

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

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP,

Defendant.

DECISION AND ORDER
ON PEOPLE'S MOTIONS IN
LIMINE

Ind. No. 71543/2023

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

The People's motions *in limine* are decided as follows:

**PEOPLE'S I: MOTION TO EXCLUDE WITNESS TESTIMONY AND ARGUMENT REGARDING
FEDERAL ELECTION LAWS**

For the reasons set forth below, this motion is **GRANTED** in part and **DENIED** in part.

The People ask this Court to: (1) treat the proposed testimony of Bradley A. Smith ("Smith") as expert testimony and not lay testimony; (2) exclude the testimony of Smith because an expert is not permitted to offer legal conclusions; (3) exclude the proposed testimony in full because it is irrelevant; (4) exclude the proposed testimony opining whether the Stormy Daniels ("Daniels") payoff violated campaign finance law; and (5) preclude the proposed testimony about the *United States v. John Edwards* prosecution.

Exhibit 1 to the People's affirmation in support of motions *in limine* (hereinafter "People's Affirmation") is a copy of Defendant's witness disclosure for Smith, dated January 22, 2024. Also attached to the People's Affirmation as Exhibit 3, is a copy of the signed engagement letter between Smith and Todd Blanche, counsel for Defendant, dated January 4, 2024. In the engagement letter, Smith expresses appreciation for "the opportunity to serve as an expert consultant and witness" in the instant matter. People's Exhibit 3. The letter further states that Smith will "provide expert testimony as necessary in both pre-trial and trial stages." *Id.*

"A person qualified as an expert by knowledge, skill, experience, training, or education may testify to an opinion or information concerning scientific, technical, medical, or other