

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

Defendant's Motion for
Discovery Sanctions

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 commenced on April 15, 2024.¹

PROCEDURAL BACKGROUND

On March 8, 2024, the Defendant filed a pre-motion letter, with the motion attached thereto, seeking leave to file a motion for discovery sanctions based on the People's alleged violations of Criminal Procedure Law Article 245. The motion alleged that a recent production of documents from the United States Attorney's Office for the Southern District of New York (hereinafter "USAO-SDNY") to the People and thereafter turned over to the Defendant, evidenced serious discovery violations warranting dismissal of the indictment or, in the alternative, the preclusion of testimony from Michael Cohen, Stephanie Clifford and Adav Noti. The motion alleged that the People engaged in widespread misconduct including the suppression of evidence to obstruct the

¹ A hearing on this motion was conducted on March 25, 2024. A decision was rendered from the bench with notice that this written decision was to follow.