

# [***'Historic Mistake': New York Times Guest Essay Rips Bragg's Trump Prosecution***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BW3-PMX1-DXXD-7366-00000-00&context=1516831)

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**Byline:** Nicole Silverio, Media Reporter, [*nicolesilverio@dailycaller.com*](mailto:nicolesilverio@dailycaller.com)

**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/04/GettyImages-2149316080-scaled-e1713912465126.jpg)

A guest essay published Tuesday by The New York Times called Manhattan District Attorney Alvin Bragg's criminal case against former President Donald Trump a “historic mistake.”

Jed Handelsman Shugerman, a law professor at Boston University, [*argued*](https://www.nytimes.com/2024/04/23/opinion/bragg-trump-trial.html) the prosecution's allegations of Trump committing “a criminal scheme to corrupt the 2016 presidential election” is an “unprecedented use of state law” and fails to specify a crime committed. He referred to Bragg's prosecution as an “embarrassment of prosecutorial ethics and apparent selective prosecution.”

Trump is being charged with 34 counts of falsifying business records to cover up a $130,000 hush money payment to former porn actress Stormy Daniels to keep an alleged extramarital affair undisclosed before the 2016 presidential election.

“After listening to Monday's opening statement by prosecutors, I still think the Manhattan D.A. has made a historic mistake. Their vague allegation about 'a criminal scheme to corrupt the 2016 presidential election' has me more concerned than ever about their unprecedented use of state law and their persistent avoidance of specifying an election crime or a valid theory of fraud.”

Shugerman argued Bragg's office “evaded” any potential evidence of an alleged crime committed by Trump but claimed Trump's actions were “election interference.”

“As a reality check, it is legal for a candidate to pay for a nondisclosure agreement. Hush money is unseemly, but it is legal,” Shugerman wrote. “The election law scholar Richard Hasen rightly observed, 'Calling it election interference actually cheapens the term and undermines the deadly serious charges in the real election interference cases.'” [***(RELATED: Andy McCarthy Says Bragg Is Attempting To 'Spin' Trump's Legal Actions Into 'Criminal Conspiracy')***](https://dailycaller.com/2024/04/23/andy-mccarthy-alvin-bragg-trump-trial/)

In [*@nytopinion*](https://twitter.com/nytopinion?ref_src=twsrc%5Etfw)

The Manhattan district attorney's case against Trump is “an embarrassment of prosecutorial ethics and apparent selective prosecution. Nevertheless, each side should have its day in court,” the law professor Jed Handelsman Shugerman writes. [*https://t.co/De0Ikbcnzv*](https://t.co/De0Ikbcnzv)

- The New York Times (@nytimes) [*April 23, 2024*](https://twitter.com/nytimes/status/1782785264160587868?ref_src=twsrc%5Etfw)

A prosecutor reportedly said during his opening statements Monday that the “hush money” payment was “election fraud.”

“Calling it 'election fraud' is a legal and strategic mistake, exaggerating the case and setting up the jury with high expectations that the prosecutors cannot meet. The most accurate description of this criminal case is a federal campaign finance filing violation. Without a federal violation (which the state election statute is tethered to), Mr. Bragg cannot upgrade the misdemeanor counts into felonies. Moreover, it is unclear how this case would even fulfill the misdemeanor requirement of 'intent to defraud' without the federal crime.”

Shugerman further cited Trump's lawyers' arguments that New York is not intended to charge an individual for a crime committed in another jurisdiction. Shugerman questioned whether the indictment is influenced by Manhattan ***politics*** as opposed to New York law.

“Eight years after the alleged crime itself, it is reasonable to ask if this is more about Manhattan ***politics*** than New York law. This case should serve as a cautionary tale about broader prosecutorial abuses in America - and promote bipartisan reforms of our partisan prosecutorial system,” he continued.

Trump [*pleaded*](https://dailycaller.com/2023/04/04/trump-pleads-not-guilty-charges/) not guilty to all 34 counts of the indictment during an April 4, 2023, hearing and has denied ever having an extramarital affair with Daniels.

**Graphic**

NEW YORK, NEW YORK - APRIL 23: Former U.S. President Donald Trump speaks to the media outside the courtroom during his trial for allegedly covering up hush money payments at Manhattan Criminal Court on April 23, 2024 in New York City. Former U.S. President Donald Trump faces 34 felony counts of falsifying business records in the first of his criminal cases to go to trial. (Photo by Curtis Means-Pool/Getty Images)

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