

FEB 26 2024

SUPREME COURT
CRIMINAL TERM
NEW YORK COUNTY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No. 71543-23

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

**NOTICE OF PRESIDENT
DONALD J. TRUMP'S
MOTIONS *IN LIMINE***

PLEASE TAKE NOTICE that upon the annexed affirmation of Todd Blanche, dated February 22, 2024, the exhibits attached thereto, and the accompanying memorandum of law, President Donald J. Trump, by his counsel Blanche Law PLLC and NechelesLaw LLP, will move this Court, the Supreme Court of New York, County of New York, 100 Centre Street, New York, N.Y. 10013, on a date and time to be set by the Court, for the following *in limine* rulings:

1. Michael Cohen Perjury. The People should be precluded from suborning additional perjury by Michael Cohen;
2. So-Called Election "Influence." The People should be precluded from arguing that President Trump sought to improperly "influence" the 2016 election was nothing untoward or irregular—and certainly nothing criminal—about his winning candidacy supported by tens of millions of Americans;
3. Improper "Intent To Defraud" Arguments. The People should be precluded from arguing that the "intent to defraud" element under Penal Law § 175.10 can be established through intent relating to a predicate offense or President Trump's intention to win the 2016 election through campaign practices well within established norms;
4. Improper Background Bootstrapping. The People should be precluded from offering evidence relating to an alleged "scheme" dating back to 2015, and from using the prejudicial phrase "catch and kill" because they chose to proceed on the basis of non-conspiracy substantive violations of Penal Law § 175.10 in 2017;

5. Inadmissible Evidence Concerning Dino Sajudin. The People should be precluded from offering testimony from or regarding Dino Sajudin, as issues relating to Sajudin have no bearing on the 2017 records entries at issue in the charges;
6. Inadmissible Evidence Concerning Karen McDougal. For similar reasons, and because such evidence would be unduly prejudicial, the People should be precluded from offering testimony from or regarding Karen McDougal;
7. Inadmissible Evidence Concerning Stephanie Clifford. The People should be precluded from offering testimony from or regarding Stephanie Clifford, who has made clear through public statements that she intends to offer false, salacious, and unduly prejudicial testimony relating to President Trump concerning events from between 2006 and 2008;
8. Inadmissible Evidence Concerning the *Access Hollywood* Recording. The Court should preclude evidence regarding the so-called *Access Hollywood* recording, which also contains inflammatory and unduly prejudicial evidence that has no place at this trial about documents and accounting practices;
9. The People should be precluded from presenting arguments that payments to McDougal and Clifford were illegal campaign contributions under the Federal Election Campaign Act (“FECA”), and thereby satisfy the “other crime” element under Penal Law § 175.10, because that is simply wrong as a matter of law;
10. The People should be precluded from offering hearsay and inadmissible evidence concerning FECA-related resolutions by Cohen and American Media, Inc. (“AMI”);
11. The People should be precluded from offering evidence relating to alleged false entries in AMI’s books and records, as there is no evidence that President Trump was aware of the entries or their alleged inaccuracy and this case should not involve a mini-trial about AMI’s accounting practices;
12. The People should be precluded from offering evidence and argument that President Trump or the Donald J. Trump Revocable Trust constituted the relevant “enterprise” under Penal Law § 175.10, because that is not what they alleged in the Indictment;
13. The People should be precluded from offering alleged notes from January 2017 by non-witness Allen Weisselberg because they cannot establish an adequate foundation for any hearsay exception;
14. The People should be precluded from offering statements by Mayor Rudolph Giuliani because the People cannot establish that the statements were consistent with governing agency principles;

15. *The People* should be required to make a pre-trial offer of proof regarding the admissibility of the nearly 100 statements attributed to President Trump, which the People have identified as potential trial exhibits, and which are largely irrelevant, stale, and cumulative; and

16. The People should be required to revise their exhibit list to provide adequate and particularized notice of the exhibits they currently intend in good faith to offer in their case in chief.

Dated: February 22, 2024
New York, N.Y.

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