Legal Errors in the New York Prosecution of President Trump
Jury Unanimity

Judge Merchan issued legally and constitutionally defective jury instructions, which deprived President Trump of his Sixth Amendment rights. Because the jury was not completely unanimous about the underlying crime Trump committed, Trump was deprived of his Sixth Amendment rights.

N.Y. Election Law § 17-152

- N.Y. Election Law § 17-152 states, "any two or more persons who conspire to promote or prevent the election of any person to a public office by unlawful means … shall be guilty of a misdemeanor." This crime has two elements.
- To be guilty, a jury must find the accused: (1) conspired to affect an election; and (2) committed another act by "unlawful means" in furtherance of the conspiracy.
- A jury must agree unanimously on the acts constituting elements of a crime.[1]

Judge Merchan issued legally incorrect jury instructions

- Judge Merchan instructed the jurors that they "need not be unanimous as to what those unlawful means were."[2]
- Judge Merchan provided the jury with three options of "unlawful means": a violation of Federal election law, violation of tax law, or falsification of records.
- Under these instructions, the jury was not required to agree on the underlying crime Trump committed. It could have been split 4-4-4 among the three vague, distinct options provided by the judge.
- The jury was ultimately only unanimous with respect to half of the elements.
- The underlying crime and the jurors' agreement on it remain entirely unknown.

The jury instructions violated President Trump's Sixth Amendment rights

- The Sixth Amendment provides that all those accused of a crime have the right to "be *informed* of the nature and cause of the accusation."[3]
- The Sixth Amendment requires that a jury reach a *unanimous* decision before an accused can be convicted of a serious crime.[4]
- Trump's rights were violated when he received no notice of the underlying crime the jury found him guilty of committing.

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[1] *See U.S. v. Gotti*, 451 F.3d 133, 137 (2d Cir. 2006) ("The jury must be unanimous not only that at least two [predicate] acts were proved, but must be unanimous as to each of two predicate acts."); *U.S. v. Carr*, 424 F.3d 213, 224 (2d Cir. 2005) ("The jury must find that the prosecution proved each one of those two ... specifically alleged predicate acts beyond a reasonable doubt.").

[2] Jury Instrs. at 30–31, *People v. Donald J. Trump* (No. 71543-23) (available at https://bit.ly/4c6SyvJ).

[3] U.S. CONST. amend. VI. (emphasis added).

[4] *Ramos v. Louisiana*, 590 U.S. 83 (2020) (holding that the Sixth Amendment right to a jury trial [including unanimity requirement] is incorporated under the Fourteenth Amendment).

Legal Errors in the New York Prosecution of President Trump
FECA Preemption

Donald Trump was charged and convicted in state court of various election-related crimes. However, New York lacks jurisdiction over federal election crimes because federal courts hold exclusive jurisdiction over federal campaign and finance issues. If the decision in the Bragg case stands, it would allow state and local prosecutors to take federal law into their own hands.

Background on preemption

- Federal law is "the Supreme Law of the Land."[1]
- Accordingly, when state and federal law conflict, federal law prevails, rendering a conflicting or "preempted" state law unenforceable.

Federal preemption of campaign and election law

- The Federal Election Campaign Act of 1971 (FECA) is a federal law that states "the provisions of this Act, … supersede and preempt *any provision* of State law with respect to election to Federal office."[2]
- The Federal Election Commission (FEC) has clarified that FECA supersedes state laws concerning the "[o]rganization and registration of political committees supporting Federal candidates," "[d]isclosure of receipts and expenditures by Federal candidates and political committees," and "[l]imitation on contributions and expenditures regarding Federal candidates and political committees."[3]
- The New York Court of Appeals—the highest state court in New York—has also recognized the preemption in this space, previously holding that FECA "occupies the field with respect to reporting and disclosure of political contributions to and expenditures by Federal candidates and political committees."[4]

Federal courts have primary jurisdiction

- Trump was convicted of conspiracy to prevent election of any person of a public office by "unlawful means."[5] Because this case concerns a conspiracy to get a person elected in *federal* office, it is under the umbrella of FECA, which has exclusive jurisdiction over issues of federal elections.
- Thus, the New York state court does not have jurisdiction.

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[1] U.S. CONST. art. VI, cl. 2.
[2] 52 U.S.C. § 30143(a) (emphasis added).
[3] 11 C.F.R. § 108.7.
[4] *Matter of Holtzman v. Oliensis*, 91 N.Y.2d 488, 495 (1998) (citation omitted).
[5] N.Y. ELEC. LAW § 17-152

Legal Errors in the New York Prosecution of President Trump
Molineux Rule Testimony

The evidence presented in *People v. Trump* by the New York County District Attorney's Office violated the rules of evidence, specifically the *Molineux Rule*. Judge Merchan disregarded over 100 years of precedent and rules of evidence to allow testimony that portrayed Donald Trump in a bad light.

The Molineux Rule

- The *Molineux Rule* bars the admission of testimony where such evidence is so prejudicial as to require exclusion to ensure that it does not create the inference that the person charged with criminal conduct is guilty of the charged crime or crimes solely because of his or her prior conduct.[1]
- For more than a century, New York Courts have followed a two-step analysis when applying the Molineux Rule.
    - First, the court considers whether the proffered evidence is probative of any element of the crime or defense in the case.[2]
    - Second, the court considers whether the probative value of the evidence outweighs its potential for prejudice.[3]

Most of the character evidence should have been excluded

- Judge Merchan allowed the testimony of Ms. Daniels and Ms. McDougal—who testified about romantic encounters and the "Access Hollywood" tape.
- This testimony is the textbook definition of evidence that should have been excluded under Molineux, as Trump's alleged encounters with both women were neither criminal nor charged as crimes in the present trial.
- It served only as smear evidence to prejudice the jury against him.

[1] *See generally Guide to N.Y. Evidence Rule 4.21 (Evidence of Crimes and Wrongs (Molineux))* (citing *People v. Molineux*, 168 NY 264 (1901)) (available at https://tinyurl.com/2ze9hm72).
[2] *People v. Hodge*, 206 N.Y.S.3d 199, 206 (3d Dept. 2024).
[3] *Id.*

Legal Errors in the New York Prosecution of President Trump
Judge Merchan's Bias

Judge Juan Merchan was not a fair or impartial judge. He has deep ties to the Democratic Party and should have recused himself from all cases involving President Trump. By donating to President Biden's campaign and a PAC called "Stop Republicans," Judge Merchan destroyed any shred of credibility and impartiality he may have had. Additionally, his daughter stands to profit immensely from the outcome of the case. Therefore, Judge Merchan should have recused himself from the case.

Political contributions

- Judge Merchan made financial contributions to Joe Biden's Presidential Campaign and a Political Action Committee called "Stop Republicans."[1]

Loren Merchan's financial interest in the case

- Judge Merchan's daughter, Loren Merchan, is the founder and president of a political consulting company called Authentic Campaigns, which provides political services for prominent Democratic Party clients.[2]
- Some of the firm's past and present clients include President Joe Biden's 2020 campaign, Vice President Kamala Harris's 2020 presidential campaign, pro-Democrat super PAC Senate Majority PAC (SMP), and Rep. Adam Schiff's current Senate and past House campaigns.[3]
- Authentic Campaigns has been paid nearly $12 million in the 2023/24 election cycle alone. The firm was paid $1.7 million by SMP last year and $2.1 million and $7.6 million by the Biden and Harris campaigns, respectively, during the 2020 election cycle.[4]

State law judicial standards for recusal

- New York standards for judicial conduct state that judges may not "directly or indirectly engage in any political activity."[5]
- The rules further state, "A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment."[6]

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[1] *Individual Contributions*, FEC, https://tinyurl.com/ycxuw6hr (last visited June 21, 2024).
[2] AUTHENTIC CAMPAIGNS, *Our Work*, https://tinyurl.com/bddu375u (last visited June 21, 2024).
[3] *Id.*; Katherine Faulders et al., *Trump's Lawyers Push for Recusal of Judge Juan Merchan in Hush Money Case*, ABC NEWS (Apr. 2, 2024) https://tinyurl.com/4tedj46r.
[4] *Disbursements*, FEC, https://tinyurl.com/3ym9p965 (last visited June 25, 2024).
[5] N.Y. COMP. CODES. R. & REGS tit. 22 § 100.5(A)(1) (2019).
[6] N.Y. COMP. CODES. R. & REGS tit. 22 § 100.2(B).

Legal Errors in the New York Prosecution of President Trump
Due Process

There is no evidence Trump intended to violate the Federal Election Campaign Act (FECA), either in 2016 or 2017, which supports the enhancement of Penal Law § 175.05 to felonious Penal Law § 175.10. Because that flawed indictment is the basis for his current convictions, his conviction should be reversed.

Underlying Crime: Penal Law § 175.10

- Falsifying Business Records in the Second Degree is a misdemeanor[1] whereas Falsifying a Business Record in the First Degree is a felony.[2]
- The First Degree charge requires that the defendant intend to make a false entry with the further intent to commit another crime or to aid or conceal the commission thereof.[3]
- The District Attorney failed to identify the specific underlying crime that President Trump allegedly intended to commit and used, an overly broad definition of intent.[4]

Indictment and Fair Notice/Due Process Violation

- New York law requires that the indictment must contain "[a] plain and concise factual statement in each count" and "assert facts supporting *every element* of the offense charged."[5]
- The Prosecution may not allege one material fact in the indictment and then alter it at trial to prove another significantly different material fact.
- Yet that is exactly what District Attorney Bragg did. He did not list an intended crime in the indictment, presumably to keep all options on the table at trial, in violation of the defendant's rights.[6]
- The indictment did not identify an underlying crime or facts to support a crime. Instead, the prosecution waited until the eve of President Trump's trial to decide what laws Trump "intended" to break.[7]

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[1] N.Y. PENAL LAW § 175.05.
[2] N.Y. PENAL LAW § 175.10.
[3] *People v. Houghtaling*, 912 N.Y.S.2d 157 (N.Y. App. Div. 2010).
[4] *People v. Trump*, 2024 WL 1624427 (N.Y. Sup. Ct. Feb. 15, 2024).
[5] *People v. Grega*, 531 N.E.2d 282, 283–84 (N.Y. 1988) (citing NY CRIM PRO § 200.50.7(a)) (emphasis added).
[6] *People v. Shealy*, 415 N.E.2d 975 (N.Y. 1980). *Shealy* held that once the prosecution decides upon an intent crime in the indictment, they must prove intent only for that crime.
[7] *See generally* Indictment, *People v. Trump*, 683 F. Supp. 3d 334 (S.D.N.Y. 2023).

Legal Errors in the New York Prosecution of President Trump
Venue

Despite the federal court ruling that President Trump's defense lacked a sufficient federal nexus, the case continued in state Court, with the predicate offense being a violation of federal law.

The criminal case against President Trump should have been tried in federal court or dismissed altogether

- District Attorney Bragg filed charges against President Trump in the New York State Supreme Court.
- Trump removed his trial to the United States District Court for the Southern District of New York under a federal statute that permits officers charged with a crime relating to acts done under the color of such office in state court to remove the case to federal court.[1]
- Importantly, the theory of the prosecution—allowing them to charge felony counts and argue that the case was within the statute of limitations—was that the underlying federal crime was a violation of Federal campaign finance laws.

The prosecution opposed removal to federal court and proceeded in state court despite the federal court finding a lack of federal nexus

- Trump removed the case due to anticipation of juror bias of the county in which the state court lies.[2]
- Bragg moved to have the case remanded back to state court. Federal District Court Judge Alvin Hellerstein ruled that he did not have subject matter jurisdiction—the authority to hear the case—and granted the Prosecution's motion to remand.[3]
- Judge Hellerstein reasoned the "evidence overwhelmingly suggests that the matter was purely a personal item"[4] and thus lacked the necessary nexus to a federal defense.[5]

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[1] 28 U.S.C. § 1442(a).
[2] In the 2020 Presidential Election in New York County, Biden received 603,040 votes (86.8%), while Trump received 85,185 votes (12.3%). Allan James Vestal et al., *New York Presidential Results,* POLITICO (Jan. 6, 2021), https://tinyurl.com/v7fdupcf.
[3] People's Mot. to Remand, at *1, *New York v. Trump*, 683 F.Supp.3d 334 (S.D.N.Y. 2023).
[4] *Id*. at 13.
[5] *Id*. at 25.

Legal Errors in the New York Prosecution of President Trump
Stormy Daniels' Testimony

Judge Merchan improperly allowed—over the defense's objections—the irrelevant and salacious testimony of Stormy Daniels, which was simply character assassination of President Trump.

Daniels' testimony was irrelevant and should have been excluded

- All 34 counts against Trump were for falsifying business records.[1]
- Relevant evidence would include showing that the defendant intentionally made a false entry in a business record or destroyed, omitted, or prevented a true entry in a business record to conceal the commission of a second crime.[2]
- As a third party with no personal knowledge of the business records of the Trump organization, Stormy Daniels lacked competency as a witness and was incapable of producing relevant testimony.[3]

Merchan recognized the prejudicial nature of Daniels' testimony, but allowed it anyway

- Before Stormy Daniels took the stand against Trump, Trump's lawyer argued before the judge that her testimony had "nothing to do with the charges in this case" and "it's unduly prejudicial."[4]
- Yet Judge Merchan still let the prosecution proceed with Daniels' testimony.
- Daniels repeatedly implied that her encounter with Trump was not consensual.[5]
- After the testimony concluded, even Judge Merchan agreed that some of the testimony was improper, but he blamed the defense for not objecting more.[6]
- While some objections to Daniels' statements were sustained, her testimony still influenced the jury. "[J]urors who'd seemed bored with financial evidence on Monday watched intently" as Daniels testified[7] in stark contrast to the bankers' testimony "that appeared to test jurors' patience at times."[8]

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[1] Indictment, *People v. Trump,* 208 N.Y.S.3d 440 (N.Y. Sup. Ct. 2023).
[2] N.Y. PENAL LAW § 175.10; § 175.05.
[3] Jacob Sullum, *The Details of Stormy Daniels' Story About Sex with Trump are Legally Irrelevant*, REASON (May 10, 2024, 4:10 PM), https://tinyurl.com/2nkv4ewr.
[4] Transcript of Proceedings at 2507-508, *People v. Trump*, 208 N.Y.S.3d 440 (N.Y. Sup. Ct. 2023).
[5] *Id*. at 2611-616.
[6] *Id.* at 2677-678.
[7] Josh Gerstein, *Stormy Spoke. Trump Fumed. Jurors were Captivated – but also Cringed.*, POLITICO (May 7, 2024, 9:59 PM), https://tinyurl.com/585u8xmb.
[8] Jake Offenhartz, et al., *Judge Directs Michael Cohen to Keep Quiet About Trump Ahead of his Hush Money Trial Testimony*, AP NEWS (May 10, 2024, 5:39 PM), https://tinyurl.com/4m4d463r.

Legal Errors in the New York Prosecution of President Trump
Michael Cohen's Testimony

Michael Cohen has a documented record of lying under oath and was impermissibly allowed to testify on matters that were irrelevant to the trial.

Fact: Michael Cohen has lied under oath on several occasions

- Cohen served prison time after pleading guilty to tax evasion in 2018 but switched his story in October 2023 to profess his innocence.[1]
- On February 28, 2019, the House Committee on Oversight and Reform referred Cohen to the Department of Justice for perjury and knowingly making false statements during his testimony before the Committee on February 27, 2019.[2]
- In 2023, Cohen admitted to lying to Congress during a separate proceeding before the House Permanent Select Committee on Intelligence in 2019.[3]
- Cohen's previous attorney testified that—when Cohen was at his most desperate and he could have given up Trump to save himself—Cohen said he had no information to implicate Trump—directly contradicting his testimony here.[4]

Cohen's campaign finance guilty pleas should have been excluded

- As Andrew McCarthy lays out,[5] Judge Merchan allowed prosecutors to submit evidence of Cohen's guilty pleas on underlying campaign finance violations on the rationale that they were "relevant to his credibility as a witness."
- But because the defense already had plenty of evidence to impeach Cohen's credibility, they did not need evidence of this specific guilty plea. It added no marginal benefit.
- Indeed, the defense sought to *exclude* this evidence to avoid the implication of guilt by association, i.e., because Cohen pled guilty, Trump must also be guilty.
- Judge Merchan, however, denied that objection allowing the prosecution to introduce evidence of Cohen's guilty plea to campaign finance violations while simultaneously precluding the defense from calling witnesses (namely former FEC Commissioner Bradley Smith) to offer evidence in favor of the defendant.

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[1] Larry Neumeister & Michael R. Sisak, *Judge Says Michael Cohen May Have Committed Perjury, Refuses to End His Probation Early*, AP (March 20, 2024, 3:20 PM), https://tinyurl.com/85kn2pn5.

[2] Letter from Rep. Jim Jordan & Rep. Mark Meadows to Hon. William Barr, Att'y Gen., U.S. Dep't of Justice (Feb. 28, 2019); *Hearing with Michael Cohen, Former Attorney for President Donald Trump: Hearing before the H. Comm. on Oversight & Reform,* 116th CONG. (2019).

[3] Letter from Rep. Michael Turner, Chairman, H. Permanent Select Comm. On Intelligence & Rep. Elise Stefanik, to Merrick Garland, Att'y Gen., U.S. Dep't of Just. (Nov. 14, 2023).

[4] Kyle Schnitzer & Ben Kochman, *Michael Cohen's Ex-Attorney Contradicts Trump 'Fixer's Testimony,* (May 20, 2024, 6:12 PM), https://tinyurl.com/37pfd2fb.

[5] Andrew McCarthy, *Undercover Prosecutor Merchan Helps Bragg Lawlessly Stress Cohen's Guilty Plea,* NAT'L REV. (May 25, 2024), https://tinyurl.com/52xssbdt.

Legal Errors in the New York Prosecution of President Trump
Smith Testimony

Despite allowing Michael Cohen and Stormy Daniels to testify on the nature of alleged illegal payments, Judge Merchan disallowed expert witness Brad Smith's testimony on the Federal Election Commission (FEC) and definitions of common campaign terms.[1]

The court used a double standard on admissible evidence to harm President Trump's ability to put on testimony that helped him

- The entire prosecution hinged on the theory that certain payments made by Cohen to Daniels violated federal campaign finance laws.
- The judge allowed both Cohen and Daniels to testify about the payments—and draw negative insinuations about Trump—despite neither of them having any knowledge of campaign finance law.
- The defense attempted to call former FEC Commissioner Brad Smith to testify why the payments did not violate federal law.
- The Court, however, barred Smith from "lay[ing] out the ways [The Federal Election Campaign Act ("FECA")] has been interpreted in ways that might not be obvious," with "the idea that what is a campaign expense is an objective test" by presenting similar FECA allegations.[2]
- Smith would have testified to the effect that, "If [the President Trump payments are] not campaign expenditures, they're not subject to disclosure. My view is that this is not a campaign expenditure, and once you hit that point, it doesn't matter how you paid for it."[3]
- He drew the comparison that: "[y]ou can't make an argument like I need to have my teeth whitened so I look good on the campaign trail, or I need a new suit. … [T]he statute defines 'personal use' as any abdication that would exist even if you weren't running for office. You've still gotta have clothes, still gotta keep your teeth, these are things that existed before you ran for office. The obligation has to exist solely because he's running for president. It's the idea of, 'I want to settle these lawsuits because I don't want this to hang over me.'"[4]

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[1] Jordan Boyd, *Trump Trial Judge Censors Federalist Writer, Former FEC Chairman from Sharing Key Defense Facts*, FEDERALIST (May 7, 2024), https://tinyurl.com/3mu53rdn; Randy DeSoto, *FEC Expert Witness Whose Testimony Was Denied by Merchan Reveals What He Would Have Said at Trump Trial*, WESTERN J., (May 23, 2024, 2:53PM) https://tinyurl.com/22xrw7ty; Byron York, *Brad Smith: What I would have told the Trump jury*, WASH. EXAM'R. (May 20, 2024), https://tinyurl.com/4ecrusts.
[2] Byron York, *Brad Smith: What I would have told the Trump jury*, WASH. EXAM'R. (May 20, 2024), https://tinyurl.com/4ecrusts.
[3] *Id.*
[4] *Id.*

Legal Errors in the New York Prosecution of President Trump
OGE Forms

The core issue in the trial was how Trump's payments to Cohen were classified. The trial omitted the fact that the payments were disclosed—and verified by the Office of Government Ethics (OGE) in 2018—to be personal, not campaign, in nature.

Office of Government Ethics Forms

- As any candidate for government office knows there are plenty of financial disclosure forms to complete, often as a candidate, and particularly once elected.
- These financial disclosures are for *personal* disclosures, not disclosures on behalf of the businesses for which they have a financial interest.[1]
- Thus, even though President Trump owned the Trump Organization, he had no obligation to report the underlying liabilities of the Trump Organization. Just because a Member of Congress must report owning shares of Amazon, it does not mean they have to report on all of Amazon's underlying liabilities.

President Trump's 2018 Financial Disclosure

- In 2018, President Trump reported he had fully paid off a loan to Mr. Cohen.[2]
- OGE examined the disclosure and wrote the Department of Justice, "OGE has concluded that … the payment made by Mr. Cohen is required to be reported as a liability."[3] This was also noted in the "Comments of Reviewing Officials" section of President Trump's 2018 submission.[4]
- No later than May 18, 2018, OGE determined the payment was Donald Trump's personal liability—not a liability of the Trump Organization or Campaign.
- The NY indictment hinged on the concealment occurring via an enterprise that had liability—i.e., Trump used the Trump Organization to handle the reimbursement. But Trump didn't disclose the reimbursement as that of the Trump Organization. He disclosed it as personal.

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[1] *See Public Financial Disclosure Guide, OGE Form 278e: Part 8 Liabilities*, U.S. OFFICE OF GOVERNMENT ETHICS, https://tinyurl.com/44kxkcyp, (explaining the obligation to report personal liabilities, not the liabilities of an enterprise).

[2] *See* Donald Trump, Annual Report (Form 278e) (May 15, 2018) (hereinafter "Trump OGE Form") (available at https://tinyurl.com/2s3v8d8s) ("In the interest of transparency, while not required to be disclosed as 'reportable liabilities' on Part 8, in 2016 expenses were incurred by one of Donald J. Trump's attorneys, Michael Cohen. Mr. Cohen sought reimbursement of those expenses and Mr. Trump fully reimbursed Mr. Cohen in 2017. The category of value would be $100,001 - $250,000, and the interest rate would be zero").

[3] Letter from David Apol, Acting Director U.S. Office of Government Ethics, to Rod Rosenstein, Deputy Attorney General (May 16, 2018) (available at https://tinyurl.com/4ufv6vxh).

[4] *See* Trump OGE Form, supra note 2 at 1, ("Note 3 to Part 8: OGE has concluded that the information related to the payment made by Mr. Cohen is required to be reported and that the information provided meets the disclosure requirement for a reportable liability").

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]

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[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.