



## Turley: Trump Judge Permitted Prosecutor to Spew Falsehoods in Closing. Dershowitz: “War of Weaponization” of the Law Has Begun.

Now that the Stalinist Show Trial of President Trump has ended in the [predictable guilty verdict](#), the case will go to appeal, as expected.

But Trump’s prevailing on appeal in New York is unlikely, despite the case being a fraud and political hit on behalf of the Biden campaign — which means the case will likely land before the U.S. Supreme Court.

From the day that leftist Manhattan District Attorney Alvin Bragg filed 34 charges against Trump, even legal observers on the Left described a nakedly political prosecution. The charges were bogus, law professors Jonathan Turley and Alan Dershowitz have said.



AP Images

And now they lament the politicization of American justice to crush a presidential candidate.

The instructions in the case raised concerns that the deliberations could become a legal version canned hunt, where the prey is trapped in a cage or fenced in areas to be dispatched. The instructions seemed to reduce what is required to convict.

<https://t.co/MJ9yxMPK3B>

— Jonathan Turley (@JonathanTurley) [May 30, 2024](#)

### Turley Column

The [jury convicted](#) Trump on 34 counts of first-degree falsification of business records, a felony in New York if done to hide or commit another crime. In this case, that crime was a violation of New York election law in that Trump was trying to defeat Joe Biden in 2020 by hiding [hush-money payments to](#) porn queen Stormy Daniels and another woman. Trump also supposedly broke federal election law.

Noting that he was “saddened by the verdict,” in his column today, George Washington University law professor [Jonathan Turley wrote](#) that he had hoped for a hung jury that would “restore some integrity to the New York criminal justice system.”

But alas, the judge’s instructions to the jury “made conviction much more likely.”

That irregularity, along with others, was the subject of Turley’s ruminations when the case went to the jury.

“Even before the jury instructions, the trial was controversial for both liberal and conservative commentators,” [he wrote](#):



Written by [R. Cort Kirkwood](#) on May 31, 2024

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At the start of closing arguments, most honest observers were still wondering what the prosecutors were alleging as to the crime that Trump was allegedly concealing with the falsification of business records.

New York law permits prosecutors to make closing arguments *after* the defense, Turley observed, “giving the government free rein over its closing with no risk of contradiction from the defense. With the exception of objections, any abusive or improper arguments are left to the judge to address.”

Which is exactly what happened, and Judge Juan Merchan, a hate-Trump [Biden campaign donor](#), did nothing to stop it.

“The prosecution engaged in flagrant violations[,] from offering testimony on unestablished facts to directly contradicting prior instructions,” [Turley wrote](#):

In one of the most egregious moments, Prosecutor Joshua Steinglass told the jury that it is an established fact that former Trump counsel Michael Cohen committed a federal election law violation on the direct orders of Donald Trump. Merchan had repeatedly said that Cohen’s earlier plea could not be used to imply the guilt of Trump. Merchan overruled an objection and Steinglass proceeded, as he did earlier in trial, to repeat the false statement.

Merchan did nothing as Steinglass told the jury that Hope Hicks cried in court because she knew that she had destroyed Trump’s defense (Hicks has never explained why she cried). Merchan did nothing as Steinglass falsely told the jury that the media and political campaigns do not do what Trump did in seeking to kill and plant stories. (This ignored, for example, that the Clinton campaign did precisely that repeatedly in the very same election, including with the false Russian collusion allegations).

It was only when Steinglass repeatedly instructed the jury on the law that Merchan finally sustained objections, at the end of his closing arguments.

So going into the deliberations, the court allowed the jury to be told repeatedly that there were federal campaign violations committed by Trump. That is not true. Putting aside that the federal government found no basis to impose a civil fine, let alone bring a criminal charge, the court barred a legal expert who could have shown that no such violation occurred. The jury does not know that. Instead, the judge allowed them to be repeatedly told a false fact that could make it difficult for anyone to acquit.

But that wasn’t the only troubling thing, Turley observed.

Merchan instructed the jury that they needn’t agree unanimously on the crimes with which Trump was charged. The jurors could disagree, with “four jurors accepting each of the three possible crimes in a 4-4-4 split. The court would still consider that a unanimous verdict so long as they agree that it was in furtherance of some crime.”

Merchan did not tell the jury about “key elements” that proved Trump did not violate federal election law, which the former chairman of Federal Election Committee would have told the jury had [Merchan permitted](#) him to testify.

As well, “prosecutors zapped a dead misdemeanor back into life by claiming a violation under New York’s election law 17-152,” [Turley continued](#):



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The argument is that the crime was committed to further another crime as an unlawful means to influence the election. However, that other crime can be the falsification of business records. So the jury (or some jurors, at least) could find that some documents were falsified as an unlawful means of falsifying other documents.

Dead because the [statute of limitations had lapsed](#), those misdemeanors became prosecutable felonies.

It is much more likely that Merchan will impose a sentence without a jail sentence, though with fines. The most appropriate, in my view, would be a conditional discharge that requires Trump not to commit a new crime or face potential imprisonment...

<https://t.co/2LGV80UBnd>

— Jonathan Turley (@JonathanTurley) [May 31, 2024](#)

### **Dershowitz: Jury Failed**

The guilty verdict is the “beginning of a war of weaponization of the criminal justice system,” Dershowitz said on Fox News’ *Mornings with Maria*. The jurors, [he told](#) hostess Maria Bartiromo, failed to stop a bogus prosecution.

The jurors “were hand-picked by the judge and by the prosecutor to be anti-Trump,” he said.

Continued Dershowitz:

These were jurors who voted between 85 and 90 percent not to allow Trump to be president, and they will do anything to prevent him from being president. And so their vote was the second vote on November against him being president. It wasn’t a vote on the facts of the law of the case.

The facts of the law of the case here are an absolute joke. There isn’t a serious lawyer in the country, Democrat or Republican, who will privately tell you this was a legitimate case. I’m getting calls from friends of mine who are Democrats and who are liberals, but who won’t speak out.

Dershowitz said those lawyer friends know the prosecution, trial, and verdict are “outrageous,” yet they are “thrilled” because of their get-Trump mentality.

“This was essentially a directed verdict of guilt by the judge, by giving [the jury] the multiple-choice defense,” he said. “As soon as Bragg indicted, we knew there was going to be a conviction. It was a foregone conclusion.”

And reprising what [he has](#) said before, no judge or jury in Manhattan would fail to convict Trump, because they would fear being ruined socially and professionally.

“Every judge understands that if you’re perceived as doing anything in favor of Trump, in a city like New York, particularly in Manhattan, your life is over,” he said. “And every juror understood that. Every judge understood that.”

Dershowitz worries that the state appellate judges have the same “get-Trump mentality” and will likewise fear retribution if they overturn the conviction.



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