

# [***Trump Moves To Toss Florida Indictment Based On 'Vindictive Prosecution'***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BXW-HJB1-JBFB-H18P-00000-00&context=1516831)

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**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/05/2024-05-02T103130Z_1145094643_RC29H7AQU5XB_RTRMADP_3_USA-ELECTION-TRUMP-AGENDA-scaled-e1714663723988.jpg)

Former President Donald Trump filed a motion on Thursday to dismiss the Florida classified documents indictment on the grounds of “selective and vindictive prosecution.”

Trump's legal team previously [*attempted*](https://dailycaller.com/2024/02/23/trump-moves-dismiss-florida-classified-documents-case/) to throw the case out on the basis of the Presidential Records Act (PRA), which Judge Aileen Cannon [*rejected*](https://dailycaller.com/2024/04/04/judge-denies-trumps-bid-to-dismiss-classified-docs-case-presidential-records-act/) on April 4. The defense's new [*motion*](https://storage.courtlistener.com/recap/gov.uscourts.flsd.648652/gov.uscourts.flsd.648652.508.0_3.pdf) cites [*Robert Hur*](https://dailycaller.com/2024/04/08/doj-declines-provide-recording-bidens-interview-robert-hur-congress/)'s February [*report*](https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf), where the special counsel wrote that “with one exception, there is no record of the Department of Justice prosecuting a former president or vice president for mishandling classified documents from his own administration.” [***(RELATED: Judge Denies Trump's Bid To Dismiss Classified Docs Case Based On Presidential Records Act)***](https://dailycaller.com/2024/04/04/judge-denies-trumps-bid-to-dismiss-classified-docs-case-presidential-records-act/)

“President Donald J. Trump respectfully submits that the Indictment must be dismissed on the basis of the Office's selective and vindictive prosecution,” the motion reads. “The exception is President Trump. The basis is his ***politics*** and status as President Biden's chief political rival. Thus, this case reflects the type of selective and vindictive prosecution that cannot be tolerated. Accordingly, further discovery and a hearing are necessary, and the Superseding Indictment must be dismissed.”

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/05/2023-08-01T224509Z_913765220_RC2AF2AC5ONW_RTRMADP_3_USA-TRUMP-INVESTIGATIONS-scaled.jpg)

U.S. Special Counsel Jack Smith makes a statement to reporters after a grand jury returned an indictment of former U.S. President Donald Trump in the special counsel's investigation of efforts to overturn his 2020 election defeat, at Smith's offices in Washington, U.S., August 1, 2023. REUTERS/Jonathan Ernst

Special counsel Jack Smith [*indicted*](https://dailycaller.com/2023/06/08/trump-indicted-classified-documents-truth-social/) Trump, [*along*](https://dailycaller.com/2023/06/09/breaking-trump-indictment-unsealed/) with aide Walt Nauta, in June 2023 over allegations that the former president mishandled over 300 classified documents.

Trump was charged with 31 counts of violating the Espionage Act, as well as one count each for “conspiracy to obstruct justice”; “withholding a document or record”; “corruptly concealing a document or record”; “concealing a document in a deferral investigation”; “scheme to conceal”; and “false statements and representations.”

The DOJ pointed the Daily Caller News Foundation toward its March 7 [*filing*](https://storage.courtlistener.com/recap/gov.uscourts.flsd.648652/gov.uscourts.flsd.648652.375.0_2.pdf) opposing such a motion to dismiss.

“Trump contends ... that he has been subject to selective and vindictive prosecution. But he has not identified anyone who has engaged in a remotely similar battery of criminal conduct and not been prosecuted as a result,” Smith wrote. “He has likewise failed to provide any evidence that his indictment was brought solely to retaliate against him for exercising his legal rights, rather than because he flagrantly and repeatedly broke the law.”

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**Graphic**

Former U.S. President Donald Trump leaving the courtroom at the end of the day in his criminal trial at New York State Supreme Court in New York, New York, U.S., April 30, 2024. Justin Lane/Pool via REUTERS

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