

# [***Donald Trump's New York Prosecution 'Backfiring'—Legal Analyst***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BT2-8MX1-JBR6-9003-00000-00&context=1516831)

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**Highlight:** "A growing number of people see Trump as a victim, not a villain," Gregg Jarrett said.

**Body**

Former President [*Donald Trump*](https://www.newsweek.com/topic/donald-trump?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)'s New York criminal hush money prosecution is "backfiring," according to attorney and [*Fox News*](https://www.newsweek.com/topic/fox-news?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) legal analyst Gregg Jarrett on Saturday.

Trump is set to become the first former president in United States history to stand trial in a criminal case on Monday. Following an investigation by Manhattan District Attorney Alvin Bragg's office, Trump was [*indicted in March 2023*](https://www.newsweek.com/trump-indictment-makes-history-former-president-charged-1788949?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) on charges of falsifying business records relating to hush money payments made to adult film star [*Stormy Daniels*](https://www.newsweek.com/topic/stormy-daniels?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) during his 2016 presidential campaign. Daniels alleged that she had an affair with Trump in 2006, which he has denied.

Trump, the [*presumptive 2024 Republican presidential nominee*](https://www.newsweek.com/biden-hits-magic-number-while-trump-inches-closer-1878584?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), has pleaded not guilty to all charges and has said the case is politically motivated against him.

"Look ***politics*** is going to play dominant role in this case because it's a politically charged case. If I'm Trump's lawyer, I'd love to have law enforcement on the jury. I'd love to have people who have had a bad experience with the legal system. Those are the people they'll be looking for," Jarrett said in an interview with Fox News host [*Sean Hannity*](https://www.newsweek.com/topic/sean-hannity?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) about the trial's jury selection that begins on Monday.

He added: "I think what Biden [*Democrats*](https://www.newsweek.com/topic/democrats?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) and the media underestimate is the intelligence of American voters. They see these dirty legal tricks for exactly what they are, a pernicious attempt to steal an election through an abuse of our system of justice. And I think it's backfiring. A growing number of people see Trump as a victim, not a villain, and it's fortified his support."

*Newsweek* has reached out to Trump's spokesperson via email for comment.

Jarrett's comments come after a letter sent to both the prosecution and defense on April 8, Judge Juan Merchan, who is overseeing the case, [*listed 42 questions*](https://www.newsweek.com/democratic-voters-allowed-jurors-donald-trump-trial-1888341?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) he agreed each prospective juror would be asked before the jury selection was made. These included questions about what publications they read and if they had attended pro or anti-Trump rallies. However, potential jurors won't be asked about their voting history or whether they have made any financial campaign contributions.

Meanwhile, a Texas-based jury consultant, Robert Swafford, noted the potential jury having a role in Trump's prosecution as he previously told *Newsweek* that a conviction in the case would require a unanimous jury and thus could be blocked by one passionate Trump-supporting juror.

"If one true believer, a MAGA supporter, manages to get on the jury, then it won't matter how much evidence the prosecution brings to bear. That juror will sit there until kingdom come and say not guilty. And that juror will derail the case because a verdict must be unanimous in a criminal trial," he said.

The jury consultant noted both the defense and prosecutors would scrutinize possible jurors for signs of bias, but warned this may prove impossible to detect.

"I'm sure that both legal teams are doing research on the prospective jurors' social media accounts, their voting records, any prior criminal convictions, and credit histories—everything that can be searched in a database," Swafford said. "But at the end of the day, if someone scrubbed their social media or their activity on internet forums, those online trails become very hard to find. If someone simply denies they have certain biases, that is even more difficult to disprove."

Neama Rahmani, a former federal prosecutor and president of West Coast Trial Lawyers, agreed that selecting jurors will be a major challenge for the judge.

"Jury selection alone will be challenging because everyone knows Trump and has an opinion about him. Judge [Juan] Merchan may have to go through hundreds of potential jurors to find 12 who can be fair and impartial," he previously told *Newsweek*.

[*Link to Image*](https://d.newsweek.com/en/full/2377901/donald-trump.jpg)

**Graphic**

Donald Trump

Scott Olson/Getty Images

Former President Donald Trump speaks to guests at a rally on April 02, 2024 in Green Bay, Wisconsin. Trump’s New York criminal hush money prosecution is “backfiring,” according to Fox News legal analyst Gregg Jarrett

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