



Legal Errors in the New York Prosecution of President Trump Political Motivation

New York County District Attorney Alvin Bragg charged President Trump over facts that had been known for years and under legal theories that had been discarded. Bragg’s politically targeted prosecution of Trump was selective, the conviction should be reversed, and the indictment dismissed.

Background on Selective Prosecution

- “[S]elective prosecution as a weapon against political foes” is unconstitutional, and an indictment should be dismissed “when the defendant presents sufficient facts to raise a reasonable doubt about the prosecution’s purpose.”¹

Evidence of Political Motivation

- During his campaign, Bragg frequently reminded voters that he sued President Trump’s administration “more than a hundred times.”²
- Both the U.S. Attorney’s Office for the Southern District of New York and the New York County District Attorney’s Office had declined to investigate Trump’s case any further.³ However, shortly after Trump announced his White House run, Bragg revived the investigation.⁴
- The resignation of his two leading prosecutors, and Pomerantz’s scathing resignation letter and tell-all book further pressured Bragg to charge Trump.⁵
- Bragg’s commitment to getting Trump gained him the support of Billionaire George Soros and Color of Change, a progressive prosecutor front group.⁶ When Trump was convicted, Color of Change issued a statement characterizing “Bragg’s prosecution of Trump” as a “fruit[] of our labor.”⁷

¹ See *People v. Marcus*, 394 N.Y.S.2d 530, 534 (Sup. Ct. 1977).

² Jonah E. Bromwich et al., *2 Leading Manhattan D.A. Candidates Face the Trump Question*, N.Y. TIMES (June 2, 2021), <https://tinyurl.com/3rjcnwbr>.

³ MARK POMERANTZ, *PEOPLE V. DONALD TRUMP: AN INSIDE ACCOUNT* at 39, 61 (2023).

⁴ *Id.* at 46; see also William K. Rashbaum et al., *Manhattan Prosecutors Begin Presenting Trump Case to Grand Jury*, N.Y. TIMES (Jan. 30, 2023), <https://tinyurl.com/v2e2sn4a>.

⁵ See POMERANTZ at 28. William K. Rashbaum et al., *2 Prosecutors Leading N.Y. Trump Inquiry Resign, Clouding Case’s Future*, N.Y. TIMES (Feb. 23, 2022), <https://tinyurl.com/nhdxn5zr>.

⁶ Charles “Cully” Stimson & Zack Smith, *Commentary: Washington Post Fact-Checker Should Try Checking Facts About Soros Prosecutors*, HERITAGE FOUND. (Apr. 12, 2023), <https://tinyurl.com/577je8vf>.

⁷ Rashad Robinson, Statement, *Color of Change Asserts That Trump Indictment Points to the Importance of Progressive Prosecutors*, COLOR OF CHANGE (May 31, 2024), <https://tinyurl.com/yupd6nsv>.