

# [***Donald Trump hush money trial, explained***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BST-2M71-DY7V-G002-00000-00&context=1516831)

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**Body**

(CNN) &#8212; Former President Donald Trump is on trial in Manhattan for his alleged role in a [*hush money scheme*](https://www.cnn.com/2023/04/04/politics/read-trump-indictment-file/index.html) to silence his alleged mistresses before the 2016 election.

It will be historic; no former US president has ever faced criminal prosecution.

It will be salacious; the alleged mistresses are a former adult-film actress and a Playboy model.

Even though it features the former president, who denies all wrongdoing,it may or may not be the trial of the century. Trump still faces [*three other criminal trials*](https://www.cnn.com/interactive/2023/07/politics/trump-indictments-criminal-cases/) in federal court and in Georgia for the arguably weightier crimes of election interference, conspiracy and mishandling classified documents after he left the White House.

All of these trials and the characters involved make for a complicated legal mess, particularly when the four criminal cases are added to Trump's civil liability for defamation and [*sexual misconduct*](https://www.cnn.com/2023/05/09/politics/e-jean-carroll-trump-lawsuit-battery-defamation-verdict/index.html) and for [*business fraud*](https://www.cnn.com/2024/02/16/politics/takeaways-donald-trump-fraud-ruling/index.html).

Here's what to know to get up to speed on this first criminal trial:

What's the general outline of the hush money case?

Two women who said they had affairs with Trump years before he ran for president were paid six-figure sums in the months before the 2016 election.

The first woman, Karen McDougal, a Playboy model, was paid $150,000 by the National Enquirer's parent company, American Media Inc., for the rights to her story. AMI promptly did nothing with the story. It's a process known as "catch and kill."

AMI also paid to catch and kill a former [*Trump Tower doorman's story*](https://money.cnn.com/2018/04/12/media/trump-national-enquirer-doorman/index.html) alleging Trump had an unacknowledged child, but that allegation has never been corroborated by any reporting. Trump's friend David Pecker, who was then CEO of AMI, OK'd the payments.

The second woman, who was born Stephanie Clifford but built a career in the adult-film industry as Stormy Daniels, was paid $130,000 by Trump's former fixer Michael Cohen to sign a nondisclosure agreement about her encounters with Trump. Cohen obtained a line of credit on his home to make the payment just before the election.

Trump's campaign was particularly worried about allegations of sexual impropriety in the final days of the 2016 election as the release of the "Access Hollywood" tape, in which Trump described grabbing women by the genitals, dominated news coverage.

After the election, Trump's company paid Cohen back for the payment to Daniels.

How did these payments and the alleged affairs come to light?

The [*Wall Street Journal*](https://www.wsj.com/articles/national-enquirer-shielded-donald-trump-from-playboy-models-affair-allegation-1478309380?mod=article_inline) actually reported on the AMI catch-and-kill scheme and that Daniels had been in talks to shareher story days before Election Day in 2016. McDougal and Daniels shared the same lawyer.

But things did not really blow up until January 2018, when [*the Journal reported on the payments*](https://www.wsj.com/articles/trump-lawyer-arranged-130-000-payment-for-adult-film-stars-silence-1515787678) Cohen made to Daniels.

Were these hush money payments illegal?

Yes. While a hush money payment is not necessarily illegal, Cohen and AMI have both admitted they broke laws by making these payments in an effort to hide unflattering information before the 2016 election.

Cohen [*pleaded guilty*](https://www.cnn.com/2018/08/21/politics/michael-cohen-plea-deal-talks/index.html) to two campaign finance charges in August 2018: causing an unlawful campaign contribution for his involvement orchestrating the payment from AMI to McDougal, and making an excessive campaign contribution for the payment to Daniels.

AMI, now known as a360media, was [*not criminally charged by federal authorities*](https://www.cnn.com/2018/12/12/media/american-media-inc-southern-district-new-york/index.html) but did admit to making the payment to McDougal. The company paid a $187,500 fine to the Federal Election Commission for making an unlawful campaign contribution.

What did Trump know about these payments?

Cohen recorded at least one conversation with Trump that appears to be about the payment to Daniels in which they are heard discussing whether to make the payment in cash.

Cohen has also testified to the grand jury that indicted Trump. In 2018, Trump initially denied any knowledge of the payments, but he later admitted in a [*carefully worded tweet*](https://www.cnn.com/2018/05/03/politics/trump-stormy-daniels-payment/index.html) that he made them to Cohen. Trump argued they had nothing to do with the campaign.

What law is Trump accused of breaking?

Manhattan District Attorney Alvin Bragg announced Trump's indictment by a grand jury in [*April 2023*](https://manhattanda.org/district-attorney-bragg-announces-34-count-felony-indictment-of-former-president-donald-j-trump/), accusing the former president of "falsifying New York business records in order to conceal damaging information and unlawful activity from American voters before and after the 2016 election."

Technically, Trump is charged with 34 counts of falsifying business records, a [*Class E felony*](https://www.nycourts.gov/courthelp/criminal/typesCriminalCases.shtml). Trump was charged with a felony because prosecutors accused him of falsifying business records with the intent to commit or conceal another crime connected to his 2016 campaign.

This is the least serious type of felony in New York, which means if Trump is found guilty, the judge could sentence him to probation or a maximum sentence of up to four years in state prison on each count.

There's a lot more to this

This is a [*long and sordid tale*](https://www.cnn.com/2023/04/01/politics/trump-bragg-inside-indictment/index.html), and what's in this refresher really just scratches the surface.

It's almost beside the point of the payments, but there is the question over whether the alleged affairs occurred. Trump denies they happened. But both women, who have very similar stories, say they had sexual encounters with Trump in 2006. Both saw him at a golf tournament in Lake Tahoe. Both have said they visited with him in a bungalow at the Beverly Hills Hotel.

It took a very long time for this case to be built. Trump was not charged by the federal investigators who went after Cohen. It took years for the Manhattan DA to finally present the case to a grand jury. Now it could theoretically end up being the only one of the four criminal cases against Trump to go to trial before the November election in which he's trying to reclaim the White House.

There will be courtroom drama. The judge overseeing the hush money case, Juan Merchan, [*expanded a gag order on Trump*](https://www.cnn.com/2024/04/01/politics/manhattan-district-attorney-trump-judge-gag-order/index.html) after the former president attacked Merchan's daughter on social media. Trump, however, is still likely to find a way to campaign from outside the courtroom, attacking New York authorities such as Bragg.

It is a Shakespearean drama. Cohen has gone fromTrump's fixer to his enemy. Daniels' onetime attorney, Michael Avenatti, who was once a fixture on TV, is now in federal prison for stealing clients' money. Andthe witness list for this hush money caseincludes former Trump [*aides such as Hope Hicks*](https://www.cnn.com/2024/04/01/politics/hope-hicks-expected-to-testify-in-trumpshush-money-trial/index.html).

McDougal has largely stayed out of the public eye, but there's a [*documentary focused entirely on Daniels*](https://www.cnn.com/2024/03/18/politics/stormy-daniels-trump-allegations-peacock-movie/index.html).

In many ways, this case feels like a throwback to an earlier time in US ***politics***, when Trump was still the insurgent reality TV candidate and had not remade the entire Republican Party in his own populist image. It feels much smaller than the federal and the Fulton County, Georgia, cases, which accuse him of trying to fraudulently overturn the 2020 election rather than hide some unflattering, personal accusations before the 2016 election.

But those other cases are all being slowed down. The Supreme Court is taking its time to [*consider Trump's incredible claim*](https://www.cnn.com/2024/03/06/politics/supreme-court-sets-argument-date-in-trump-immunity-case-for-april-25/index.html) that he should be exempt from all federal prosecution. A federal judge in Miami is [*entertaining Trump's delaying tactics*](https://www.cnn.com/2024/04/03/politics/legal-fights-judge-trump-documents-trial/index.html) in the classified documents case. And the [*Fulton County DA*](https://www.cnn.com/2024/04/08/politics/fani-willis-trump-effort-georgia-election-subversion/index.html) had to answer accusations about her own private conduct. So that's why this New York case about hush money paid eight years ago is the one that's going to trial first.

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