



Written by [Bob Adelman](#) on April 5, 2023

Even Liberal Lawyers Admit Trump Case Is Weak; Trump Lawyers to File Motion to Dismiss

When law professors from liberal law schools deem the charges brought against former President Donald Trump as “weak,” one may be certain they *are* weak.

[As CBS News admitted:](#)

The indictment ... accused Trump of unlawfully falsifying business records to cover up hush money payments to individuals who claimed to have negative stories about him....

[But] legal experts [say] it will not be easy for Manhattan prosecutors to prove the former president committed a felony.



Nick Youngson/Pix4free

The case hinges on New York District Attorney Alvin Bragg’s contention that these hush-money payments were somehow designed to cover up another much more grievous crime, but failure to state what that crime actually was.

Cornell University Law School Professor Randy Zelin confirmed Bragg’s monumental task: “I think it will be difficult [for Bragg] to prevail on the felony [charges].” Jessica Levinson, a law professor at Loyola Law School, agreed: “Unless you have a smoking gun, showing intent to commit another crime can always be a challenge.”

John Coffee, a law professor at Columbia University, told CBS News that while Bragg might have strong evidence that Trump ordered payments to two women who claimed to have had affairs with him, “I don’t understand what [Bragg is] alleging was the federal offense or the state offense that was covered up.”

Retired Democratic Harvard Law Professor Alan Dershowitz agreed:

Where’s the victim here? Who was hurt? Stormy Daniels isn’t the victim. Who is the victim here? [Why would] you ever devote that much time and resources ... to [investigate] such a victimless crime?

Michael Bachner, a former prosecutor for the Manhattan DA’s office, said:

This is old stuff. There’s statute of limitations issues. There’s big issues related to the legality of the charges.... [The question is] whether or not a jury is going to want to convict a candidate for president based on these types of facts.

Joseph deGenova, founder of the law firm deGenova & Toensing, thinks the charges against Trump are



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an embarrassment and should be dismissed:

I think this indictment is an embarrassment to the historic Manhattan District Attorney's office. It's an embarrassment to the bar of the city of New York and the court system of New York.

This case should be dismissed for a number of reasons: Statute of limitations, prosecutorial misconduct, failure to state a crime.

Bragg's biggest problem appears to be (if he really were trying to find a crime that Trump had committed) that paying hush money isn't a crime. In addition, the statute of limitations, even if a crime could be proven, ran out years ago.

And then there's a recent precedent that adds to Bragg's challenge in successfully prosecuting Trump: a unanimous Supreme Court ruling (*Kelly v. United States*, aka "Bridgegate") in which the high court held that the alleged conspiracy "did not aim to obtain money or property," and so the defendants couldn't have violated federal law.

As Trump's attorney, Joe Tacopina, told *CBS Mornings*:

There's no crime at all.... [Bragg is] charging the [former] president of the United States with crimes, crimes that will never be sustained in a court of law because they [simply] don't exist....

[The indictment] did not list the underlying crimes he's allegedly intended to cover up with false business records.

What's to hide?

Understand, these false business record entries — which are not even false — are misdemeanor counts [for which] the statute of limitations is long gone.

He added that a jury will never hear the case: "After seeing the indictment, I don't think this case is going to see a jury. I think it's going to go away.... I think there's a legal challenge that needs to be made and it will be made successfully."

He and other members of Trump's legal team, after reviewing the indictment, are readying a number of those legal challenges. Said Tacopina:

This is a case of political persecution. Had [Trump] not been running for office right now for the office of the presidency ... had he not been running for president, he would not have been indicted.

Tacopina is readying motions to present to the court, including prosecutorial misconduct, selective prosecution, legal insufficiency, and the statute of limitations. He'll refer to a video of Bragg promising that, if elected, he would make it his office's priority to go after Trump.

He no doubt will remind the court that both the U.S. Attorney's Office in the Southern District of New York and the Federal Election Commission previously investigated Trump over these payments and found nothing with which to charge him.



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All of which many not cut much mustard with the judge handling the case, however. Juan Merchan, originally appointed as a judge by former New York City Mayor Michael Bloomberg, has punished the Trump Organization's president for tax fraud, and is due to preside over the trial of former Trump associate Steve Bannon when it begins in October.

The 34-count indictment made on Tuesday is as close as the communists infiltrating the highest branches of the government in both Washington, D.C., and New York City have come to eliminating Trump as a political risk to their plans. Merchan isn't likely to let this opportunity slip away just because there is no substance to it. He will keep the case alive.

Because it's not about the case. It's about Trump and the desperate need by the Left to neutralize him and his threat to their agenda.



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