

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.

SANDOVAL NOTICE PURSUANT
 TO CPL § 245.20(3)

Ind. No. 71543-23

The People hereby disclose a list of all misconduct and criminal acts of the defendant not charged in the indictment which the People intend to use at trial to impeach the credibility of the defendant pursuant to CPL § 245.20(3)(a).

If the defendant chooses to testify, the People intend to inquire regarding the following acts:

Proceeding	Date of Determination	Claim / Charge	Use at Trial	Facts ¹
<i>People by James v. Trump</i> , Index No. 452564 (Sup. Ct. N.Y. Cnty.)	2/16/2024 (NYSCEF Doc. No. 1688)	Exec. Law § 63(12); PL §§ 175.05, 175.45, 176.05	Determination and underlying facts.	Defendant repeatedly and persistently falsified business records, conspired to falsify business records, issued false financial statements, conspired to issue false financial statements, and conspired to commit insurance fraud by fraudulently misstating the value of his assets for economic benefit—including the Trump Tower Triplex (by overstating its square footage by nearly three times), the Seven Springs Estate (by valuing the property at up to 29 times appraised values), 40 Wall Street (by valuing the property at nearly \$200 million more than its appraised value), and a golf course in Aberdeen, Scotland (by valuing the property as if the Trump Organization could build 2500 year-round private residences when in fact they had permission to build only 500). Court ordered defendant to pay \$354,868,768 in penalties and enjoined defendant from serving as officer or director of any New York corporation for three years.
	10/25/2023 (NYSCEF Doc. No. 1598)		Determination and underlying facts.	Defendant testified untruthfully under oath when he claimed that his public comments about a judge’s law clerk were instead about a witness. Court held: “[A]s the trier of fact, I find [Trump’s] testimony rings hollow and untrue.”

¹ The People identify certain facts in this table as an aid to the defense and the Court, and further notify defendant that more specific underlying facts are contained in the appended filings as indicated by docket number in the “Date of Determination” column on this table.

	10/25/2023 (NYSCEF Doc. No. 1598)		Determination and underlying facts.	Defendant intentionally violated court order by making public attacks on a judge's law clerk despite two prior court orders not to do so. Court fined defendant \$10,000.
	10/20/2023 (NYSCEF Doc. No. 1584)		Determination and underlying facts.	Defendant violated court order by failing to remove "untrue, disparaging, and personally identifying post" about the court's Principal Law Clerk from the website DonaldJTrump.com. Court fined defendant \$5,000.
	9/26/2023 (NYSCEF Doc. No. 1531)	Exec. Law § 63(12)	Determination and underlying facts.	Defendant committed repeated and persistent fraud in the transaction of business by fraudulently misstating the value of his assets (including the Trump Tower Triplex, the Seven Springs Estate, 40 Wall Street, and a golf course in Aberdeen, Scotland) in statements of financial condition in order to mislead financial counterparties and obtain economic benefits.
<i>Carroll v. Trump</i> , No. 20-cv-7311 (S.D.N.Y.)	1/26/2024 (ECF No. 280)	Defamation damages	Determination.	Jury awarded E. Jean Carroll \$83,300,000 in compensatory and punitive damages for defamatory statements defendant made about her on June 21 and June 22, 2019.
	9/6/2023 (ECF No. 214)	Defamation	Determination and underlying facts.	Defendant defamed E. Jean Carroll in public statements on June 21 and June 22, 2019 by making false statements with actual malice.
<i>Carroll v. Trump</i> , No. 22-cv-10016 (S.D.N.Y.)	5/9/2023 (ECF No. 174)	Sexual abuse	Determination.	Defendant sexually abused E. Jean Carroll. Jury awarded the plaintiff \$2,020,000 in compensatory and punitive damages on her sexual abuse claim.
	5/9/2023 (ECF No. 174)	Defamation	Determination and underlying facts.	Defendant defamed E. Jean Carroll in a public statement made on October 12, 2022 on Truth Social by making a false statement with actual malice. Jury awarded the plaintiff \$2,980,000 in compensatory and punitive damages on her defamation claim.
<i>Trump v. Clinton</i> , No. 22-14102-CV (S.D. Fla.)	1/19/2023 (ECF No. 302)		Determination.	Court sanctioned defendant and ordered him to pay \$937,989 in fees for filing a frivolous, bad-faith lawsuit. Court held: "Here, we are confronted with a lawsuit that should never have been filed, which was completely frivolous, both factually and legally, and which was brought in bad faith for an improper purpose. Mr. Trump is a prolific and sophisticated litigant who is repeatedly using the courts to seek revenge on political adversaries. He is the mastermind of strategic abuse of the judicial process, and he cannot be seen as a litigant blindly following the advice of a lawyer. He knew full well the impact of his actions."
<i>People v. The Trump Corporation</i> , Indictment No. 1473/2021	12/6/2022	PL §§ 190.65, 105.10, 175.10; Tax Law §§ 1803, 1804	Determination.	Trump Corporation and Trump Payroll Corp. convicted of seventeen felony counts of scheme to defraud, conspiracy, criminal tax fraud, and falsifying business records in connection with a scheme to pay unreported non-cash compensation to top executives, including Allen Weisselberg.
<i>People by James v. Trump</i> , Index No. 451130/2018	11/7/2019 (NYSCEF Doc. Nos. 138, 139)	N-PCL §§ 717, 720; EPTL §§ 8-1.4, 8-1.8	Determination and underlying facts.	Defendant illegally allowed his 2016 presidential campaign to orchestrate a fundraiser for the Donald J. Trump Foundation, direct distribution of the funds, and use the fundraiser and distribution of the funds to further defendant's political campaign. Court ordered defendant to pay \$2,000,000 for breach of fiduciary duty and waste.

	12/11/2018 (NYSCEF Doc. No. 113)	N-PCL §§ 717, 720; EPTL §§ 8- 1.4, 8-1.8	Stipulation.	Defendant stipulated to the dissolution of the Donald J. Trump foundation to resolve claims by the New York Attorney General of breach of fiduciary duty and waste, failure to properly administer charitable assets, improper political activity, unlawful coordination with the Trump political campaign, and repeated and willful self-dealing transactions.
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The People’s February 22, 2024 motions *in limine* already disclosed the misconduct and uncharged criminal acts which the People intend to use at trial as substantive proof of any material issue pursuant to CPL § 245.20(3)(b). To the extent the Court concludes in resolving those motions *in limine* that the identified acts may not be admitted as substantive proof of a material issue, the People hereby give notice that we intend to use the acts identified in those motions to impeach the credibility of the defendant pursuant to CPL § 245.20(3)(a).

DATED: March 10, 2024

Respectfully submitted,

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