

# [***Trump has an unusual request on trial Day 1***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BT8-WTP1-JBSS-S055-00000-00&context=1516831)

CNN Wire

April 15, 2024 Monday 9:07 PM GMT

Copyright 2024 Cable News Network All Rights Reserved

**Length:** 1166 words

**Byline:** Analysis by Zachary B. Wolf, CNN

**Dateline:** (CNN)

**Body**

(CNN) &#8212; The first ever [*criminal trial of a former US president*](https://www.cnn.com/politics/live-news/trump-hush-money-trial-04-15-24/index.html) got underway in state court in Manhattan on Monday with the difficult task of finding an impartial jury to sit for a trial that could last months.

Despite the high stakes of prosecuting the presumptive Republican presidential candidate and the salacious subject matter involving [*a 2016 hush money payment*](https://www.cnn.com/2024/04/13/politics/donald-trump-hush-money-trial-explained/index.html) to a former adult film star, the trial kickoff previewed weeks of plodding, procedural back-and-forth and an unusual request for former President Donald Trump to take part in sidebar conversations.

Trump's disdain for the proceedings in which he is the defendant was on display outside the courtroom. On his way in to court Monday, he described the entire trial as "an assault on America" and usedsocial media posts to criticize potential witnesses. A separate hearing has nowbeen scheduled for April 23 to determine if Trump violated a [*gag order*](https://www.cnn.com/2024/04/01/politics/manhattan-district-attorney-trump-judge-gag-order/index.html) against attacking people involved with the trial.

**A trial as described by those in the room.** Without live or even taped audio or video, the play-by-play was relayed to the outside world by those few reporters actually inside the courtroom.

CNN's Kara Scannell and Jeremy Herb fed information from the court that ultimately made its way to the rest of us.

The first order of business in state court in Manhattan is to begin jury selection, a process anticipated to take as long as two weeks. The trial itself, which will take place on weekdays except Wednesdays, could stretch to two full months.

Of the first group of 96 potential jurors who crammed into the courtroom, more than half were immediately excused for saying they could not be fair and impartial.

**Trump wants to take part in sidebars, which could put him very close to jurors.** According to Scannell, defendants rarely get involved in sidebars with judges during jury selection, but Trump's attorneys have indicated he will want to be involved, either approaching the bench or in a side room. This is a rare request.

"I have covered about two dozen trials, and I can't remember one time the defendant opted to go up to the bench as the judge and the attorneys are asking questions of the potential juror," Scannell said on CNN during a midday courtroom break. "So, this is really remarkable to me that he is choosing to do that, and he will be eye-to-eye with these potential jurors in close proximity as they answer questions."

**Searching for 18 impartial people.** Ultimately, the field of jurors needs to be winnowed down to 12 jurors and six alternates. Around 500 jurors are expected to be called during each day of jury selection, and Scannell said the court would begin vetting about 100 potential jurors at a time in the courtroom.

They will be asked some general questions like whether they have an unbreakable commitment, need a religious exemption or don't feel they can be impartial.

**What does impartial mean?** It's ridiculous to think jurors would not have heard of Trump or even have opinions about him. He is, after all, one of the most famous people in the world.

Anybody so ignorant of world events so as to not have an impression of Trump would probably not be fit to serve on a jury anyway, writes Jeffrey Abramson, author of "We, The Jury: The Jury System and the Ideal of Democracy."

"An open mind does not require an empty mind," Abramson argues in a piece for [*CNN Opinion*](https://www.cnn.com/2024/04/15/opinions/impartial-jury-in-trump-hush-money-trial-abramson/index.html) as he explains the process known as "voir dire."

"We can find fair jurors who understand the difference between law and ***politics***," Abramson adds, noting that Trump has already [*faced New York juries*](https://www.cnn.com/2023/05/09/politics/e-jean-carroll-trump-lawsuit-battery-defamation-verdict/index.html) who found him liable in civil cases related to defamation and sexual abuse of E. Jean Carroll, a former magazine columnist who said Trump raped her in a department store in 1996, although Trump denies the claim.

A Manhattan jury also [*found Trump's business*](https://www.cnn.com/2022/12/06/politics/trump-organization-fraud-trial-verdict/index.html), the Trump Organization, guilty of tax evasion, although Trump was not personally named in that case.

The jurors will remain anonymous, but Abramson argues both sides in the case need to "sketch a personality profile of each potential juror." A person with military training, for instance, who values loyalty might be a better juror for Trump, whereas someone who admires whistleblowers might be a better juror for the government, he writes.

**What will jurors hear?** At one point, [*Judge Juan Merchan*](https://www.cnn.com/2024/04/15/politics/juan-merchan-judge-nyc/index.html) read off the names of more than 40 people who could feature in the trial. Potential witnesses range from former Trump aides like Kellyanne Conway and Rudy Giuliani to the women who allege they had affairs with Trump: Stormy Daniels and Karen McDougal.

CNN's Kaanita Iyer has a [*rundown of the key players*](https://www.cnn.com/2024/04/15/politics/key-players-trump-hush-money-trial/index.html).

And here is an [*excellent visual timeline*](https://www.cnn.com/2024/04/14/politics/timeline-trump-stormy-daniels-hush-money-dg/index.html) of the entire hush money scandal.

Much of the morning centered on questions about what evidence Merchan will allow jurors to hear.

The judge, per Scannell and Herb's feeds, will allow:

**Testimony from McDougal -** She's the former Playboy Playmate whose story of her alleged affair with Trump was bought by the National Enquirer with the intention of killing it before the 2016 election. But Merchan will not allow testimony about McDougal's allegation that the affair was conducted while Trump's wife, Melania, was pregnant and after she gave birth to their son Barron. That kind of testimony, Merchan said, could prejudice the jury against Trump.

**National Enquirer stories attacking Trump's opponents -** Prosecutors say Trump was involved in approving these stories.

Merchan will not allow:

**The infamous "Access Hollywood" tape -** It included vulgar language from Trump, and the prosecution says its release just before the 2016 election helped lead to the hush money payment. It cannot be played to jurors, but it can be discussed.

**Testimony from Carroll -** Separate civil juries found Trump liable for sexual abuse and defamation of Carroll, but her deposition cannot be shown.

**What about Michael Cohen?** There was also much discussion about what jurors can hear from or about Michael Cohen, Trump's former fixer and the key witness in the case. It was Cohen who orchestrated the hush money payments and who pleaded guilty to federal charges of violating campaign finance law, for which he served time in prison.

Trump is accused by New York of falsifying business records when he paid Cohen back for the hush money scheme. Merchan has a nuanced set of guidelines for how to include the key elements of Cohen's side of the story without making jurors think Trump is guilty of the crimes Cohen admitted committing.

New York Times reporter and CNN political analyst Maggie Haberman noted that Trump had to sit and watch while all of these uncomfortable subjects were discussed in court.

"This trial is going to be filled with personal discomfort for Donald Trump, who has often been able to just attack and then walk away," she told CNN's Jake Tapper. "This is going to be much harder for him here."

Analysis by Zachary B. Wolf, CNN

TM & © 2024 Cable News Network, Inc., a Time Warner Company. All rights reserved.

**Load-Date:** May 15, 2024

**End of Document**