 other.

15           You may consider whether a witness made previous  
16 statements that are inconsistent with his or her testimony  
17 at trial.

18           You may consider whether a witness testified to a  
19 fact here at trial that the witness omitted to state at a  
20 prior time, when it would have been reasonable and logical  
21 for the witness to have stated that fact. In determining  
22 whether it would have been reasonable and logical for the  
23 witness to have stated the omitted fact, you may consider  
24 whether the witness's attention was called to the matter,  
25 and whether the witness was specifically asked about it.

1           If a witness has made such inconsistent  
2 statements or omissions, you may consider whether and to  
3 what extent they affect the truthfulness or accuracy of  
4 that witness's testimony here at this trial.

5           The contents of a prior inconsistent statement  
6 are not proof of what happened. You may use evidence of a  
7 prior inconsistent statement only to evaluate the  
8 truthfulness or accuracy of the witness's testimony here at  
9 trial.

10          You may consider whether a witness's testimony is  
11 consistent with the testimony of other witnesses or with  
12 other evidence in the case.

13          If there were inconsistencies by or among  
14 witnesses, you may consider whether they were significant  
15 inconsistencies related to important facts, or instead were  
16 the kind of minor inconsistencies that one might expect  
17 from multiple witnesses to the same event.

18          You have heard testimony about the prosecution  
19 and defense counsel speaking to a witness about the case  
20 before the witness testified at this trial.

21          The law permits the prosecution and defense  
22 counsel to speak to a witness about the case before the  
23 witness testifies, and permits the prosecutor and defense  
24 counsel to review with the witness the questions that will  
25 or may be asked at trial, including the questions that may

1 be asked on cross-examination.

2 You have also heard testimony that a witness read  
3 or reviewed certain materials pertaining to this case  
4 before the witness testified at trial. The law permits a  
5 witness to do so.

6 Speaking to a witness about his or her testimony  
7 and permitting the witness to review materials pertaining  
8 to the case before the witness testifies is a normal part  
9 of preparing for trial.

10 It is not improper as long as it is not suggested  
11 that the witness depart from the truth.

12 The People have the burden of proving beyond a  
13 reasonable doubt, not only that a charged crime was  
14 committed, but that the Defendant is the person who  
15 committed that crime.

16 Thus, even if you are convinced beyond a  
17 reasonable doubt that a charged crime was committed by  
18 someone, you cannot convict the Defendant of that crime  
19 unless you are also convinced beyond a reasonable doubt  
20 that he is the person who committed that crime.

21 Under our law, Michael Cohen is an accomplice  
22 because there is evidence that he participated in a crime  
23 based upon conduct involved in the allegations here against  
24 the Defendant.

25 Our law is especially concerned about the

1 testimony of an accomplice who implicates another in the  
2 commission of a crime, particularly when the accomplice has  
3 received, expects or hopes for a benefit in return for his  
4 testimony.

5 Therefore, our law provides that a defendant may  
6 not be convicted of any crime upon the testimony of an  
7 accomplice, unless it is supported by corroborative  
8 evidence tending to connect the Defendant with the  
9 commission of that crime.

10 In other words, even if you find the testimony of  
11 Michael Cohen to be believable, you may not convict the  
12 Defendant solely upon that testimony unless you also find  
13 that it was corroborated by other evidence tending to  
14 connect the Defendant with the commission of the crime.

15 The corroborative evidence need not, by itself,  
16 prove that a crime was committed or that the Defendant is  
17 guilty. What the law requires is that there be evidence  
18 that tends to connect the Defendant with the commission of  
19 the crime charged in such a way as may reasonably satisfy  
20 you that the accomplice is telling the truth about the  
21 Defendant's participation in that crime.

22 In determining whether there is the necessary  
23 corroboration, you may consider whether there is material,  
24 believable evidence, apart from the testimony of Michael  
25 Cohen, which itself tends to connect the Defendant to the

1 commission of the crime.

2 You may also consider whether there is material,  
3 believable evidence, apart from the testimony of Michael  
4 Cohen, which, while it does not itself tend to connect the  
5 Defendant with the commission of the crime charged, it  
6 nonetheless so harmonizes with the narrative of the  
7 accomplice as to satisfy you that the accomplice is telling  
8 the truth about the Defendant's participation in the crime  
9 and thereby tends to connect the Defendant to the  
10 commission of the crime.

11 I will now instruct you on the law applicable to  
12 the charged offense. That offense is Falsifying Business  
13 Records in the First Degree, 34 counts.

14 Our law recognizes that two or more individuals  
15 can act jointly to commit a crime, and that in certain  
16 circumstances, each can be held criminally liable for the  
17 acts of the others. In that situation, those persons can  
18 be said to be, acting in concert with each other.

19 Our law defines the circumstance under which one  
20 person may be criminally liable for the conduct of another.

21 That definition is as follows:

22 When one person engages in conduct which  
23 constitutes an offense, another is criminally liable for  
24 such conduct when, acting with the state of mind required  
25 for the commission of that offense, he or she solicits,

1 requests, commands, importunes, or intentionally aids such  
2 person to engage in such conduct.

3 Under that definition, mere presence at the scene  
4 of a crime, even with knowledge that the crime was taking  
5 place, or mere association with a perpetrator of a crime,  
6 does not by itself make a defendant criminally liable for  
7 that crime.

8 In order for the Defendant to be held criminally  
9 liable for the conduct of another which constitutes an  
10 offense, you must find beyond a reasonable doubt:

11 First, that he solicited, requested, commanded  
12 importuned, or intentionally aided that person to engage in  
13 that conduct.

14 And second, that he did so with the state of mind  
15 required for the commission of the offense.

16 If it is proven beyond a reasonable doubt that  
17 the Defendant is criminally liable for the conduct of  
18 another, the extent or degree of the defendant's  
19 participation in the crime does not matter.

20 A defendant proven beyond a reasonable doubt to  
21 be criminally liable for the conduct of another in the  
22 commission of crime is as guilty of the crime as if the  
23 Defendant, personally, had committed every act constituting  
24 that crime.

25 The People have the burden of proving beyond a

1 reasonable doubt that the Defendant acted with the state of  
2 mind required for the commission of the crime, and either  
3 personally, or by acting in concert with another person,  
4 committed each of the remaining elements of the crime.

5 Your verdict on each count you consider, whether  
6 guilty or not guilty, must be unanimous. In order to find  
7 the Defendant guilty, however, you need not be unanimous on  
8 whether the Defendant committed the crime personally, or by  
9 acting in concert with another, or both.

10 The First Count is Falsifying Business Records in  
11 the First Degree:

12 Under our law, a person is guilty of Falsifying  
13 Business Records in the First Degree when, with intent to  
14 defraud that includes an intent to commit another crime or  
15 to aid or conceal the commission thereof, that person:

16 Makes or causes a false entry in the business  
17 records of an enterprise.

18 The following terms used in that definition have  
19 a special meaning:

20 Enterprise means any entity of one or more  
21 persons, corporate or otherwise, public or private, engaged  
22 in business, commercial, professional, industrial, social,  
23 political or governmental activity.

24 Business record means any writing or article,  
25 including computer data or a computer program, kept or

1 maintained by an enterprise for the purpose of evidencing  
2 or reflecting its condition or activity.

3 Intent means conscious objective or purpose.

4 Thus, a person acts with intent to defraud when  
5 his or her conscious objective or purpose is to do so.

6 Intent does not require premeditation. In other  
7 words, intent does not require advance planning. Nor is it  
8 necessary that the intent be in a person's mind for any  
9 particular period of time.

10 The intent can be formed, and need only exist, at  
11 the very moment the person engages in prohibited conduct or  
12 acts to cause the prohibited result and not at any earlier  
13 time.

14 The question naturally arises as to how to  
15 determine whether a defendant had the intent required for  
16 the commission of a crime.

17 To make that determination in this case, you must  
18 decide if the required intent can be inferred beyond a  
19 reasonable doubt from the proven facts.

20 In doing so, you may consider the person's  
21 conduct and all of the circumstances surrounding that  
22 conduct, including, but not limited to, to the following:

23 What, if anything, did the person do or say?

24 What result, if any, followed the person's  
25 conduct?

1           And was that result the natural, necessary and  
2           probable consequence of that conduct.

3           Therefore, in this case, from the facts you find  
4           to have been proven, decide whether you can infer beyond a  
5           reasonable doubt that the Defendant had the intent required  
6           for the commission of this crime.

7           As I previously explained, a person acts with  
8           intent to defraud when his or her conscious objective or  
9           purpose is to do so.

10           In order to prove an intent to defraud, the  
11           People need not prove that the Defendant acted with the  
12           intent to defraud any particular person or entity. A  
13           general intent to defraud any person or entity suffices.

14           Intent to defraud is also not constricted to an  
15           intent to deprive another of property or money and can  
16           extend beyond economic concerns.

17           For the crime of Falsifying Business Records in  
18           the First Degree, the intent to defraud must include an  
19           intent to commit another crime or to aid or conceal the  
20           commission thereof.

21           Under our law, although the People must prove an  
22           intent to commit another crime or to aid or conceal the  
23           commission thereof, they need not prove that the other  
24           crime was, in fact, committed, aided, or concealed.

25           The People allege that the other crime the

1 Defendant intended to commit, aid, or conceal is a  
2 violation of New York Election Law Section 17-152.

3 Section 17-152 of the New York Election Law  
4 provides that any two or more than persons who conspire to  
5 promote or prevent the election of any person to a public  
6 office by unlawful means and which conspiracy is acted upon  
7 by one or more of the parties thereto, shall be guilty of  
8 conspiracy to promote or prevent an election.

9 Under our law, a person is guilty of such a  
10 conspiracy when, with intent that conduct be performed that  
11 would promote or prevent the election of a person to public  
12 office by unlawful means, he or she agrees with one or more  
13 persons to engage in or cause the performance of such  
14 conduct.

15 Knowledge of a conspiracy does not by itself make  
16 the Defendant a co-conspirator. The Defendant must intend  
17 that conduct be performed that would promote or prevent the  
18 election of a person to public office by unlawful means.

19 Intent mean conscious objective or purpose.

20 Thus, a person acts with the intent that conduct  
21 be performed that would promote or prevent the election of  
22 a person to public office by unlawful means when his or her  
23 conscious objective or purpose is that such conduct be  
24 performed.

25 Evidence that Defendant was present when others

1       agreed to engage in the performance of a crime does not by  
2       itself show that he personally agreed to engage in the  
3       conspiracy.

4               Although you must conclude unanimously that the  
5       Defendant conspired to promote or prevent the election of  
6       any person to public office by unlawful means, you need not  
7       be unanimous as to what those unlawful means were.

8               In determining whether the Defendant conspired to  
9       promote or prevent the election of any person to a public  
10      office by unlawful means, you may consider the following:

11              One, violations of the Federal Election Campaign  
12      Act, otherwise known as FECA.

13              Two, the falsification of other business records.

14              Or three, violation of tax laws.

15              The first of the People's theories of unlawful  
16      means, which I will now define for you as a Federal  
17      Election Campaign Act.

18              Under the Federal Election Campaign Act, it is  
19      unlawful for an individual to willfully make a contribution  
20      to any candidate with respect to any election for Federal  
21      office, including the Office of President of the United  
22      States, which exceeds a certain limit.

23              In 2015 and 2016, that limit was \$2,700. It is  
24      also unlawful under the Federal Election Campaign Act for  
25      any corporation to willfully make a contribution of any

1 amount to a candidate, or a candidate's campaign in  
2 connection with any Federal election, or for any person to  
3 cause such a corporate contribution.

4 For purposes of these prohibitions, an  
5 expenditure made in cooperation, consultation, or concert  
6 with, or at the request or suggestion of a candidate or his  
7 agents, shall be considered to be a contribution to such  
8 candidate.

9 The terms contribution and expenditure include  
10 anything of value, including, any purchase, payment, loan,  
11 or advance, made by any person for the purpose of  
12 influencing any election for Federal office.

13 Under Federal law, a third party's payment of a  
14 candidate's expenses is deemed to be a contribution to the  
15 candidate unless the payment would have been made  
16 irrespective of the candidacy.

17 If the payment would have been made even in the  
18 absence of the candidacy, the payment should not be treated  
19 as a contribution.

20 FECA's definitions of contribution and  
21 expenditure do not include any cost incurred in covering or  
22 carrying a news story, commentary or editorial by a  
23 magazine, periodical publication or similar press entity,  
24 so long as such entity is a normal, legitimate press  
25 function. This is called the press exemption.

1           For example, the term, legitimate press function,  
2 includes solicitation letters seeking new subscribers to a  
3 publication.

4           Second, of the People's theories of unlawful  
5 means which I will define for you now is the falsification  
6 of other business records.

7           Under New York law, a person is guilty of  
8 Falsifying Business Records in the Second Degree when with  
9 intent to defraud, he or she makes or causes a false entry  
10 in the business records of an enterprise.

11           I previously defined for you the terms of  
12 entries, business records and intent to defraud.

13           For purposes of determining whether Falsifying  
14 Business Records in the Second Degree was an unlawful means  
15 used by a conspiracy to promote or prevent an election  
16 here, you may consider:

17           One, the bank records associated with Michael  
18 Cohen's account formation paperwork for Resolution  
19 Consultants LLC and Essential Consultants LLC.

20           Two, the bank records associated with Michael  
21 Cohen's wire to Keith Davidson.

22           Three, the invoice from Investor Advisory  
23 Services Inc. to Resolution Consultants LLC.

24           And, four, the 1099-miscellaneous forms that the  
25 Trump Organization issued to Michael Cohen.

1           The People's third theory of unlawful means,  
2           which I will define for you now, is a violation of tax  
3           laws.

4           Under New York State and New York City law, it is  
5           unlawful to knowingly supply or submit materially false or  
6           fraudulent information in connection with any tax return.

7           Likewise, under Federal law it is unlawful for a  
8           person to willfully make any tax return, statement, or  
9           other document that is fraudulent or false as to any  
10          material matter or, that the person does not believe to be  
11          true and correct as to every material matter.

12          Under these Federal State and Local laws, such  
13          conduct is unlawful, even if it does not result in the  
14          underpayment of taxes.

15          In order for you to find the Defendant guilty of  
16          the crime of Falsifying Business Records in the First  
17          Degree under Count 1, the People are required to prove,  
18          from all of the evidence in the case, beyond a reasonable  
19          doubt, each of the following two elements:

20          First, that on or about February 14, 2017, in the  
21          County of New York and elsewhere, the Defendant,  
22          personally, or by acting in concert with another person, or  
23          persons, made or caused a false entry in the business  
24          records of an enterprise, specifically, an invoice from  
25          Michael Cohen dated February 14, 2017, marked as a record

1 of the Donald J. Trump Revocable Trust and kept or  
2 maintained by the Trump Organization.

3 And two, that the Defendant did so with intent to  
4 defraud that included an intent to commit another crime or  
5 to aid or conceal the commission thereof.

6 If you find that the People have proven beyond a  
7 reasonable doubt each of those two elements, you must find  
8 the Defendant guilty of this crime.

9 If you find that the People have not proven  
10 beyond a reasonable doubt either one or both of those  
11 elements, you must find the Defendant not guilty of this  
12 crime.

13 I believe that concludes my response to your  
14 first question.

15 Was that responsive to you?

16 JURY FOREPERSON: Yes.

17 THE COURT: We will get the read-back, now.

18 THE COURT REPORTER: I will read the questions as  
19 if I am the lawyer and my colleague will read the answers  
20 as if she was the witness.

21 The first read back relates to the first question  
22 you had for David Pecker's testimony, re: Phone  
23 conversation with Donald Trump while Pecker was in investor  
24 meeting.

25 (Whereupon, the testimony as requested was

1 read back in open court.)

2 THE COURT REPORTER: This is cross-examination by  
3 Mr. Bove of the witness David Pecker.

4 (Whereupon, the testimony as requested was  
5 read back in open court.)

6 THE COURT REPORTER: This is in response to your  
7 request number two.

8 This is redirect examination of David Pecker by  
9 Mr. Steinglass.

10 (Whereupon, the testimony as requested was  
11 read back in open court.)

12 THE COURT REPORTER: We are now on request number  
13 three, David Pecker's testimony of the Trump Tower meeting.

14 This is, again, direct examination of David  
15 Pecker by Mr. Steinglass.

16 (Whereupon, the testimony as requested was  
17 read back in open court.)

18 THE COURT REPORTER: This is cross-examination of  
19 David Pecker by Mr. Bove.

20 (Whereupon, the testimony as requested was  
21 read back in open court.)

22 THE COURT REPORTER: This is still cross  
23 examination. It is just the next day.

24 (Whereupon, the testimony as requested was  
25 read back in open court.)

Jury Deliberations

4944

1 THE COURT REPORTER: Going to page 1346.

2 This is redirect examination of David Pecker by  
3 Mr. Steinglass.

4 (Whereupon, the testimony as requested was  
5 read back in open court.)

6 THE COURT REPORTER: Now we are up to request  
7 number four.

8 Michael Cohen's testimony regarding Trump Tower  
9 meeting.

10 This is direct examination of Michael Cohen by  
11 Ms. Hoffinger.

12 (Whereupon, the testimony as requested was  
13 read back in open court.)

14 THE COURT REPORTER: This is cross-examination of  
15 Michael Cohen by Mr. Blanche.

16 (Whereupon, the testimony as requested was  
17 read back in open court.)

18 THE COURT: Jurors, I believe that concludes the  
19 read back.

20 Have we responded to your notes?

21 JURY FOREPERSON: Yes, you have.

22 THE COURT: So, I will excuse you now to continue  
23 your deliberation.

24 I would like you to please let us know if you  
25 would like the headphones or the speakers.

Jury Deliberations

4945

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JURY FOREPERSON: Both.

THE COURT: Please let the record indicate that  
the foreperson has responded both.

We will provide them for you.

You can step out.

COURT OFFICER: All rise.

THE COURT: Please do not deliberate while the  
audio is being set up.

(Whereupon, the jury retired to the jury  
room to continue deliberations.)

THE COURT: You may be seated.

You are excused.

(Whereupon, court is held in recess while  
the jury deliberates.)

1 (The following is continued from the previous  
2 page.)

3 (Whereupon, the case is in recess while the jury  
4 deliberates.)

5 \*\*\*\*\*

6 THE COURT: Good afternoon.

7 Thank you for coming down.

8 I asked that you come down at 4:15 just to make  
9 you aware that, at this time, I'm going to excuse the jury  
10 about 4:30.

11 We'll give them a few more minutes, and then  
12 we'll excuse them.

13 MR. BLANCHE: All right.

14 THE COURT: I am going to step out for a few  
15 minutes.

16 (Whereupon, the case is in recess while the jury  
17 continues to deliberate.)

18 \*\*\*\*\*

19 THE SERGEANT: Remain seated.

20 Come to order. Part 59 is back in session.

21 THE COURT: I apologize for the delay.

22 We received a note. It was signed by the jury  
23 foreperson at 4:20. It's marked as Court Exhibit Number 7.

24 It reads: "We, the jury, have a verdict. We  
25 would like an extra 30 minutes to fill out the Forms. Will

1 that be possible?"

2 You can hand this down so you all can look at it.

3 (Whereupon, the jury note is given to the  
4 parties.)

5 THE COURT: I am sure you will hear from the  
6 Sergeant and Major and everyone else.

7 Please, let there be no outbursts, no reactions  
8 of any kind once we take a verdict.

9 I will be right back in a few minutes.

10 MR. STEINGLASS: Thank you.

11 (Whereupon, a recess is taken.)

12 \*\*\*\*\*

13 THE SERGEANT: All rise.

14 Part 59 is now in session. The Honorable Juan  
15 Merchan is now presiding.

16 THE COURT: Thank you.

17 Please be seated.

18 As I indicated a short time ago, we did receive a  
19 note. I read it into the record.

20 You both had a chance to look at it?

21 MR. STEINGLASS: Yes, Judge.

22 MR. BLANCHE: Yes.

23 THE COURT: It's been marked Court Exhibit  
24 Number 7, signed by the jury foreperson at 4:20.

25 It says: "We, the jury, have reached a verdict.

1 We would like an extra 30 minutes to fill out the Forms.  
2 Would that be possible?"

3 Are we ready to bring out the jury?

4 MR. STEINGLASS: Yes, Judge.

5 MR. BLANCHE: Yes.

6 THE COURT: Bring out the jury, please.

7 COURT OFFICER: Alternate jurors entering.

8 (Whereupon, the alternate jurors enter the  
9 courtroom and are seated in the first row of the audience  
10 at 5:04 PM.)

11 COURT OFFICER: All rise.

12 Jury entering.

13 (Whereupon, the jurors are present and properly  
14 seated at 5:05 PM.)

15 THE COURT: Remain seated.

16 THE CLERK: Do both parties stipulate that all  
17 jurors are present and properly seated?

18 MR. STEINGLASS: Yes.

19 MR. BLANCHE: Yes.

20 MR. BOVE: Yes.

21 THE COURT: Jurors, we received a note from you.

22 It was signed by your jury foreperson at 4:20.

23 It's been marked as Court Exhibit Number 7.

24 It says: "We, the jury, have a verdict. We would  
25 like an extra 30 minutes to fill out the Forms. Would that

1 be possible?"

2 Mr. Foreperson, without telling me the verdict,  
3 has the jury, in fact, reached a jury?

4 JUROR #1: Yes, they have.

5 THE COURT: Take the verdict, please.

6 THE CLERK: Will the foreperson please rise.  
7 Have the members of the jury agreed upon a  
8 verdict?

9 JUROR #1: Yes, we have.

10 THE CLERK: How say you to the first count of the  
11 indictment, charging Donald J. Trump with the crime of  
12 falsifying business records in the first degree, guilty or  
13 not guilty?

14 JUROR #1: Guilty.

15 THE CLERK: How say you to count two?

16 JUROR #1: Guilty.

17 THE CLERK: How say you to count three?

18 JUROR #1: Guilty.

19 THE CLERK: How say you to count five?

20 JUROR #1: Guilty.

21 THE CLERK: How say you to count six?

22 JUROR #1: Guilty.

23 THE CLERK: How say you to count seven?

24 JUROR #1: Guilty.

25 THE CLERK: How say you to count eight?

1 JUROR #1: Guilty.  
2 THE CLERK: How say you to count nine?  
3 JUROR #1: Guilty.  
4 THE CLERK: How say you to count ten?  
5 JUROR #1: Guilty.  
6 THE CLERK: How say you to count 11?  
7 JUROR #1: Guilty.  
8 THE CLERK: How say you to count 12?  
9 JUROR #1: Guilty.  
10 THE CLERK: How say you to count 13?  
11 JUROR #1: Guilty.  
12 THE CLERK: How say you to count 14?  
13 JUROR #1: Guilty.  
14 THE CLERK: How say you to count 15?  
15 JUROR #1: Guilty.  
16 THE CLERK: How say you to count 16?  
17 JUROR #1: Guilty.  
18 THE CLERK: How say you to count 17?  
19 JUROR #1: Guilty.  
20 THE CLERK: How say you to count 18?  
21 JUROR #1: Guilty.  
22 THE CLERK: How say you to count 19?  
23 JUROR #1: Guilty.  
24 THE CLERK: How say you to count 20?  
25 JUROR #1: Guilty.

1 THE CLERK: How say you to count 21?  
2 JUROR #1: Guilty.  
3 THE CLERK: How say you to count 22?  
4 JUROR #1: Guilty.  
5 THE CLERK: How say you to count 23?  
6 JUROR #1: Guilty.  
7 THE CLERK: How say you to count 24?  
8 JUROR #1: Guilty.  
9 THE CLERK: How say you to count 25?  
10 JUROR #1: Guilty.  
11 THE CLERK: How say you to count 26?  
12 JUROR #1: Guilty.  
13 THE CLERK: How say you to count 27?  
14 JUROR #1: Guilty.  
15 THE CLERK: How say you to count 28?  
16 JUROR #1: Guilty.  
17 THE CLERK: How say you to count 29?  
18 JUROR #1: Guilty.  
19 THE CLERK: How say you to count 30?  
20 JUROR #1: Guilty.  
21 THE CLERK: How say you to count 31?  
22 JUROR #1: Guilty.  
23 THE CLERK: How say you to count 32?  
24 JUROR #1: Guilty.  
25 THE CLERK: How say you to count 33?

1 JUROR #1: Guilty.

2 THE CLERK: And how say you to count 34?

3 JUROR #1: Guilty.

4 THE CLERK: Please be seated.

5 (Whereupon, the court officer takes the jury's  
6 Verdict Sheet from the foreperson, gives it to the Court,  
7 and then gives it to the clerk of the court.)

8 THE CLERK: Members of the jury, listen to your  
9 verdict as it stands recorded. You and each of you say  
10 through your foreperson that you find the Defendant,  
11 Donald J. Trump, guilty of all 34 counts charging  
12 falsifying business records in the first degree, and so  
13 say you all.

14 Is this the verdict?

15 THE JURORS: Yes.

16 (Whereupon, the jurors nod and verbally respond  
17 in the affirmative.)

18 THE CLERK: Would either party like the jury  
19 polled?

20 MR. BLANCHE: Yes, please.

21 THE CLERK: Members of the jury, you have said  
22 through your foreperson that you find the Defendant,  
23 Donald J. Trump, guilty of all 34 counts of falsifying  
24 business records in the first degree.

25 Juror Number 1, is that your verdict?

1 JUROR #1: Yes, it is.

2 THE CLERK: Juror Number 2, is that your verdict?

3 JUROR #2: Yes, it is.

4 THE CLERK: Juror Number 3, is that your verdict?

5 JUROR #3: Yes, it is.

6 THE CLERK: Juror Number 4, is that your verdict?

7 JUROR #4: Yes.

8 THE CLERK: Juror Number 5, is that your verdict?

9 JUROR #5: Yes.

10 THE CLERK: Juror Number 7, is that your verdict?

11 JUROR #7: Yes, it is.

12 THE CLERK: Juror Number 8, is that your verdict?

13 JUROR #8: Yes.

14 THE CLERK: Juror Number 9, is that your verdict?

15 JUROR #9: Yes.

16 THE CLERK: Juror Number 10, is that your

17 verdict?

18 JUROR #10: Yes.

19 THE CLERK: Juror Number 11, is that your

20 verdict?

21 JUROR #11: Yes.

22 THE CLERK: And Juror Number 12, is that your

23 verdict?

24 JUROR #12: Yes.

25 THE CLERK: Your Honor, the jury has been polled.

1 THE COURT: Thank you.

2 Jurors, I want to thank you very much for your  
3 service in this case.

4 We started picking a jury here on April 15th. We  
5 had opening statements on April 22nd. And we didn't have  
6 summations until May 21st. That's a long time. That's a  
7 long time you were away from your jobs, your families,  
8 your other responsibilities.

9 But, not only that, you were engaged in a very  
10 stressful and difficult task.

11 I want you to know that I really admire your  
12 dedication and your hard work.

13 I observed you. As I said before, I observed you  
14 during the course of the trial, and I could see how  
15 involved you were, how engaged you were, how invested you  
16 were in this process. And you gave this matter the  
17 attention it deserved. I want to thank you for that.

18 I want to thank the alternate jurors, as well.

19 We couldn't do this without you.

20 I've had plenty of trials where I've had to use  
21 one or all of my alternate jurors. Without service of the  
22 alternate jurors, I would not have completed those trials.

23 Thank you very much.

24 Jurors, you'll remember, during the course of the  
25 trial I gave you certain admonitions many, many times.

1 I want you to know that those admonitions no  
2 longer apply.

3 You are free to discuss the case with anyone you  
4 would like to discuss it with, but you're also free not  
5 to. No one can make you do anything that you don't want to  
6 do. The choice is yours.

7 In a few minutes, if it's okay with you, I would  
8 like to meet with you in the jury room, just to thank you  
9 personally for your work.

10 Bear in mind, I'm not allowed to discuss the  
11 facts of the case. I'm also not permitted to discuss your  
12 deliberations.

13 But, I do want to personally thank you for your  
14 service, and I'd also like to get your feedback, get a  
15 sense of what we did right, what we did wrong.

16 There are a couple of matters I need to take care  
17 of here. I'll do that quickly so I can join you in the  
18 back.

19 At this time, I thank you very much.

20 You're excused with the gratitude of the Court.

21 (Whereupon, the jurors are excused and discharged  
22 at 5:11 PM and exit the courtroom, and the alternate  
23 jurors are excused and discharged and exit the courtroom.)

24 THE COURT: You may be seated.

25 Any motions, applications, anything to go over at

1 this time?

2 MR. BLANCHE: Yes.

3 We move for a Judgment of Acquittal and to set  
4 aside the verdict for the reasons we previously stated.

5 Just to emphasize a few significant reasons that  
6 came out since we made it: There's no basis and there's  
7 no way this jury could have reached a verdict without  
8 accepting the testimony of Mr. Cohen; and we believe  
9 unequivocally that that testimony, even though it would  
10 stand in this courtroom, that he lied, there was perjury  
11 committed.

12 And there is no reason that the Court should  
13 allow a verdict, knowing that one of the witnesses that,  
14 necessarily, had to be part of the crime that was  
15 committed and the offense should be used to convict  
16 President Trump.

17 And so, for that reason, combined with the fact  
18 that there was no evidence, certainly limited evidence  
19 that had any -- any connection between the charged conduct  
20 and President Trump, and the limited connection was  
21 Michael Cohen, we believe in light of that fact, which I  
22 don't think is in dispute, the Court should enter a  
23 Judgment of Acquittal, notwithstanding the verdict.

24 THE COURT: I'm sure you misspoke when you said  
25 "knowing".

1           You're not suggesting that I "know" anybody  
2 committed perjury; right?

3           MR. BLANCHE: Correct.

4           THE COURT: People?

5           MR. STEINGLASS: Very briefly, we, of course,  
6 disagree with Mr. Blanche's characterization of Michael  
7 Cohen's testimony.

8           For all the reasons set forth in the summation  
9 and the entire trial record, there's more than enough  
10 evidence in this case for a reasonable jury to have  
11 reached the verdict that it did.

12           So, we urge your Honor to reject the Defense  
13 motion.

14           THE COURT: Your motion is denied.

15           Any other motions or applications before we  
16 adjourn the matter?

17           MR. BLANCHE: May we approach, briefly, your  
18 Honor?

19           THE COURT: On the record.

20           (Whereupon, the following proceedings were held  
21 at sidebar:)

22           MR. BLANCHE: I just wanted to ask about the  
23 sentencing date and be heard on the date.

24           I didn't know what the Court's practice was.

25           THE COURT: Sure.

1           We can do that in open court.

2           MR. BLANCHE: I didn't know the process.

3           THE COURT: We can do that in open court.

4           (Whereupon, the following proceedings were held  
5 in open court:)

6           THE COURT: Yes, Mr. Blanche?

7           MR. BLANCHE: Your Honor, we would ask for a date  
8 for sentencing on some date in mid to late July.

9           The reason for that is, as the Court is aware,  
10 President Trump faces other charges in other  
11 jurisdictions.

12           In the case in Florida, there is a three-day  
13 hearing scheduled for late June; and the work ahead of  
14 that hearing requires Counsel to be in Florida, inside a  
15 SCIF, for much of the time between now and the date of  
16 hearing and, also, the date of the hearing itself, which  
17 will require us to just not be able to focus on this  
18 matter.

19           So, we, respectfully, request a date at some  
20 point in mid to late July for sentence.

21           MR. STEINGLASS: Judge, the standard adjournment  
22 for an out I and S is six weeks.

23           So, we don't oppose a date in mid-July.

24           THE COURT: We will adjourn this matter for  
25 sentence to July 11th.

1 We will order a Probation Report.

2 Mr. Blanche, the clerk of the court will give you  
3 instructions on how to go about scheduling that Probation  
4 interview and getting that Probation Report.

5 This will be July 11th, at 10:00 AM.

6 If there are going to be any motions filed, I  
7 direct the Defense to file their motions no later than  
8 June 13th. That would be two weeks from today.

9 If any motions are filed by that date, the People  
10 are directed to respond by June 27th.

11 And that's the parameter of time that the Court  
12 would have to decide any motions.

13 If there's nothing else, you're excused.

14 Thank you very much.

15 MR. STEINGLASS: Thank you.

16 THE COURT: What is the current bail status?

17 MR. STEINGLASS: There is no bail.

18 THE COURT: Mr. Trump remains ROR'd.

19 (Whereupon, the case is adjourned for sentence to  
20 July 11th, 2024 at 10:00 A.M.)

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