Friday, May 31, 2024 / Florida man convicted

[HALF SECOND OF SILENCE]

[BILLBOARD]

<SCORING IN> Bach’s ghost (BMC)

SEAN RAMESWARAM (host): The former and potentially future president is now a convicted felon. Thirty-four times over. That’s 34 more felony convictions than all the other presidents combined. You know the trial. It’s the one about Stormy:

*<CLIP> FORMER PRESIDENT DONALD TRUMP: Nothing ever happened.*

SEAN: And Michael:

*<CLIP> FORMER PRESIDENT DONALD TRUMP: You know, he’s a sleazebag.*

SEAN: And the falsified business records.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: It means that legal expense … I paid a lawyer. Totally legal.*

SEAN: With the judge.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: And I'm under a gag order by a man that can't put two sentences together.*

SEAN: And the Manhattan D.A.

*<CLIP> FORMER PRESIDENT DONALD TRUMP:*  *They were literally crucified by this man. Who looks like an angel, but he's really a devil. He looks so nice and soft.*

SEAN: And the plot.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: This is bigger than Trump. This is bigger than me. This is bigger than my presidency.*

SEAN: We’re going to figure out how the former president fumbled this case so badly. And what comes next – for him, and for us – on *Today, Explained*.

[THEME]

SEAN: *Today, Explained,* here with Andrew Rice, features writer at New York magazine. Andrew, we're already hearing a lot about the Manhattan district attorney, Alvin Bragg, who won this case. We will continue to hear a lot about him, but I want to talk about the losers. Who lost his case for Donald Trump?

ANDREW: Donald Trump lost his case for Donald Trump. I mean, I think that Donald Trump has done a lot of things in the course of his prosecutions that have run counter to his legal interests.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: This judge should be recused and the case should be thrown out. He’s totally conflicted, there’s never been a judge more conflicted than this one.*

ANDREW: The interesting dynamic here is that oftentimes the things that work to Trump's political benefit, for instance, attacking judges, attacking prosecutors, decrying the system, trying to display his contempt for the process and for the legal system itself. All those sorts of things generally tend to run counter to his actual legal interests. They play well, maybe with Republican voters and maybe with voters who themselves are interested in upsetting the system. But but juries tend not to like them, and judges tend not to like them. And I think you see the results. He's had catastrophic civil verdicts against him this year and then ultimately a 34 count conviction.

<SCORING IN> Do your job, do some research

SEAN: So Donald Trump lost the case for Donald Trump. But Donald Trump did not testify at this trial. Who was his mouthpiece?

ANDREW: So Todd Blanche was his primary lead defense attorney, somebody who is a pretty respected Manhattan criminal defense attorney. Before that, he was a federal prosecutor, somebody with a very strong reputation in the New York legal community, which is one reason why a lot of people in that New York legal community were surprised when he not only became Donald Trump's attorney, but actually left a very prestigious law firm in order to take on Trump as essentially his sole client. During the six weeks of the trial, he represented Trump, I think, quite ably, gave him a chance at, at the very least, winning, a mistrial. Ultimately, it didn't happen, but, I think even up to the to the moment that the verdict was delivered, a lot of people in the courtroom, especially members of the press, were thinking that, a hung jury was a distinct possibility that the that the defense had raised a lot of questions about the credibility, particularly of Michael Cohen, the lead witness for the prosecution and Trump's former attorney. And I think that, you know, ultimately, you know, the jury just chose to believe Michael Cohen over, over Donald Trump. And that's why Donald Trump was convicted.

<SCORING OUT> Do your job, do some research

SEAN: You spent a bunch of time with Todd Blanche to profile him for *New York Magazine*. And you revealed that he's a registered Democrat. The president's constantly saying the Democrats are, are prosecuting me. But his own defense attorney and his lead defense attorney is a registered Democrat?

ANDREW: Well, he *was* a registered Democrat, I guess. <laughs>

SEAN: Ah, he *was*.

ANDREW: He, he, he's gone, by his own admission, he has gone on something of a political journey over the last couple of years. I mean, he's far from the only person for whom this is true.

*<*[*CLIP*](https://www.tiktok.com/@ryanjosephnetwork1/video/7316904690933927211)*> CNN (2004 interview)*

*DONALD TRUMP: And it just seems that the economy does better under the Democrats than the Republicans…*

ANDREW: But as somebody who, as a prosecutor in the, in the Manhattan U.S. Attorney's office, was known as being sort of, apolitical, straightforward criminal prosecutor. He's somebody who who's become quite political. He moved to Florida. He reregistered as a Republican.   
  
SEAN: Mm.   
  
ANDREW: He's very much become somebody who sympathizes with Donald Trump, both politically and and as a, as a client.

*<CLIP> CNN: TODD BLANCHE, TRUMP DEFENSE ATTORNEY: In many people's lives, the hardest thing you do is go through a criminal trial. And he was, I was impressed, especially today, at the way that he carried himself and handled himself.*

ANDREW: That's not to say that he, I think, embraces everything that Donald Trump stands for or, likes all the things that he says. But he's a Republican and he and he very much, you know, supports Trump.

SEAN: Did you get a sense from speaking to Blanche how much he was calling the shots in Trump's defense, and how much he was just taking orders from his client?

ANDREW: I think it's a mix, I think, and I think it's complicated. I mean, I think he'd be the first to tell you, I think he said as much on CNN, last night that:

*<CLIP> CNN: TODD BLANCHE, TRUMP DEFENSE ATTORNEY: If there's a lawyer that comes in and says that they're in charge of their defense strategy, they're not doing a service to their client. Every decision that that we made, we made as a team, and not just President Trump or myself, but the whole team…*

ANDREW: So it's not it's not unusual that the client would dictate legal strategy, at least at a broad level. But Trump, of course, is a, is a micromanager. He's described himself as having a PhD in litigation.

SEAN: <laughs>

*<CLIP> FORMER PRESIDENT DONALD TRUMP: I’m like a PhD in litigation, OK?*

ANDREW: And, and it's not exactly a, an exaggeration in this case. He's, ,he's been involved in so many lawsuits over the years and so many depositions and trials and so on. The guy really does know a lot about the legal system. And so anyone who represents Trump is going to have a very opinionated, and actually pretty knowledgeable, through experience, client. But I think that there is evidence that he had some influence over Trump. Trump's demeanor or behavior in the courtroom during the criminal trial, even when some very tough testimony was being given against him, remained pretty even handed. Outside of the courtroom, of course, another matter. He was held in contempt ten times for his comments outside of court. But, you know, I think Blanche's view on it was like he can only really control what happens inside of court. What happens outside of court is more, up to Donald Trump.

*<CLIP> CNN: TODD BLANCHE, TRUMP DEFENSE ATTORNEY: It's something that we had to deal with during the trial as a team and understanding that there's a message that he needed to get to the people, to the American people, the people who are deciding who to vote for in November.*

ANDREW: The cross-examination of Stormy Daniels, Blanche’s co-counsel in this case, Susan Necheles, delivered a pretty scathing, cross-examination of Stormy Daniels. You know, talked about how she worked in pornography and so on and so forth. Really kind of seeking to shame her in a way that seemed more driven by Donald Trump's desire to destroy her credibility than, what might work for a defendant facing these kinds of, financial crimes ultimately, in a Manhattan courtroom.

SEAN: Right. That, that seems to be the crux of the matter here. The defense's strategy was to deny everything, to try and discredit everyone, which feels very Trumpy. Might they have had a stronger argument if they just had, you know, leaned into the fact that there was no smoking gun here? There was no email that had Donald Trump spelling out everything he wanted Michael Cohen to do on his behalf.

ANDREW: Well, I think that, you know, some of the attacks on credibility were, were needed if the defense was going to have any shot of winning. I mean, there was,, really only one witness who could directly connect Trump to the scheme. And that witness was Michael Cohen. And Michael Cohen, of course, has pleaded guilty to numerous crimes. And, by his own admission is a liar, somebody who lied for Donald Trump, somebody who, has subsequently become a kind of Trump antagonist podcaster and, and, has made a lot of money off of it.

*<CLIP> MEA CULPA PODCAST: MICHAEL COHEN, HOST: Trump is a notorious germaphobe who was most likely born in a suit and tie, and he’s right now having nightmares about having to trade his business attire and golf shirts for classic prison duds.*

<SCORING IN> Richard Goes Skating

ANDREW: So some of the attacks on witness credibility were, were necessary. I think that where Blanche endured a lot of criticism, particularly from lawyers and legal commentators who were, who were in the in the room and in the courtroom serving the proceedings, was for seeming as if he kind of was scattershot in the way he went about going after Cohen in particular, sort of throwing all sorts of stuff at the wall and seeing what, what stuck. So he would sort of attack him as a liar.

*<CLIP> CNN: JAKE TAPPER, ANCHOR: He also, before he left, he said “Like GOAT, which is the greatest of all time,” Blanche called Michael Cohen “the GLOAT, greatest liar of all time.”*

ANDREW: At one point they attacked him as a, as a thief, by saying that he had overstated the amount of money that Donald Trump owed him for something and, and had taken a larger than deserved reimbursement, for some expenses that he had done that were sort of rolled into this big $420,000 payment that was at the center of the, the criminal case, and the prosecutors on, on their summation said, you know, this is a little rich. So, you know, the prosecutor said you cant have it both ways. You can't say that that it's both a legitimate payment for legal services. And he was, you know, stealing from Donald Trump by claiming for more reimbursement. So, I think that there was you know, one sort of small example of ways in which trying to make all the arguments against Michael Cohen simultaneously might have ended up undermining his broader case.

<SCORING OUT> Richard goes skating

SEAN: The former president famously loves to fire people. Todd Blanche is representing him in three out of his four trials right now. He hasn't fired him yet, as far as I know, but do you think that's what comes next here?

ANDREW: Well, let's put it this way. It was hard in the first place for Trump to find an attorney of Blanche's caliber to represent him. I'm not sure that he's going to do better. Now, Trump is also not known for always making the, you know, the most considered strategic decisions when it comes to his personnel. So, anything's possible. But I do think that, it's likely that there's, you know, probably some reassessment going on inside of Trump Tower right now about how to handle these other cases.

<SCORING IN> Sunken Cruiseship

ANDREW: I do think it's worth noting, though, that, as Trump said outside of court after the verdict…

*<CLIP> FORMER PRESIDENT DONALD TRUMP: The real verdict is going to be November 5th by the people and they know what happened here and everybody knows what happened here.*

ANDREW: None of these other cases are likely to go to trial before November. And so therefore it's probably not necessary for Trump to switch his legal representation out. His strategy all along has been to try to nullify this verdict by winning at the ballot box. And I don't think anything about the way that Blanche represented him in court will change that overall strategy.

SCORING BUMP  
  
SEAN: Next up on Today, Explained: what comes next.

[BREAK]

[BUMPER]

SEAN: *Today, Explained* is back with Andrew Rice from New York Magazine. Andrew, we've been talking about how the defense kind of, sort of fumbled the case, but, but the prosecution did a good job, presumably?

ANDREW: I thought that really the story of the trial was how frankly, masterful and, and well-organized the prosecution was in setting out the case. And the theory of the case that they laid out was basically as follows:

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ANDREW: That the hush money payment in and of itself wasn't necessarily such a horrible thing, but what the hush money payment was a part of was part of a broader conspiracy that Donald Trump and Michael Cohen, his attorney at the time, and David Pecker, who ran the *National Enquirer*, and a whole bunch of other people, hatched in order to deprive the American people of knowledge that might have been beneficial to them or might have helped to guide their decision in choosing who to vote for in the 2016 election.   
  
SEAN: Mm.  
  
ANDREW: Really, the thing we learned about Donald Trump in this trial was, first of all, he's trying to get one over on a lot of people by hushing up all these things. And second of all, he was too cheap to pay for it.   
  
SEAN: <snicker>

ANDREW: And ultimately, that proved to be his undoing, albeit eight years later.

SCORING OUT

SEAN: Donald Trump could not get one over on 12 New Yorkers who sat on this jury. Who were they? We don't have names. But you were in the courtroom. What did you learn about these people?

ANDREW: I watched them pretty closely throughout the trial. And of course, although we didn't know their names, we we did learn a lot of information about them in the jury selection process where they answered a lot of questions, or there's a very detailed questionnaire, and there was a lot of questioning during the voir dire process about their political opinions. The very beginning of this jury selection process, a very telling moment,

*<*[*CLIP*](https://www.youtube.com/watch?v=SGGjLlmyDWU)*> CBS New York, Alice Gainer: The very first thing the judge asked the first batch of 96 prospective jurors was whether they felt they could not serve because they could not be fair or impartial. After that question, more than 50 were dismissed.*

ANDREW: That's the jury pool that, that Donald Trump had to deal with. He got 12 people who said that they could be fair and impartial – disproportionately, they were quite well educated. I think there were five people on the jury who had master's degrees, law degrees, several of them worked in financial services. Two of them were were practicing lawyers, which is actually quite unusual for a jury. Usually, usually lawyers get knocked off of juries. There were two immigrants, in fact, when the word guilty was said 34 times yesterday, it was said in an Irish accent.

SEAN: Wow.

ANDREW: The foreman of the jury was an Irish immigrant who's lived in the United States for a long time, but presumably a naturalized citizen. And so it very much a jury that I think reflected the diversity of the city. You know, it's hard to know what people are thinking, but clearly a very engaged and diligent jury. they were there on time every day for six weeks. Normally in a, in a jury case, you always have, you know, some jury has a juror has a sniffle or, or so-and-so has a, has an appointment, can't can make it on time. None of that happened. They kept their eyes open and were alert even when Donald Trump slept for long, for long portions of it. <laughs>  
  
SEAN: <laughs>  
  
ANDREW: And I think ultimately, they delivered a verdict that, you know, however you feel about whether the crime was a really big, important crime or a small piddling crime, they delivered a very considered verdict I think.

SEAN: Whether you're voting for Donald Trump or not, this, this November, I imagine a lot of Americans would have liked to have been in the courtroom for that moment just to see a historic verdict being read out. You were there. What was it like? You know, beyond the Irish accent?

ANDREW: <laughs> Well, it was very tense, as you might imagine. And it all happened very fast. You're waiting for a jury's verdict is a really, frankly, kind of boring process. You don't know how long it's going to go. You kind of sit around and, like, you know, just kind of pass in the time.

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ANDREW: And then all of a sudden, the judges emerged with a kind of strange expression on his face, and he said, we have a note. And he read it out and said, the jury has reached a verdict, and there are audible gasps in the courtroom.   
  
SEAN: Hm.

ANDREW: So rather than being sort of let out at 430, the jurors came into the courtroom. None of them appeared to look at Donald Trump as they walked into the courtroom, which is, you know, can be a telltale sign, I guess, of what's coming. And truthfully, the fact that they reached a verdict at all was a telltale sign of what was coming, because I don't think anyone thought that they would reach a an acquittal at all. Certainly not a quick acquittal. So I think Donald Trump knew it was coming. You know, he nonetheless stood, respectfully as they walked to the jury box and listened as the word guilty was read out 34 times. Then they filed back out and the judge set a sentencing hearing for July 11th, which happens to be four days before the Republican convention is scheduled to be held. And he released Donald Trump on his own recognizance like any other perp. And yet these ordinary people had delivered such an extraordinary moment.

SCORING OUT

SEAN: From being in the courtroom for weeks on weeks, what do you expect from sentencing in July?

ANDREW: I mean nobody knows. And the reason it's hard to know is because, to state the obvious, there's never been a convicted criminal like Donald Trump.   
  
SEAN: Mm.   
  
ANDREW: There's never been somebody convicted of this specific crime like Donald Trump. I think if it were any other defendant, first time offender, you know, it's a class E felony, which is a lowest level felony that you can, you can commit. I don't think anyone would expect an offender like that to receive jail time.

ANDREW: That said, this particular defendant has done an awful lot to thumb his nose at that at the legal system specifically to attack the judge.

SEAN: And his daughter!

ANDREW: And his daughter. He's been held in contempt ten separate times. He has decried the system. He's talked about how it's corrupt. He has attacked the prosecutors, attacked Alvin Bragg.

*<*[*CLIP*](https://www.c-span.org/video/?536064-1/president-trump-holds-press-conference-guilty-verdict)*> Donald Trump: We had a DA, who is a failed DA. Crime is rampant in New York. Violent crime. That's what he's really supposed to be looking at.*

ANDREW: So these are all things that the judge can and may take into account when deciding how to sentence him.

SEAN: But because this is Donald Trump, all of these convictions get appealed, yeah?

ANDREW: Yes. The conviction will be appealed. And it's important to note that if Donald Trump is elected president, constitutionally, state court wouldn't be able to incarcerate him as a, as President of the United States. So, so ultimately, the appeal. Yes, he'll appeal it to higher courts in New York. But the more immediate appeal is to the American people. You know, Donald Trump has already signaled his intent to take this to the American people. And if and if he's elected, I, I think there's very little chance that this particular conviction will end up standing up.

SEAN: Andrew. A lot of Americans are celebrating this moment. A lot of Americans are incredibly upset. And you got the president walking out of that courtroom and saying this was Joe Biden's prosecution, even though it wasn't. Does it feel like this latest unprecedented is both a triumph and a threat to our democracy?

ANDREW: I mean, it's not a great look for the world's oldest democracy to be prosecuting a former president for crimes. I mean, I don't think that that's a situation anyone would want to be in. You know, hopefully these prosecutions are the last prosecutions, criminal prosecutions of a president of the United States. But I, you know, is anyone confident that that's, that that's likely? It seems as if that, it seems as if the pattern of the last ten, 15 years has been for each unprecedented event to be met with an equal and opposite unprecedented event. So I'm sad to say that it seems as if we're less likely to be the end, the end of the story than the beginning of another cycle.

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SEAN: Andrew Rice writes for New York Magazine. You can read his coverage and even subscribe at N Y Mag dot com.

Our show today was produced by Hady Mawajdeh and Haleema Shah. Avishay Artsy pitched in, too. We were edited by Miranda Kennedy, fact-checked by Laura Bullard and Amina al-Sadi, and mixed by Patrick Boyd and Andrea Kristinsdottir. The rest of our team is comprised of Matthew Collette, Victoria Chamberlin, Denise Guerra, Peter Balonon-Rosen, Amanda Lewellyn, Miles Bryan, Rob Byers, and Noel King. Beats by Breakmaster Cylinder. I’m Sean Rameswaram …

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[10 SECONDS OF SILENCE]