Guilty

0:04

and we are starting with breaking news this hour you are looking live at the courthouse where we have word that the

0:09

jury has reached a verdict in former president Donald Trump's hush money criminal [Music]

0:17

trial we are standing in front of the municipal courthouse in low Manhattan

0:25

it's 514 and I have just hoofed over here

0:30

from uh my apartment because we got word about 25 minutes ago that this jury

0:38

after just a day and a half has reached a verdict in the hush money case of

0:44

former president Trump behind me are a huge number of

0:49

demonstrators who have gone [Music]

0:55

quiet the verdicts are starting to be read one by one

1:00

and so far according to our colleagues who are in the room they are guilty guilty

1:09

guilty guilty guilty guilty every single one of the csil remember there are

1:15

34 are guilty and I mean just to make it

1:23

official from The New York Times I'm Michael babbaro this is the daily Donald

1:29

J Trump former president of the United States has become the first president to

1:36

be convicted of a crime and it's absolutely no

1:43

overstatement a historic [Music]

1:55

moment it's by the time you hear this going to be Friday May

2:02

[Music] 31st Jonah bramwit how's it going Michael it's it's

2:10

you okay yeah I mean I should ask you how's it going Jonah I'm okay yeah you've got that glow of post-trial glow

2:17

it's over mhm Jord I want you to take us inside

2:22

the courtroom for the moment of this historic verdict and then we'll talk about why this was the ultimate verdict

2:30

but just start by setting the scene in the room there were no cameras as has

2:35

been the case throughout this trial so be our camera for this final day you got it so let's rewind just a little bit

2:42

before the verdict back to 4:15 p.m. because around 4:15 p.m. the prosecutors

2:48

have come into the courtroom as has Donald Trump and the judge gets up on the bench and he says something a little

2:54

confusing which is that he is planning to dismiss the jury at 4:30 p.m. mhm so

3:00

immediately I see tweets starting to go up no verdict today there's kind of a release of tension in the courtroom to

3:06

some extent right but 4:30 comes and this very punctual judge is not there

3:12

and then another minute passes another minute passes and then the judge comes back in the courtroom and he gets on the bench and what he says is at 4:20 p.m. 5

3:20

minutes after he had previously addressed us the jury had sent him a note and the note had said that they had a verdict so the tension rushes right

3:28

back in and sure enough about a half an hour later the jury files in one juror

3:34

looks at Trump she already knows what's going to happen in a second but the former president does not and they go to

3:41

their seats and the foreman stands up and he confirms to the judge that they do in fact have a verdict and then it

3:48

all happens very very quickly he's suddenly being asked how they found the

3:54

defendant on the first count the foreman without any hesitation and a flat voice

4:00

says guilty and he says guilty on the second count he says guilty on the third

4:05

count and he is going really really fast so we are hearing Donald Trump transformed into a felon and then hit

4:11

with a second a third a fourth a fifth eventually a 34th H felony count on

4:17

which he has been found guilty by a jury of 12 New Yorkers in the span of two minutes W so think about that for a

4:23

second 34 counts over the span of 2 minutes it went by really quickly it's almost like a bell ringing in that room

4:30

guilty guilty guilty what is Trump's reaction I didn't have a perfect view of

4:36

trump I was frantically entering the guilty please into our live blog but I interviewed someone who did one of the

4:42

sketch artists who's been there day in day out during the trial she had a great view of trump she said that when the

4:47

convictions started raining down on him he closed his eyes and then he shook his head and mouthed the word no and by the

4:54

end of the recitation he's kind of slumped back in his seat Slack kind of

4:59

all the air has gone out of him and it's over he's been convicted and the judge thanks the jury

5:06

for their service he thanks them profusely and then he seems almost as if he's about to leave the judge but then

5:12

he asks about Trump's bail status meaning is Trump going to be imprisoned or not and there is no bail status set

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and he releases him on his own recognizance which is just a legal way of saying that he releases him so Trump

5:25

is fre to go Trump does in fact go he stands up and he makes to move out of the courtroom and I can see that his

5:32

face is kind of strong he's jutting out his jaw but it really looks this time as if it's effortful as if he's trying to

5:37

hold it together he shakes Eric Trump's hand Eric Trump his son is standing right behind him and he walks out of the

5:43

courtroom no handcuffs no booking is that typical yeah this is a nonviolent

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crime in New York and the sentencing hasn't happened yet Trump was of course never in prison before this so it's not

5:55

unusual that he would not be sent to jail at this point so that's it he walks out and waits for the moment when he

6:02

sentenced that's right okay so let's talk about how it is we got to this unanimous verdict and what I think we

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should acknowledge is a total victory for the district attorney who brought this case when you were last at this table with me closing arguments had just

6:16

finished from the prosecution and the defense so help us understand what happened that brings us to this outcome

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after that sure so Wednesday morning bright and early we were back at it in the courtroom where the judge gave the

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jury their instructions and in these instructions he for the first time

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really helped them to understand this very complicated case because each of

6:41

the 34 felony falsifying business record charges against Donald Trump holds within it multiple other crimes so let

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me explain what I mean by that so prosecutors accused Trump of covering up

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reimbursements to Michael Cohen that came after Cohen paid stormmy Daniels and prosecutors say that's payment to

6:59

Stormy Daniels was part of an election conspiracy that Trump Cohen and the former publisher of the national

7:06

Inquirer David pecker were all involved in right so the jury is for the first time hearing that not only do they have

7:12

to find him guilty or not guilty of falsifying business records number one but it has to cover up that election

7:18

conspiracy and even more complicatedly that election conspiracy has to have made use of unlawful means and I'm doing

7:26

air quotes with my hands so there's another crime underneath the election conspiracy the jurors don't have to be

7:33

unanimous about what that crime is but they have to find that in some way somehow Donald Trump criminally

7:40

conspired to win the 2016 election and that he falsified business records to do so I'm curious if this felt confusing to

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the jurors because it is very complicated yeah I mean it was confusing and I can say that for a fact because

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the jurors actually asked to hear the jury instructions read back again H but

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we learned later they didn't want to hear the entire 55 page Dury instruction

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they asked to start at a very specific place so in these jury instructions the judge explained this concept called

8:11

evidentiary inference and it's a you know a lot of syllables but it means something very simple which is what

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kinds of logical leaps to conclusions can you make when you're evaluating a

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criminal case and so what the judge had already told them and now tells them again he explains by analogy he says

8:31

suppose you go to bed one night and it's not raining and then you wake up in the morning and you look out your window and

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you see that the street is wet and the sidewalk is wet under those circumstances it might be reasonable to

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infer that it had rained overnight H and so in this case what he seems to be

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saying and what these instructions more importantly seem to be guiding them is yes maybe Trump is not in every

8:56

situation that prosecutors have said this looks as if a crime were committed this is a part of the conspiracy but

9:02

given that the evidence gestures at him leading all these actions that prosecutors have talked about it might

9:09

be reasonable to infer that in fact Trump was responsible for these various hush money deals that prosecutors have

9:15

said were part of the conspiracy interesting and for the falsification of business records to cover up one hush

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money deal in particular that payment to Stormy Daniels so in a sense it kind of sounds like the jury is in asking for

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this particular set of instructions suggesting that in their minds everything is wet and they are asking

9:34

can we infer that when it comes to Trump in this case it has rained yeah that's exactly right and along with the jury

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instructions the jurors have asked her four excerpts of testimony three of them belonging to David pecker prosecutors

9:47

say that he's one member of the tripod conspiracy that was formed at Trump Tower between pecker Michael Cohen and

9:54

Donald Trump to suppress negative news about Trump in the 2016 election right

10:00

so three pieces of testimony from pecker one piece of testimony from Michael Cohen and two of those pieces of

10:06

testimony actually concern that Trump Tower meeting they want to hear what Michael Cohen had to say about it they want to hear what David pecker had to

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say about it and what do you take from the request for these pieces of testimony again so it's a Fool's errand

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to read too much into requests like this they could have been looking for a

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hundred different things but it was interesting to me that they wanted testimony from both pecker and Cohen

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about the same meeting because what it suggests to me is oh maybe they want to compare these two accounts of this very

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very important meeting in the prosecution's case and so we looked up the transcripts and what we saw is

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pecker and Cohen tell pretty much the same story like for instance David pecker testified that at that meeting he

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offered to be Trump's eyes and ears Michael Cohen testified that at that

10:57

meeting David Becker offered to keep an eye out for negative news stories about Trump during the campaign so yeah those

11:04

don't exactly match but that's a win if you have two people telling a story from 2015 in 2024 and they're using

11:12

Expressions that directly Echo each other that's pretty good for the prosecution's case right because the jurors seem to be focusing on what feels

11:19

like an important moment in the development of this conspiracy and of course conspiracies at the center of

11:26

these charges exactly okay we of course now know that these inquiries from the jurors were an insight into their

11:32

mindset which was that Trump was guilty and that makes me want to reflect for just a moment on the defense in this

11:38

case because Jonah throughout our conversations all these episodes we've done with you you've always found a way to signal I think that the defense was

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meaningfully weaker in its presentation to the jury than the prosecution was and now that the case is

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over and now that we know that the defense has lost I wonder what your diagnosis is of why

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they lost well let's be clear the defense was up against an enormous amount in this case the prosecution had

12:06

a ton of documentary evidence they had a New York jury which means people who may

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not have been all that sympathetic to Donald Trump they had a strong trial team and strong trial lawyers and they

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had a pretty elegantly designed trial case with a lot of Sizzle and Flash and

12:24

exciting stuff to get the jury engaged and keep them engaged but the prosecution also had one big advantage

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that we haven't talked about yet and defense had one big disadvantage and it's the same thing it's Donald Trump

12:37

Donald Trump was under a gag order for this entire trial and that gag order barred him from attacking Witnesses

12:45

among other people two witnesses who we'd be most prone to attacking were Stormy Daniels and Michael Cohen and so

12:51

it's very interesting that while Trump was gagged like this was not able to attack those people his lawyers the

12:58

people who actually are not hired to attack for him they're not attack dogs actually they're lawyers did

13:04

two things that really stick out in my mind one is that they denied that he had sex with Stormy Daniels they did that

13:10

their opening that's not a part of the case but it's something that Trump has done for years and years and so that

13:15

clearly was very important to them probably because it was very important to him and then even more obviously they

13:22

attacked Michael Cohen at every chance they got they attacked him in their opening they attacked him in their

13:28

closing they attacked him while he was testifying they attacked him while other people were testifying attack Michael

13:34

Cohen was their first second and third Instinct in this case maybe because it

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is Donald Trump's first second and third instinct to attack his adversaries but in Criminal Court where

13:47

there are parameters you have to be thoughtful and elegant and concede things that you don't necessarily want

13:54

to concede there was a point during this case where the judge even told the defense the jur was out of the room you

14:01

could have attacked the idea of the false business records you could have attacked this you could have attacked

14:06

that but instead you spent your opening statement opening the door to testimony from Stormy Daniels by denying a sexual

14:13

encounter ever happened by denying that sexual encounter never happen so when we think about the defense in this case I think we have to think about the

14:19

defendant you're saying basically the defense is hamstrung by the requirements

14:27

of what Donald Trump wanted from his defense lawyer which seemed to be a set of attacks that have worked well for him

14:34

in politics but just didn't seem to work that well against all this evidence in

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this courtroom that's exactly right an example that people kept bringing up during the trial sources lawyers people

14:46

who have seen a lot of trials they would say what they should say is look my client is a scumbag we know you hate him

14:54

but he did not do this that's the kind of thing that's the kind of candidness or what would be perceived at least by

15:00

jurors as candidness that can get the jury on your side they could have been a more effective defense if Trump would

15:07

let them yes this did not go well for the defense their client former

15:12

president Donald Trump has been convicted of 34 felonies right and the question now that he has been convicted

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on all these counts is what happens to him what happens next right it's a good question and the answer is complicated

15:26

and not entirely clear [Music]

15:33

we'll be right

15:45

back okay so Jonah what does happen next in this case of the people of the state

15:51

of New York versus Donald Trump just give us a road map for the next few days and weeks in the next few days it's

15:58

irely possible we could see an appeal Trump is not known for holding his fire

16:04

when it comes to Legal maneuvers of that sort but appeals on what ground well

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that's what remains to be seen it'll be very interesting to figure out what

16:14

exactly Trump's lawyers decide to bring up here there is one very obvious thing

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which is that Trump was charged with falsifying business records to cover up an election conspiracy that election

16:26

conspiracy is related to this little known state state law 17152 it's called and it just doesn't

16:33

have that much history certainly it has no history being used in this manner and

16:39

so one thing that I would imagine Trump's lawyers will bring up is the enormity of this case based on this not

16:46

very well-known law okay so that's the question of appeals turn now to

16:52

sentencing so this we know a little bit more straightforwardly we don't know what's going to happen of course but we know when it's going to happen

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the judge has already scheduled the sentencing it's going to be in July it's actually going to be 4 days before the

17:05

Republican convention where Trump is officially nominated that's incredible timing so we keep having this split

17:11

screen this year of Trump's legal issues and his campaign right and here's

17:16

another example of it is it normal for sentencing to be delayed this long July

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is month and change away it's extremely normal because in New York what happens before sentencing is you get something

17:28

called a probation report you meet with the probation office of New York Trump is going to go into the probation office

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in New York they will probably come to him I would imagine given Secret Service concerns but Trump will meet with a

17:40

probation officer who will interview him and will provide a report recommending a

17:46

certain sentence and that's one of many things the judge can take into account wow when he decides to sentence Donald

17:51

Trump okay so that was my next question who's responsible for sentencing you just said it's the judge what kind of

17:58

sent sentence guidelines are in place what kind of sentence might there be so

18:03

Trump has been convicted of 34 E nonviolent felonies the penalty for the felonies he's been convicted of is up to

18:11

four years in prison but there's no prison time required so he could also just be put on probation and there's a

18:16

lot of considerations that go into this so for example Trump is a first-time offender right often a first-time

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offender on a nonviolent felony might get a relatively lenient sentence maybe

18:29

just probation maybe a small amount of time in jail but there are also considerations on the other hand to take

18:36

into account such as Trump violated a gag order 10 times during this trial and was find $10,000 for doing so and so the

18:43

fact that he flouted the judge's orders 10 separate times M that could also be

18:49

taken into account there's also the question of how Trump behaves after the verdict judges often evaluate a

18:55

defendant's remorse or lack thereof in fact the judge in Trump's civil fraud case when he came down very very hard on

19:02

him charging him hundreds of millions of dollars explicitly commented on Trump's lack of remorse said it was near

19:09

pathological and it would not be unusual or an abuse of power it would be totally

19:15

typical to look at what a defendant is doing a convicted defendant is doing and take it into account when you think

19:21

about a sentence in other words Trump's not only lack of remorse so far but his

19:27

open dis stand for the judge and this entire process could end up being very consequential when it comes to

19:32

sentencing it's a genuine danger for him okay well let's just play this out let's say on July 11th that the judge does

19:39

sentence Trump to prison what happens what does it look like I don't know I mean normally when a

19:47

defendant is sentenced I'll give you an example like Allan weiselberg that's Trump's former Chief Financial Officer

19:54

I've seen him sentenced twice in the past few years and after he was

19:59

sentenced he was handcuffed he was taken into custody and eventually he went to Rikers to serve out kind of months long

20:05

sentences each time but with Trump even though that's normally what would happen

20:11

I just can't sit here and tell you Michael that I know that exact same thing is going to happen Trump has been

20:17

so successful at fighting American Norms since the minute he came onto the

20:23

political scene in 2015 but I don't know what happens if the judge sentences him to prison

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whether he goes whether the sentence is somehow deferred or delayed either until after the election or later if Trump

20:36

perhaps even after his presidency perhaps even after his presidency elected if Trump appeals the judge could

20:42

decide to keep him out during the appeal just to be maximally fair that would make sense and seems as if it's

20:48

something we could see happen I really just feel somewhat at a loss it's funny

20:54

because usually a verdict kind of helps you feel more confident now we don't have to say allegation

21:00

fied recordr a conspiracy to his 201 elction but we cannot say exactly what

21:05

the consequen going toate exactly well let's play out the alternative which is that the judge at sentencing says no

21:12

prison time just probation what kind of restrictions would a conviction but no

21:17

prison time have on Trump in terms of his movements or ability to conduct a campaign as best you understand it I

21:24

mean this is just a remarkable possibility often people on probation

21:29

have to meet with their probation officer tell them what they've been up to so for instance something that our

21:35

colleague Willie rash bomb keeps saying is Trump will have to answer the question what are you doing for work I

21:42

mean if he's elected I'm president exactly people on probation are not

21:47

supposed to associate with known felons that's something of an issue for Trump right because known felons are in his

21:53

political orbit that's right and a third thing you're supposed to tell a probation officer is is your travel

21:59

plans when you leave a state usually someone who is on probation has their movements restricted right and you know who travels a lot and leaves a state a

22:06

lot a candidate for president so this is going to be very strange even if he's

22:12

just on probation yes let's assume for a minute that Donald Trump gets reelected

22:18

because as best I can tell and correct me if I'm wrong Jonah nothing about this

22:23

conviction disqualifies him from holding the office of President that's right we know once he becomes president he can't

22:30

pardon himself for this crime because it's a local crime not a federal crime as president he can pardon himself in

22:36

theory for federal Crim this isn't one of them but once he becomes president what can he do with the power of that

22:42

office to somehow mitigate the fact of this conviction is there anything he can

22:48

do I mean as far as we can see right now not that much a conviction stays with

22:54

you there could be some mechanism through which Trump is able to alter this but for now it's going to be what any

23:01

conviction is it's going to stay with him and follow him for the rest of his life very possibly this is a real

23:09

serious stain on his legacy Jonah we know that throughout this trial Trump

23:16

has spoken of it as a Witch Hunt said he didn't think he could get a fair trial

23:21

in New York that the government was out to get him and this is the latest chapter of Democrats seeking his

23:27

destruction how has he responded to the conviction in the hours since the verdict came down

23:35

in much the same way but with one big difference this was a disgrace this was

23:41

a rigged trial by a conflicted judge who was corrupt he attacked the judge he

23:47

attacked the case our whole country is being rigged right now this was done by the Biden

23:53

Administration he attacked President Biden saying that the case had been brought by him which it was was not

23:59

right but then he said the real verdict is going to be November 5th by the

24:05

people the real verdict is going to be on November 5th election day this is

24:10

long from over thank you very much Trump has been trapped in court but

24:17

now he's out until the sentencing at least he's out and he's back in the political realm and he's going to take

24:23

what happened legally and reframe it politically and that's what he's doing by pointing at the election he is going

24:28

to take this case in which he was convicted by a jury of his peers and he is going to say look at this nonsense

24:35

that was brought against Me by President Biden this is why we have to beat the Democrats in November right and I know

24:41

you're not a political reporter you're a court reporter but I think we do have to reflect on the kind of strangeness of

24:49

this moment as it lands in the political sphere I mean for a good number of Democrats this is the outcome that on

24:57

some level they may have always expected and perhaps wanted given Trump's conduct

25:02

they wanted him convicted of a crime for a good number of Republicans who have been told by Trump that he's the subject

25:08

of a Witch Hunt and they're coming after him this is also the outcome that they

25:14

expected but they didn't want it they dreaded it because they believe Trump is a victim of a Witch Hunt and I guess the

25:21

question is what does this mean not to those two groups but to this crucial group of Voters in the middle who didn't

25:30

want it didn't fear it but now just have to live in a world where one of the two candidates for president has been

25:36

convicted of a crime this is the all-important political question and I feel comfortable answering it because in

25:42

some ways it is a question about the law H what do you mean Trump has taken on the law and the law has taken on Trump

25:49

he's been indicted four times he's been convicted in this first trial and he has

25:54

at every turn said that the law is illegitimate and so one way to ask the question you just

26:00

asked me is leaving aside people who hate Trump and people who love Trump

26:06

what will people choose the law or Donald Trump that's what this election is going

26:13

to be about the American legal system and what

26:18

it says is okay and what it says is not this man who has run rough shot over it

26:24

has taken what it has to offer which is a jury trial has been convicted and may

26:29

still Triumph so I think that this election pits the law against Donald

26:36

Trump in the minds of the American voter and it's just going to be fascinating to see what they

26:45

do well Jonah thank you very much of course thanks for having me throughout the

26:51

trial thank you for being here throughout the trial

26:56

[Laughter] we'll be right

27:06

[Music]

27:15

back here's what else you need to another day on Thursday President Biden

27:21

authorized Ukraine to conduct limited strikes inside of Russia with us-made

27:27

weapons opening a new and riskier chapter in the 2-year-old War the

27:33

decision marks the first time that a US president has authorized attacks on Military targets inside a nuclear armed

27:42

adversary Biden has long resisted such a move fearing that it could trigger a US

27:47

war with Russia as a result his authorization is extremely narrow under

27:53

it Ukraine may use American weapons to hit targets just in inside Russian

27:58

territory that have been attacking Ukraine's second largest city harke Ukraine may not use Us weapons to

28:07

attack Russia more [Music] broadly a reminder we'll be sharing a

28:14

new episode of our colleague show the interview tomorrow this week David maresi talks

28:21

with the director Richard linklater about his new movie Hitman and about how

28:26

his relationship to movie making has changed over the past four decades I

28:31

don't think you can ever replace that initial just passion and fury when

28:37

you've discovered your art form and you just take it in with your entire

28:42

being today's episode was produced by Olivia Nat Michael Simon Johnson and

28:47

Eric krupky with help from mu Zade and Luke Vander pluke it was edited by Paige

28:53

cowt contains original music by Dan Powell Rowan neis

28:58

and Diane Wong and was engineered by Alysa [Music]

29:03

Moxley the daily is made by Rachel crester Lindsey Garrison CLA tennis

29:09

Paige cowt Michael Simon Johnson Brad fiser Chris Wood Jessica Chung Stella

29:15

tan Alexander Lee young Lisa Chow Eric krupky Mark George Luke Vander plug MJ

29:22

Davis Lynn Dan Powell Sydney Harper Michael benois Liz o balen a chv relle

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Banja Diana win Maran Lozano Cory Shel Rob zipco Alicia BBE mu Z Patricia

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willins Rowan misto Jody Becker Ricky nety Nina Feldman will Reid Carlos PR

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Ben Calhoun Susan Lee Lexi di Mary Wilson Alex Stern Sophia lman Shannon

29:52

Lynn Diane Wong Devin Taylor Alysa Moxley Olivia Nat Daniel Ramirez and

29:59

Brendan clink BG special thanks to Lisa Tobin Sam dlck Paula Schuman Lissa

30:05

Anderson Julia Simon Sophia Milan mahima chablani Elizabeth Davis Moore Jeffrey

30:11

Miranda renan barelli Maddie masello Isabella Anderson Nina lassam and Nick

30:21

Pitman that's it for the daily I'm Michael Boro see you on Monday