

PART 59 APR 25 2024

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.

SECOND SUPPLEMENTAL
AFFIRMATION IN SUPPORT OF
THE PEOPLE’S MOTION FOR
CONTEMPT

Ind. No. 71543-23

CHRISTOPHER CONROY, an attorney admitted to practice before the courts of this state, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney’s Office. I am one of the attorneys assigned to the criminal trial against defendant Donald J. Trump. I am familiar with the facts and circumstances underlying this case. I make this affirmation on information and belief, the sources of which are my involvement in the investigation, a review of documents within the files of the Office, and conversations with knowledgeable individuals.

2. On March 26, 2024, the Court issued an order restricting defendant’s extrajudicial statements. In relevant parts, that order prohibited defendant from “[m]aking or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding,” and “[m]aking or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.” Decision and Order at 4, *People v. Trump*, Ind. No. 71543-23 (Sup. Ct. N.Y. County Mar. 26, 2024) (attached as Exhibit A).

3. On April 1, 2024, the Court issued an order expanding the restrictions contained in the March 26 order to also prohibit certain statements made about “the family members of any

counsel, staff member, the Court or the District Attorney.” Decision and Order at 4, *People v. Trump*, Ind. No. 71543-23 (Sup. Ct. N.Y. County Apr. 1, 2024) (attached as Exhibit B).

4. The Court’s April 1, 2024 order stated: “Defendant is hereby warned that any violation of this Order will result in sanctions under Judicial Law §§ 750(A)(3) and 751.”

5. On April 8, 2024, defendant filed a petition under C.P.L.R. article 78 in the Appellate Division, First Department seeking to prohibit enforcement of certain aspects of this Court’s April 1 order—including, as relevant here, its “restrictions on speech regarding Michael Cohen” and “Stephanie Clifford.” Verified Article 78 Petition (“Pet.”) ¶¶ 42, 79-82, 96-101. *Matter of Trump v. Merchan*, No. 2024-02369, NYSCEF Doc. No. 5 (1st Dep’t Apr. 8, 2024). Defendant’s article 78 petition does not raise *any* challenge regarding the order’s prohibition on “[m]aking or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.” Defendant also sought an interim “stay of proceedings pending resolution of the Article 78 proceeding in the nature of prohibition.” Sum. Stmt. on Application for Interim Rel. at 1, *Matter of Trump*, NYSCEF Doc. No. 6. On April 9, a justice of the Appellate Division denied defendant’s application for interim relief. Defendant’s underlying article 78 petition is currently returnable on April 29. *See* Order, *Matter of Trump*, NYSCEF Doc. No. 14. On April 23, a five judge panel of the Appellate Division again denied defendant’s application for a stay. Defendant’s underlying article 78 petition is currently returnable on April 29. *See* Order, *Matter of Trump*, NYSCEF Doc. No. 25.

6. After the first Appellate Division denial of defendant’s application for interim relief, defendant willfully violated the April 1 order with three social media posts about known witnesses concerning their participation in this criminal proceeding. The People filed with the Court and served on defendant an affirmation, Order to Show Cause, and Memorandum of Law

on April 15, 2024. That same day the Court ordered the defendant to respond by 5 p.m. on Friday, April 19, 2024, and ordered a hearing to be held at 2:30 P.M. on April 24, 2024 (attached as Exhibit C). The Court amended its order on the record later that day to reschedule the contempt hearing for 9:30 A.M. on April 23, 2024.

7. The people filed a Supplemental Affirmation on April 18, 2024, outlining seven additional willful violations of the Order between Monday, April 15 and Wednesday April 17, 2024. Six of defendant's willful violations related to known witnesses and concerned their participation in this criminal proceeding. The seventh violation related to a prospective juror or any juror in this criminal case. After filing the Supplemental Affirmation and a new Proposed Order to Show Cause related to the seven additional violations, the Court Ordered the seven new violations to be part of the previously ordered hearing to be held on April 23, 2024 at 9:30 a.m. (attached as Exhibit D).

8. On April 23, 2024 at 9:30 a.m., the Court held a hearing on the 10 violations of the Order alleged in the Affirmation and Supplemental Affirmation. The Court's decision after the hearing is pending as of the writing of this affirmation.

9. This Affirmation describes three additional violations of the Court's Order dated April 1, 2024. The People are submitting a new proposed Order to Show Cause, and request that a hearing be held at the Court's earliest convenience. We rely on the Memorandum of Law filed on April 15 to support this Affirmation and the accompanying Order to Show Cause.

10. On April 22, 2024, at approximately 12:45 p.m. defendant made a statement to the media in the hallway of 100 Centre Street, outside the door to Supreme Court of the State of New York State County of New York Part 59, the courtroom where this proceeding is taking place. The statement was made to the media assembled in the media area set aside in the hallway of the

courthouse to allow coverage of defendant entering and leaving the courtroom, and the statements he routinely makes to the media on his way into and out of the courtroom. The entire statement outside court was 8 minutes and 39 seconds long. At approximately 1:24 into the video defendant said the following: “But they call the payment to a lawyer a legal expense in the books. They didn’t call it construction, they didn’t say you’re building a building. They called it a payment to a lawyer because as you know, Cohen is a lawyer, represented lot of people over the years. I’m not the only one, and wasn’t very good in a lot of ways in terms of his representation, but he represented a lot of people, but he puts in an invoice or whatever, a bill and they pay and they call it a legal expense. I got indicted for that.” At approximately 4:58 into the video defendant went on: “And when are they going to look at all the lies that Cohen did in the last trial? He got caught lying in the last trial. So he got caught lying, pure lying. And when are they going to look at that?” (Transcript of relevant portions attached as Exhibit E).¹

11. On April 22, 2024, defendant gave a telephone interview to a network called Real America’s Voice that began at approximately 7:15 p.m. The full recording of defendant’s interview is 21 minutes and 19 seconds. During the interview, beginning at 6 minutes and 57 seconds into the interview, defendant made the following statement: “But this judge, uh, said that I can’t get away from the trial. You know he’s rushing the trial like crazy. Nobody’s ever seen a thing go like this. That jury was picked so fast – 95% democrats. The area’s mostly all democrat. You think of it as a – just a purely democrat area. It’s a very unfair situation that I can tell you.” This statement relates to this proceeding, and to a prospective juror or juror in this proceeding. (Transcript of relevant portions attached as Exhibit F).

¹ We have provided relevant portions of the transcripts of each statement as exhibits. We will also provide the Court and counsel with a thumb drive containing the full version of each of the three statements by defendant.

12. On April 23, 2024 in the morning, before the hearing on defendant's previous violations of the Order, and before the continuation of David Pecker's testimony which began on April 22, defendant gave an interview to an affiliate of ABC TV in Pennsylvania. The interview, which lasted 11 minutes and 48 seconds, aired the evening of April 23, 2024. During the interview, beginning at 8 minutes and 21 seconds into the interview, defendant made the following statement in response to a question: "Well, Michael Cohen is a convicted liar and he's got no credibility whatsoever. He was a lawyer and you rely on your lawyers. But Michael Cohen was a convicted liar. He was a lawyer for many people, not just me. And he got in trouble because of things outside of what he did for me, largely, it was essentially all because what he did in terms of campaign I don't think there was anything wrong with that with the charges that they made. But what he did is he did some pretty bad things, I guess, with banking or whatever if that was a personal thing to him. David Pecker, I don't know exactly what he's going to be testifying against but or about, but he'll be testifying today." This is a knowing and willful statement by defendant that relates to this proceeding and is about witnesses in the case, one of whom is currently testifying in this proceeding. (Transcript of relevant portions attached as Exhibit G).

13. At approximately 6:35 a.m. this morning (April 25th, 2024) defendant had a press event at 49th Street and Park Avenue here in Manhattan. During the event defendant made the following statement in response to a question about David Pecker's ongoing testimony in this proceeding: "He's been very nice. I mean, he's been – David's been very nice. A nice guy." Mr. Pecker is expected to resume his testimony in this proceeding this morning. This statement related directly to the testimony of a witness on the stand in this proceeding. (Transcript of relevant portion attached as Exhibit H).

14. There is good cause to believe that defendant is guilty of criminal contempt under Judiciary Law § 750(A)(3) by virtue of the statements to the media described above. Under that provision, a court may punish any party with criminal contempt for their “[w]illful disobedience to its lawful mandate.” Judiciary Law § 750(A)(3). To establish criminal contempt, the moving party must prove beyond a reasonable doubt: (1) the existence of a lawful order expressing an unequivocal mandate, and (2) a violation of the order (3) that is made with knowledge and is willful. *See, e.g., Matter of Dep’t of Env’tl Protection of City of New York v. State Dep’t of Env’tl Conservation*, 70 N.Y.2d 233, 240 (1987).

15. The Court’s restrictions on defendant’s extrajudicial statements, reflected in the March 26 order as amended by the April 1 order, constitute a lawful order of the Court clearly expressing an unequivocal mandate that defendant refrain from making or directing to be made (i) public statements about known witnesses concerning their participation in this criminal proceeding and (ii) public statements about any prospective juror or any juror in this criminal proceeding. It is well-settled that defendant’s objections to this order and pending legal challenge to it in the Appellate Division neither excuse him from complying with the order nor prevent this Court from holding him in contempt. In any event, defendant has raised no challenge in his article 78 petition to the restrictions on statements about jurors.

16. Defendant violated those restrictions by making the statements described above. The statements unquestionably relate to known witnesses and prospective jurors in this criminal trial and concern their participation in this criminal proceeding.

17. Finally, defendant’s violations are willful. Defendant is indisputably aware of the April 1 order and has recent experience in New York courts, including this one, regarding the scope of orders restricting his extrajudicial statements. Indeed, defendant engaged in the above

violations after this Court issued two orders to show cause to hold defendant in criminal contempt; after the Court warned defendant on Monday April 22 that there was no exception in the orders allowing defendant to make statements about witnesses who defendant perceives to have attacked him; after this Court made it “crystal clear” to defendant that it would not “tolerate” his gestures and statements to jurors in the courtroom; and on the day before and the day of the hearing this Court held on the two Orders to Show Cause the Court has already issued related to violations of the same Order. Defendant’s decision to again specifically target individuals and the proceeding which this Court’s order protects is a deliberate flouting of this Court’s directives that warrants sanctions under Judiciary Law § 751.

WHEREFORE, the People respectfully request that the Court order defendant to show cause why he should not be held in criminal contempt of the Court’s order restricting extrajudicial speech.

Dated: April 25, 2024
New York, New York

Respectfully submitted,

Christopher Conroy
Assistant District Attorney
Of Counsel

Exhibit A

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

People's Motion for an
Order Restricting
Extrajudicial Statements

Indictment No. 71543-23

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

BACKGROUND

Defendant is charged with 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10. The charges arise from allegations that Defendant attempted to conceal an illegal scheme to influence the 2016 presidential election. Specifically, the People claim that Defendant directed an attorney who worked for his company to pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with Defendant. It is further alleged that Defendant thereafter reimbursed the attorney for the payments through a series of checks and caused business records associated with the repayments to be falsified to conceal his criminal conduct. Trial on this matter is scheduled to commence on April 15, 2024.

On February 22, 2024, the People filed the instant motion for an order restricting extrajudicial statements by Defendant for the duration of the trial. The restrictions sought are consistent, in part, with those upheld in the U.S. Court of Appeals for the D.C. Circuit in *United States v. Trump*, 88 F4th 990 [2023]. On March 4, 2024, Defendant filed a response in opposition, arguing that his speech may only be restricted by the application of a more strenuous standard than applied by the D.C. Circuit and that the People have failed to meet that standard in this case.

DISCUSSION

The freedom of speech guaranteed by the First Amendment and the State's interest in the fair administration of justice are implicated by the relief sought. The balancing of these interests must come with the highest scrutiny. "Properly applied, the test requires a court to make its own inquiry into the imminence and magnitude of the danger said to flow from the particular utterance

and then to balance the character of the evil, as well as the likelihood, against the need for free and unfettered expression.” *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 842-843 [1978]. The Court has an obligation to prevent outside influences, including extrajudicial speech, from disturbing the integrity of a trial. *Id. at 350-351*; *see also Sheppard v. Maxwell*, 384 U.S. 333 [1966].

With the standard set forth in *Landmark*, this Court has reviewed the record of prior extrajudicial statements attributed to Defendant as documented in Exhibits 1-16 of the People’s Motion for an Order Restricting Extrajudicial Statements. Notably, Defendant does not deny the utterance of any of those extrajudicial statements, or the reported effect those statements had on the targeted parties. Rather, Defendant argues that, as the “presumptive Republican nominee and leading candidate in the 2024 election” he must have unfettered access to the voting public to respond to attacks from political opponents and to “criticize these public figures.” *See* Defendant’s Opposition to Motion at pgs. 8-9. Yet these extrajudicial statements went far beyond defending himself against “attacks” by “public figures”. Indeed, his statements were threatening, inflammatory, denigrating, and the targets of his statements ranged from local and federal officials, court and court staff, prosecutors and staff assigned to the cases, and private individuals including grand jurors performing their civic duty. *See* People’s Exhibits 1-16. The consequences of those statements included not only fear on the part of the individual targeted, but also the assignment of increased security resources to investigate threats and protect the individuals and family members thereof. *See* People’s Exhibits 1-16; *Trump*, at 996-998. Such inflammatory extrajudicial statements undoubtedly risk impeding the orderly administration of this Court.

Defendant contends that continued compliance with the existing orders, referencing both this Court’s admonition at the start of the proceedings (*see* court transcript dated April 4, 2023) and the recent Protective Order issued on March 7, 2024, with respect to juror anonymity, is an effective, less restrictive alternative. He supports this position by noting that he has generally refrained from making extrajudicial statements about individuals associated with the instant case in marked contrast from the significant volume of social media posts and other statements targeting individuals involved in every other court proceeding reflected in the People’s submission.

This Court is unpersuaded. Although this Court did not issue an order restricting Defendant’s speech at the inception of this case, choosing instead to issue an admonition, given the nature and impact of the statements made against this Court and a family member thereof, the District Attorney and an Assistant District Attorney, the witnesses in this case, as well as the nature and impact of the extrajudicial statements made by Defendant in the D.C. Circuit case (which

resulted in the D.C. Circuit issuing an order restricting his speech), and given that the eve of trial is upon us, it is without question that the imminency of the risk of harm is now paramount. The Supreme Court in both *Nebraska Press Ass'n v. Stuart*, 427 US 539 [1976] and *Sheppard v. Maxwell*, 384 US 333, 363 [1966] holds that the court has the obligation to prevent actual harm to the integrity of the proceedings. When the fairness of the trial is threatened, “reversals are but palliatives; the cure lies in those remedial measures that will prevent the prejudice as its inception.” *Sheppard*, at 363. On the record submitted, and in keeping with its mandate, this Court need not wait for the realization of further proscribed speech targeted at the participants of this trial.¹

The People propose an additional restriction on speech with respect to prospective and sworn jurors. The restrictions sought are an extension of the previously issued protective order regarding juror anonymity. While the D.C. Circuit decision addressed only the risks of influencing witnesses and intimidating or harassing other trial participants in accordance with the lower court’s ruling, it nevertheless opined that “one of the most powerful interests supporting broad prohibitions on trial participants’ speech is to avoid contamination of the jury pool, to protect the impartiality of the jury once selected, to confine the evidentiary record before the jury to the courtroom, and to prevent intrusion on the jury’s deliberations.” *Trump*, 88 F4th at 1020, citing *In Re Russell*, 726 F2d 1007, 1009, 1010 [4th Cir 1984]. While the protective order related to juror anonymity prevents the dissemination of certain personal information, it is not sufficient to prevent extrajudicial speech targeting jurors and exposing them to an atmosphere of intimidation. The proposed restrictions relating to jurors are narrowly tailored to obtain that result.

The uncontested record reflecting the Defendant’s prior extrajudicial statements establishes a sufficient risk to the administration of justice consistent with the standard set forth in *Landmark*, and there exists no less restrictive means to prevent such risk.

¹ Defendant argues that references to speech targeted at individual prosecutors in the instant case do not substantiate their claims, adding that the People only cite posts which occurred in March and June 2023. See Defendant’s Motion pg. 14. Notably, within hours of the court appearance on March 25, 2024, setting the trial date for April 15, 2024, the Defendant targeted an individual prosecutor assigned to this case, referring to him as a “radical left from DOJ put into [...] the District Attorney’s Office to run the trial against Trump and that was done by Biden and his thugs” in a press conference. *C-SPAN, press conference video dated March 25, 2024, at minute 2:34.*

THEREFORE, it is hereby

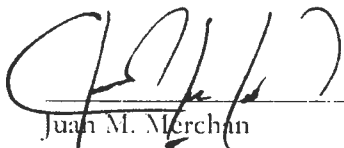
ORDERED, that the People's motion for a restriction on extrajudicial statements by the Defendant is **GRANTED** to the extent that Defendant is directed to refrain from the following:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel or staff member, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

The foregoing constitutes the Decision and Order of the Court

Dated: March 26, 2024
New York, New York

MAR 26 2024



Juan M. Merchan
Judge of the Court Claims
Acting Justice of the Supreme Court

JUAN J. MERCHAN

Exhibit B

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

People's Motion for
Clarification or Confirmation
of An Order Restricting
Extrajudicial Statements

Indictment No. 71543-23

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

BACKGROUND

Defendant is charged with 34 counts of Falsifying Business Records in the First Degree in violation of Penal Law § 175.10. The charges arise from allegations that Defendant attempted to conceal an illegal scheme to influence the 2016 presidential election. Specifically, the People claim that Defendant directed an attorney who worked for his company to pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with Defendant. It is further alleged that Defendant thereafter reimbursed the attorney for the payments through a series of checks and caused business records associated with the repayments to be falsified to conceal his criminal conduct. Trial on this matter is scheduled to commence on April 15, 2024.

On February 22, 2024, the People filed a motion for an order restricting extrajudicial statements by Defendant for the duration of the trial. The restrictions sought were consistent, in part, with those upheld in the U.S. Court of Appeals for the D.C. Circuit in *United States v. Trump*, 88 F4th 990 [2023]. On March 4, 2024, Defendant filed a response in opposition, arguing that his speech may only be restricted by the application of a more strenuous standard than applied by the D.C. Circuit and that the People had failed to meet that standard in this case.

On March 26, 2024, this Court issued its Decision and Order Restricting Extrajudicial Statements by Defendant.

On March 28, 2024, the People filed a pre-motion letter seeking clarification or confirmation of the Order as to whether it proscribes extrajudicial speech against family members of the Court, the District Attorney, and of all other individuals mentioned in the Order. Today, April 1, 2024,

Defendant filed his opposition to the People's motion. The People have today also filed a supplement to their pre-motion letter.

DISCUSSION

The Defendant has a constitutional right to speak to the American voters freely, and to defend himself publicly. The Order issued on March 26, 2024, was narrowly tailored to protect that right. To clarify, the Order *did not* proscribe Defendant's speech as it relates to the family members of the District Attorney or this Court. The Court now amends the March 26, 2024, Order to include the family members of this Court and of the District Attorney of New York County. This Decision and Order is equally narrowly tailored and in no way prevents Defendant from responding to alleged political attacks but does address Defendant's recent speech.

One day following the issuance of said Order, Defendant made several extrajudicial statements attacking a family member of this Court. Contrary to the position Defendant took in his opposition to the People's February 22, 2024 motion for an order restricting extrajudicial statements, i.e. that his statements "plainly constitute core political speech on matters of great public concern and criticism of major public figures," Defendant's opposition to 2/22/24 Motion, pgs. 8-9, this pattern of attacking family members of presiding jurists and attorneys assigned to his cases serves no legitimate purpose. It merely injects fear in those assigned or called to participate in the proceedings, that not only they, *but their family members as well*, are "fair game" for Defendant's vitriol.

Courts are understandably concerned about the First Amendment rights of a defendant, especially when the accused is a public figure. *U.S. v. Ford*, 830 F2d 596 [1987]. That is because "the impact of an indictment upon the general public is so great that few defendants will be able to overcome it, much less turn it to their advantage." 29 Stan.L.Rev. 607, 611. The circumstances of the instant matter, however, are different. The conventional 'David vs. Goliath' roles are no longer in play as demonstrated by the singular power Defendant's words have on countless others. The threats to the integrity of the judicial proceeding are no longer limited to the swaying of minds but on the willingness of individuals, both private and public, to perform their lawful duty before this Court. This is evidenced by the People's representations that "multiple potential witnesses have already expressed grave concerns [...] about their own safety and that of their family members should they appear as witnesses against defendant." People's 3/28/24 Pre-Motion Letter. It is no longer just a mere possibility or a reasonable likelihood that there exists a threat to the integrity of the judicial proceedings. The threat is very real. Admonitions are not enough, nor is reliance on self-

restraint. The average observer, must now, after hearing Defendant's recent attacks, draw the conclusion that if they become involved in these proceedings, even tangentially, they should worry not only for themselves, *but for their loved ones as well*. Such concerns will undoubtedly interfere with the fair administration of justice and constitutes a direct attack on the Rule of Law itself. Again, all citizens, called upon to participate in these proceedings, whether as a juror, a witness, or in some other capacity, must now concern themselves not only with their own personal safety, but with the safety and the potential for personal attacks upon their loved ones. That reality cannot be overstated.

Defendant, in his opposition of April 1, 2024, desperately attempts to justify and explain away his dangerous rhetoric by "turning the tables" and blaming those he attacks. The arguments counsel makes are at best strained and at worst baseless misrepresentations which are uncorroborated and rely upon innuendo and exaggeration. Put mildly, the assortment of allegations presented as "facts" and cobbled together, result in accusations that are disingenuous and not rational. To argue that the most recent attacks, which included photographs, were "necessary and appropriate in the current environment," is farcical.

The People argue in their submission that Defendant's attacks, which include referring to a prosecution witness last week as "death", are based on "transparent falsehoods." People's 4/1/24 Supplement at pg. 2. The People provide a plethora of compelling arguments in support of their claim that Defendant's conduct is deliberate and intended to intimidate this Court and impede the orderly administration of this trial.

The People request in their submission of April 1, 2024, "that any order this Court enters clarifying or confirming the scope of its March 26 Order should also include the relief the People requested in our February 22 Motion for a Protective Order; namely, that defendant be expressly warned that any statutory right he may have to access to juror names will be forfeited by continued harassing or disruptive conduct." People's 4/1/24 Supplement at pg. 7. The Court at that time reserved decision on the People's motion. The People's motion is now **GRANTED**.

It remains this Court's fundamental responsibility to protect the integrity of the criminal process and to control disruptive influences in the courtroom. *See Sheppard v. Maxwell*, 384 U.S. 333 [1966]. "Neither prosecutors, counsel for defense, *the accused*, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function." *Id.* at 363 (emphasis added).

Consistent with the decision dated March 26, 2024, the uncontested record reflecting the Defendant's prior (and most recent), extrajudicial statements establishes a sufficient risk to the

administration of justice consistent with the standard set forth in *Landmark Communications, Inc. v. Virginia*, and there exists no less restrictive means to prevent such risk. 435 U.S. 829, 842-843 [1978].

THEREFORE, Defendant is hereby put on notice that he will forfeit any statutory right he may have to access juror names if he engages in any conduct that threatens the safety and integrity of the jury or the jury selection process; and it is hereby

ORDERED, that the People's motion for clarification is **GRANTED**. The Court's Order of March 26, 2024, did not contemplate the family members of this Court or of the District Attorney. It is therefore not necessary for this Court to determine whether the statements were intended to materially interfere with these proceedings; and it is further

ORDERED, that the Court's Order of March 26, 2024, is amended as indicated below. Defendant is directed to refrain from:

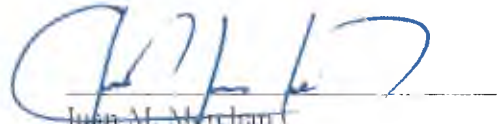
- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel, staff member, the Court or the District Attorney, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

FURTHER, Defendant is hereby warned that any violation of this Order will result in sanctions under Judiciary Law §§ 750(A)(3) and 751.

The foregoing constitutes the Decision and Order of the Court.

Dated: April 1, 2024
New York, New York

APR 01 2024


Justin M. Merchant
Judge of the Court Claims
Acting Justice of the Supreme Court

HON. J. MERCHANT

Exhibit C

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.

Ind. No. 71543-23

**WARNING:
YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT**

Upon reading and filing the affirmation of Assistant District Attorney Christopher Conroy, dated April 15, 2024, and the exhibits annexed thereto, and good cause having been shown on the record before the Court, it is hereby:

ORDERED that pursuant to Judiciary Law § 750(A)(3), defendant Donald J. Trump show cause before the Supreme Court of the State of New York, County of New York, the Honorable Juan M. Merchan presiding, located at 100 Centre Street, Part 59, in Manhattan, on the 24th day of April, 2024, at 2:15 P.M., or as soon thereafter as counsel may be heard, why this Court should not issue an order granting the following relief:

1. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 10, 2024, at 10:07 a.m.;
2. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for

Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 10, 2024, at 10:48 a.m.;

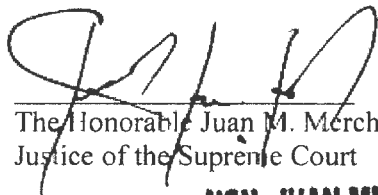
3. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 13, 2024, at 12:56 p.m.; and
4. granting such other relief as the Court deems just and proper; and it is further

ORDERED, that copies of this Order to Show Cause and Affirmation of Christopher Conroy, as well as the People's Memorandum in Support of the Motion for Contempt, shall be served personally on defendant and on Todd Blanche, counsel for the defendant, by email to todd.blanche@blanchelaw.com, on or before Apr. 16, 2024, and that such be deemed due and sufficient service; and it is further

ORDERED, that any answering papers shall be served on the New York County District Attorney's Office by email to Assistant District Attorney Christopher Conroy, at conroyc@dany.nyc.gov, and filed with the Court according to the Protective Order and applicable Court directives governing the filing of materials, so that they are received in the District Attorney's Office on or before 5:00 p.m. on Apr. 19, 2024.

Dated: Apr. 15, 2024
New York, New York

ENTERED, **PART 59 APR 15 2024**



The Honorable Juan M. Merchan
Justice of the Supreme Court

HON. JUAN MERCHAN

Exhibit D

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.

Ind. No. 71543-23

**WARNING:
YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT**

Upon reading and filing the affirmation of Assistant District Attorney Christopher Conroy, dated April 18, 2024, and the exhibits annexed thereto, and good cause having been shown on the record before the Court, it is hereby:

ORDERED that pursuant to Judiciary Law § 750(A)(3), defendant Donald J. Trump show cause before the Supreme Court of the State of New York, County of New York, the Honorable Juan M. Merchan presiding, located at 100 Centre Street, Part 59, in Manhattan, on the 23rd day of April, 2024, at 9:30 a.m., or as soon thereafter as counsel may be heard, why this Court should not issue an order granting the following relief:

1. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 15, 2024, at 9:12 a.m.; and
2. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful

violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 15, 2024, at 10:26 a.m.; and

3. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's official campaign website (www.DonaldJTrump.com) on April 15, 2024; and
4. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 16, 2024, at 1:50 p.m.; and
5. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 16, 2024, at 7:09 p.m.; and
6. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's official campaign website (www.DonaldJTrump.com) on April 16, 2024;
7. holding defendant in criminal contempt of this Court, and imposing a fine of \$1,000 pursuant to Sections 750(A)(3) and 751(1) of the Judiciary Law, for defendant's willful violation of the Court's April 1, 2024 Decision and Order on the People's Motion for Clarification or Confirmation of An Order Restricting Extrajudicial Statements, by virtue of a post on defendant's Truth Social account on April 17, 2024, at 5:46 p.m.; and
8. granting such other relief as the Court deems just and proper; and it is further

ORDERED, that copies of this Order to Show Cause and Affirmation of Christopher Conroy, as well as the People's Memorandum in Support of the Motion for Contempt, shall be served personally on defendant and on Todd Blanche, counsel for the defendant, and the defendant

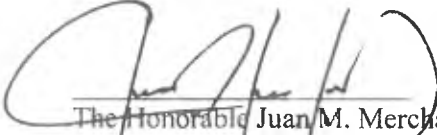
in Supreme Court of the State of New York, County of New York Part 59 on or before April 18, 2024, and that such be deemed due and sufficient service; and it is further

ORDERED, that any answering papers shall be served on the New York County District Attorney's Office by email to Assistant District Attorney Christopher Conroy, at conroyc@dany.nyc.gov, and filed with the Court according to the Protective Order and applicable Court directives governing the filing of materials, so that they are received in the District Attorney's Office on or before 5:00 p.m. on April 19, 2024.

Dated: April 18, 2024
New York, New York

PART 59 APR 18 2024

ENTERED,


The Honorable Juan M. Merchan
Justice of the Supreme Court

HON. JUAN MERCHAN

Exhibit E

This is a transcript of a statement the defendant made to the media outside the door to the Supreme Court of the State of New York, Part 59 on Monday, April 22, 2024 at approximately 12:40 P.M. The full recording is 8 minutes and 39 seconds. The first portion excerpted in the affirmation starts at 1:24 and ends at 1:55. The second portion excerpted in this affirmation starts at 4:58 and ends at 5:10.

Excerpt #1

“But they call the payment to a lawyer a legal expense in the books. They didn’t call it construction, they didn’t say you’re building a building. They called it a payment to a lawyer because as you know, Cohen is a lawyer, represented a lot of people over the years. I’m not the only one, and wasn’t very good in a lot of ways in terms of his representation, but he represented a lot of people, but he puts in an invoice or whatever, a bill and they pay and they call it a legal expense. I got indicted for that.”

Excerpt #2

“And when are they going to look at all the lies that Cohen did in the last trial? He got caught lying in the last trial. So he got caught lying, pure lying. And when are they going to look at that?”

Exhibit F

This is a transcript of a statement the defendant made, via telephone, to a television program called "Just The News, No Noise" broadcasted on a network called "Real America's Voice" that was aired at 6:00 P.M. on Monday, April 22, 2024. The full recording of defendant's interview is 21 minutes and 19 seconds. The portion excerpted in the affirmation starts at 6:57 and ends at 7:22.

Excerpt

“But this judge, uh, said that I can’t get away from the trial. You know he’s rushing the trial like crazy. Nobody’s ever seen a thing go like this. That jury was picked so fast – 95% democrats. The area’s mostly all democrat. You think of it as a – just a purely democrat area. It’s a very unfair situation that I can tell you.”

Exhibit G

This is a transcript of a statement the defendant made during an interview with “Action News,” an affiliate of American Broadcasting Companies (ABC), which was recorded the morning of April 23, 2024, and aired at approximately 5:56 P.M. that same day. The full recording of defendant’s interview is 11 minutes and 48 seconds. The portion excerpted in the affirmation starts at 8:21 and ends at 9:00.

Excerpt

“Well, Michael Cohen is a convicted liar and he's got no credibility whatsoever. He was a lawyer and you rely on your lawyers. But Michael Cohen was a convicted liar. He was a lawyer for many people, not just me. And he got in trouble because of things outside of what he did for me, largely, it was essentially all because what he did in terms of campaign I don't think there was anything wrong with that with the charges that they made. But what he did is he did some pretty bad things, I guess, with banking or whatever if that was a personal thing to him. David Pecker, I don't know exactly what he's going to be testifying against but or about, but he'll be testifying today.”

Exhibit H

This is a transcript of a statement the defendant made at a press event this morning at 49th Street and Park Avenue here in Manhattan.

Excerpt

Q: What have you thought of David Pecker's testimony so far? When was the last time you spoke to him?

A: He's been very nice. I mean, he's been – David's been very nice. A nice guy.