

1 THE CLERK: Calling People of the State of New York
2 versus Donald J. Trump, Indictment Number 71543 of 2023.
3 Appearances. Starting with the People.
4 MR. STEINGLASS: For the People, Assistant District
5 Attorneys Joshua Steinglass, Susan Hoffinger, Matthew
6 Colangelo, Becky Mangold, Christopher Conroy and Katherine
7 Ellis.
8 Good morning, everyone.
9 THE COURT: Good morning, People.
10 MR. BLANCHE: Good morning, your Honor.
11 Todd Blanche for President Trump, who is seated to
12 my left.
13 I'm joined by Emil Bove, Kendra Wharton and Susan
14 Necheles.
15 THE COURT: All right. Good morning, counsel.
16 Good morning, Mr. Trump.
17 Is there anything that we need to go over before we
18 call a witness?
19 MR. STEINGLASS: Yes, please.
20 May we approach?
21 THE COURT: Sure.
22 (At Sidebar.)
23 *****
24 THE COURT: Yes.
25 MR. STEINGLASS: A couple of things, Judge.

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Senior Court Reporter

1 First of all, we had indicated that, potentially,
 2 that we would call another witness, that was going to be
 3 another book publisher, but we've decided that we really
 4 don't need to do that.
 5 So, Mr. Cohen will be the last witness.
 6 Related to that, I don't know how long
 7 Mr. Blanche's cross-examination will be, but I think that
 8 it's highly likely that we will get to the defense case,
 9 such as it is, on Thursday.
 10 And we don't know who the defense witnesses are,
 11 except for an expert witness and potentially Mr. Trump.
 12 They've indicated that the only other witnesses
 13 that they intend to call are impeachment witnesses.
 14 Under 245.20 (4)(b), we are entitled to know that
 15 at the end of whatever witness' testimony they are seeking
 16 to impeach.
 17 So I understand that we haven't gotten there yet
 18 with Michael Cohen, but if there are any other impeachment
 19 witnesses that they intend to call to impeach one or other
 20 of our witnesses, we would like to know who those witnesses
 21 are.
 22 I think we're entitled to know who they are.
 23 Also, for planning purposes, we are entitled to
 24 have our potential rebuttal expert present for any expert
 25 testimony that they may proffer on their case.

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1 And so, we would like to know when the expert will
2 testify so that we can make — our expert is not local, so
3 we can make travel arrangements, so that we don't have to
4 have an unnecessary delay.
5 THE COURT: Okay.
6 MR. BLANCHE: All fair.
7 We do not have any rebuttal witnesses as of now.
8 THE COURT: You don't have any?
9 MR. BLANCHE: We do not have any rebuttal witnesses
10 as of now, pending the testimony of Mr. Cohen.
11 I believe the cross will continue until the end of
12 the day Thursday.
13 If it even finishes, it will be very near the end
14 of the day and presumably there will be redirect.
15 As for our expert, we have communicated with him
16 and expect him to be here over the weekend.
17 But whether we call him depends, in part, on the
18 charge — we submitted the charge, just this morning, so I
19 know you haven't read it yet.
20 And so, what we would hope to be able to do is to
21 at least have some discussion about that before we begin our
22 case, presumably, on Monday.
23 Because, depending on the ruling, we may not call
24 him.
25 THE COURT: That's a little tricky. I have to go

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1 back and read the CPL, I believe the pre-charge conference,
2 while it comes before summation —

3 MR. BLANCHE: Yes.

4 THE COURT: — I think normally it comes at the end
5 of the case.

6 So you are kind of basing your evidence on what I
7 decide as far as charges, and we may not know a final
8 decision until we have the pre-charge conference.

9 MR. BLANCHE: Well, maybe I should rephrase.

10 We — if we can have an opportunity to argue or
11 discuss what we anticipate our expert will testify to, get a
12 ruling from the Court, your Honor already ruled, but there
13 was some — we believe, given where we are now, we at least
14 need to address it again.

15 So maybe it's not a charge conference.

16 THE COURT: Fine. We can do that.

17 MR. BLANCHE: My point is, I think they're
18 travelling over the weekend.

19 And as far as their expert, I don't believe that we
20 would have him take the stand before Monday.

21 THE COURT: And do you have any indication whether
22 your client is going to testify?

23 MR. BLANCHE: No.

24 THE COURT: No determination yet?

25 MR. BLANCHE: No.

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1 MS. HOFFINGER: And you also gave us notice of Alan
2 Garten.

3 MR. BLANCHE: No, we don't anticipate the calling
4 of Alan Garten.

5 THE COURT: So, if I understand you correctly, your
6 only witness on defense, that you know of right now, is the
7 expert possibly?

8 MR. BLANCHE: Correct.

9 THE COURT: And maybe not.

10 MR. BLANCHE: And maybe not.

11 Honestly, Judge, depending on how that conversation
12 goes, because of the limited nature of his testimony, we may
13 not call him.

14 THE COURT: Okay.

15 MR. BLANCHE: And we will, obviously, let them know
16 to save the flight of their expert.

17 THE COURT: Well, we can certainly have that
18 conversation to assist you in making your decision.

19 MR. BLANCHE: Absolutely, sure.

20 MS. HOFFINGER: One other quick issue.
21 We gave notice to defense counsel on Sunday of
22 incidents that we intended to seek to admit with Mr. Cohen.
23 There were — defense counsel has not objected to
24 any of them, but with respect to two, indicated that they
25 would be seeking a limiting instruction.

1 Those are two exhibits, one which is Mr. Cohen's
2 attorney's letter in response to an FEC complaint and
3 Mr. Cohen's public statement in response to an FEC
4 complaint.
5 And they've asked for a limiting instruction, I
6 guess, along the lines of the prior instruction that your
7 Honor gave.
8 We do have a draft of that instruction.
9 It's not going to come up just yet, but a little
10 bit later today, but we thought it made sense to perhaps go
11 over it now.
12 THE COURT: Have you had a chance to review it?
13 MS. HOFFINGER: No. I just gave it to defense.
14 THE COURT: Okay.
15 MR. BLANCHE: I need to do look it.
16 THE COURT: Once you look at it, and if you agree,
17 to please let me know and also let me know when you want me
18 to give it.
19 MR. BLANCHE: Also, your Honor, assuming that
20 Mr. Cohen testifies this morning around his guilty plea for
21 FECA, we would ask your Honor to give that limiting
22 instruction.
23 And I think we have a copy of it.
24 THE COURT: No, I have a copy of it.
25 MR. BLANCHE: Thank you.

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1 MS. HOFFINGER: Thank you.
2 (Sidebar concluded.)
3 THE COURT: All right. May we get the witness,
4 please.
5 THE COURT OFFICER: Witness entering.
6 (The witness, Michael D. Cohen, enters the
7 courtroom and resumed the witness stand.)
8 *****
9 THE COURT: Good morning. Mr. Cohen. I remind you
10 that you are still under oath.
11 THE WITNESS: Yes, Sir.
12 THE COURT: All right. Thank you. Get the jury,
13 please.
14 MR. BLANCHE: Your Honor, that proposed charge is
15 okay.
16 THE COURT: Okay. So I leave it to you to let me
17 know when you would like me to give it.
18 MR. BLANCHE: Yes, your Honor.
19 THE COURT: All right.
20 THE COURT OFFICER: All rise. Jury entering.
21 (Jury enters.)
22 *****
23 THE COURT: You may be seated.
24 THE CLERK: Do both parties stipulate that all
25 jurors are present and properly seated?

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1 MR. STEINGLASS: Yes.
2 MR. BLANCHE: Yes.
3 THE CLERK: Thank you.
4 THE COURT: Good morning, jurors. Welcome back.
5 People.
6 MS. HOFFINGER: Thank you, your Honor.
7 *****
8 CONTINUED CROSS-EXAMINATION
9 BY MS. HOFFINGER:
10 Q Good morning, Mr. Cohen.
11 A Good morning.
12 Q When we left off yesterday, we were talking about your
13 meetings with Mr. Trump and Mr. Weisselberg concerning the plan
14 for the reimbursements.
15 Do you remember that?
16 A I do.
17 MS. HOFFINGER: I would like to please put up
18 People's 39 in evidence.
19 (Displayed.)
20 Q Do you recognize that email, Mr. Cohen?
21 A I do.
22 Q Would you read it for the jury, please?
23 A It's an email from Jeff McConney to me saying:
24 "Mike" — I'm sorry, on February 6th of 2017: "Mike, just a
25 reminder to get me the invoice you spoke to Allen about.

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1 Thanks, Jeff."

2 Q And just as a reminder, what was Jeffrey McConney's job
3 at the time?

4 A Controller.

5 Q And who did you report to?

6 A Allen Weisselberg.

7 Q And I think you mentioned yesterday that
8 Mr. Weisselberg had discussed with you the invoices that you
9 should send for the reimbursement payments?

10 A Yes.

11 Q And, at the point when you received this email, did you
12 send the invoices right away or a little bit later?

13 A A little bit later.

14 Q Let me direct your attention now to a few days later,
15 February 8th.

16 MS. HOFFINGER: Thank you.

17 You can take that down.

18 Q February 8th of 2017. Did you visit the White House on
19 that day?

20 A I did.

21 Q And why — while you were visiting the White House, did
22 you have a private conversation with then President Trump?

23 A I did.

24 Q First, where did the conversation take place?

25 A In the Oval Office.

1 Q Did you discuss in the Oval Office the reimbursement
2 payments that were going to be made to you?

3 A Yes, ma'am.

4 Q Can you tell the jury a bit about that conversation?

5 A So I was sitting with President Trump and he asked me
6 if I was okay.

7 He asked me if I needed money, and I said, no, all good.

8 He said, because I can get a check.

9 And I said, no.

10 I said, I'm okay.

11 He said, ummm, all right, just make sure you deal with
12 Allen.

13 Q Did he say anything about anything that would be
14 forthcoming?

15 A Excuse me?

16 Q Did he say anything about what would be forthcoming to
17 you?

18 A Yes. It would be a check for January and February.

19 Q And so, at that point in time, you had not yet been
20 reimbursed for the payments that you made to Stormy Daniels?

21 A No, ma'am.

22 Q And did you take any photos commemorating your visit to
23 the White House?

24 A I did.

25 Q Why did you do that?

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1 A Visiting the White House.

2 MS. HOFFINGER: Can we put up People's 253 in
3 evidence, please.

4 (Displayed.)

5 Q Do you recognize that photo, Mr. Cohen?

6 A I do.

7 Q And can you tell the jurors when you took that photo
8 and where you were?

9 A On the same day, and that's in the briefing room right
10 outside of the Oval Office.

11 Q And did you take that photo before you met with
12 President Trump or after you met with him?

13 A No, ma'am, after.

14 Q Now, did you also put a page in your electronic
15 calendar indicating that you had a meeting with the President of
16 the United States on that day?

17 A I did.

18 Q And do you always put meetings and appointments in your
19 electronic calendar?

20 A No, ma'am.

21 Q Why did you put one in that day?

22 A So if — to commemorate seeing President Trump at the
23 White House.

24 MS. HOFFINGER: Can we put up now, please, People's
25 254 in evidence.

1 (Displayed.)

2 MS. HOFFINGER: And blow it up just a little bit.

3 Thank you.

4 (Displayed.)

5 Q Do you recognize that calendar entry saying "Meeting
6 with POTUS?"

7 A I do.

8 Q What does POTUS stand for?

9 A President of the United States.

10 Q And is that an exact copy of your electronic calendar,
11 that appointment?

12 A Yes, ma'am, it is.

13 MS. HOFFINGER: You can take that down.

14 Q Now, about a week after your meeting with President
15 Trump at the White House, did Mr. McConney send you another
16 email reminding you about the invoices?

17 A He did.

18 MS. HOFFINGER: Can we put up People's 37A in
19 evidence, please.

20 (Displayed.)

21 Q And can we go to Page 3 of the email from —

22 MS. HOFFINGER: Can you make that a little bit
23 bigger.

24 (Displayed.)

25 Q Now, can you — is this a response that you see on your

1 screen to the prior email that we saw from Mr. McConney
2 reminding you to send the invoices that you had spoken to Allen
3 about?

4 A Yes, ma'am.

5 Q And would you read that for the jury and just the date
6 and who it's from and to?

7 A So this is from me to Jeff McConney, on February 14th,
8 of 2017, regarding two dollar signs.

9 "Jeff, sorry for the delay, and thank you for the reminder.
10 Please have the monthly checks for January and February made
11 payable to Michael D. Cohen, Esquire and sent to..... hope you
12 are well and see you soon."

13 Q And you didn't reference invoices here, just that they
14 should send you the checks?

15 A Correct.

16 Q Why is that?

17 A Because there was no need. There was no invoice.

18 MS. HOFFINGER: Can we scroll up now to
19 Mr. McConney's response to Mr. Cohen's email.

20 (Displayed.)

21 Q Do you want to read that?

22 A That's from Jeff McConney to me on February 14th of
23 2017.

24 "Mike, please send me invoices so I can have the checks cut.

25 Thanks, Jeff."

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1 MS. HOFFINGER: Can we now put up Mr. Cohen's
2 response to that email.

3 (Displayed.)

4 A From me to Jeff. Again, Tuesday, February 14th,
5 regarding the two dollar signs.

6 "Jeff, please remind me of the monthly amount?"

7 Q At that point, had you — did you not have — why were
8 you asking for the monthly amount?

9 A I actually didn't remember it. I didn't have a copy of
10 the document that I had worked on with Allen Weisselberg and
11 then presented to Mr. Trump.

12 Q If you had a Retainer Agreement, would it have had a
13 monthly amount in it?

14 A Yes, ma'am.

15 Q But there was no Retainer Agreement?

16 A No, ma'am.

17 MS. HOFFINGER: Can we put up Mr. McConney's
18 response for Mr. Cohen.

19 (Displayed.)

20 A From Jeff McConney to me. In response: "35,000 per
21 month."

22 Q Thank you.

23 MS. HOFFINGER: Now, can we show Page 2.

24 (Displayed.)

25 MS. HOFFINGER: Mr. Cohen's response to invoice.

1 Q And can you describe for the jury, what's on the
2 screen?

3 A This is my email to McConney — Jeff, on the same day,
4 February 14th of 2017.

5 I created an invoice, put Michael D. Cohen Esquire. There
6 was an address, dated February 14th. And I called the document
7 invoice.

8 I sent it to Allen Weisselberg, care of — and I sent it by
9 email, care of Donald J. Trump, 725 Fifth Avenue, New York, New
10 York, 10022.

11 Stating: "Dear Allen, pursuant to the Retainer Agreement,
12 kindly remit payment for services rendered for the months of
13 January and February, 2017."

14 Then I indicate for January, 2017, \$35,000 fee. And for
15 February, 2017, the same \$35,000 amount.

16 "Thank you. Michael Cohen."

17 Q And, thereafter, did you send monthly invoices,
18 essentially similar, to this invoice?

19 A Yes, I copied and pasted.

20 Q And was this invoice consistent with the directions
21 that you had been given by Allen Weisselberg?

22 A Yes, ma'am.

23 Q Now, the invoice here says "For services rendered."

24 The date here is — what is the date on this invoice?"

25 A February 14th of 2017.

1 Q And does the invoice say that it's for not only
2 services rendered in the month of January, but also services
3 rendered for the month of February of 2017?

4 A Yes, ma'am.

5 Q And, in truth, was this invoice for any services that
6 you had rendered for those two months as indicated pursuant to a
7 Retainer Agreement?

8 MR. BLANCHE: Objection.

9 THE COURT: Overruled.

10 A No, ma'am.

11 Q And the description of "pursuant to a Retainer
12 Agreement," was that a truthful statement?

13 A No, ma'am.

14 Q And for "services rendered," was that a truthful
15 statement?

16 A No, ma'am.

17 Q What was the true purpose of this invoice and the
18 subsequent invoices that you sent?

19 A The reimbursement to me of the hush money fee along
20 with the Red Finch and the bonus.

21 Q Was this invoice a false record?

22 A Yes, ma'am.

23 Q And did you continue to submit similar false invoices
24 through the month — monthly, through the month of December of
25 2017 so that you would receive those checks?

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1 A Yes, ma'am.

2 Q And did each of those monthly invoices that you
3 submitted make the same false representation that it was
4 rendered — it was for services rendered for the month in
5 question pursuant to a Retainer Agreement?

6 A Yes, ma'am.

7 Q And on each of the occasions that you sent those
8 invoices, who were they directed to?

9 A Allen Weisselberg.

10 Q And how did you submit them to Mr. Weisselberg?

11 A Via email.

12 Q And who were the emails to?

13 A Allen Weisselberg.

14 Q Were they emailed to anyone else other than
15 Mr. Weisselberg?

16 A Maybe also to Jeff McConney on occasion.

17 Q And have you had an opportunity to review each of the
18 11 invoices and the accompanying emails that you submitted to
19 Allen Weisselberg, and on some occasions also to Jeff McConney,
20 that are contained in People's Exhibits 37 A through K?

21 A Yes, ma'am.

22 Q And, in truth, were any of those invoices that you
23 submitted based on services performed for the months indicated
24 pursuant to a Retainer Agreement?

25 A No, ma'am. They were for reimbursement.

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1 MS. HOFFINGER: Can we take a look, please —
2 actually, withdrawn.

3 Q In response to those 11 false invoices, similar to this
4 one that you sent, did you receive seven checks in the year 2017
5 totaling \$420,000?

6 A I'm sorry, how many checks?

7 Q Eleven. A total of 11 checks in the year 2017 totaling
8 \$420,000?

9 A Yes, ma'am.

10 MS. HOFFINGER: And can we now put up People's
11 Exhibit 4 in evidence.
12 (Displayed.)

13 Q Can you tell the jury what this is, referring to
14 Exhibit 4?

15 A This is a check that was sent to me for \$70,000, which
16 was for the month of January of 2017 and for the month of
17 February 2017, along with the stub that came with it.

18 Q So when you received this check, it had a stub attached
19 to it?

20 A One of the stubs.

21 Q And this was in response to the invoice that you sent
22 that we just looked at, People's 37A?

23 A Yes, ma'am.

24 Q And I want to direct your attention to the check stub.

25 MS. HOFFINGER: If you could blow up one of the

1 check stubs.

2 Q It says "Retainer for January 1, 2017 through
3 January 30th, 2017, and retainer for February 1, 2017 through
4 February 28th, 2017."

5 Again, was there a retainer — was this a retainer for those
6 months?

7 A No, ma'am.

8 Q And was the check — were the descriptions here on this
9 check stub false?

10 A Yes.

11 Q And, again, there was no Retainer Agreement; is that
12 right?

13 A That's correct.

14 MS. HOFFINGER: Can we take a look at the signature
15 on the check now.

16 Blow that up.

17 (Displayed.)

18 Q Do you recognize the signatures on the check?

19 A Yes, ma'am.

20 Q Whose do you recognize them to be?

21 A The one on the top, I believe, is Eric Trump's, and the
22 one on the bottom is Allen Weisselberg.

23 Q And who is the check from? In other words, what
24 account is it drawn on?

25 A The check is drawn from Donald J. Trump Revocable Trust

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1 account.

2 Q And at the time, did you know who the beneficial owner
3 was of the Donald J. Trump Revocable Trust?

4 A Yes, ma'am.

5 Q Who was that?

6 A Donald J. Trump.

7 MS. HOFFINGER: Thank you.

8 You can take that down.

9 Can we now take a look at People's Exhibit 37B in
10 evidence.

11 (Displayed.)

12 MS. HOFFINGER: And if we could blow up the top of
13 that.

14 Thank you.

15 Q Can you tell us the date of that invoice?

16 A February 16th of 2017.

17 Q Take a look at the body of the invoice, and could you
18 just let us know if that date at the top, February 16th, was a
19 typo?

20 A Yes, it is.

21 Q What was it meant to be?

22 A March.

23 Q And could you — can you please just read what's in the
24 invoice?

25 A Yes. I probably should have copied and pasted better.

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1 This is an email from me to Jeff McConney and CC'd — well,
2 I should say as well as to Allen Weisselberg.
3 And the body states: "Invoice." To Allen Weisselberg, care
4 of Donald J. Trump, again at 725 Fifth Avenue. New York, New
5 York 10022.

6 "Dear Allen, pursuant to the Retainer Agreement, kindly
7 remit payment for services rendered for the month of March,
8 2017."

9 Then again stating: "March, 2017 \$35,000. Thank you.
10 Yours."

11 Q And, in fact, was this payment for services rendered
12 for the month of March pursuant to the Retainer Agreement?

13 A No, ma'am.

14 Q Was that invoice false?

15 A Yes, ma'am.

16 Q Thank you.

17 MS. HOFFINGER: Can we put up People's Exhibit 7,
18 please.

19 (Displayed.)

20 Q Did you receive this check for \$35,000 in response to
21 that false invoice that we just saw in People's 37B?

22 A I did.

23 MS. HOFFINGER: And can we blow up, please, one of
24 the attached stubs.

25 (Displayed.)

1 Q And you notice it says "Retainer for March 1st through
2 March 31st, 2017."

3 Was this, in fact, a retainer for that month?

4 A No, ma'am.

5 Q Was the description in this check stub a false
6 statement?

7 A Yes, ma'am.

8 Q Do you recognize the signatures —

9 MS. HOFFINGER: Thank you.

10 Can you blow up the check.

11 (Displayed.)

12 Q Do you recognize the signatures on this check?

13 A I do.

14 Q Whose signatures are they?

15 A I believe the top one is Don Junior's — Donald J.
16 Trump, Jr.

17 And the bottom is, again, Allen Weisselberg.

18 Q Thank you.

19 MS. HOFFINGER: We can take that down.

20 Can we now put up People's 37C in evidence.

21 (Displayed.)

22 MS. HOFFINGER: Maybe blow it up a little bit.

23 Q And, Mr. Cohen, can you read it.

24 The year and date?

25 A The date is April 13th of 2017. It's to Allen

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1 Weisselberg. Care of Donald J. Trump, 725 Fifth Avenue. New
2 York, New York 10022.

3 "Dear Allen, pursuant to the Retainer Agreement, kindly
4 remit payment for services rendered for the month of April,
5 2017."

6 Again, it's showing: "April, 2017 \$35,000. Thank you."

7 Q Does this invoice falsely state that it's payment for
8 services rendered during the month of April pursuant to the
9 Retainer Agreement?

10 A Yes, ma'am.

11 Q Is that a false record?

12 A Yes, ma'am.

13 MS. HOFFINGER: Can we please take that down and
14 put up People's Exhibit 10.

15 (Displayed.)

16 Q Did you receive this check for \$35,000 in response to
17 that false invoice that we just saw, People's Exhibit 37C?

18 A Yes, ma'am. The check and the stub.

19 Q Thank you.

20 MS. HOFFINGER: And can we just blow up the stub.
21 (Displayed.)

22 Q And can you read what the description says?

23 A The description states retainer 4/1 through 4/30 of
24 2017.

25 Q In truth, was that check paid to you as a retainer for

1 that month of April 2017?

2 A No, ma'am.

3 Again, reimbursement.

4 Q And so, was the description on the check stub false?

5 A Yes, ma'am.

6 MS. HOFFINGER: Can we look at the signature on the
7 check, please.

8 A Yes.

9 (Displayed.)

10 Q Do you recognize that signature?

11 A I do.

12 Q Whose signature is it?

13 A Donald J. Trump.

14 Q And were you able to recognize it based on your
15 experience working for him all those years?

16 A Yes, ma'am.

17 MS. HOFFINGER: We can take that down.

18 Thank you.

19 Q Now, did you receive a total of eight more monthly
20 checks for \$35,000, each signed by Mr. Trump, corresponding to
21 the monthly false invoices that you sent contained in People's
22 37D through K?

23 A I did.

24 Q And those eight monthly checks that you received, were
25 they all accompanied by check stubs that falsely stated they

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1 were retainers for the months in question?

2 A Yes.

3 Q And were any of those checks, in fact, for work during
4 the months described in those check stubs?

5 A No, ma'am.

6 MS. HOFFINGER: Can we take a look, please, at 37D.

7 (Displayed.)

8 Q Can you read that invoice, please, for the jury?

9 A Dated May 22nd of 2017. Invoice to Mr. Allen
10 Weisselberg, care of Donald J. Trump, 725 Fifth Avenue, New
11 York, New York, 10022.

12 "Dear Allen, pursuant to the Retainer Agreement, kindly
13 remit payment for services rendered for the month of May, 2017.
14 May, 2017 \$35,000. Thank you."

15 Q And did that falsely state that it was payment for
16 services rendered in the month of May pursuant to a Retainer
17 Agreement?

18 A Yes, ma'am.

19 MS. HOFFINGER: Can we please put up People's
20 Exhibit 13.

21 (Displayed.)

22 Q Did you receive that check for \$35,000 in response to
23 the false invoice that we just saw for People's 37D?

24 A I did.

25 MS. HOFFINGER: Can we pull up one of the check

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1 stubs, please.

2 (Displayed.)

3 Q Does that check stub say Retainer, May 1st — does it
4 say "May, 2017?"

5 A Yes, ma'am.

6 Q I apologize, it's hard for me to read it from here.

7 And, again, was this check paid to you as a retainer for that
8 month?

9 A No, ma'am.

10 Q Was the description on this check stub false?

11 A Yes, ma'am.

12 Q Can you just take a look at the signature on the check,
13 please.

14 (Displayed.)

15 Q Do you recognize the signature on the check?

16 A I do.

17 Q Whose signature is it?

18 A Donald J. Trump.

19 MS. HOFFINGER: Can you please take that down and
20 put up People's 37E.

21 (Displayed.)

22 MS. HOFFINGER: Can you make it any bigger.

23 Thank you.

24 (Displayed.)

25 Q Can you read that invoice, please?

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1 A This invoice was for the month of June. It states:
2 June 16th of 2017. Invoice. Mr. Allen Weisselberg, care of
3 Donald J. Trump. 725 Fifth Avenue, New York, New York, 10022.
4 "Dear Allen, pursuant to the Retainer Agreement, kindly
5 remit payment for services rendered for the month of May, 2017
6 and June, 2017."

7 It listed, again, "May, 2017 \$35,000" and "June of 2017,
8 \$35,000. Thank you."

9 Q Now, you listed two months in that.

10 Is that because you had not yet received the check for May?

11 A That's correct. I believe it was lost.

12 Q And does this invoice falsely state that it's for
13 services rendered during the months of May and June pursuant to
14 a Retainer Agreement?

15 A Yes, ma'am.

16 Q Thank you.

17 MS. HOFFINGER: You can take that down and now put
18 up People's Exhibit 16.

19 (Displayed.)

20 Q Did you receive this check for \$35,000 in response to
21 the false invoice you sent that we just looked at in People's
22 Exhibit 37E?

23 A Yes, ma'am.

24 The check and the stub.

25 Q And can you see whose signature is on the check?

Lisa Kramsky,
Senior Court Reporter

1 A I do.

2 Q Whose signature is it?

3 A Donald J. Trump.

4 MS. HOFFINGER: Can we look at one of the check

5 stubs, please.

6 (Displayed.)

7 Q It says "Retainer. June 1st to June 31st, 2017."

8 Was this check stub — did it falsely state that it was a

9 retainer payment?

10 A I believe it says June 30th of 2017.

11 Q Thank you, yes.

12 A Yes, it says "Retainer."

13 Q And was that description on the check stub false?

14 A Yes, ma'am.

15 Q Thank you.

16 MS. HOFFINGER: You can take that down.

17 Can we put up People's Exhibit 37E — I'm sorry,

18 37F.

19 (Displayed.)

20 Q Can you read that invoice for the jury, please?

21 A Yes. This invoice is dated July 11th of 2017.

22 Invoice. Mr. Allen Weisselberg. Care of Donald J. Trump, 725

23 Fifth Avenue, New York, New York, 10022.

24 "Dear Allen, pursuant to the Retainer Agreement, kindly

25 remit payment for services rendered for the month of July, 2017.

Lisa Kramsky,
Senior Court Reporter

1 Thank you."

2 Q And does that invoice falsely state that it — that you
3 were seeking payment for services rendered for the — during the
4 month of July, 2017 pursuant to a Retainer Agreement?

5 A Yes, ma'am.

6 MS. HOFFINGER: Can you please take that down and
7 put up People's Exhibit 19.

8 (Displayed.)

9 Q Did you receive this check in response to the false
10 invoice that you sent, that we just looked at, People's
11 Exhibit 37F?

12 A The check and the stub.

13 Q And the check, do you see whose signature is on the
14 check?

15 A I do.

16 Q Whose is it?

17 A Donald J. Trump.

18 Q Were you —

19 MS. HOFFINGER: Can you blow up one of the check
20 stubs, please.

21 (Displayed.)

22 Q And can you read the description of the retainer in the
23 box that says "description?"

24 A Yes. It states "Retainer for 7/1 through 7/31/2017."

25 Q And was that description on the check stub false?

Lisa Kramsky,
Senior Court Reporter

1 A Yes, ma'am.

2 MS. HOFFINGER: Can we take that down now.

3 And put up People's Exhibit 37C.

4 (Displayed.)

5 Q Mr. Cohen, could you read that invoice, please, for the
6 jury?

7 A This is an invoice dated August 1st of 2017.

8 It states: Invoice, Mr. Allen Weisselberg, care of Donald
9 J. Trump, 725 Fifth Avenue, New York, New York, 10022.

10 "Dear Allen, pursuant to the Retainer Agreement, kindly
11 remit payment for services rendered for the month of August,
12 2017. Thank you."

13 Q Was that a false invoice, for the reasons that you
14 previously stated?

15 A Yes, ma'am.

16 MS. HOFFINGER: Can we please take a look at
17 People's Exhibit 22.

18 (Displayed.)

19 Q Did you receive this check in response to the false
20 invoice that you sent for the month of August 2017, the invoice
21 you just looked at as People's Exhibit 37G?

22 A Check and stub.

23 Q And whose signature is on the check?

24 A Donald J. Trump.

25 MS. HOFFINGER: And can we blow up one of the check

Lisa Kramsky,

Senior Court Reporter

1 stubs, please.

2 (Displayed.)

3 Q Can you read what's in one of the description boxes?

4 A Yes, ma'am.

5 "Retainer 8/1 through 8/31/2017."

6 Q And, in truth, was this check paid to you as a retainer
7 for that month?

8 A No, ma'am.

9 Q Was the description on the check stub false?

10 A Yes.

11 MS. HOFFINGER: Thank you.

12 Can we please put up People's Exhibit 37H.

13 (Displayed.)

14 Q Please read that invoice to the jury, Mr. Cohen?

15 A Dated September 11, 2017. Invoice, Mr. Allen
16 Weisselberg, care of Donald J. Trump, 725 Fifth Avenue, New
17 York, New York, 10022.

18 "Dear Allen, pursuant to the Retainer Agreement, kindly
19 remit payment for services rendered for the months of August and
20 September, 2017. Thank you."

21 Q Does that invoice falsely state that you are seeking
22 payment for services rendered during the month of September of
23 2017 pursuant to a Retainer Agreement?

24 A Yes, ma'am.

25 MS. HOFFINGER: Can you please put up People's

Lisa Kramsky,

Senior Court Reporter

1 Exhibit 25.

2 (Displayed.)

3 Q Did you receive this check and one stub in response to
4 the false invoice that we just looked at, People's 37H?

5 A Yes.

6 Q And whose signature is on the check?

7 A Donald J. Trump.

8 MS. HOFFINGER: Can we please pull up one of the
9 check stubs.

10 (Displayed.)

11 Q Would you kindly read what's in the description?

12 A It states: "Retainer. 9/1 through 9/30/2017."

13 Q In truth, was this check paid to you as a retainer?

14 A No, ma'am.

15 Q And was that a false description on the check stub?

16 A Yes, ma'am.

17 MS. HOFFINGER: Can we please put up now 37I.

18 (Displayed.)

19 Q Can you read that invoice, please, for the jury?

20 A Invoice is dated October 18th of 2017. Invoice. Mr.

21 Allen Weisselberg, care of Donald J. Trump, 725 Fifth Avenue,
22 New York, New York, 10022.

23 "Dear Allen, pursuant to the Retainer Agreement, kindly
24 remit payment for services rendered for the month of October,
25 2017. Thank you."

Lisa Kramsky,

Senior Court Reporter

1 Q And does that invoice falsely state that you are
2 seeking payment for services rendered during the month of
3 October of 2017 pursuant to the Retainer Agreement?

4 A Yes, ma'am.

5 MS. HOFFINGER: Can we please put up People's
6 Exhibit 28.

7 (Displayed.)

8 Q Did you receive this check and an attached stub in
9 response to the false invoice that we just showed the jury,
10 which was 371?

11 A I did.

12 Q And do you see whose signature is on the check?

13 A I do.

14 Q Whose is it?

15 A Donald J. Trump.

16 MS. HOFFINGER: And can we pull up one of the
17 check stubs.

18 (Displayed.)

19 Q Could you read, please, for the jury what's in the
20 description box?

21 A Yes. It states: "Retainer. October 1st through
22 10/31/2017."

23 Q Was this — in truth, was this check paid to you as a
24 retainer for that month?

25 A No, ma'am.

Lisa Kramsky,
Senior Court Reporter

1 Q And is the description on the check stub false?

2 A Yes.

3 MS. HOFFINGER: Can we please put up 37J.

4 (Displayed.)

5 MS. HOFFINGER: Can we make it a little bit bigger.

6 Thank you.

7 (Displayed.)

8 Q Mr. Cohen, can you read that for the jury?

9 A November 20th — it should say 2017 — it doesn't.

10 Invoice. Mr. Allen Weisselberg, care of Donald J. Trump, 725

11 Fifth Avenue, New York, New York 10022.

12 "Dear Allen, pursuant to the Retainer Agreement, kindly

13 remit payment for services rendered for the month of

14 November 2017. Thank you."

15 Q And does this invoice falsely state that you are

16 seeking payment for services rendered for the month of November,

17 2017 pursuant to the Retainer Agreement?

18 A It does.

19 MS. HOFFINGER: Can we please pull up People's

20 Exhibit 31.

21 (Displayed.)

22 Q Did you receive this check and an attached stub as

23 payment of \$35,000 in response to the false invoice that you

24 sent, which we just reviewed, People's Exhibit 37J?

25 A It does.

Lisa Kramsky,

Senior Court Reporter

1 Q Do you recognize the signature on that check?

2 A I do.

3 Q Whose signature is it?

4 A Donald J. Trump.

5 MS. HOFFINGER: Can we please pull up one of the
6 check stubs.

7 (Displayed.)

8 Q Would you kindly read what's in the description?

9 A It states: "Retainer, 11/1 through 11/30/2017."

10 Q In truth, was this check paid to you as a retainer for
11 that month?

12 A No, ma'am.

13 Q Was the description on the check stub, therefore,
14 false?

15 A Yes.

16 MS. HOFFINGER: Can we please pull up People's 37K.

17 (Displayed.)

18 MS. HOFFINGER: Let's see if we can make it just a
19 little bit bigger.

20 Thank you.

21 (Displayed.)

22 Q Mr. Cohen, can you read that invoice?

23 A December 1, 2017. Invoice for Mr. Allen Weisselberg.

24 Care of Donald J. Trump, 725 Fifth Avenue, New York, New York,
25 10022.

Lisa Kramsky,

Senior Court Reporter

1 "Dear Allen, pursuant to the Retainer Agreement, kindly
2 remit payment for services rendered for the month of December,
3 2017. Thank you."

4 Q And does that invoice falsely state that you are
5 seeking payment for services rendered for the month of December,
6 2017 pursuant to the Retainer Agreement?

7 A Yes, ma'am.

8 Q Now, is this the last invoice that you emailed to Allen
9 Weisselberg on December 1st, 2017?

10 A Yes, ma'am.

11 Q Why was it the last invoice that you sent?

12 A Because now I had been reimbursed the \$420,000.

13 Q Thank you.

14 MS. HOFFINGER: Can we please pull up People's
15 Exhibit 34 now.

16 (Displayed.)

17 Q Did you receive this check with one attached check stub
18 in response to that false invoice that you just described as
19 People — contained in People's Exhibit 37K?

20 A Yes.

21 Q And who signed that check?

22 A Donald J. Trump.

23 MS. HOFFINGER: And can we pull up, please, one of
24 the check stubs.

25 Thank you.

Lisa Kramsky,
Senior Court Reporter

1 (Displayed.)
2 Q And can you read what's in the description box?
3 A It states: "Retainer, 12/1 through 12/31/2017."
4 Q And was this check paid to you, in truth, as a retainer
5 for covering the month of December, 2017?
6 A No, ma'am.
7 Q So is the description on the check stub false?
8 A Yes.
9 Q Was this the last check that you received from
10 Mr. Trump or anyone at The Trump Organization?
11 A Yes.
12 Q Why was that?
13 A Again, it was because the full reimbursement of the
14 \$420,000 had been paid.
15 Q Thank you.
16 MS. HOFFINGER: You can take that down.
17 Can we now pull up People's Exhibit 42 in evidence.
18 (Displayed.)
19 MS. HOFFINGER: Can we scroll down just a little
20 bit so that Mr. Cohen can recognize this exhibit.
21 (Displayed.)
22 Q Mr. Cohen, have you had a chance to review the 11
23 checks that are contained in here, in this exhibit totaling
24 \$420,000?
25 A I have.

Lisa Kramsky,
Senior Court Reporter

1 Q Were all 11 checks received by you and deposited and
2 the amounts reflected in the checks paid out to you?

3 A Yes, ma'am.

4 MS. HOFFINGER: We can take that down. Thank you
5 very much.

6 Q Now, after the last check was sent to you in December
7 of 2017, I think you mentioned, you never received any other
8 checks from Mr. Trump or from his Trust; is that right?

9 A That's correct.

10 Q Or from The Trump Organization?

11 A Also correct.

12 Q I want to talk to you a little bit about the work that
13 you did in 2017, any work that you did with respect to your role
14 as Personal Attorney and Personal Counsel to President Trump.
15 Did you do, in the year 2017, any work for Mr. Trump or for his
16 wife Melania Trump?

17 A Minimal.

18 Q And can you just give us some examples of the minimal
19 work that you did in 2017 for them?

20 A There was a matter that dealt with an individual by the
21 name of Summer Zervos.

22 I was working with Marc Kasowitz on that, and so I had
23 spoken with Mr. Trump in the Oval Office and provided him some
24 documents that Mr. Kasowitz had given to me to pass along.

25 As far as Melania, I think it had to do with some trademarks

Lisa Kramsky,

Senior Court Reporter

1 or maybe even a Madame Tussauds Agreement.

2 Q So, let's break both of those down.

3 In terms of the work that you did for Mrs. Trump related to

4 Madame Tussauds or the trademark, what was the — can you

5 characterize the extent of that work for Mrs. Trump?

6 A I reviewed an Agreement that Madame Tussauds sent to

7 her that was to create her likeness and image for their museum.

8 Q Was it a substantial amount of time that you spent on

9 that?

10 A No, ma'am.

11 Q And did you send a bill or an invoice to Mr. Trump or

12 to The Trump Organization for that work?

13 A No, ma'am.

14 Q Why not?

15 A Well, one, I — I didn't expect to be paid on it. But,

16 it wasn't enough work to have me send an invoice.

17 Q And you mentioned Summer Zervos. Who was handling that

18 matter, substantially, for Mr. Trump?

19 A Marc Kasowitz.

20 Q So that was an outside attorney, not yourself?

21 A Correct.

22 Q How would you characterize the amount of work that you

23 did generally on that matter, if any?

24 A Very minimal.

25 Q Did you ever bill Mr. Trump or The Trump Organization

Lisa Kramsky,

Senior Court Reporter

1 for that minimal work that you said that you did on that?

2 A No, ma'am.

3 Q Why not?

4 A Again, it wasn't any substantial work.

5 Mr. Kasowitz was actually doing the work on that. Plus I
6 didn't expect to be paid.

7 Q Now, from time to time, did — withdrawn.

8 From time to time, did you receive some emails from Alan
9 Garten, who was the General Counsel of The Trump Organization,
10 about particular matters here and there that he might want you
11 to look into?

12 A Yes.

13 Q And did you consider that work that he sent you legal
14 work?

15 A No.

16 Q And regardless of what type of work it was, in terms of
17 things that he sent you, what was the extent of any work that
18 you did on those matters?

19 A Also minimal.

20 Q And did you send a bill or an invoice either to
21 Mr. Trump or to The Trump Organization for that work?

22 A No, ma'am.

23 Q And why not?

24 A Because, the same reasons as stated, I didn't expect to
25 be paid and it was very minimal work.

Lisa Kramsky,
Senior Court Reporter

1 Q If you had to characterize or estimate the number of
2 hours that you spent in the year 2017 doing any sort of work,
3 legal or these quasi-legal matters, what would be the total
4 number of hours that you would estimate?

5 A Less than ten.

6 Q Now, did you bill for any of those matters?

7 A No, ma'am.

8 Q Was the \$420,000 that you received from Mr. Trump and
9 from the Revocable Trust, did that have anything to do with the
10 minimal amount of work that you did for Mr. Trump in 2017?

11 A No, ma'am.

12 Q Now, did you continue — for a period of months in
13 2018, did you continue to hold the title of Personal Attorney or
14 Personal Counsel to President Trump?

15 A I did.

16 Q And did you do any legal work for Mr. Trump in 2018?

17 A Yes.

18 Q Can you describe, generally, for the jury, the type of
19 work that you did in 2018?

20 A As a result of the Stormy Daniels matter and her
21 electing to go public, Mr. Trump wanted an action to be filed
22 in — an arbitration action to be filed against her for the
23 breach of the Non-Disclosure Agreement.

24 And so I was contacted by Eric Trump, as well as I spoke to
25 Mr. Trump regarding how to go forward with this arbitration

Lisa Kramsky,

Senior Court Reporter

1 proceeding.

2 Q Were you directed to work with outside counsel on that
3 issue?

4 A Yes.

5 Q Who was that?

6 A That would be Larry Rosen.

7 Q And did you work on that matter with Larry Rosen in the
8 year 2018?

9 A Yes.

10 Q Comparatively, did you do more work in 2018, more legal
11 work in 2018 for Mr. Trump, or more in 2017?

12 A It would be more in 2018.

13 Q Did you get paid anything in 2018 from Mr. Trump or The
14 Trump Organization?

15 A No, ma'am.

16 Q And did you bill for any of the work that you did for
17 Mr. Trump in 2018?

18 A No, ma'am.

19 Q Now, I wanted to go back to something that you said,
20 that you testified about yesterday, and that was monetizing the
21 title of Personal Attorney or Personal Counsel to the President.
22 In 2017 and 2018, did that title assist you in getting other
23 clients?

24 A Yes, ma'am.

25 Q And was that your plan all along for seeking that

Lisa Kramsky,
Senior Court Reporter

1 title, and that was, to be able to attract clients based on your
2 role?

3 A Yes.

4 Q In 2017 and 2018, approximately how many clients did
5 you have, doing work for them?

6 A Five.

7 Q And what kind of work, generally, did you do for those
8 clients?

9 A Consulting, advisory.

10 Q Was there any legal work involved in any of those
11 clients during the year 2018?

12 A No, ma'am.

13 Q Now, over the course of 2017 and 2018, approximately
14 how much money in total did you earn from those clients that you
15 worked for?

16 A Approximately \$4 million.

17 Q Did you also, as a result, have an agreement with a law
18 firm here in New York named Squire Patton Boggs?

19 A I did.

20 Q Can you explain a little bit about that?

21 A Well, I was contacted by one of the managing partners
22 of the firm and they were interested in having me on their
23 letterhead because of the title, "Personal Attorney to the
24 President," as well as being able to levy my contacts to help
25 them to generate business.

Lisa Kramsky,
Senior Court Reporter

1 And I created a working relationship with them, an of
2 counsel relationship with them.

3 Q And approximately how much did Squire Patton Boggs pay
4 you?

5 A It was bifurcated, the Agreement. It was half a
6 million dollars, and the first half a million dollars of income
7 that was generated would come to me, everything thereafter until
8 they received their 1 million back would go to them.

9 Q And did you also have an office there at Squire Patton
10 Boggs?

11 A Two offices. I had one here in Manhattan and one in
12 Washington, D.C.

13 Q Now, approximately, how long did you hold the title of
14 Personal Counsel or Personal Attorney to the President?

15 A Approximately 15 months.

16 Q And during the time when you were Personal Counsel to
17 the President, did you continue to try to protect him?

18 A Yes, ma'am.

19 Q And during the time that you served as Personal Counsel
20 to the President, did you continue to lie for him?

21 A Yes.

22 Q Why did you do that?

23 A Out of loyalty and in order to protect him.

24 Q And at the time he was President; is that right?

25 A Yes, ma'am.

Lisa Kramsky,
Senior Court Reporter

1 Q And had he already announced that he was going to be
2 running again for President in 2020?

3 A He had stated so.

4 Q Now, I want to direct your attention to the Fall of
5 20 — actually, the Spring and Fall 2017.
6 During the time when you were still personal counsel to
7 President Trump, around that time, did the House and Senate
8 Intelligence Committees request that you provide them with
9 information and appear before them and testify in connection
10 with the Russia investigation?

11 A They did.

12 Q And were you subpoenaed to provide testimony?

13 A Yes.

14 Q Describe, just briefly, what you understood those
15 inquiries to be about?

16 A It was about the Trump Tower Moscow deal and Russia
17 connections to the campaign.

18 Q What, if any, pressure did you feel at the time that
19 you were under in connection with that?

20 A A tremendous amount of pressure.

21 It was the first time I had ever been subpoenaed by Congress
22 to come in to testify.

23 Q Did you have an attorney representing you at the time
24 in connection with your statements and your testimony to
25 Congress?

Lisa Kramsky,
Senior Court Reporter

1 A I did.

2 Q And who was paying for that attorney?

3 A The Trump Organization.

4 Q Was that important to you at the time that The Trump
5 Organization was paying for your attorney?

6 A Very much so.

7 Q Was your attorney also part of something called a Joint
8 Defense Agreement?

9 A Yes, ma'am.

10 Q Can you explain a little bit to the jury what that is?

11 A So the Joint Defense Agreement is when there is several
12 different lawyers representing, obviously, different people and
13 they are all working together for a common goal.

14 Q At the time, what, if anything, did you feel about
15 wanting the power of the President to protect you in this
16 matter?

17 A I felt I needed it. It was extremely important to me.

18 Q Did you make false statements to Congress in 2017 in
19 connection with the written statement that you submitted and
20 your testimony?

21 A I did.

22 Q Generally, what did those false statements relate to?

23 A They dealt with The Trump Tower Moscow real estate
24 project, specifically the number of times that I claimed to have
25 spoken to Mr. Trump about the project, as well as the time

Lisa Kramsky,

Senior Court Reporter

1 period for those conversations.

2 Q What, essentially, did you communicate to Congress in
3 terms of the time period?

4 A I told them that it was a truncated time period and
5 that I had only spoken to Mr. Trump about this project three
6 times.

7 Q And, in truth, how many times had you?

8 A Ten times.

9 Q And did you also communicate to them that it was —
10 that those communications stopped at an earlier date than they
11 actually did?

12 A Yes.

13 Q Why did you make those false statements to Congress?

14 A Because I was staying on Mr. Trump's message that there
15 was no Russia–Russia–Russia and, again, in coordination with the
16 Joint Defense Team, that's what was preferred.

17 Q Now, let me direct your attention to the early months
18 of 2018.

19 Did you continue to lie about Mr. Trump's involvement in the
20 Stormy Daniels payoff?

21 A Yes.

22 Q And did you continue to pressure other people, for
23 example, like Keith Davidson, to lie about the payoffs to Karen
24 McDougal and to Stormy Daniels?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q Why did you do that?

2 A In order to protect Mr. Trump.

3 MS. HOFFINGER: Can we please put up People's
4 Exhibit 181 in evidence.
5 (Displayed.)

6 Q Now, in early — do you see in front of you an article
7 from the Wall Street Journal regarding the payoff to Stormy
8 Daniels?

9 A Yes.

10 Q Just prior to this article coming out, did you learn
11 from reporters for the Wall Street Journal that they were going
12 to be running or publishing a story about the Stormy Daniels
13 payoff?

14 A Yes.

15 Q When the story came out, did you — or was coming out,
16 did you comment publicly regarding these allegations?

17 A I did.

18 Q Did you comment to reporters?

19 A I did.

20 Q And to others?

21 A Yes, ma'am.

22 Q At the time, in early 2018, did you tell the truth
23 about Mr. Trump's role in the payoff?

24 A No, ma'am.

25 Q And did you tell the truth about his involvement in the

Lisa Kramsky,
Senior Court Reporter

1 payoff and the fact that he had repaid you for the payments you
2 made to Stormy Daniels?

3 A No.

4 Q Now, did you continue to be in touch with President
5 Trump during this time in early 2018?

6 A Yes, ma'am.

7 Q How, generally, did you reach him in early 2018?

8 A I would reach him, generally, by contacting Madeleine
9 Westerhout and expressed to Westerhout — and expressed to her
10 that I would like to speak to Mr. President or I would call him
11 on his cell phone.

12 Q Who was Madeleine Westerhout at the time?

13 A She was a White House Secretary for — that basically
14 sat outside Mr. Trump's — outside the Oval Office.

15 Q Now, during this time period, did you discuss with
16 President Trump the statements that you were going to be
17 releasing publicly in early 2018, meaning, statements that he
18 did not know or was not involved in the Stormy Daniels payoff?

19 A Yes.

20 Q In substance, what did you tell him about the
21 statements that you were going to be releasing or issuing about
22 the Stormy Daniels matter?

23 A That I had paid the money on his behalf without his
24 knowledge because — just because something isn't true doesn't
25 mean that it can't hurt you, and that I did it.

Lisa Kramsky,

Senior Court Reporter

1 Q And you did it without his knowledge, did you say?

2 A Yes, ma'am.

3 Q What, generally, did he — how, generally, did he
4 respond to you letting him know that?

5 A Well, That's good. Good.

6 Q Now, in January of 2018, were you in contact with Keith
7 Davidson about this article that was going to be coming out in
8 the Wall Street Journal?

9 A Yes.

10 Q What did you discuss with him?

11 A How this statement — how the story had gotten out. I
12 was angered and I was concerned.

13 Q And what did you ask him to do in response?

14 A Obtain a denial from Ms. Daniels.

15 MS. HOFFINGER: Can we please put up People's
16 Exhibit 255 in evidence.

17 (Displayed.)

18 Q Do you recognize these text exchanges, Mr. Cohen, and
19 who they are with?

20 A I do.

21 Q Who were they with?

22 A Let me see. Keith Davidson.

23 MS. HOFFINGER: And can we take a look at the
24 texts on January 10th of 2018.

25 (Displayed.)

1 Q And perhaps you can read those for the jury.
2 A It's from Keith Davidson to me. It's dated
3 January 10th of 2018. "Wall Street Journal called Stormy. She
4 didn't answer. They say they are running a story and have a
5 deadline of tonight for her to comment."
6 Q And can you read your response, please, to the jury?
7 A I apologize. It's October 20th of 2018. My response
8 to —
9 Q Actually, just to correct —
10 A I'm sorry. It's October 20th.
11 Q I think the date is over on the left. Is it
12 January 10th?
13 A January 10th of 2018, yeah.
14 Q Well, okay.
15 Thank you.
16 A I apologize.
17 Q I'm sorry.
18 A January 10th of 2018.
19 Q Thank you?
20 A And then my response, January 10th of 2018, from me to
21 Keith Davidson: "Write a strong denial comment for her like you
22 did before."
23 (Whereupon, Principal Court Reporter Susan
24 Pearce-Bates relieved Senior Court Reporter Lisa Kramsky as
25 the official court reporter.)

Lisa Kramsky,
Senior Court Reporter

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Lisa Kramsky,
Senior Court Reporter

1 (Continued from the previous page.)
2 CONTINUED DIRECT EXAMINATION
3 BY MS. HOFFINGER:
4 Q Did you pressure Keith Davidson to have Stormy Daniels
5 sign a denial?
6 A Yes, ma'am.
7 Q Why did you do that?
8 A To protect Mr. Trump.
9 Q And did Keith Davidson end up providing you with such
10 a statement by Ms. Daniels?
11 A He did.
12 Q Before we look at that, I want to follow up on one
13 question I asked you about the Joint Defense Agreement.
14 Was Mr. Trump and his lawyer also part of that Joint
15 Defense Agreement?
16 A Yes, ma'am. They were.
17 Q And who was benefiting from the Joint Defense
18 Agreement?
19 MR. BLANCHE: Objection.
20 THE COURT: Please approach.
21 (Discussion is held at sidebar, on the
22 record.)
23 MR. BLANCHE: Your Honor, the objection is
24 because it calls for a legal conclusion.
25 A Joint Defense Agreement is a formal agreement

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1 amongst lawyers. And so, asking who benefits from it,
2 assuming he is going to say President Trump, that's just
3 not consistent with what the Joint Defense Agreement is.
4 Every Defendant in it —

5 MS. HOFFINGER: I can ask a better question,
6 which is: What was his understanding?

7 THE COURT: Okay.

8 MS. HOFFINGER: Thank you.

9 (Discussion at sidebar concluded, and the
10 following occurred in open court.)

11 THE COURT: Sustained.

12 MS. HOFFINGER: Thank you.

13 Q Mr. Cohen, what was your understanding about who
14 benefited from the Joint Defense Agreement?

15 MR. BLANCHE: Objection.

16 THE COURT: Overruled.

17 A I believe several people would benefit, but certainly
18 President Trump.

19 Q And did you understand that you also benefited?

20 A Yes, ma'am.

21 MS. HOFFINGER: Now, can we please put up
22 People's 277 in evidence.

23 (Displayed.)

24 Q We were discussing that you pressured Keith Davidson
25 to have Ms. Daniels issue a statement.

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1 Do you remember that testimony?

2 A I do.

3 Q And do you recognize this document?

4 A I do.

5 Q What do you recognize it to be?

6 A This is the statement that Keith Davidson had sent to
7 me in regards to the denial that I requested him to send.

8 Q And when he — after you received this from
9 Mr. Davidson, who did you send it to?

10 A I sent it to Hope Hicks, I believe.

11 Q Do you know when you sent it?

12 A I am sorry. I sent it to The Wall Street Journal. I
13 sent it to several people, but yes.

14 Q Did you know that this statement from Stormy Daniels
15 was false?

16 A Yes.

17 Q Now, did you tell Mr. Trump that you were going to be
18 getting or had gotten such a denial statement from Ms. Daniels?

19 A Yes.

20 Q Why did you tell him that?

21 A Well, one, to get credit for expressing that I was
22 continuing to ensure that he was protected, stay loyal and the
23 other so that I — we can have this matter taken care of.

24 MS. HOFFINGER: Can we please put up now People's
25 255 in evidence?

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1 And can we blow up the texts from January 17th of

2 2018?

3 (Displayed.)

4 Q Now, Mr. Cohen, did you ask Mr. Daniels — withdrawn.

5 Did you ask Mr. Davidson to have Ms. Daniels appear on

6 the Hannity Show, the Sean Hannity Show on Fox during this

7 time?

8 A I did.

9 Q Why did you do that?

10 A Because I wanted to continue to promote the statement

11 that there was no relationship and that Trump had no

12 involvement.

13 MS. HOFFINGER: And can we scroll down to a few

14 more of these text exchanges?

15 You can stop there.

16 (Displayed.)

17 Q After your text, can you read Keith Davidson's

18 response?

19 A Yes.

20 His response to me is: She cannot. Don't today. She

21 is flying to L.A. tomorrow. I'm trying to get her to commit

22 for tomorrow.

23 Q And your response?

24 A It's really important. Why?

25 MS. HOFFINGER: Can we scroll down to the next

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1 one?
2 (Displayed.)
3 A I didn't get a response, or the response I was looking
4 for. So, I asked him to please call me: Can you call me,
5 please?
6 I still didn't hear from him so, I respond again:
7 Please call me.
8 Q Then?
9 A Then followed by: Anything? With a question mark.
10 And his response finally to me: Was still trying.
11 Q And the next text.
12 A And I then followed up and said: This is no good. We
13 need her as — by doing tomorrow. You just create another news
14 circle instead of putting an end to this one.
15 And then, again, I am asking him to please call me.
16 And persistence: Come on.
17 I still hadn't heard from him.
18 I then respond: Let's forget tonight. They would
19 rather tomorrow so they can promote the heck out of the show.
20 Followed by me writing to Keith: Keith, the wise men
21 all believe the story is dying and don't think it's smart for
22 her to do any interviews. Let her do her thing but no
23 interviews at all with anyone.
24 His response to me: 100 percent.
25 I respond: Thanks Pal.

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1 As well as: Just no interviews or statements unless
2 through you.

3 He replies: Got it.

4 Q Did Ms. Daniels end up going on the Sean Hannity Show?

5 A No, ma'am.

6 MS. HOFFINGER: Can we now put up People's 278 in
7 evidence, please?

8 (Displayed.)

9 Q Now, later in the month of January, January 30th of
10 2018, did you make more efforts to get Keith Davidson to have
11 Stormy Daniels issue another denial statement?

12 A Yes.

13 Q Why did you do that?

14 A Because despite what we thought was dying, the story
15 dying, there were still persistent reporters that were looking
16 into this. And I felt an official statement from her, another
17 one, would be helpful to putting an end to it.

18 Q Do you also recall that around that same time there
19 was some news that she might go on the Jimmy Kimmel Show?

20 A Yes.

21 Q And so, did you pressure Keith Davidson to have her
22 sign this statement?

23 A I did.

24 Q In fact, did he provide that statement to you from
25 Stormy Daniels?

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1 A He did.

2 Q Did you know at the time that this statement was
3 false?

4 A Yes.

5 Q How did you know?

6 A Because I helped him craft it.

7 Q In addition, does the statement say that she was not
8 paid any hush money?

9 A Yes.

10 Q How do you know that she had been paid that money?

11 A Because I am the one who paid it.

12 MS. HOFFINGER: Thank you.

13 You can take that down.

14 Q Now, at some point again in 2018, early 2018, did you
15 receive a letter, a complaint letter, from the Federal Election
16 Commission regarding your payment of \$130,000 to Stormy
17 Daniels?

18 A I did.

19 Q And did you have an attorney prepare a letter on your
20 behalf in response to that complaint?

21 A I did.

22 Q And what law firm and what lawyer?

23 A That was from McDermott, Will and Emery. The attorney
24 was Stephen Ryan.

25 Q And who was paying for McDermott, Will and Emery's

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1 work and for Stephen Ryan's time at the time?

2 A The Trump Organization.

3 MS. HOFFINGER: Can we show just to the witness,
4 please, and to counsel and to the Court, People's Exhibit
5 201 for identification?

6 (Displayed.)

7 Q Do you recognize that document, Mr. Cohen?

8 A I do.

9 Q What do you recognize it to be?

10 A This is the letter that was drafted by counsel, myself
11 to the Federal Election Commission in response to what's
12 identified as MUR7313. That's the Complaint Number.

13 Q And is that an exact copy of the letter that your
14 attorney submitted on your behalf to the FEC?

15 A It is.

16 Q And did you authorize him to submit that letter?

17 A I did.

18 MS. HOFFINGER: The People offer, your Honor,
19 People's Exhibit 201 in evidence.

20 MR. BLANCHE: No objection.

21 THE COURT: Accepted into evidence.

22 (Document so received in evidence.)

23 (Displayed.)

24 Q Can you read, please, the second paragraph of that
25 letter for the jury?

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1 A In a private transaction in 2016 before the United
2 States Presidential Election, Mr. Cohen used his own personal
3 funds to facilitate a payment of \$130,000 to Ms. Stephanie
4 Clifford. Neither The Trump Organization, nor the Trump
5 campaign was a party to the transaction with Ms. Clifford and
6 neither reimbursed Mr. Cohen for the payment directly or
7 indirectly.

8 Q Was that statement false or misleading?

9 A Misleading.

10 Q And can you explain to the jury why it is misleading?

11 A So, while crafting the statement, we elected to state
12 neither The Trump Organization nor the Trump campaign was a
13 party to the transaction. That is a true statement, but it's
14 deceptive. It's misleading.

15 Q Can you explain why it's misleading?

16 A Well, because it was neither The Trump Org., or the
17 Trump campaign. It was the Donald J. Trump Revocable Trust or
18 Mr. Trump himself.

19 Q And you omitted that in the letter?

20 A I omitted it.

21 Q And did you intend for it to be misleading?

22 A Yes, ma'am.

23 Q Why?

24 A In order to protect Mr. Trump. To stay on message.
25 To demonstrate my continued loyalty.

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1 Q And did you speak to Mr. Trump about the FEC Complaint
2 when you received it in February of 2018?

3 A I did.

4 Q And did he approve, in substance, with your statement
5 which would omit his involvement in the matter?

6 A He did.

7 Q And did he approve your sending out such a response to
8 the press as well?

9 A Yes, ma'am.

10 MS. HOFFINGER: Can we take a look at People's
11 Exhibit 260 in evidence?

12 (Displayed.)

13 Q Do you recognize what's contained in this exhibit,
14 Mr. Cohen?

15 A I do.

16 Q What is it?

17 A These are text messages between myself and Maggie
18 Haberman of The New York Times?

19 Q And when you say of The New York Times, who is Maggie
20 Haberman?

21 A She is a reporter for The New York Times.

22 Q And did you have her telephone numbers and emails in
23 your phone contacts?

24 A Yes, ma'am.

25 Q Except for the redactions here, is this an exact copy

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1 of some of the text communications you had with her on February
2 6th of 2018?

3 A It is.

4 MS. HOFFINGER: Can we blow up the text on
5 February 6th of 2018?

6 (Displayed.)

7 Q And, Mr. Cohen, can you read them?

8 A So, this is from February 6th of 2018, from me
9 to Maggie Haberman, stating: Big Boss just approved me
10 responding to complaint and statement. Please start writing
11 and I will call you soon.

12 Q Who is the, Big Boss, that you were referring to in
13 that text with Maggie Haberman?

14 A President Donald Trump.

15 Q What did you mean by this text?

16 A That he approved the statement and that — and my
17 response to the complaint and asking her to start writing a
18 story in regard to the denial.

19 Q And were you intending to provide her with the
20 statement about the matter?

21 A Yes. I was going to give it to her first so she had
22 the scoop.

23 Q And did you then also prepare a written statement for
24 the press to be released in connection with that FEC Complaint?

25 A Yes.

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1 MS. HOFFINGER: And can we now please show just
2 to the witness, counsel and to the Court, People's Exhibit
3 202 for identification.
4 (Displayed.)
5 Q Do you recognize this document, Mr. Cohen?
6 A I do.
7 Q What is it?
8 A This is the statement that I was releasing to the
9 press.
10 Q And is this an exact copy of the statement that you
11 released publicly to the press around February 13th of 2018?
12 A Yes, ma'am.
13 MS. HOFFINGER: I offer People's Exhibit 202 in
14 evidence, your Honor.
15 MR. BLANCHE: No objection, Judge.
16 We respectfully request the instruction with
17 respect to the letter and the statement.
18 THE COURT: Why don't we introduce it into
19 evidence?
20 It is accepted into evidence.
21 (Document so received in evidence.)
22 MS. HOFFINGER: And should we have him read it
23 first and then the instruction?
24 THE COURT: Yes. Yes.
25 MS. HOFFINGER: Thank you, your Honor.

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1 BY MS. HOFFINGER:

2 Q Could you please read the first — actually, the first
3 line in the second paragraph?

4 A I am Mr. Trump's long-time special counsel, and I have
5 proudly served in that role for more than a decade.

6 Q Why did you write that line?

7 A To validate the statement that I was going to be
8 sending out that I wanted them to run with and because it was
9 Mr. Trump.

10 Q And could you please read the paragraph that starts:

11 In a private transaction?

12 A In a private transaction in 2016, I used my own
13 personal funds to facilitate a payment of \$130,000 to
14 Ms. Stephanie Clifford. Neither The Trump Organization nor the
15 Trump campaign was a party to the transaction with Ms. Clifford
16 and neither reimbursed me for the payment, either directly or
17 indirectly.

18 The payment to Ms. Clifford was lawful and was not a
19 campaign contribution or a campaign expenditure by anyone.

20 Q Now, was that statement false?

21 THE COURT: Ms. Hoffinger.

22 Mr. Blanche, is this the point you —

23 MR. BLANCHE: Oh, yes, Your Honor.

24 THE COURT: Jurors, you have just heard testimony
25 that the Federal Election Commission, the FEC, conducted an

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1 investigation into the payment to Stormy Daniels and the
2 responses thereto submitted by Michael Cohen and his
3 attorney. This evidence was permitted to assist you, the
4 jury, in assessing Michael Cohen's credibility and to help
5 provide context of some of the surrounding events. You may
6 consider that testimony for those purposes only.
7 Neither the fact of the FEC investigation nor the
8 responses thereto constitute evidence of the Defendant's
9 guilt, and you may not consider them in determining whether
10 the Defendant is guilty or not guilty of the charged
11 crimes.

12 MS. HOFFINGER: Thank you, your Honor.

13 THE COURT: You are welcome.

14 BY MS. HOFFINGER:

15 Q Was the statement that you just read false or
16 misleading?

17 A Yes.

18 Q And for the same reasons that you described concerning
19 your lawyer's response to the FEC Complaint?

20 A Yes.

21 Q And there is an additional line here that you read
22 that says —

23 MS. HOFFINGER: Can you blow that up one more
24 time?

25 Q There is an additional line at the bottom that says:

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1 The payment to Ms. Clifford was lawful and was not a campaign
2 contribution or campaign expenditure by anyone.

3 Was that a false statement?

4 A It was my drawing a legal conclusion, which is
5 inaccurate.

6 Q Now, can you read the second to last line in — thank
7 you — in the next paragraph.

8 Can you read that to us, please?

9 A I do not plan to provide any further comment on the
10 PEG matter or regarding Ms. Clifford.

11 Q And why did you write that?

12 A Because I realized that once you send this to the
13 press, that they are smarter than just to notice The Trump
14 Organization or the Trump campaign. That they would ask
15 additional questions such as: Well, did it come from
16 Mr. Trump?

17 Did it come from somebody else?

18 And I wanted to just preface it to them: This is the
19 statement you are going to get from me to run with and that I
20 have no intentions to continue to comment on the matter.

21 MS. HOFFINGER: Can we also just blow up the last
22 line in the letter.

23 (Displayed.)

24 Q And would you read that to the jury?

25 A Just because something isn't true doesn't mean that it

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1 can't cause you harm or damage. I will always protect

2 Mr. Trump.

3 Q And why did you write that?

4 A Because it was a statement that validated what was in
5 the second paragraph about me providing my own personal funds
6 to facilitate the payment.

7 And the last line: I will always protect Mr. Trump,
8 was to validate that specific line.

9 MS. HOFFINGER: Thank you.

10 You can take that down.

11 Q Now, around that same time that you released that
12 statement — that you were going to be releasing that statement
13 to the press publicly, did you also provide that statement to
14 someone named Jay Sekulow?

15 A I did.

16 Q Who was Jay Sekulow at the time?

17 A He was representing Mr. Trump.

18 Q And is he an attorney?

19 A He is.

20 Q And explain why you sent that public statement that
21 you were going to send out to Mr. Sekulow?

22 A I was referred to Mr. Sekulow, actually, by Sean
23 Hannity to speak about this FEC Complaint. And I was
24 instructed to by Mr. Trump, to keep in touch with Jay Sekulow
25 because he was in contact with Mr. Trump.

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1 MS. HOFFINGER: Can we take a look now, just for
2 the witness, the Court and defense counsel, please,
3 People's Exhibit 217 for identification?

4 (Displayed.)

5 Q Do you recognize that document, Mr. Cohen?

6 A I do.

7 Q What is it?

8 A This is a communication between myself and Jay
9 Sekulow.

10 Q And does the communication reflect the use of an
11 encrypted app called Signal?

12 A It is.

13 Q And are these screenshots of Signal communications
14 with Mr. Sekulow?

15 A Yes.

16 Q And is this an exact screenshot or photo — exact
17 copies of communications you had with Mr. Sekulow at the time
18 reflected in this record?

19 A Yes, ma'am.

20 MS. HOFFINGER: At this time, I offer People's
21 Exhibit 217 in evidence.

22 MR. BLANCHE: No objection.

23 THE COURT: 217 is accepted into evidence.

24 (Document is so received in evidence.)

25 MS. HOFFINGER: Can we put that on the screen for

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1 everyone and blow up the communication on February 19th of
2 2018?

3 (Displayed.)

4 Q Can you read that communication?

5 Who was that communication from?

6 A This is from me to Jay Sekulow.

7 I apologize, from Jay Sekulow to me.

8 Q Was this after you sent him the public statement that
9 you were going to be making about the FEC Complaints?

10 A Yes. Yes.

11 Q Can you read in what Mr. Sekulow wrote to you?

12 A He says: Client says thanks for what you do.

13 Q And what is your understanding about who he was
14 referring to when he was referring to, client?

15 A Client here is referred as President Donald Trump.

16 And, for what you do, that dealt with the statement that I was
17 putting out to the press on the FEC.

18 Q You're denying his involvement?

19 A Yes, ma'am.

20 Q Now, also in February of '18, 2018, did you —
21 withdrawn.

22 Around the same time in February of 2018, did The Wall
23 Street Journal reach out to you about an article they were
24 going to write concerning AMI's payoff of Karen McDougal?

25 A Yes, ma'am.

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1 Q And, actually, specifically, did they reach out to you
2 about a FEC Complaint about AMI's payoff of Karen McDougal?

3 A Yes.

4 Q And do you recall what The Wall Street Journal was
5 asking you about in connection with that?

6 A AMI's participation in the payoff.

7 Q And were they asking you also about anybody else's
8 involvement in that payoff, other than AMI?

9 A David Pecker.

10 Q Were they asking at all about your involvement or
11 Mr. Trump's involvement?

12 A Yes.

13 Q Did you speak to Mr. Pecker around that time about the
14 PEG Complaint that AMI had received?

15 A Yes.

16 Q Can you tell the jury about, generally, what was
17 discussed between yourself and Mr. Pecker?

18 A So, David was very concerned because it was going to
19 affect AMI. It was going to affect him.

20 And so, I had told him that I would assist with this
21 matter.

22 And I, ultimately, told him that after conversations
23 with the President, do not worry. We have this thing under
24 control. It's going to be taken care of.

25 MR. BLANCHE: Your Honor, may I speak to counsel

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1 for one minute?

2 THE COURT: Sure.

3 (Ms. Hoffinger and Mr. Blanche confer.)

4 MR. BLANCHE: May we briefly approach, your

5 Honor?

6 THE COURT: Yes.

7 (Discussion is held at sidebar, on the

8 record.)

9 MR. BLANCHE: I am not trying to disrupt the

10 flow. I would ask for a limiting instruction about what we

11 just heard about the AMI conversations.

12 I wouldn't ask you to restate the full

13 instruction, just that the same instruction applies to the

14 testimony regarding Mr. Pecker getting a Notice from the

15 PEG.

16 MS. HOFFINGER: I think we already addressed

17 that.

18 THE COURT: I did give an instruction.

19 MR. BLANCHE: I am not asking for the full

20 instruction, just a reminder.

21 MS. HOFFINGER: I think you gave a full

22 instruction when Mr. Pecker testified, but it's up to the

23 Court.

24 THE COURT: What would you like me to say?

25 MR. BLANCHE: Remind them, if you could, that you

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1 previously instructed them upon why the AMI evidence came
2 in and that instruction still applies.

3 THE COURT: Okay.

4 (Discussion at sidebar concluded, and the
5 following occurred in open court.)

6 THE COURT: So, Jurors, you may recall that I
7 previously gave you an instruction regarding AMI.

8 The testimony that you just heard now is
9 consistent with my previous instructions that that evidence
10 was permitted to assist you, the jury, in assessing David
11 Pecker's credibility and to help provide context for some
12 other surrounding events.

13 You may consider that testimony and what you just
14 heard for those purposes only.

15 Mr. Blanche, is that satisfactory?

16 MR. BLANCHE: Thank you, your Honor.

17 BY MS. HOFFINGER:

18 Q Mr. Cohen, just getting back to where we left off in
19 my questions.

20 In terms of the substance of your conversation with
21 David Pecker about his receipt of the Complaint from the FEC,
22 did you tell him that someone in particular in the
23 administration would be able to assist in that manner?

24 A Yes.

25 Q What did you tell him?

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1 A I told him that the matter is going to be taken care
2 of and the person, of course, who is going to be able to do it
3 is Jeff Sessions.

4 Q Who was Jeff Sessions at the time?

5 A The Attorney General.

6 Q Why did you tell him that?

7 A Because that was post my conversation with the
8 President.

9 Q And when you say, post, had you previously been told
10 that by President Trump?

11 A Yes, ma'am.

12 Q Now, I know you mentioned previously the work that you
13 did on the Temporary Restraining Order related to Stormy
14 Daniels.

15 Do you remember that testimony?

16 A Yes, ma'am.

17 Q Did there come a time when, as a result of some of the
18 public statements you were making about your being the only one
19 involved in the payment, and the fact that — withdrawn. That
20 is a long sentence — a long question.

21 Did there come a time around this time period that you
22 made certain statements to news reporting, indicating that only
23 you had made the payment and that, in fact, no sexual encounter
24 had occurred?

25 A Yes.

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1 Q And did you learn, as a result of that, that Ms.
2 Daniels was going to go out publicly and speak about the matter
3 to some news outlets like 60 Minutes and Fox News?

4 A Yes.

5 Q And, as a result of that, was that why, in part, you
6 attempted, along with Larry Rosen, to get a Temporary
7 Restraining Order for her?

8 A Yes.

9 Q And was that at Mr. Trump's direction to work with
10 Larry Rosen to get a Temporary Restraining Order?

11 A Yes. As well as with Eric Trump.

12 Q Now, did you, in fact — did you, in fact, get an
13 arbitration court Temporary Restraining Order?

14 A We did. We filed the arbitration proceeding in
15 California through an in-house attorney with the Trump
16 Organization named Jill Martin, because Larry — neither Larry
17 Rosen or I are California Bar admitted, so she filed the
18 arbitration.

19 Q And did you provide that Temporary Restraining Order
20 to Keith Davidson, Ms. Daniels' attorney?

21 A I tried.

22 Q Explain that.

23 A After obtaining the arbitration proceeding decision,
24 we were granted a Temporary Restraining Order. You are
25 required to serve it upon the individual, and I didn't, of

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1 course, have her address.

2 So I tried to serve it upon Keith Davidson. And when
3 I say, I, I am talking about the — I'm talking about the
4 group, Larry Rosen, Jill Martin, et cetera. And at some
5 point —

6 Q I am sorry.

7 A — we weren't able to do that.

8 And then Keith Davidson responded to me that he is no
9 longer representing her. And he gave me the name of another
10 lawyer that he said was representing her.

11 After speaking to that lawyer, he also stated that he
12 wasn't representing her. And, again, still unable to get her
13 address to serve it.

14 Ultimately, it was provided to me that Michael
15 Avenatti was going to be representing her going forward.

16 Q And at some point after that, did Mr. Avenatti file a
17 lawsuit against Mr. Trump, yourself and Essential Consultants
18 to try to get freed from the Non-Disclosure Agreement?

19 A Yes.

20 Q And, eventually, in September of 2018, did Mr. Trump
21 and yourself agree not to enforce the NBA?

22 A Yes.

23 Q And do you recall when Mr. Trump agreed through his
24 lawyers not to enforce the NDA? At what point in the
25 proceedings did that occur?

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1 A I don't recall.

2 Q Was that a civil case?

3 A It is, yes.

4 Q Was he going to be required to sit for a deposition in
5 that case?

6 A Yes, ma'am.

7 Q Can you explain that a little bit to the jury?

8 A So, the action was filed, and what proceeded was, from
9 the civil action, was Mr. Trump would be required — President
10 Trump would be required to sit for a deposition.

11 And prior to that date where he would be required to
12 sit, the decision was made that he would not sit and,
13 therefore, the matter was agreed to and the Non-Disclosure
14 Agreement was terminated.

15 MR. BLANCHE: Objection, your Honor. And I ask
16 that that be stricken.

17 THE COURT: Please approach.

18 (Discussion is held at sidebar, on the
19 record.)

20 MR. BLANCHE: Your Honor, I don't know what
21 foundation was laid that he had or didn't have to give that
22 answer. I don't believe there was any foundation for him
23 knowing the answer that he just gave about why the decision
24 was made.

25 I mean, this happened, I believe, in September of

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1 2018.

2 THE COURT: So your objection is there is not a

3 foundation?

4 MR. BLANCHE: Along with several —

5 MS. NECHELES: Your Honor, if President Trump

6 took the Fifth Amendment, and they are trying to give an

7 inference that he would do that, that he didn't testify

8 because he might have incriminated himself, that might — I

9 am sorry — this is so improper.

10 That he would have taken the Fifth; he didn't

11 want to testify.

12 This is so improper.

13 MS. HOFFINGER: I didn't elicit that.

14 MS. NECHELES: That was totally the inference.

15 The inference is that —

16 THE COURT: You have two different objections?

17 MS. NECHELES: I think both objections.

18 That it all be stricken and that the jury be

19 instructed that that should all be disregarded.

20 MS. HOFFINGER: I can certainly lay more of a

21 foundation.

22 THE COURT: I think you are going far afield.

23 MS. HOFFINGER: Okay. I will stop at this point.

24 Thank you.

25 (Discussion at sidebar concluded, and the

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1 following occurred in open court.)

2 THE COURT: The objection is sustained.

3 The answer is stricken from the record, and the
4 jury is directed not to consider that response.

5 MS. HOFFINGER: Thank you, your Honor.

6 BY MS. HOFFINGER:

7 Q Through much of 2018, while you were acting as
8 Mr. Trump — then President Trump's personal attorney, did you
9 continue to lie about his role in the payoff to Stormy Daniels?

10 A Yes, ma'am.

11 Q I want to direct your attention now to April 9th of
12 2018.

13 What happened to you on that day?

14 A I was raided by the FBI.

15 Q Can you tell the jury a little bit about that?

16 A So, at the time I was residing at the Lowes Regency
17 because my apartment had been flooded by the apartment above.
18 We had moved into the Regency while the construction was taking
19 place in the apartment.

20 At seven o'clock in the morning, there was a knock on
21 the door. And I looked through the peephole, and I saw a ton
22 of people out in the hallway. And so, I saw a badge. So, I
23 opened the door. They identified themselves as the FBI, asked
24 me to step into the hallway, which I did.

25 I found out that simultaneously they had also, the

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1 FBI, raided my apartment that was under construction, my law
2 office and TD Bank, which had a safety deposit box that I had
3 just opened in order to put valuables in because I didn't want
4 to keep them in the hotel or, obviously, in the apartment. It
5 was under repair.

6 Q And did the FBI search those locations for items of
7 yours?

8 A They did.

9 Q And what kind of things did they seize from you when
10 they executed that search warrant at your hotel room?

11 A The search warrant gave them the right to take my two
12 cell phones, to take any and all electronic devices, as well as
13 records.

14 They took my two cell phones and a series of my tax
15 books, as well as other documents. I, ultimately, found out
16 that they also, basically, packed up much of the documentation
17 that was in my law office and took that as well.

18 Q Now, you mentioned two cell phones that they took.

19 Were those the two cell phones associated with the
20 numbers ending 0114 containing the phone, the audio recording
21 with Donald Trump that we heard previously, which is People's
22 Exhibit 246?

23 A Yes, ma'am.

24 Q So that was one of the phones that they seized, is
25 that right?

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1 A Yes.

2 Q And they seized another cell phone as well in
3 addition, is that right?

4 A Correct.

5 Q Now, the cell phone that they took containing the
6 audio recording of yourself and Mr. Trump, did you know that
7 the FBI was going to show up and take your phones?

8 A No, ma'am.

9 Q Had you, prior to them showing up and taking those
10 phones from you, altered that recording of your conversation
11 with Mr. Trump on September 6th of 2016?

12 A No, ma'am.

13 Q How did you feel at the time about the FBI searching
14 your hotel room, your home, your law offices?
15 How were you feeling at the time?

16 A How do you describe your life being turned upside
17 down?

18 Concerned. Despondent. Angry.

19 Q Were you frightened?

20 A Yes, ma'am.

21 Q Did you come to understand, as a result of these
22 search warrants that were executed, that you were under
23 investigation by Federal prosecutors in the Southern District
24 of New York?

25 A Yes.

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1 Q Did you speak with President Trump shortly after these
2 search warrants were executed?

3 A I did.

4 Q Can you explain the conversation?

5 Can you describe the conversation you had with then
6 President Trump?

7 A I received a phone call from President Trump in
8 response to me leaving a message for him to call me. I wanted,
9 obviously, him to know what was taking place.

10 And he said to me: Don't worry. I am the President
11 of the United States. There is no — there is nothing here.
12 Everything is going to be okay. Stay tough. You are going to
13 be okay.

14 Q Have you spoken directly with Mr. Trump since that
15 time?

16 A No, ma'am.

17 Q Was your call from President Trump at that time
18 important to you?

19 A Extremely important.

20 Q Why was it important?

21 A Because I wanted — first of all, I was scared.
22 This was the first time in my life anything like this
23 happened, and I wanted some reassurance that Mr. Trump had my
24 back. Especially as — especially his help with issues that
25 related to him.

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1 Q How, if at all, did that call affect you in terms of
2 how you acted going forward?

3 A Well, when he expressed to me, don't worry, everything
4 is going to be fine, I am the President of the United States, I
5 felt reassured because I had the President of the United States
6 protecting me, his Justice Department. This should go nowhere.
7 And so, I felt reassured, and I remained in the camp.

8 Q What do you mean by, in the camp?

9 A In the fold. In the, um, in the Trump camp.

10 Q Does that mean that you stayed loyal to him?

11 A Yes.

12 Q And continued to lie about his involvement?

13 A Yes, ma'am.

14 Q And did other people reach out to you around this time
15 and express President Trump's support for you?

16 A Yes.

17 Q In general, what did others tell you?

18 A You are loved. Don't worry. He's got your back.
19 Most powerful guy in the country, if not the world. You are
20 going to be okay.

21 Q Now, after the FBI executed those search warrants and
22 you received that call from President Trump and messages from
23 others, did you initially maintain ties with President Trump?

24 A Only through other people.

25 Q And did you believe that was important to do?

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1 A Extremely.

2 MS. HOFFINGER: Can we show People's Exhibit

3 407-F, please, in evidence?

4 Can we blow up the top tweet?

5 (Displayed.)

6 Q And I am going to ask Mr. Cohen to read them.

7 First of all, were you aware of these three tweets

8 made by President Trump at that time on April 21st of 2018.

9 A Yes.

10 Q And can you read those, please, to the jury?

11 A This is from Mr. Trump's Twitter feed.

12 The New York Times and a third rate reporter named

13 Maggie Haberman, known as a Crooked H flunkey, who I don't

14 speak to and have nothing to do with, are going out of their

15 way to destroy Michael Cohen and his relationship with me in

16 the hope that he will flip.

17 They use nonexistent sources and a drunk/drugged up

18 loser who hates Michael, a fine person with a wonderful family.

19 Michael is a businessman for his own account slash

20 lawyer who I have always liked and respected. Most people will

21 flip if the Government let's them out of trouble. Even if it

22 means lying or making up stories.

23 Sorry, I don't know — I don't see Michael doing that

24 despite the horrible Witch Hunt and the dishonest media.

25 Q Who did you understand, at the time, that Mr. Trump

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1 was communicating with or releasing these public statements?

2 A To me.

3 Q And what did you understand him to be communicating to
4 you?

5 A Stay in the fold. Stay loyal. I have you. You are a
6 fine person. Don't flip.

7 Q And what did these public statements — what, if
8 anything, did these public statements have on you in terms of
9 an effect on your conduct at the time?

10 A It reinforced my loyalty and my intention to stay in
11 the fold.

12 Q Was President Trump or his company, The Trump
13 Organization, still paying your lawyer's legal fees at the
14 time?

15 A They were.

16 Q And did you understand that that was part of his
17 support for you?

18 A Yes.

19 Q And during this time were you still a part of the
20 Joint Defense Agreement with President Trump and some others?

21 A I was.

22 MS. HOFFINGER: We can take that down.

23 Thank you.

24 I have one further question.

25 Can you put that up?

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1 (Displayed.)

2 Q Most people will flip if the Government let's them get
3 out of trouble.

4 MS. HOFFINGER: If you can put that up one more
5 time.

6 (Displayed.)

7 Q Based on that line, most people will flip if the
8 Government let's them out of trouble, based on that public
9 communication, what did you understand Mr. Trump wanted in
10 terms of whether you should cooperate with law enforcement?

11 MR. BLANCHE: Objection.

12 THE COURT: Sustained.

13 Q Did you have any understanding at the time from that
14 public statement about whether you should cooperate with law
15 enforcement?

16 MR. BLANCHE: Objection.

17 THE COURT: Sustained as to the form.

18 Please rephrase.

19 Q What, if any, understanding did you have about that
20 public statement?

21 A That Mr. Trump did not want me to cooperate with
22 Government and certainly not to provide information or flip.

23 Q And if you had cooperated with law enforcement at that
24 time and told them the truth, what would you have told them
25 about Mr. Trump's involvement in the Stormy Daniels payoff?

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1 MR. BLANCHE: Objection.
2 THE COURT: Sustained.
3 MS. HOFFINGER: Your Honor, would you like to
4 take a — let me know if this is a good time for a break.
5 THE COURT: Yes.
6 Let's take your morning recess. Please remember
7 all of my admonitions.
8 See you in 15 minutes.
9 COURT OFFICER: All rise.
10 (Whereupon, the jury exited the courtroom.)
11 THE COURT: You may be seated.
12 (Witness is excused from the witness stand.)
13 (Short recess is taken.)
14 SERGEANT: Come to Order.
15 Part 59 is in session.
16 THE COURT: Let's bring in the witness, please.
17 (Whereupon, the witness entered the
18 courtroom and was properly seated.)
19 THE COURT: Get the jury, please.
20 (Whereupon, Principal Court Reporter Susan
21 Pearce-Bates was relieved by Senior Court
22 Reporter Theresa Magniccari.)
23 (Continued on the following page.)
24
25

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1 (Whereupon, proceedings are continued from
2 previous page:)

3 ***

4 THE COURT: Get the witness, please.

5 (Witness entering courtroom.)

6 ***

7 THE SERGEANT: All rise. Jury entering.

8 (Jury entering courtroom.)

9 ***

10 THE COURT: Please be seated.

11 THE CLERK: Case on trial continued. All jurors
12 are present and properly seated.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. HOFFINGER:

15 Q. Mr. Cohen, are you familiar with an attorney by the
16 name of Robert Costello?

17 A. I am.

18 Q. How do you know him?

19 A. I was introduced to Robert Costello by another lawyer
20 named Jeff Citron.

21 Q. And how did Mr. Citron first put you in touch with
22 Mr. Costello?

23 A. Mr. Citron and I were both on the Advisory Board for
24 Sterling National Bank.

25 And after the raid, he obviously heard about it and saw

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1 it, he connected myself and Robert Costello together for the
2 possibility of representing me in this matter.

3 Q. Did Mr. Citron tell you anything about Mr. Costello's
4 background?

5 A. Yes.

6 Q. What did he tell you, in substance?

7 A. He told me he was a criminal defense attorney and that
8 he was incredibly close to Rudy Giuliani.

9 Q. Now, did there come a time in April of 2018, after the
10 search warrants, that you met with Mr. Costello?

11 A. Yes, ma'am.

12 Q. Where did you meet with him?

13 A. I met with him in the conference room at the Regency
14 Hotel where I was staying.

15 Q. And, in general, what was your emotional state like at
16 the time you met with him?

17 A. Distraught, nervous, concerned.

18 Q. And can you tell the jury about your conversation at
19 the Regency Hotel with Mr. Costello?

20 A. So, it was Mr. Citron, myself and Robert Costello.
21 They asked me to show them copies of the warrants, to describe
22 what had happened. Which I did, at length. Basically, it was
23 many hours, that many agents came, they took a series of books,
24 documents, and I gave them the receipt of what was taken.
25 With that, they turned around and they said, there are

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1 certain things you need to know.

2 First is, that you have to, obviously, try to remember
3 what might be in any of those boxes, what they might be looking
4 for. He walked me through the process.

5 First time in my life. I never practiced criminal law.

6 And then they asked me to consider Robert Costello for
7 my representation.

8 Q. Did Mr. Costello at that meeting tell you anything
9 about his ties to Mr. Giuliani?

10 A. Yes.

11 Q. In substance, what did he tell you?

12 A. He said he had been at the Southern District of New
13 York. That he is incredibly close to Rudy Giuliani. And what
14 I mean by close, he means as close as you can imagine. And that
15 would be a relationship that would be very beneficial to you
16 going forward with this matter.

17 Q. Can you explain why that would be a beneficial
18 relationship for you?

19 A. Yes.

20 Q. What did he say?

21 A. Because Mr. Giuliani at the time had a very close
22 relationship and was spending a tremendous amount of time with
23 President Trump.

24 Q. And did he speak to you about a back channel of
25 communications?

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1 A. He also stated to me that this would be a great way to
2 have a back channel communication to the President in order to
3 ensure that you're still good and that you're still secure.

4 Q. During that meeting, did you tell Mr. Costello the
5 truth about what Mr. Trump's role was in the payoff to Stormy
6 Daniels?

7 A. No.

8 Q. Why not?

9 A. First, I wasn't sure that I was going to hire him.
10 There was something really sketchy and wrong about him. He
11 came with a Retainer Agreement, and I said, "I'm not going to
12 pay that right now. I am still speaking to other lawyers."
13 So I certainly wasn't going to expose anything to, one,
14 someone I didn't know, and two, I was having trouble connecting
15 with.

16 Q. Did you understand that if you provided that
17 information to him about Mr. Trump's involvement in the Stormy
18 Daniels matter, that that information might go somewhere else?

19 A. I was also concerned, again, when he started talking
20 about his incredibly close relationship to Rudy, that anything I
21 said to him was going to be spoken and told to Rudy Giuliani.
22 And, of course, because Rudy Giuliani at the time was so
23 proximate to Mr. Trump, President Trump, that anything that I
24 said would get back to him.

25 Q. Did Mr. Costello mention anything to you about

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1 whether — withdrawn.

2 After the meeting with Mr. Costello, did you also have
3 some phone calls with him?

4 A. Yes.

5 Q. Did you also exchange some emails or text messages with
6 him?

7 A. Yes.

8 Q. In some phone calls, did he ever mention to you that it
9 would not be a good idea for you to speak with President Trump
10 directly?

11 A. Yes.

12 Q. And did he suggest some other method of communication?

13 A. Again, back channel from Robert Costello to Rudy.

14 Q. Now, you mentioned that you exchanged emails with
15 Mr. Costello?

16 A. Yes.

17 Q. And on the thumb drive that you previously reviewed,
18 did you also have an opportunity to review emails with
19 Mr. Costello marked as People's Exhibit 203 to 205 for
20 identification?

21 A. Yes, ma'am.

22 Q. Did you exchange those emails from your email account
23 to Mr. Costello's email account?

24 A. Yes.

25 Q. And other than some redactions, are those emails exact

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1 copies of email communications you exchanged with Mr. Costello
2 on the dates and times reflected in those emails?

3 A. They are.

4 MS. HOFFINGER: Your Honor, I offer People's
5 Exhibit 203 through — I apologize, 208 in evidence.

6 MR. BLANCHE: No objection.

7 THE COURT: People's 203 through 208 are accepted
8 into evidence.

9 (Whereupon, People's Exhibits 203 through 208 were
10 received and marked into evidence.)

11 MS. HOFFINGER: Now, can we please put up People's
12 Exhibit 203.

13 (Displayed.)

14 Q. Can you tell the jury what this is, and walk us through
15 it?

16 A. This is an email that I received from Robert Costello
17 on Thursday, April 19, 2018, at 6:45 p.m. It is cc'd to Jeffrey
18 Citron as a followup:

19 "I am sure you saw the news that Rudy is joining the
20 Trump legal team. I told you my relationship with Rudy, which
21 can be very, very useful for you. Bob Costello."

22 Q. What did you understand this email to be about?

23 A. To validate the relationship with Rudy that he
24 expressed to me. And, again, to re-enforce the whole concept of
25 the back channel.

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1 MS. HOFFINGER: Please put up People's 204 in

2 evidence.

3 (Displayed.)

4 Q. Can you read that email and also explain it to the

5 jury?

6 A. It is from Robert Costello. Again, to me. Dated

7 Saturday, April 21, 2018, at 12:02 a.m.

8 Subject is: Giuliani.

9 He writes: Privileged and confidential.

10 "Michael, I just spoke to Rudy Giuliani and told him I

11 was on your team. Rudy was thrilled and said this could not be

12 a better situation for the President or you. He asked me if

13 it was okay to call the President and Jay Sekulow. And I said,

14 fine."

15 "We discussed the facts, Jay Goldberg's stupid remarks,

16 et cetera."

17 He said: "I can't tell you how pleased I am that I

18 could work with someone I know and trust. He asked me to tell

19 you that he knows how tough this is on you and your family and

20 he will make sure — to make sure to tell the President."

21 He said: "Thank you for opening this back channel of

22 communication and asked me to keep in touch."

23 "I told him I would after speaking to you further."

24 "Bob."

25 Q. And, again, who is Jay Sekulow referenced in here as

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1 well?

2 A. Attorney for the President.

3 Q. Who did you understand, based on this email and your
4 communications with Mr. Costello, that that back channel
5 communication would be with?

6 A. The back channel was Bob Costello to Rudy to President
7 Trump.

8 MS. HOFFINGER: Please put up People's Exhibit
9 205.

10 (Displayed.)

11 Q. Mr. Cohen, if you would explain who those emails are to
12 and from and read the email to the jury?

13 A. It's from Robert Costello. It was sent on Saturday,
14 April 21, 2018, at 8:57 p.m. to me.

15 Subject: Again, Giuliani.

16 It is stating: Attorney-client communication,
17 privileged.

18 "I spoke with Rudy. Very, very positive. You are
19 loved. If you want to call me, I will give you the details.
20 I told him everything you asked me to and he said they knew
21 that. There was never a doubt, and they are in our corner.
22 Rudy said this communication channel must be maintained. He
23 called it crucial and noted how reassured they were that they
24 had someone like me who Rudy has known for so many years in this
25 role. Sleep well tonight. You have friends in high places."

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1 "P.S.: Some very positive comments about you from the
2 White House. Rudy noted how that followed my chat with him last
3 night."

4 Q. What did you understand Mr. Costello to mean by "you
5 are loved," by whom?

6 A. By President Trump.

7 Q. What did you understand him to be referring to when he
8 said "they are in our corner?"

9 A. Meaning the President and Rudy.

10 Q. And what did you understand him to be referring to as
11 "friends in high places?"

12 A. Friends in high places was President Trump.

13 Q. And the P.S., where he says, "Some very positive
14 comments about you from the White House — "

15 MS. HOFFINGER: Can we put up People's 407F that
16 we just saw a little while ago.

17 (Displayed.)

18 Q. What is the date, what is the date of these public
19 Truth — tweets that we saw President Trump issuing about you?

20 A. April 21, 2018.

21 Q. Is that the same date as the email that Mr. Costello
22 sent you?

23 A. Yes.

24 Q. Did you understand Mr. Costello in his email to be
25 responding to these public tweets that President Trump made

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1 about you?

2 A. Yes.

3 Q. What, if any, effect did these emails from
4 Mr. Costello, together with President Trump's support tweets for
5 you on April 21st, what, if any, effect did they have on you?

6 A. It let me know that I was still important to the team
7 and stay the course, that the President had my back.

8 MS. HOFFINGER: Can we take a look now at People's
9 Exhibit 206 in evidence.

10 (Displayed.)

11 Q. Is this email some months later, now in June of 2018?

12 A. Yes.

13 Q. Can you read this email for the jury, please, and the
14 to and from and the dates?

15 A. It's from Robert Costello. Dated June 7, 2018, at 3:16
16 p.m. to me.

17 Marked: Attorney-Client Privilege Communication.

18 "Michael, to prove to you that Rudy Giuliani called me
19 and I did not call him, I photographed the pages from my iPhone,
20 which I am attaching. They show that you called me at 11:30
21 a.m. today on my cell and that the next call I had was two
22 incoming calls from Rudy Giuliani at 1:08 p.m., and then at 1:15
23 p.m., because the first cell call transmission was lost.
24 Calling from Israel."

25 "And Guilani called me back at 1:15."

1 "After you called me back at 2:43 p.m. and we spoke, I
2 called and left a message for Rudy at 2:55 New York time. I
3 will let you know when I hear back from him."

4 Q. What do you understand Mr. Costello communicating here
5 and what was going on at the time?

6 A. He is demonstrating his close proximate relationship
7 to Rudy Giuliani.

8 Again, at this point in time I had not retained
9 Costello or advised him that I was going to be retaining him.
10 In order to stay in the fold, he was expressing to me
11 his obvious relationship to Rudy Giuliani who was proximate to
12 President Trump.

13 MS. HOFFINGER: If you can take that down. Please
14 put up People's 207 in evidence.

15 Thank you.

16 Can we blow that up, the first paragraph.

17 Is there a way to blow up first the first
18 paragraph?

19 Can we see the date at the top of the email. Can
20 we blow up the top of the e-mail for Mr. Cohen.

21 (Displayed.)

22 Q. Can you explain who it is from and who it is to and the
23 date?

24 A. Again, from Robert Costello. It's dated June 13 of
25 2018 at 3:21 p.m.

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1 Subject: Forward update draft.

2 Again, it's sent to me.

3 Q. Can you read that first paragraph?

4 A. "Michael, since you jumped off the phone rather
5 abruptly, I did not get a chance to tell you that my friend has
6 communicated to me that he is meeting with his client this
7 evening."

8 And he added, "if there was anything you wanted to
9 convey, you should tell me and my friend will bring it up for
10 discussion this evening."

11 Q. Who did you understand his reference to be "my friend;"
12 in other words, who was "my friend" that he is meeting with,
13 his client this evening? Who did you understand that to be a
14 reference to?

15 A. Rudy Giuliani.

16 Q. Who would Mr. Giuliani's client be?

17 A. Donald J. Trump, President Trump.

18 Q. Did you have some understanding about why he didn't
19 just say outright Rudy Giuliani and President Trump?

20 A. Sort of to be covert. It's all back channel sort of
21 spy-ish. Didn't want to put anybody's name. Why on this one as
22 opposed to this one? But, clearly, never mentioning President
23 Trump, using code words.

24 MS. HOFFINGER: Can we blow up the second
25 paragraph in the email.

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1 (Displayed.)

2 Q. Read that, Mr. Cohen?

3 A. "I would suggest that you give this invitation some
4 real thought. Today's newspaper story should not rattle you.
5 The event announced today we thought would be announced Friday
6 or Monday, so it's merely a difference of timing."

7 "MWE, McDermott Will & Emery, were brought in to a
8 discrete task. They performed those services in an exemplary
9 fashion. This is not a change in plan. Rather, it is exactly
10 what was planned."

11 "Your message, or the message of MWE, should be
12 positive and not negative in any way. What you do next is for
13 you to decide. But if that choice requires any discussion with
14 my friend's client, you have the opportunity to convey that this
15 evening, but only if you so decide."

16 Q. Again, what did you understand him to be saying, "If
17 you want to convey something to my friend's client?"

18 A. Talking about potential pre-pardons, I believe.

19 MS. HOFFINGER: Can we blow up the third
20 paragraph.

21 Q. Who is my friend's client in that paragraph?

22 A. President Trump.

23 Q. Read the third paragraph.

24 A. "I must tell you, quite frankly, that I'm not used to
25 listening to abuse like today's conversation. You have called

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1 me numerous times over the last month to discuss issues. I have
2 already tried to be as helpful as I could."

3 "You told me back in April that I was part of the team.
4 I've acted accordingly on your behalf."

5 "When I suggested that we meet and discuss a strategy
6 following this news, you suddenly took a new approach and
7 stated, "That's not going to happen."

8 "Stunned by this remark, I was asking you for a
9 clarification of our legal relationship. You indicated that you
10 would be talking to someone in a boutique firm that was not
11 ready to get involved. When I noted that you were willing to
12 sit down with them but not sit down with us, you had an
13 unfortunate outburst."

14 "I relayed the situation to Jeff Citron, who suggested
15 that you probably were just having a bad moment, but that it was
16 necessary to seek clarification of our position with you in
17 light of your remarks."

18 Q. What was happening at the time? What did you
19 understand this to be about?

20 A. So, Mr. Costello, again, pressuring me, as he had done,
21 with constant calls and sending me emails and so on. And he
22 wanted to absolutely be retained to represent me in this matter.
23 I stated to him that I was speaking with someone in a
24 boutique firm and that we were still not yet ready for the
25 engagement.

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1 He was angered that I was willing to sit down with that
2 other attorney, but not sit down with them. And so I had had
3 enough and I told him.
4 Then it goes on to mention Jeff Citron. That is the
5 lawyer who I had the relationship with on the Advisory Board of
6 Sterling Bank for a couple of years.
7 And, then, of course, expressed in the last line that
8 it was necessary to seek clarification of the position in light
9 of me telling them that's just not going to happen.
10 My concern here was that all of these conversations
11 were being relayed back to Mr. Giuliani and, of course, his
12 client, President Trump.
13 MS. HOFFINGER: Can we pull up the last paragraph
14 in the email.
15 (Displayed.)
16 Q. Can you read that, Mr. Cohen?
17 A. "Please remember if you want or need to communicate
18 something, please let me know and I will see that it gets
19 done. I hope I am wrong, but it seems to both Jeff and I,
20 perhaps we have been played here. Let me know what you want to
21 do."
22 Q. What did you understand him to be mean "that it seemed
23 like he was being played here?"
24 A. I was not going to retain them. That they had, of
25 course, expressed — Jeff — I should say, Bob Costello had

1 expressed clearly to Mr. Giuliani that he was on the team and
2 that he was going to be representing me. The concern here was
3 that I was going to go to another lawyer and retain another
4 lawyer to represent me in this matter.

5 Q. What did you understand him to mean by "If you need to
6 communicate something, he would get it done," who did you
7 understand he was talking about communicating with?

8 A. To Rudy Giuliani. Ultimately, to reach President
9 Trump.

10 MS. HOFFINGER: Thank you.

11 You can take that down.

12 Please put up People's Exhibit 208. Blow up the
13 top of the email.

14 (Displayed.)

15 A. This is from Bob Costello to me on Thursday, June 14,
16 2018, at 9:45 a.m.

17 Hyperlink to a YouTube video. And he writes:

18 "Something you should see. Bob."

19 Q. And do you have a recollection of what that video that
20 he was sending you, what it was about, or did he disclose it in
21 a further part of this email?

22 A. I don't.

23 MS. HOFFINGER: Let's take a look at the next
24 email in the chain.

25 (Displayed.)

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Senior Court Reporter

1 Q. What does the subject line of your response email to
2 him say?

3 A. "Giuliani on Possibility of Cohen Cooperating: Mueller
4 Probe."

5 Q. Does that refresh your recollection about what the
6 YouTube video was about?

7 A. Yes, ma'am.

8 Q. What was it about, in general?

9 A. It was Rudy Giuliani in a TV appearance talking about
10 my potential cooperation with the Mueller probe.

11 Q. And what did you respond to him?

12 A. Why send this to me?

13 MS. HOFFINGER: Can we look at the next email in
14 the chain, where there is an answer from Mr. Costello. If
15 you could blow up the first paragraph.

16 (Displayed.)

17 A. This is an email, again, from Robert Costello to me.

18 The same date, June 14, 2018, at 1:12 p.m.

19 "The answer to your question will be found in watching
20 the video. It seems clear to me that you are under the
21 impression that Trump and Giuliani are trying to discredit you
22 and throw you under the bus, to use your phrase."

23 "I think you are wrong, because you are believing the
24 narrative promoted by the left wing media. They want you to
25 believe what they are writing. Many of them are already writing

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1 that you are cooperating. This strategy has been consistent
2 from the start, to put pressure on you into believing that you
3 are alone. That everyone you knew before is distancing
4 themselves from you and you are being 'thrown under the bus'.
5 "The whole objective of this exercise by the SDNY is to
6 drain you emotionally and financially until you reach a point
7 that you see them as your only means to salvation. I told you
8 that the very first day I met you."

9 MS. HOFFINGER: Blow up the last paragraph as well
10 in this email.

11 (Displayed.)

12 A. "You are making a very big mistake if you believe the
13 stories these journalists are writing about you. They want you
14 to cave. They want you to fail. They do not want you to
15 persevere and succeed."

16 "If you really believe you are not being supported
17 properly by your former boss, then you should make your position
18 known."

19 "If you really want certain things to happen, you
20 should make that known."

21 "If you really want other lawyers to refrain from
22 saying this or that, you should make it known."

23 "You have the ability to make that communication when
24 you want to. Whether you exercise that ability is totally up to
25 you."

1 Q. What did you understand Mr. Costello to be
2 communicating to you here?

3 A. And this is part of the pressure campaign, that
4 everyone is lying to you. That you are still regarded. The
5 President still supports you. Do not speak. Do not listen to
6 what any of the journalists or anybody are saying and stay in
7 the fold. Don't flip. Don't speak. Don't cooperate.

8 Q. Did you understand that he was — what did you
9 understand he was telling you about whether you should
10 cooperate with law enforcement?

11 A. Not to.

12 Q. What did you understand him to be saying to you in
13 terms of, if you really want things to happen, if you want to
14 make things known, you should let me know; what did you
15 understand that to be about?

16 A. Again, him being a back channel.

17 Q. Back channel to who?

18 A. Back channel to the President via Rudy Giuliani.

19 Q. Mr. Cohen, did you ever tell the truth, Mr. Cohen,
20 about President Trump — withdrawn.

21 Mr. Cohen, did you ever tell the truth to Mr. Costello
22 about Donald Trump's involvement in AMI's purchase of Karen
23 McDougal's story to prevent that coming out before the election
24 or Donald Trump's involvement and direction to your paying
25 Stormy Daniels to prevent her story from coming out before the

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1 election?

2 A. No.

3 Q. Why did you not tell Mr. Costello the truth about
4 Mr. Trump's involvement in those matters?

5 A. I didn't trust him. Meaning, Bob Costello. And I was
6 still remaining loyal to Mr. Trump.

7 Q. Did you believe that if you told him the truth, that he
8 would tell that to someone?

9 A. Yes.

10 Q. Who did you believe he would tell it to?

11 A. I believed, based upon all of our conversations, that
12 he would immediately run back to Mr. Giuliani and that
13 communication would be divulged to President Trump.

14 Q. Did you ever retain Mr. Costello to represent you?

15 A. No.

16 Q. Did you instead retain other lawyers to represent you
17 in connection with the criminal investigation by the Southern
18 District of New York?

19 A. I did.

20 Q. Now, in the months after those FBI raids on your home,
21 your office, your hotel room, in addition to seeking advice from
22 lawyers about what to do, did you have some conversations with
23 your family about the matter?

24 A. Yes.

25 Q. And tell the jury a bit about those conversations with

1 your family?

2 A. Well, at that point in time we didn't even know what
3 the Southern District of New York was even looking at. And the
4 conversations with my family was what to do. We're in this
5 unique situation I never experienced. And my family, my wife,
6 my daughter, my son, all said to me, why are you holding onto
7 this loyalty? What are you doing? We're supposed to be your
8 first loyalty?

9 Q. So what decision did you make?

10 A. That it was about time to listen to them.

11 Q. What did you decide about where your loyalty should be
12 going forward?

13 A. To my wife, my daughter, my son, and the country.

14 Q. Let me direct your attention now to August 21, 2018.

15 Did you plead guilty on that day in a court in the Southern
16 District of New York to a number of federal crimes?

17 A. I did.

18 Q. By that time, in late August of 2018, what, if
19 anything, had you decided about whether you would continue to
20 lie for President Trump?

21 A. I made a decision based on the conversation that I had
22 with my family, I would not lie for President Trump any longer.

23 Q. And on August 21, 2018, did you plead guilty to one
24 count of making an excessive campaign contribution in violation
25 of the Federal Election Campaign Act?

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1 A. I did.

2 Q. What did that charge relate to?

3 A. Stormy Daniels.

4 Q. And did it relate to, specifically, your paying
5 \$130,000 to Stormy Daniels to buy the life rights to her story
6 so that it would not be public and that it was done on behalf of
7 President Trump to influence the election?

8 A. Yes.

9 Q. Did you admit that you paid that money to Stormy
10 Daniels in order to influence Mr. Trump's electoral prospects?

11 MR. BLANCHE: Objection.

12 THE COURT: Approach.

13 (Whereupon, proceedings were held at sidebarz)

14 THE COURT: Please read back the last two
15 questions.

16 (Whereupon, the Official Court Reporter read back
17 the referred-to-questions.)

18 MR. BLANCHE: We object to leading the witness.

19 If the question is: Did you plead guilty? Yes. What did
20 you plead guilty to? That's fair. But just leading him
21 through the allegations —

22 THE COURT: That's fair.

23 I apologize. That's fair. I was sustaining the
24 objection.

25 And also let me know if you want a limiting

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1 instruction to the jury.
2 MS. HOFFINGER: And there's a few more questions
3 about the plea.
4 MR. BLANCHE: And I do.
5 Thank you, Judge.
6 (Whereupon, the following proceedings were held in
7 open court:)
8 THE COURT: The objection is sustained.
9 MS. HOFFINGER: Thank you.
10 CONTINUED DIRECT EXAMINATION
11 BY MS. HOFFINGER:
12 Q. In fact, Mr. Cohen, did you pay the money to Stormy
13 Daniels in order to influence the election for Mr. Trump?
14 MR. BLANCHE: Objection.
15 THE COURT: Sustained.
16 Q. Why, in fact, did you pay that money to Stormy
17 Daniels?
18 A. To ensure that the story would not come out, would not
19 effect Mr. Trump's chances of becoming President of the United
20 States.
21 Q. If not for the campaign, Mr. Cohen, would you have paid
22 that money to Stormy Daniels?
23 A. No, ma'am.
24 MR. BLANCHE: Objection.
25 THE COURT: Overruled.

1 You can answer.

2 A. No, ma'am.

3 Q. At whose direction and on whose behalf did you commit
4 that crime?

5 A. On behalf of Mr. Trump.

6 Q. Now, was one of the other charges that you pled guilty
7 to in the Southern District of New York Causing an Unlawful
8 Corporate Contribution in Violation of the Federal Election
9 Campaign Act?

10 A. Yes, ma'am.

11 Q. What did that relate to?

12 A. That related to my participation with AMI in the Karen
13 McDougal matter.

14 Q. And what was the purpose of your working with AMI to
15 pay off Karen McDougal?

16 A. In order to ensure that Mr. Trump was protected and
17 that that story would never be released.

18 Q. For what purpose?

19 A. For the purpose of ensuring that it also didn't effect
20 the Presidential Campaign.

21 Q. Did you work with AMI to do that, in order to influence
22 the 2016 Presidential Campaign?

23 MR. BLANCHE: Objection.

24 THE COURT: Sustained.

25 Q. Why did you work with AMI to pay off Karen McDougal?

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1 A. In order to ensure the possibility of Mr. Trump
2 succeeding in the election, that this would not be a hindrance.

3 Q. Not be a hindrance, did you say?

4 A. Correct.

5 Q. On whose direction, on whose behalf did you work with
6 AMI to do that?

7 A. I worked with Dylan Howard. I worked with David
8 Pecker. And also Dan Rotstein.

9 Q. At whose direction and on whose behalf did you do that?

10 A. At the direction of Donald J. Trump.

11 Q. And for whose benefit?

12 A. For the benefit of Donald J. Trump.

13 Q. Now, did you also plead guilty to five counts of —
14 MR. BLANCHE: We would ask for the instruction,
15 please.

16 THE COURT: All right.

17 Jurors, I'm going to give you an instruction at
18 this time.

19 You have just heard testimony that Michael Cohen
20 pleaded guilty to violating the Federal Elections Campaign
21 Act, otherwise known as FECA.

22 That evidence was permitted to assist you, the
23 jury, in assessing Mr. Cohen's credibility as a witness and
24 to help provide context for some of the events that
25 followed.

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1 You may consider that testimony for those purposes
2 only.

3 Mr. Cohen's plea is not evidence of the
4 defendant's guilt, and you may not consider it in
5 determining whether the defendant is guilty or not guilty
6 of the charged crimes.

7 MS. HOFFINGER: Thank you, your Honor.

8 Q. Mr. Cohen, did you also plead guilty to five counts of
9 Evasion of Personal Income Tax for the years 2012 to 2016?

10 A. I did.

11 Q. Did you also plead guilty to one count of Making False
12 Statements to a Financial Institution?

13 A. I did.

14 Q. Were those counts: Tax Evasion and False Statements to
15 a Financial Institution, were those in any way related to
16 Mr. Trump?

17 A. No.

18 Q. Mr. Cohen, what was that day like for you, pleading
19 guilty to all those crimes?

20 A. Worst day of my life.

21 MS. HOFFINGER: Can we please put up People's
22 Exhibit 407H and 407I. If we can do them together.

23 (Displayed.)

24 Q. Mr. Trump — I am sorry, Mr. Cohen, are you able to
25 read those?

1 A. Yes, ma'am.

2 Q. What date — you plead guilty on August 21, 2018?

3 A. That is correct.

4 Q. What are the dates of these tweets by President Trump?

5 A. August 22 of 2018.

6 Q. Were these the day after you pled guilty in Federal
7 Court?

8 A. Yes, ma'am.

9 Q. Can you please read one and then the other.

10 First of all, were you aware of President Trump
11 tweeting these on that day?

12 A. Yes.

13 On his post he writes: "If anyone is looking for a
14 good lawyer, I would strongly suggest that you don't retain the
15 services of Michael Cohen."

16 Then put out another one: "I feel very badly for Paul
17 Manafort and his wonderful family. Justice took a 12-year old
18 tax case, among other things, applied tremendous pressure on
19 him, and unlike Michael Cohen, he refused to break, make up
20 stories in order to get a deal. Such respect for a brave man."

21 Q. Who did you understand these tweets by Trump to be
22 addressed to?

23 A. To me.

24 Q. What, if any, message did you understand he was
25 communicating to you?

1 A. Certainly displeasure that I no longer, I guess, was
2 important to the fold.

3 Q. What, if anything, did you understand was being
4 communicated to you about whether you should cooperate with law
5 enforcement?

6 A. No, do not cooperate.

7 Q. What, if any, effect did it have on you at the time to
8 have the President of the United States tweeting this about you
9 the day after you pled guilty?

10 A. It caused a lot of angst, anxiety.

11 MS. HOFFINGER: Now, you can take those down.

12 Q. Now, in spite of President Trump's public tweets about
13 you, about three months later, on November 29, 2018, did you
14 also plead guilty to one count of Making False Statements to
15 Congress in 2017?

16 A. Yes, ma'am.

17 Q. And was that for making false statements to Congress in
18 2017, in connection with the Russia probe that you described
19 previously to the jury?

20 A. Yes. A number of times and the duration, which I had
21 stated and submitted as part of the record that I had spoken to
22 Mr. Trump about the Trump Tower Moscow Project.

23 Q. And were those false statements that you made to
24 Congress in 2017 while were you Mr. Trump's personal counsel?

25 A. Yes, ma'am.

Theresa Magniccari

Senior Court Reporter

1 Q. President Trump's personal counsel?

2 A. Yes, ma'am.

3 Q. Now, let me direct your attention to December 12, 2018.

4 As a result of pleading guilty to the federal crimes that you've
5 just described, your pleading guilty in August of 2018 and also
6 November of 2018, were you sentenced by a Court in the Southern
7 District of New York?

8 A. I was.

9 Q. And what was the sentence that you received from the
10 court as a result of pleading guilty to those crimes?

11 A. 36 months incarceration followed by 36 months of
12 supervised release.

13 Q. And were you also required to pay fines and some
14 restitution?

15 A. Yes.

16 Q. Explain that to the jury, please?

17 A. So the restitution stemmed from the amount of tax that
18 was not paid over the years from 2012 through 2016. And that
19 tax bill amount was \$1,394,000.

20 Q. And did you pay those taxes back to the IRS?

21 A. I did, before even sentencing, when I finally found out
22 from the Southern District of New York what the actual amount
23 was.

24 Q. After, were you also assessed some fines by the Court?

25 A. Yes, ma'am.

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Senior Court Reporter

1 Q. And did you, after being sentenced, did you also pay
2 those fines?

3 A. I did. There were two fines. Each one for \$50,000.
4 One that dealt with Stormy Daniels and the other one that was
5 for the campaign finance violation, I believe.

6 Q. Were you certain — was one of them for the false
7 statements to Congress?

8 A. Yes, that's the false statement to Congress.

9 Q. Now, approximately, when did you surrender to prison as
10 a result of your sentence?

11 A. May 6th.

12 Q. Of what year?

13 A. Of 2019.

14 Q. Now, about three months after you surrendered to
15 prison, in February of 2019, did you testify publicly before
16 Congress?

17 A. I did.

18 Q. And how did that come about?

19 A. That came about by Representative Elijah Cummings, who
20 was the Chair of the House Oversight Committee, reaching out to
21 Lanny Davis, who is an attorney and was assisting me in legal
22 strategy, as the case that I am talking about, the criminal
23 case, was going on. They reached out to him and asked for me to
24 appear.

25 Q. Did you provide information to both the House and

1 Senate Intelligence Committee and also the House Oversight

2 Committee?

3 A. Yes.

4 Q. Did you agree and actually testify publicly before

5 surrendering to prison?

6 A. I did.

7 Q. Was your testimony before Congress televised?

8 A. One of them was, yes.

9 Q. And widely reported in the news as well?

10 A. It was.

11 Q. And did you testify about a number of issues and

12 matters relating to President Trump and some others?

13 A. I did.

14 Q. Did you, among other things, testify about President

15 Trump having directed you to pay off Stormy Daniels as prior to

16 the election?

17 A. I did.

18 Q. Did you also testify about President Trump reimbursing

19 you for those payoffs?

20 MR. BLANCHE: Objection.

21 THE COURT: Sustained

22 Q. What, if anything, else did you testify about

23 concerning reimbursement?

24 A. That Mr. Trump had directed me, and it was for his

25 benefit.

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Senior Court Reporter

1 Q. Did you testify at all about the reimbursement of the
2 monies to Stormy Daniels?

3 MR. BLANCHE: Objection.

4 THE COURT: Sustained.

5 Q. What, if anything, else, did you testify about
6 concerning the matter?

7 A. I testified about the reimbursement of the \$130,000
8 with the payments made to me on the monthly basis.

9 Q. Did you apologize to Congress during that testimony?

10 A. I apologized to Congress. I apologized to the country.
11 I apologize to my family.

12 Q. Did you apologize to Congress for also lying to them in
13 2017?

14 MR. BLANCHE: Objection.

15 THE COURT: Sustained.

16 Q. What, if anything, did you apologize to Congress about,
17 specifically?

18 A. For lying to them in the 2017 hearing that I was
19 subpoenaed to attend.

20 Q. Did you also apologize to the American public?

21 A. I did.

22 Q. What did you apologize to the American public for?

23 A. For lying to them, for acting in a way that suppressed
24 information that the citizenry had a right to know in order to
25 make the determination of the individual who was seeking the

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1 highest office in the land.

2 Q. What was that experience like for you, to testify so
3 publicly before Congress?

4 A. Horrible.

5 Q. Now, before you surrendered to prison in May of 2019 to
6 serve out your sentence, did you also meet with and provide
7 information to Prosecutors, for example, from the Special
8 Counsel's office?

9 A. Yes.

10 Q. Is that the office that was investigating the Mueller
11 investigation?

12 A. Yes.

13 Q. Did you meet with them on a number of times?

14 A. Yes.

15 Q. And provide information to them?

16 A. I did.

17 Q. To be clear, on your very first meeting with them in
18 August of 2018, did you tell them the truth about your testimony
19 before Congress in 2017?

20 A. I did not.

21 Q. Why not?

22 A. Because I was still holding onto the loyalty to
23 President Trump.

24 Q. And after pleading guilty in August of 2018, August 21
25 of 2018, did you meet with the Special Counsel's Office on a

1 number of other occasions?

2 A. I did.

3 Q. At that point, did you admit that your prior statements
4 to Congress were false?

5 A. Yes.

6 Q. And did you provide them with other truthful testimony?

7 A. I did.

8 Q. A few months after testifying publicly to Congress in
9 May of 2019, did you start your sentence, prison sentence?

10 A. I did.

11 Q. Where did you serve?

12 A. The Federal Correctional Institution in Otisville.

13 Q. How long did you spend in prison?

14 A. Thirteen months.

15 Q. You said your sentence was originally 36 months?

16 A. That's correct.

17 Q. Why did you serve only 13 months?

18 A. As a result of COVID, under the CARES Act, based upon
19 my comorbidities, I was permitted to leave and serve the
20 remainder of the sentence in home confinement.

21 Q. And were others similarly released during COVID from
22 prison to serve out the rest of their time in home confinement?

23 A. Yes, ma'am.

24

25 (Whereupon, Theresa Magniccari, Senior Court Reporter was

Relieved by Laurie Eisenberg as Senior Court Reporter.)

Theresa Magniccari

1 (Continued from the previous page.)

2 Q At some point while you were on home confinement or
3 before — withdrawn.

4 At some point when you were released from prison and you
5 were back in New York City, did you — did you become — at
6 some point, were you sent back to prison?

7 A I was.

8 Q Can you describe, just very briefly for the jury, what
9 happened?

10 MR. BLANCHE: Objection.

11 THE COURT: Overruled.

12 A I was on furlough, which is the way that the
13 institution had returned me home, and awaiting a date to meet
14 with a company called GEO, which does residential reentry. They
15 do the monitoring under what's called the Federal Location
16 Monitoring Agreement. It's an ankle bracelet.

17 And I was finally given a date and was supposed to, the
18 following day, head up to the Bronx to sign the paperwork and
19 to do, um, the installation of the ankle bracelet.

20 Instead, I received a phone call from an individual by the
21 name of Adam Pakula over at 500 Pearl Street, which is the area
22 of the Southern District of New York. They have their Bureau of
23 Prisons, as well, Department of Correction. And I'm told that I
24 need to go there instead of up to the Bronx.

25 And it just didn't make any sense. So I asked a friend of

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1 mine who happens to be a lawyer, Jeffrey K. Levine, to come
2 with me because something just seems wrong.
3 We get there, and we're brought into an office with Adam
4 Pakula, with his supervisor Ms. Enid Febus, and they give us a
5 two-page document that's supposed to represent the Federal
6 Location Monitoring Agreement.
7 It doesn't look like a Federal document to me or to my
8 friend, Jeff. There's no identifiable numbers on it, some typos
9 and spelling mistakes.
10 And we're reading the first paragraph, and the first
11 paragraph is a very broad paragraph of First Amendment
12 violations: I'm not allowed to speak to the press —
13 MR. BLANCHE: Objection.
14 THE COURT: Sustained.
15 Q Just, Mr. Cohen, I'll —
16 MS. HOFFINGER: I'll just ask a few leading
17 questions if I might, your Honor?
18 THE COURT: Yes.
19 Q Mr. Cohen, did the Agreement prevent you from speaking
20 publicly and writing publicly?
21 A Yes.
22 Q Did you agree to sign that Agreement at that time?
23 A I asked them if we could tamp down the language, as I
24 had been working on a book —
25 MR. BLANCHE: Objection.

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Senior Court Reporter

1 THE COURT: Sustained.

2 Q Mr. Cohen, I'm going to ask you a few direct
3 questions.

4 A Sure.

5 Q Just to shorten it up for the jury.

6 A Sure.

7 Q When you were presented that Agreement, did you
8 question it?

9 A I did.

10 Q As a result of questioning it, were you sent back to
11 prison?

12 A Yes.

13 Q When you went to prison, where were you sent to?

14 A Back to solitary confinement.

15 Q And at some point, did you have a lawyer who
16 petitioned a Court in the Southern District of New York to have
17 you released from solitary confinement and from prison, back to
18 home confinement?

19 A Yes.

20 Q And did the Judge in the Southern District rule —

21 MS. HOFFINGER: I see that Mr. Blanche is
22 standing.

23 MR. BLANCHE: Objection.

24 THE COURT: Sustained.

25 Q As a result, were you sent back; was a decision made

1 that you were sent back to your apartment to continue the rest
2 of your sentence in home confinement?

3 A Yes, ma'am.

4 Q Now, at various times, you mentioned that you provided
5 information to the Special Counsel's Office?

6 A (Nods yes).

7 Q Did you also provide information to other law
8 enforcement officers at their request?

9 A Yes, ma'am.

10 Q For example, did you provide information to the New
11 York Attorney General's Office?

12 A Yes.

13 Q Did you also provide information to our Office, the
14 New York County District Attorney's Office?

15 A Yes.

16 Q At our request, on a number of occasions?

17 A Yes.

18 Q In fact, the first time that you met with the District
19 Attorney's Office of New York, was that when you were still
20 incarcerated in prison?

21 A Yes.

22 Q And you did that at our request?

23 A Yes, ma'am.

24 Q And did you continue on a number of occasions to meet
25 with our Office to provide information and to answer questions?

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Senior Court Reporter

1 A Yes. On a total of three occasions.

2 Q On many occasions after that, did you also continue to
3 provide information to our Office, on many occasions?

4 A Yes.

5 Q Now, in March of 2023, in connection with this case,
6 did you testify in the grand jury?

7 A I did.

8 Q And when you testified in the grand jury pursuant to
9 that subpoena, did you automatically receive immunity?

10 A I did.

11 Q And is it your understanding that that automatic
12 immunity is provided to every witness who testifies in a grand
13 jury in New York?

14 A That's what my lawyer, Donny Perry, told me.

15 Q Now, since 2018, when you pled guilty to Federal
16 crimes and you were sentenced for those Federal crimes, have
17 you applied to the Court in the Southern District to receive a
18 reduction in the sentence that you received there in that
19 Federal Court?

20 A Yes.

21 Q Have you and your attorneys, at times, asked our
22 Office to provide you with a letter detailing your cooperation
23 with our Office, your providing information to us on a number
24 of occasions at our request?

25 A Yes, ma'am.

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Senior Court Reporter

1 Q And was that to assist you for your request in seeking
2 a reduction in your sentence for those Federal crimes?

3 A Yes.

4 Q In the year 20 — withdrawn.

5 In 2021, was it your understanding that our Office said we
6 might provide you with such a letter detailing your cooperation
7 with our Office if the Southern District of New York
8 Prosecutors would consider it in reducing your sentence?

9 A Yes, ma'am.

10 Q And was it your understanding that the Southern
11 District Prosecutors declined to accept such a letter as a
12 basis to reduce your sentence?

13 A Yes.

14 Q And so, as a result, did our Office ever provide you
15 with such a letter?

16 A No, ma'am.

17 Q Despite that, have you still continued to provide our
18 Office with information and continued to meet with us at our
19 requests?

20 A I have.

21 Q Did your seeking a letter from our Office detailing
22 your cooperation impact you telling the truth in meetings with
23 our Office?

24 A No, ma'am.

25 Q Did it impact your telling the truth in your testimony

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1 before the grand jury?

2 A No, ma'am.

3 Q Did it impact your telling the truth here in court?

4 A No, ma'am.

5 Q I want to ask you some more questions about the cell
6 phones.

7 Remember the cell phones that the FBI seized in 2018 in
8 connection with the search warrants?

9 A Yes.

10 Q At some point after you had returned home from prison,
11 did those two cell phones get returned to you?

12 A Yes.

13 Q Approximately, when? Do you know?

14 A (No response).

15 Q In 2020 sometime?

16 A Yes.

17 Q And when they were returned to you, did you power them
18 on?

19 A I might have.

20 Q For what reason might you have powered them on?

21 A Just to see if they were still working.

22 Q And in the interim between when they seized those
23 phones and you went to prison and you came back, did you get
24 another cell phone or other cell phones?

25 A I did.

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Senior Court Reporter

1 Q And were you using other cell phones at the time?

2 A Cell phone.

3 Q Cell phone.

4 One cell phone?

5 A (Nods yes).

6 Q And what did you do with those older phones that were
7 returned to you by the FBI?

8 A One of them remained in one of the many boxes that
9 were returned.

10 And the other one was in a pouch that went into a drawer
11 with a bunch of cell phones that were taken.

12 Q And that bunch of cell phones, were those — did those
13 belong to other family members?

14 A Yes. They belonged to my wife, my children. Over the
15 years, accumulating cell phones.

16 Q Now, you said that the two cell phones were returned
17 to you; one remained in a drawer, one was in a pouch.
18 Did you use one of those phones for a particular purpose?

19 A I did.

20 Q What did you use that for?

21 A Myself and my friend/attorney, Jeffrey Levine, were
22 engaging in a conversation with the Bureau of Prison regarding
23 a FOIA request that was made; ignored. So, we were on the
24 telephone with the individual from the BOP. And I wanted to
25 record the conversation, because we were in litigation with

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1 them as well. So, I powered one of the cell phones up, and had
2 my cell phone on speaker, and I recorded it.

3 Q So, did you use the older cell phone that you got back
4 from the FBI to record a conversation on the new cell phone?

5 A Yes.

6 Q And at that time, were you under any legal
7 restrictions about how to use these old cell phones that you
8 got back from the FBI?

9 A No.

10 Q And did you know in the year 2020, when those phones
II were returned to you, that three years later we might ask if
12 you would surrender those cell phones to us?

13 A No, I did not.

14 Q And when we asked you to provide those cell phones to
15 us in January of 2023, did you do so voluntarily?

16 A I did.

17 Q Now, did you provide the two cell phones on two
18 different dates in January of 2023?

19 A Yes.

20 Q Can you tell us why?

21 A Well, the cell phone that was in the pouch, I knew
22 where it was.

23 The one that was in the box was down in the storage area,
24 and I needed to go find it.

25 Q So, did it take you a couple of days to go find it?

1 A Yes, ma'am.

2 Q And did you provide those two cell phones to us
3 powered off?

4 A I did.

5 Q And did you provide passwords to us for those phones?

6 A I did.

7 Q Based on our request?

8 A Based off of your request.

9 Q And you did so voluntarily?

10 A I did.

11 Q At any time with respect to — withdrawn.

12 At any time, did you alter or modify the audio recording of
13 your conversation with Mr. Trump that was contained in People's
14 246?

15 A No, ma'am.

16 Q Mr. Cohen, since you pled guilty in 2018 to those
17 Federal crimes, have you made some public statements, in
18 substance, that you believe you should not have been criminally
19 prosecuted for the tax evasion and making false statements to a
20 financial institution?

21 A I did.

22 Q And are you disputing the facts of those underlying
23 charges, the tax evasion and the false statements to a bank?

24 MR. BLANCHE: Objection.

25 THE COURT: Overruled.

1 Q Are you —

2 A No, I'm not.

3 I have constantly maintained that I do not dispute the fact
4 there was an error in the taxable amount and the tax that was
5 due.

6 What I did dispute, and I continue to dispute, is that for
7 a first-time offender, who has consistently paid taxes on its
8 due date and never having been, um, audited, that this would go
9 immediately to a criminal charge.

10 From the day that we found out, I was given 48 hours within
11 which to plead guilty or the Southern District of New York was
12 going to file an 80-page indictment that included my wife.

13 Q Is that because your wife had also signed those
14 documents?

15 A That's correct.

16 Q With respect to the charge of false statements to a
17 bank, are you disputing the underlying facts of that charge?

18 A No.

19 Q What is it that you're disputing with respect to that
20 charge?

21 A That the — that there was materiality in the, um,
22 statement that they say was inaccurate or missing.

23 I had the HELOC, again, which I think I explained.

24 Q Go on.

25 A The home equity line of credit.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 I had 80 percent equity in my home. And the same bank had
2 the mortgage. It's supposed to be a line of credit based off of
3 your home's equity. There was ten times coverage.

4 So, I didn't believe that it should have been brought as a
5 charge, either, based upon materiality.

6 I'd had a HELOC on that same property for ten years, just
7 with a different institution.

8 Q Are you disputing that there was an omission, however,
9 in the HELOC application submitted to the bank?

10 A No, ma'am.

11 Q So, there was an omission?

12 A There was.

13 Q And you just don't believe you should have been
14 criminally prosecuted?

15 A Correct.

16 Q For that offense?

17 A Correct.

18 Q Nevertheless, did you take responsibility for those
19 two crimes?

20 A I did.

21 Q And you paid the taxes that were owed?

22 A Paid the taxes, paid the fines, paid everything.

23 Q And you served time in prison?

24 A And served time in prison.

25 In fact, I remain, even today, still on supervised release.

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Senior Court Reporter

I Q Now, Mr. Cohen, in October of 2023, did you testify at
2 trial pursuant to a subpoena? Were you called to testify for
3 the New York Attorney General's Office in a case, a civil case
4 against Mr. Trump, The Trump Organization, and some other
5 executives at the Trump Organization?

6 A I was.

7 Q And did you testify over the course of two days?

8 A Yes, ma'am.

9 Q And in connection with your testimony, were you also
10 cross-examined by Mr. Trump's lawyers in that case?

11 A I was.

12 Q And, in particular, were you asked — withdrawn.
13 In particular, were you cross-examined about statements
14 that you said you'd made publicly — I see Mr. Blanche is
15 rising.

16 MR. BLANCHE: Sorry.

17 MS. HOFFINGER: It's all right.

18 Would you like to approach?

19 MR. BLANCHE: Objection.

20 THE COURT: Come up.

21 (Whereupon, the following proceedings were held
22 at sidebarz)

23 MR. BLANCHE: Judge, in opening statements, when
24 I started talking about this incident, you sustained an
25 objection because the People represented that — because

1 the People represented to your Honor that it was argument.
2 And now they're trying to elicit it from this
3 witness on direct.
4 I am definitely getting into it on cross.
5 This seems appropriate for them on redirect, not
6 on direct.
7 I wasn't able to open on this. The objection was
8 sustained on this.
9 MS. HOFFINGER: I just intend to elicit why he
10 told the Court under cross-examination that he had lied to
11 Judge Pauley in terms of his criminal plea. That's all.
12 I'm not getting into anything further, but I'm
13 going to have him explain why he told — he testified in
14 that case that he had lied to Judge Pauley.
15 It's consistent with what he testified to.
16 MR. BLANCHE: I'm not trying to cry over spilled
17 milk.
18 That was exactly what was sustained on opening,
19 that he had lied under oath to Judge Pauley.
20 MS. HOFFINGER: You said "committed perjury".
21 THE COURT: You called him a "perjurer" when he
22 said that.
23 I think you did.
24 MR. BLANCHE: He admitted he committed perjury.
25 MS. HOFFINGER: He did not.

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Senior Court Reporter

1 He said he lied to Judge Pauley.

2 THE COURT: It was a fine line.

3 It was the use of the word "perjury" or

4 "perjurer" that I sustained.

5 MR. BLANCHE: Fine .

6 I withdraw my objection.

7 I needed to get that off my chest.

8 (Whereupon, the following proceedings were held

9 in open court:)

10 THE COURT: The objection is withdrawn.

11 Q Mr. Cohen, in particular, were you cross-examined

12 about statements that you've made about feeling that it was

13 unfair for you to have been criminally prosecuted for tax

14 evasion and a false statement to the bank?

15 A Yes, ma'am.

16 Q And did Mr. Trump's lawyers ask you — withdrawn.

17 Did Mr. Trump's lawyers ask you if as a result of those

18 public statements you had made, that you had, therefore, lied

19 in August of 2018 before the Judge who took your plea, meaning

20 that you had lied in taking a criminal plea to tax evasion and

21 bank fraud?

22 A Yes, they did ask that.

23 Q Did you admit under questioning that, yes, you told

24 Judge Pauley that it was a lie when you agreed to plead guilty

25 to those counts?

1 A Yes.

2 Q Can you explain, very briefly, what you meant when you
3 said, yes, you lied to Judge Pauley when you took that criminal
4 plea to those counts in 2018?

5 A What I was saying: I was going to take responsibility
6 because the underlying fact I have never disputed.

7 But, it goes back, again, to the issue that I was given
8 48 hours to accept their plea offer or they were going to file
9 an 80-page indictment that included my wife.

10 And I was going to protect my wife.

11 Q And, now, just to make sure that I'm clear, you've
12 never said that you lied to Judge Pauley about your plea to the
13 two campaign finance violations; is that right?

14 MR. BLANCHE: Objection.

15 A That's correct.

16 THE COURT: Sustained as to form.

17 The answer is stricken.

18 Q Did you ever lie in connection with your guilty plea
19 or any other time about whether you were guilty of those
20 campaign finance violations?

21 A No, ma'am.

22 Q Mr. Cohen, are you still a practicing attorney?

23 A No, ma'am.

24 Q Why not?

25 A I lost my law license as a direct result of this.

1 Q As a result of your felony pleas?

2 A Yes, ma'am.

3 Q How many years, in total, did you practice law before
4 you were disbarred?

5 A Thirty.

6 Q Over the years while you were practicing law, you said
7 you had some businesses; is that right?

8 A That's correct.

9 Q Do you still have the taxi medallion business that you
10 testified about?

11 A No, ma'am.

12 Q And do you still — just briefly, did you sell off
13 those businesses, the taxi medallion business?

14 A Two separate times.

15 2002, I sold a management company which I had 15 percent
16 interest to my ex partner, but I retained the medallions as an
17 asset.

18 As a result of the felony conviction, felons are not
19 allowed to own New York City taxi medallions, so I had to sell
20 those.

21 The same holds true to the taxi medallions I owned in
22 Chicago.

23 Q You mentioned you previously owned some real estate.
24 Have you sold much of that?

25 A Yes, ma'am.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Do you still retain some real estate?

2 A No. Only one secondary apartment.

3 Q As well as your own apartment?

4 A As well as my primary residence.

5 All the rest I had to sell.

6 Q After pleading guilty to those felonies and being
7 disbarred from practicing law, what type of work have you been
8 able to be engaged in now?

9 A Predominantly, it's media and entertainment.

10 Q Tell us a little bit about that. What kind of media
11 and entertainment do you engage in?

12 A While I was on home confinement, I started my first
13 podcast called Mea Culpa.

14 Q What does that term, "Mea Culpa", mean?

15 A Well, I named it Mea Culpa for two reasons.

16 The first is, it means it's my responsibility, which I
17 take.

18 The second is because it's my initials.

19 Q Your podcast, Mea Culpa, what do you discuss on those
20 podcasts?

21 A News of the day.

22 Q Do you also spend a good deal of time on those
23 podcasts discussing Mr. Trump?

24 A I do.

25 Q And your experiences with him?

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Senior Court Reporter

1 A I do.

2 Q And do you make money as a result of that podcast?

3 A Yes, ma'am.

4 Q Do you also have another podcast?

5 A I do.

6 Q And do you make money from that, as well?

7 A Yes.

8 Q Do you also on that podcast discuss — frequently on

9 that podcast discuss President Trump?

10 A That is also a news podcast.

11 I do that with MeidasTouch and Ben Meiselas. The format is

12 different topics. It's for YouTube.

13 Q Among other topics, did you discuss Mr. Trump?

14 A I do.

15 Q Have you written two books?

16 A I have.

17 Q What was the first book you wrote?

18 A Disloyal, which was a memoir.

19 Q When did you write that?

20 A While in prison.

21 Q Why did you write that book?

22 A In order to pass the time.

23 When you're in prison, time management is very important.

24 It helps to make the time go quicker.

25 Q What is that book about?

1 A The book is about many different things. It's about
2 life, growing up, my wife, and experiences while working for
3 Mr. Trump at the Trump Organization.

4 Q So, was a large part of that book about your
5 experiences with Mr. Trump?

6 A Yes.

7 Q And what about the book Revenge — and you made some
8 money from that book, by the way, Disloyal?

9 A Yes.

10 Q What about the book Revenge; what is that about?

11 A Revenge is — as I characterized it, it's about the
12 prosecution against me by the Southern District of New York. I
13 refer to it as a forensic dissection of a corrupt prosecution
14 against — or a weaponization of the Justice Department by —
15 against a critic of the President's.

16 Q And are there portions of that book that are also
17 related to Mr. Trump?

18 A There were portions, yes.

19 Q And have you made some money from that book, as well?

20 A Yes, ma'am.

21 Q And are these endeavors that you've engaged in
22 conducted, largely, to support your family?

23 A Yes.

24 Q By the way, do you also — in terms of your podcasts,
25 do you make money by having advertisers; is that how you make

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Senior Court Reporter

1 money?

2 A Yes.

3 Q Have you also sold some merchandise?

4 A Yes, ma'am.

5 Q Does that merchandise often have something to do with

6 Mr. Trump?

7 A Um, there is one that is reflective of Mr. Trump.

8 The others are just the name or a picture of myself.

9 Q In February of 2021, did you invite Stormy Daniels
10 onto your podcast, Mea Culpa?

11 A I did.

12 Q And why did you do that?

13 A I thought it was time to speak to her. I had never
14 spoken to her before. I never communicated with her before. And
15 I thought it would be a good time to speak to her and mea culp,
16 to apologize.

17 Q Apologize to her?

18 A Yes, ma'am.

19 Q Did you do that?

20 A I did.

21 Q Was that the first time you've ever spoken to Stormy
22 Daniels?

23 A I believe so.

24 Q In person?

25 A Yes, ma'am.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Did you invite her once more on another podcast?

2 A I did.

3 Q Have you continued to be on the receiving end of
4 Mr. Trump, of President Trump and his public comments about
5 you?

6 A Yes, ma'am.

7 Q Around the time that you testified in the grand jury
8 in this case, were you aware of Mr. Trump posting negative
9 comments about you on Truth Social?

10 A I was. Yeah, I was.

11 MS. HOFFINGER: Can we put up People's
12 Exhibit 408A, please, in evidence.

13 (Whereupon, an exhibit is shown on the screens.)

14 Q Can you — do you notice the reference here to
15 "convicted liar and felon, jailbird Michael Cohen, may have
16 schemed up"?

17 A Yes, ma'am.

18 Q Do you understand that to be a reference to you at the
19 time, in March of 2023?

20 A Yes.

21 Q Was that around the time that you were testifying in
22 the grand jury in this matter?

23 A Yes.

24 Q Is that just a representative sample of some of the
25 public statements that Mr. Trump has made about you on Truth

1 Social and elsewhere?

2 A Yes.

3 Q Have there been many others that have been directed to
4 you?

5 A Yes.

6 Q In April of 2023 —

7 MS. HOFFINGER: You can take that down.

8 Thank you very much.

9 Q On April 12th of 2023, eight days after Mr. Trump was
10 charged here, did he file a lawsuit against you in Florida?

11 A He did.

12 Q How much did he sue you for?

13 A Half a billion dollars.

14 Q Did his complaint against you also include claims
15 based on your testifying in the grand jury here?

16 A Yes.

17 Q And what, if any, effect did that lawsuit have on you?

18 A Financial, as well as emotional.

19 Q Ultimately, what happened with that case?

20 A Ultimately —

21 Q Actually, I'm going to direct your attention to one
22 question.

23 Ultimately, did Mr. Trump — did he — withdrawn.

24 Ultimately, did Mr. Trump dismiss that case against you?

25 A He did.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Without telling us why.

2 A (Nods yes.)

3 Q Mr. Cohen, do you have any regrets about your past
4 work and your association with Donald Trump?

5 A I do.

6 Q What are they?

7 A I regret doing things for him that I should not have:

8 lying, bullying people in order to effectuate a goal.

9 I don't regret working at the Trump Organization, 'cause,
10 as I expressed before, some very interesting, great times.

11 But, to a — to keep the loyalty and to do the things that
12 he had asked me to do, I violated my moral compass. And I
13 suffered the penalty. As has my family.

14 MS. HOFFINGER: Nothing further, your Honor.

15 THE COURT: Jurors, let's go ahead and take our
16 lunch recess at this time.

17 I remind you of all of the admonitions,
18 including:

19 Do not discuss this case either among yourselves
20 or anyone else.

21 Continue to keep an open mind as to the
22 defendant's guilt or innocence.

23 Do not express or form an opinion as to the
24 defendant's guilt or innocence.

25 I'll see you at 2:15.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 (Whereupon, the jurors and the alternate jurors
2 are excused.)

3 THE COURT: You can step down, Mr. Cohen.

4 (Whereupon, the witness is excused.)

5 (Whereupon, a luncheon recess is taken.)

6
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7 (Whereupon, Senior Court Reporter Lisa Kramsky
8 relieves Senior Court Reporter Laurie Eisenberg after the
9 luncheon recess, when the case was called in the afternoon
10 session, and the transcript continues on the following
11 page.)

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Laurie Eisenberg, CSR, RPR
Senior Court Reporter

1 *****

2 A F T E R N O O N S E S S I O N

3 (The following proceedings are continued from the

4 preceding page.)

5 THE COURT: Good afternoon. Can we get the

6 witness.

7 THE COURT OFFICER: Witness entering.

8 (The witness Michael D. Cohen enters the courtroom

9 and resumed the witness stand.)

10 THE COURT: All right.

11 Mr. Cohen, good afternoon. You are reminded that

12 you are still under oath.

13 THE WITNESS: Yes, your Honor.

14 THE COURT: All right.

15 Let's get the jury, please.

16 THE COURT OFFICER: All rise. Jury entering.

17 (Jury enters.)

18 THE COURT: You may be seated.

19 THE CLERK: Case on trial continued. All jurors

20 are present and properly seated.

21 THE COURT: Mr. Blanche, you may inquire.

22 MR. BLANCHE: May I inquire?

23 THE COURT: Yes.

24 *****

25 CROSS-EXAMINATION

Lisa Kramsky,
Senior Court Reporter

1 BY MR. BLANCHE:
2 Q Mr. Cohen, my name is Todd Blanche.
3 You and I have never spoken or met before; have we?
4 A We have not.
5 Q But you know who I am; don't you?
6 A I do.
7 Q As a matter of fact, on April 23rd, so after the trial
8 started in this case, you went on TikTok and called me a "Crying
9 Little Shit;" didn't you?
10 A Sounds like something I would say.
11 MS. HOFFINGER: Objection, your Honor.
12 THE COURT: Sustained. Sustained.
13 Q Do you remember on April 20th, which is again after
14 this trial started, you commented about myself and Ms. Necheles
15 about this case; correct?
16 MS. HOFFINGER: Objection, your Honor.
17 THE COURT: Sustained.
18 Please approach.
19 (At Sidebar.)
20 *****
21 THE COURT: Why are you making this about yourself?
22 MS. HOFFINGER: Your Honor —
23 THE COURT REPORTER: One at a time, please. I did
24 not hear you, your Honor.
25 THE COURT: I said, why are you making this about

Lisa Kramsky,
Senior Court Reporter

1 yourself?

2 MR. BLANCHE: I'm not making it about myself, your
3 Honor.

4 I have a right to show this witness's bias, and he
5 has expressed bias about the lawyers just because of who we
6 represent.

7 THE COURT: Well —

8 MR. BLANCHE: I mean, Judge, it's crystal clear
9 under Rule 613 that we are allowed to prove —

10 THE COURT: I can't hear you.

11 MR. BLANCHE: It's clear under Rule 615 that we are
12 allowed to prove bias in whatever form.

13 It doesn't just matter if it's bias directed at the
14 defendant.

15 It can be bias about the lawyers on the case as
16 well, of course.

17 MS. HOFFINGER: That's not true. It's not
18 admissible if it's not about the defendant.

19 THE COURT: It doesn't matter if he has bias
20 towards you; it doesn't matter.

21 The issue is whether he has bias towards the
22 defendant.

23 Don't make it about myself.

24 MR. BLANCHE: I'm not trying to make it about
25 myself, your Honor. I am just trying to show his bias

Lisa Kramsky,

Senior Court Reporter

1 toward the defendant.

2 THE COURT: Just don't make it about yourself.

3 I am going to sustain the objection and instruct

4 the jury.

5 Please, don't make it about yourself.

6 (Sidebar concluded.)

7 *****

8 MS. HOFFINGER: Judge, I would ask —

9 THE COURT: The objection is sustained.

10 MS. HOFFINGER: Judge, I would ask that the

11 question be stricken.

12 THE COURT: The question is stricken from the

13 record.

14 CONTINUED CROSS-EXAMINATION

15 BY MR. BLANCHE:

16 Q Mr. Cohen, you have been following what's happening in

17 this trial; correct?

18 A To some extent, yes.

19 Q Well, you know, for example, details around the jury

20 selection process; correct?

21 A I have made comments about the jury selection.

22 Q Sir, I'm not asking you if you made comments, I'm

23 asking if you know, if you learned about certain things that

24 happened during the jury selection process?

25 MS. HOFFINGER: I'm going to object, your Honor.

Lisa Kramsky,
Senior Court Reporter

1 THE COURT: Sustained.

2 Q Now, on April 23rd of this year, so after the trial
3 started, you said that you had actually heard what a witness had
4 testified about; correct?

5 MS. HOFFINGER: Objection, your Honor.

6 THE COURT: Overruled.

7 You can answer.

8 A It's possible, yes.

9 Q Well, do you recall testifying — do you recall saying
10 on TikTok, on April 23rd, and that's when Mr. Pecker was still
11 on the stand, that from everything that you heard from people
12 today, David Pecker is corroborating what you have been saying
13 for six years.

14 Do you recall saying that?

15 A I do, yes.

16 Q And that's because you heard from people about what
17 Mr. Pecker had testified to in this trial; correct?

18 A Yes, somebody had called me and told me that Mr. Pecker
19 had corroborated what I have been saying for a long time.

20 Q And it's true that you also have been following what's
21 happening in this courtroom on CNN and MSNBC; correct?

22 A I have seen CNN and MSNBC, but I am not following the
23 trial.

24 Q Well, Mr. Cohen, you have been watching CNN and MSNBC
25 during this trial; correct?

Lisa Kramsky,

Senior Court Reporter

1 A I have been on CNN and — I have watched CNN and MSNBC,
2 but not religiously, in order to follow the full extent of the
3 trial.

4 Q And you have said that you are watching on CNN and
5 MSNBC — maybe not all the time — about some of the things that
6 are happening during this trial; correct?

7 A I have turned it on, yes.

8 Q And that's because this trial is important to you;
9 correct?

10 A I do it because at times there are other issues as well
11 that I'm interested in seeing what's happening, like the
12 protests or Israel and this issue comes up as well.

13 Q Well, is this trial important to you, Mr. Cohen?

14 A Personally, yes.

15 Q You also talked on social media during this trial about
16 President Trump; have you not?

17 A Sounds correct, yes.

18 Q So, for example, on April 23rd, which is after the
19 trial started; correct?

20 A Yes.

21 Q You referred to President Trump as a "Dictator Douche
22 Bag;" didn't you?

23 A Sounds like something I said.

24 Q And on that same TikTok, so again on April 23rd, you
25 referred to President Trump when he left the courtroom, you said

Lisa Kramsky,
Senior Court Reporter

1 that "he goes right into that little cage, which is where he
2 belongs, in a fucking cage, like an animal."

3 Do you recall saying that?

4 A I recall saying that.

5 Q And that was April 23rd, so during this trial, while
6 the trial was already going on; correct?

7 A Sounds correct, yes.

8 Q Now, over the past several years, let's go back to —
9 in January 2021, okay, is it fair to say that the Government,
10 meaning the Manhattan District Attorney's Office, have
11 repeatedly asked you to stop talking publicly about this case?

12 A They might have, yes.

13 Q Well, I'm not asking you whether "they might have,"
14 I asked you:

15 Is it fair to say that the Prosecutors, maybe not the
16 Prosecutors at this table or next to me, but the Prosecutors
17 with the Manhattan District Attorney's Office, have repeatedly
18 asked you to stop publicly commenting about this case; correct?

19 A Yes.

20 Q And you mentioned earlier today that you previously had
21 an attorney named Lanny Davis?

22 A Yes, I had an attorney named Lanny Davis.

23 Q And during that time period, just let's talk now about
24 2021, so January forward in 2021, Mr. Davis was your lawyer;
25 correct?

1 A Mr. Davis was one of my lawyers, yes.

2 Q Is Mr. Davis still your lawyer?

3 A No, sir.

4 Q But in 2021 he was?

5 A Yes.

6 Q When did he stop being your lawyer?

7 A In 2022.

8 Q So, do you remember in early January, January 15th of
9 2021, there was a leak to the Associated Press, and you and your
10 lawyer, so you and Mr. Davis, both denied being the source of
11 the leak and you communicated that to the District Attorney's
12 Office; do you remember that?

13 A No. Can you identify something —

14 Q Let me see if I have something that may refresh your
15 recollection.

16 A Sure.

17 MR. BLANCHE: If we can show the witness, the Court
18 and the parties B54.

19 (Displayed for the aforementioned parties only.)

20 Q Take a look at that, at that email, and let me know
21 whether it refreshes your recollection about something your
22 lawyer said to the District Attorney about you and him?

23 A I see that.

24 Q So does that refresh your recollection that in
25 January 2021, your lawyer communicated to the District

Lisa Kramsky,
Senior Court Reporter

1 Attorney's Office that neither you nor he were the source of a
2 leak?

3 A That's what it says, yes.

4 Q Well, do you remember that happening? Do you remember
5 a recollection of that happening, sir?

6 A I do not.

7 Q So, and do you recall Mr. Davis asking the line
8 prosecutors to report to the top?

9 MS. HOFFINGER: Objection, your Honor. It's
10 hearsay.

11 THE COURT: Sustained.

12 Q So let's talk about —

13 MR. BLANCHE: You can take that down. Thank you.

14 Q So let's go one month later. So now we are in
15 February, February 22nd of 2021.

16 Do you remember your lawyer talking to you about something
17 he had been told —

18 MS. HOFFINGER: Objection, your Honor.

19 THE COURT: Sustained.

20 Q Well, do you remember at that time the District
21 Attorney's Office was frustrated that when they would say
22 something to you or your lawyer about the investigation, you
23 would talk about it on TV.

24 Do you remember that happening?

25 A I do not recall that, no.

Lisa Kramsky,
Senior Court Reporter

1 MR. BLANCHE: If we can show the witness, the Court
2 and the parties B55.

3 (Displayed to the aforementioned parties only.)

4 Q Take a look at this email.

5 You are not on this, Mr. Cohen, so if you could just take a
6 look at the part that's not redacted and see if that refreshes
7 your recollection about a conversation you had at that time?

8 (Witness reading.)

9 A Yes, I see that.

10 Q So, do you understand that, again, we are talking back
11 a few years, I understand that, but February 22nd of 2021, there
12 was concern that you were going on TV?

13 MS. HOFFINGER: Objection.

14 THE COURT: Can you please call up — pull this up
15 and make it a little larger, please.

16 MR. BLANCHE: Sure.

17 THE COURT: So I can look at it.

18 MR. BLANCHE: Can we blow up a portion of the
19 email.

20 Thank you.

21 (Pause.)

22 *****

23 THE COURT: Can you read back the last question,
24 please.

25 (Record read by the court reporter in open court at

Lisa Kramsky,
Senior Court Reporter

1 this time.)

2 THE COURT: Overruled. I will allow it. You can
3 answer.

4 A From this document, yes.

5 MR. BLANCHE: We can take the document down,
6 please.

7 Q With the document aside, do you remember in
8 February 2021, you were going on TV talking about the
9 investigation?

10 A I go on TV often, so I'm not sure what the topic was —
11 what was I responding to; I don't know.

12 Q Would it surprise you to learn that you were on TV
13 talking about the investigation in February of 2021?

14 A No. It would not surprise me.

15 Q Now, do you remember making promises to your attorney
16 that you would stop talking and stop going on TV?

17 MS. HOFFINGER: Objection.

18 THE COURT: Sustained.

19 MR. BLANCHE: If we can look at B56 just for the
20 witness, the Court and the parties.

21 (Displayed for the aforementioned parties only.)

22 Q Have you had a chance to review that, Mr. Cohen?

23 A Do you want to tell me what you want me to review?

24 Q You can review just the entire text exchange on that
25 page.

1 And I understand that you are not on it, so just focus only
2 on discussing you?

3 A It disappeared.

4 Q Pardon me?

5 A It disappeared from my screen.

6 Q Is it there?

7 A It's back.

8 Q Okay.

9 Can you tell me who these communications are between?

10 You are not on the communication, but do you see that your
11 lawyer told —

12 MS. HOFFINGER: Objection.

13 THE COURT: Let me hear the question.

14 MS. HOFFINGER: He's reading something that's not
15 in evidence.

16 Q You had told the District Attorney's office that you
17 had promised that you were not going to talk anymore?

18 THE COURT: Sustained, sustained.

19 Q Mr. Cohen, do you remember, again, we are still talking
20 about February 2021.

21 Do you remember, at that time, the District Attorney's
22 Office being frustrated with you that you would not stop talking
23 to the press?

24 A Yes, sir.

25 Q But you continued to talk to the press, as you said a

Lisa Kramsky,

Senior Court Reporter

1 few minutes ago; correct?

2 A Yes. I continued to talk to the press.

3 Q And you continue to talk to the press to this day;
4 correct?

5 A About many topics, yes.

6 Q Including about this case; correct, sir?

7 A Sounds correct, yes.

8 Q I don't want it to sound correct; is it correct?

9 A Yes, it would be correct.

10 Q Now, I want to talk now — let's go fast forward two
11 years, okay, so we were talking about February, 2021; let's move
12 to February 2023, okay.

13 So that was a little over a year and three months ago,
14 about; correct? Okay?

15 A Yes.

16 Q You were, again, regularly meeting with the District
17 Attorney's Office about this case; correct? In February of
18 2023?

19 A Yes, sir.

20 Q And you testified in the Grand Jury, you said earlier
21 this morning, on March 13th, 2023; correct?

22 A Yes, sir.

23 Q Now, prior to your testimony on March 13th, you
24 testified earlier today that you gave two of your cell phones to
25 an investigator with the District Attorney's office; correct?

Lisa Kramsky,

Senior Court Reporter

1 A That's correct.

2 Q And that investigator's name was Jeremy Rosenberg;
3 correct?

4 A Yes, sir.

5 Q And he came to where you live to retrieve the phone on
6 two different days, so two phones, two different days; is that
7 correct?

8 A That's correct.

9 Q And then just over a week later, do you recall that you
10 went on CNN and told the news anchor named Don Lemon that you
11 had been contacted by the District Attorney's Office and they
12 had asked you to provide them with your cell phones and you had
13 done so; do you remember doing that?

14 A Sounds correct.

15 Q And do you remember the District Attorney's Office
16 being frustrated and upset that you had done that?

17 A No, sir.

18 Q You don't recall that the District Attorney's Office
19 was frustrated that you went on TV to talk about the fact that
20 you had turned over your phones?

21 A I don't recall them expressing that to me, no.

22 Q Do you recall — do you recall saying that you did not
23 tell Mr. Lemon or tell CNN that your phones had been seized,
24 that they already had that information and you just confirmed
25 it; correct?

Lisa Kramsky,
Senior Court Reporter

1 A I — I cannot agree with that, no, sir.

2 Q You — so let me ask you this, are you the one that
3 leaked to CNN that you had given your phones to the District
4 Attorney earlier in January of 2023?

5 A I don't recall.

6 Q So you don't recall whether — when you talked about it
7 with Mr. Lemon, whether they already — whether CNN already had
8 that information or whether you gave it to them; you don't
9 recall either way?

10 A I don't.

11 Q So take a look at B57 just again for Mr. Cohen, the
12 Court and the parties.

13 (Displayed for the aforementioned parties only.)

14 Q And this is a text message with the District Attorney's
15 Office and your lawyer, again, again, you are not on these text
16 messages, sir.

17 (Witness reading.)

18 Q Does that refresh your recollection that you said that
19 CNN already had the info on the phones and all you did was
20 confirm?

21 A No, sir. I don't recall.

22 Q If it was leaked to CNN and not by you, who else knew
23 that the phones had been given to the District Attorney's
24 Office?

25 MS. HOFFINGER: Objection.

Lisa Kramsky,
Senior Court Reporter

1 THE COURT: Overruled.

2 A Or, clearly, Lanny Davis. It could be others. I don't
3 know.

4 Q Well, does Mr. Rosenberg know?

5 A Yes, Mr. Rosenberg would know.

6 O He picked them up; correct?

7 A He did.

8 Q And other members of the District Attorney's Office
9 necessarily knew; correct? Right?

10 A Correct.

11 Q But you don't know, as you sit here today, you're not
12 sure whether you leaked that or somebody else leaked that?

13 A That's what I stated, yes.

14 Q And then, again, still talking about last year on
15 March 19th, 2023 — which, by the way, you testified in the
16 Grand Jury on March 13th; correct?

17 A I believe so, yes.

18 Q So March 19th, six days later, you recall that once
19 again, your — the District Attorney's Office was frustrated and
20 upset that you were continuing to talk on TV; correct?

21 A No, sir. I don't recall that either.

22 Q And you actually promised at that point, that you would
23 stop going on TV, you would do no more appearances on TV until
24 after the indictment; correct?

25 A Again, I don't recall that.

Lisa Kramsky,

Senior Court Reporter

1 MR. BLANCHE: Well, can we take a look at B58.

2 Again, just for the witness, the parties and the Court.

3 (Displayed to the aforementioned parties only.)

4 Q And this, again, sir, you are not on this text, this is

5 with the District Attorney's Office and your lawyer.

6 (Witness reading.)

7 Q Does that refresh your recollection that you promised

8 that you would make no more appearances on TV until after the

9 indictment?

10 A No, sir.

11 Q So, just so I understand, you testified yesterday about

12 very specific recollections that you have about telephone calls,

13 for example, with President Trump in 2016, but you have no

14 recollection of whether last March — so just over a year ago,

15 you promised the District Attorney that you would stop going on

16 TV; that's your testimony?

17 A What I'm saying to you, sir, is that I don't recall

18 even having this conversation with Lanny Davis about not going

19 on television.

20 Q So you don't recall a year ago, making a promise that

21 you would no longer go on TV until after the indictment?

22 A No, sir.

23 Q But you recall very specifically multiple telephone

24 conversations that you had with President Trump in 2016;

25 correct?

Lisa Kramsky,

Senior Court Reporter

1 A I recall the conversations with President Trump at the
2 time, yes.

3 Q Do you recall a telephone call last year in March
4 before the indictment with you, your lawyer and the District
5 Attorney's Office where they emphasized how important it was for
6 you to stop talking to the — to the TV and stop going on TV?

7 A No, sir. I do not recall that either. Because I don't
8 recall ever agreeing not to go on television.

9 Q You don't recall the District Attorney telling you that
10 you were unwittingly helping President Trump by going on TV?

11 A No, sir.

12 Q Now, you talked a little bit about Mr. Costello
13 earlier today, the attorney that you were speaking with after
14 you were raided by the FBI in about June of that year; correct?

15 A That's correct.

16 Q And you remember last year in March during the Grand
17 Jury phase of this case, you were called down as a possible
18 rebuttal witness for Mr. Costello; correct?

19 A I believe so, yes.

20 Q Well, do you have any doubt in your mind that you were
21 called down to the District Attorney's Office on March 20th as a
22 possible rebuttal witness?

23 A Yes, sir, I remember.

24 Q You were?

25 A I do, yes.

Lisa Kramsky,
Senior Court Reporter

1 Q And do you remember going on TV that very night and
2 saying that you didn't need to testify as a rebuttal witness
3 because the DA determined that Costello's testimony lacked any
4 veracity; do you remember saying that?

5 A I do.

6 Q And then after the indictment, you have been warned
7 repeatedly by the District Attorney's Office to not talk about
8 this case; correct?

9 A Yes.

10 Q What have they said to you?

11 A Please don't talk about the case.

12 Q That's all they said? They just call you up and say,
13 Please don't talk about the case; that's it?

14 A Actually, they contacted my attorney.

15 Q And when you meet with them — you met with them,
16 putting aside the past month or two, going back to last summer,
17 you met with them on multiple occasions; correct?

18 A Yes, sir.

19 Q And when they meet with you, do they tell you, not just
20 your attorney, to not talk about the case?

21 A They have said it to me, yes.

22 Q So when they say it to you, not to your attorney, what
23 do they say?

24 A Probably better off if you don't speak about it.

25 Q They say it's probably better off if you don't speak

Lisa Kramsky,

Senior Court Reporter

1 about it?

2 MS. HOFFINGER: Objection, your Honor.

3 THE COURT: Overruled.

4 A That's how I recall it, yes.

5 Q So they don't direct you not to speak, they just say
6 it's probably better you don't speak?

7 A Well, I do have the First Amendment right. I can
8 speak.

9 Q I'm not asking you about your First Amendment rights,
10 Mr. Cohen, I'm asking you what these Prosecutors say to you
11 about not speaking to the press, and your testimony was they
12 just say, probably better if you don't speak?

13 A They say it in a manner where they're asking me not to
14 speak.

15 Q And on how many occasions over the past year, so since
16 the indictment, have they said to you directly, not through your
17 lawyer, you directly, do not speak to the press?

18 A I don't recall.

19 Q Well, I won't give you, not an exact number, do you
20 think it's more than five?

21 A I don't think so, no.

22 Q So fewer than five times?

23 A Yes.

24 Q And on all those five times, they said something like,
25 it's probably better you don't talk or don't talk to the press;

Lisa Kramsky,

Senior Court Reporter

1 correct?

2 A Correct.

3 Q And you have not followed their request, or whatever
4 words you want me to use for what they're saying to you?

5 A That's correct. I'm responding to comments that I make
6 and also —

7 Q I'm not asking you that. I'm asking you a yes or no
8 question.

9 Now, is it fair to say that you've responded during the
10 course of this case, so since the indictment, but also during
11 the investigation — during the investigation, you've gone on TV
12 several dozen times; is that fair?

13 A I don't know about several dozen times, but I have gone
14 on television.

15 Q Well, is it more than 20?

16 A Could be.

17 Q Well, do you have any doubt in your mind that it's more
18 than 20, sir?

19 A No.

20 Q So when you say it "could be," you mean, yes, it is
21 more than 20?

22 A Yes, could be.

23 Q And you've also recorded hundreds of episodes of the
24 Podcast you just talked about earlier today?

25 A Yes, sir.

Lisa Kramsky,
Senior Court Reporter

1 Q You do that Podcast twice a week; is that right?

2 A Each Podcast is done twice a week.

3 Q So that's four Podcasts a week?

4 A Correct.

5 Q And is that — I mean, is that all year long or are
6 there breaks?

7 A All year long.

8 Q So that's about, how many a month? About 15 to 20 a
9 month depending? Do you always do two a week?

10 A Uh-huh; correct.

11 Q So it's fair to say that you have done hundreds of
12 Podcast episodes during the investigation and during the
13 charges — since the case has been charged; correct?

14 A I don't know about hundreds, but, yes, the math is the
15 math.

16 Q Well, we can do the math?

17 A Okay.

18 Q I mean, if there's 16 a month?

19 A Right.

20 Q Ten months is 160; right?

21 A Then it would be 160.

22 Q So — and this investigation didn't just start a year
23 ago; did it?

24 A No, it did not.

25 Q So when I say hundreds, it's more than 200; correct?

Lisa Kramsky,

Senior Court Reporter

1 A Yes.

2 Q Now, and of those more than 200 episodes, would you
3 agree that you have talked about President Trump every single
4 one?

5 A I would say he is mentioned in every one, yes.

6 Q And in addition to the Podcasts, which we will talk
7 about a little bit more in a little bit, you also are active on
8 Twitter and on X; is that right?

9 A That's correct.

10 Q And you are also active, although maybe more recently,
11 on TikTok; correct?

12 A Correct.

13 Q And TikTok, you do a nightly live TikTok; correct?

14 A Correct.

15 Q How long is that each night?

16 A More than an hour.

17 Q What's the goal of doing that?

18 A Build an audience to create a community, to really vent
19 because I am having a difficult time sleeping so I found an
20 outlet.

21 Q You are hoping also to make money off that; correct?

22 A It does make money, but it's not significant.

23 Q You don't spend a significant amount of time on your
24 TikToks encouraging the folks listening to subscribe?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q So to subscribe they have to pay a small fee; correct?

2 A \$5.99.

3 Q A month?

4 A Yes.

5 Q A month? A month?

6 A Yes.

7 Q Right.

8 So I'm not suggesting that that's the only reason you do it,
9 and I accept that you do it as an outlet, but one of the reasons
10 you do it is to make money; correct?

11 A Money is made from it, yes.

12 Q So that wasn't my question. One of the reasons you do
13 it is to make money, yes or no?

14 A Yes.

15 Q And on your TikToks — let me just start with that.

16 When did you start that?

17 A Six weeks ago.

18 Q So for the six weeks that you have been TikToking
19 nightly, out of seven nights a week, how many nights do you
20 think you talk about President Trump?

21 A Well, I only do them six days a week.

22 Q Okay. Fair enough.

23 A I would say six days a week.

24 Q And on X, you regularly talk about President Trump;
25 correct?

Lisa Kramsky,

Senior Court Reporter

1 A I speak about Mr. Trump, yes.

2 Q Both in response to comments, but also when you re-
3 tweet or when you post your own; correct?

4 A Yes.

5 Q Now, you've also commented on your Political Beat Down
6 Podcast — so you have Mea Culpa, and you have Political Beat
7 Down; correct?

8 A Correct.

9 Q You've commented on March 19th, 2024, so before the
10 case started, but about two months ago, that you were meeting
11 with the Government in preparation for your testimony, which
12 started yesterday; correct?

13 A Correct.

14 Q And you also, actually, displayed a binder, do you
15 recall doing that, a binder of materials that the District
16 Attorney had given you to study before your testimony; correct?

17 A I recall that binder.

18 Q What's in that binder?

19 A Publicly-available documents that the District
20 Attorney's Office provided to me.

21 Q Which publicly-available documents?

22 A I believe my allocution, and other documents regarding
23 the case. My personal case.

24 Q So your allocution, meaning your guilty — you had two
25 guilty plea allocutions; correct?

Lisa Kramsky,

Senior Court Reporter

1 A Correct.

2 Q So you mean like your guilty plea allocutions, certain
3 materials in connection with your case; is that what you're
4 saying?

5 A Correct, yes.

6 Q And they asked you to study that; correct?

7 A They gave it to my attorney. I took it from my
8 attorney to bring home to read.

9 Q And you read it; correct?

10 A It was awhile ago, yes.

11 Q Well, you were talking about it on your Podcasts,
12 March 19th, so when you say awhile ago, you mean within the past
13 couple of months?

14 A Correct.

15 Q You've also talked about, extensively, on Mea Culpa,
16 your desire to see that President Trump gets convicted in this
17 case; correct?

18 A Sounds like something I would say.

19 Q Well, sir, I'm not asking you if it sounds to like
20 something you would say, I'm saying, did you — have you
21 regularly commented on your Podcasts that you want President
22 Trump to be convicted in this case?

23 A Yes, probably.

24 Q Do you have any doubt?

25 A No.

Lisa Kramsky,
Senior Court Reporter

I Q So why did you just answer "yes, probably"?

2 A Because I don't specifically know if I used those

3 words, but, yes, I would like to see that.

4 Q And so, yes, you want to see President Trump get

5 convicted from this case; correct?

6 A I would like to see accountability. That's not — it's

7 not for me, it's for the jury and this Court.

8 Q I didn't ask what you wanted to see or not see about

9 accountability; I said, do you want to see President Trump

10 convicted in this case?

11 A That's what we just said. You are asking me if I want

12 to see —

13 Q I'm just asking you to say yes or no, do you want

14 President Trump to get convicted in this case?

15 A Sure.

16 Q Now, you actually — and the Prosecutor brought this up

17 a little bit before lunch today — you sell a T-shirt on your

18 website Mea Culpa, which depicts President Trump in an orange

19 jumpsuit behind bars; correct?

20 A Yes, sir.

21 MR. BLANCHE: Can we put up just for the witness,

22 the Court and the parties B151.

23 (Displayed to the aforementioned parties only.)

24 Q So this is a couple of pages. It's from your website.

25 If we could scroll to the next page. The next page. The next

Lisa Kramsky,
Senior Court Reporter

1 page.

2 I believe that's the last page; that other page.

3 So you see that when you — if somebody logs onto the

4 website for your Podcast, that's what you see; correct, for the

5 merchandise pages; correct?

6 A It's actually under the MeidasTouch network and, yes,

7 if you go into the section that says "Mea Culpa, "this shirt is

8 available for sale.

9 Q Fair enough.

10 So under the company that runs your Podcast, there is a Mea

11 Culpa — which is your Podcast; correct?

12 A Yes, sir.

13 Q — merchandise store and that's what appears?

14 A That's one item.

15 Q That's what?

16 A Just, that's one item.

17 Q Well, if we go to the second page, if we could. And

18 then the third page, and then the last page, those are the other

19 items there; correct?

20 A Some of them, yes.

21 Q There are others beyond this?

22 A I thought there were more items.

23 MR. BLANCHE: Your Honor, we offer 8151.

24 THE COURT: Any objection?

25 MS. HOFFINGER: No objection, your Honor.

Lisa Kramsky,
Senior Court Reporter

1 THE COURT: All right.
2 In evidence.
3 (So marked in evidence.)
4 *****
5 MR. BLANCHE: So if we can just display that to the
6 jury, please.
7 (Displayed.)
8 Q So this is a 32 dollar shirt on your website. And it
9 has a picture of President Trump in an orange jumpsuit behind
10 bars; correct?
11 A That's what the picture shows, yes.
12 MR. BLANCHE: And if we can go to the fourth
13 page.
14 (Displayed.)
15 Q So you see something for sale called "Convict 45."
16 A I see that.
17 Q And that's about a reference to "45."
18 President Trump is our 45th President; correct?
19 A Correct.
20 Q And if you see —
21 MR. BLANCHE: If we can blow up the bottom.
22 Q — the coffee mug as well.
23 (Displayed.)
24 Q That says, "Send him to the Big House not the White
25 House;" correct?

Lisa Kramsky,
Senior Court Reporter

1 A That's what it says.

2 Q And that's also a reference to President Trump;
3 correct?

4 A Correct.

5 Q So when you testified earlier today that you only sell
6 one thing on your — merchandise that has to do with Donald
7 Trump, that's not true; correct?

8 MS. HOFFINGER: Objection.

9 THE COURT: Sustained.

10 Q And, by the way —

11 MR. BLANCHE: If you can go back to the first
12 page, please.

13 (Displayed.)

14 Q You, actually — if you look at that, the T-shirt, you
15 actually wore that T-shirt last week on your TikTok, didn't you,
16 on Wednesday night?

17 A I did.

18 Q And you were offering — encouraging people to go buy
19 it; correct?

20 A Yes. It's part of the merch store.

21 Q So, I want to talk for a few minutes — you talked
22 about this a little bit on direct — about your views of
23 President Trump prior to, I guess, August of 2018; is that
24 right?

25 A (Witness indicating.)

Lisa Kramsky,

Senior Court Reporter

1 Q Well, you tell me, when did you change your views about
2 President Trump, from the views you had for your entire life to
3 the views that you have now?

4 A It would be August of 2018.

5 Q Well, I will take back saying August. I don't want to
6 put words in your mouth.

7 When was it that you changed your view about President Trump
8 from what it is now prior to what it was your entire life, which
9 is different than it is now?

10 A It was the time — at the time that I went on George
11 Stephanopoulos.

12 Q And was that around the summertime, July, August of
13 2018?

14 A Correct.

15 Q But, prior to that — and you said this on direct, so
16 I'm not saying, I don't think, anything controversial, but you
17 enjoyed working for President Trump; correct?

18 A Very much so.

19 Q And you first met President Trump and his family in
20 2006; is that right?

21 A Yes.

22 Q And that was during a Board dispute that was going on
23 at one of President Trump's buildings; correct?

24 A Yes, sir.

25 Q And you helped resolve that?

1 A Yes, sir.

2 Q And you were working with one of President Trump's
3 sons, Donald Trump, Jr., on that; is that right?

4 A Amongst other people, yes.

5 Q Now, there was construction going on at a — at one of
6 President Trump's apartments that you had purchased; is that
7 right?

8 A Yes.

9 Q That — and you paid close to \$5 million for that
10 apartment; correct?

11 A That's correct.

12 Q And that apartment was your primary residence for many
13 years; correct?

14 A Yes, it is.

15 Q Still is?

16 A Yes, sir.

17 Q And you still live in a building with Trump's name on
18 it; correct?

19 A I do.

20 Q Now, you had already invested in other Trump
21 properties; correct?

22 A Yes, Sir.

23 Q You had property in Trump World Tower?

24 A Yes, sir.

25 Q And you rented that out to somebody for \$15,000 a

1 month; correct?

2 A Yes, sir, to an Embassy.

3 Q That was back in 2006, we are talking about?

4 A Sure.

5 Q A lot of your family members also bought properties in
6 Trump buildings; correct?

7 A My in-laws and my parents.

8 Q So your parents and your in-laws both bought Trump
9 properties; correct?

10 A Yes, sir.

11 Q Was that even earlier, or was that earlier, like 2001?

12 A The year 2000. We bought as a block.

13 Q Now, talking about the dispute that you first helped
14 President Trump and his family resolve, the Board was trying to
15 remove the Trump name from the building; correct?

16 A Yes, sir.

17 Q There were lawyers involved, including you eventually;
18 correct?

19 A Yes, sir.

20 Q That's when you were a partner at a law firm in the
21 City, you talked about that earlier, Phillips Nizer?

22 A Yes, sir.

23 Q Correct me if I'm wrong, your practice at the time was
24 international banking, asset-based lending, high-net-worth
25 client asset protection, general corporate commercial real

Lisa Kramsky,

Senior Court Reporter

1 estate and letter of credit transactions; is that right?

2 A Yes, sir.

3 Q And you were — would you say you were more in
4 litigation or corporate?

5 A More corporate.

6 Q But aside from your work as a practicing lawyer at
7 Phillips Nizer, you made a lot of money in the taxi medallions
8 business; correct?

9 A Correct.

10 Q You made millions of dollars; fair?

11 A Yes.

12 (Whereupon, Senior Court Reporter Laurie Eisenberg
13 relieved Senior Court Reporter Lisa Kramsky as the official
14 court reporter.)

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Lisa Kramsky,
Senior Court Reporter

1 (Continued from the previous page.)

2 Q And you viewed yourself at the time — so, again,
3 talking about the early Two Thousands — as a bit of a
4 dealmaker?

5 A Yes, sir.

6 Q So, you used your skills as a lawyer, dealmaker, your
7 work in business, to help The Trump Organization before you
8 worked with them; correct?

9 A I'm sorry. I don't understand your question.

10 Q Well, my point is, that you had success helping The
11 Trump Organization before you started working for them, which
12 is, presumably, why they offered you a job; correct?

13 A Oh, I don't know if that's the reason.

14 Q Well, you said yesterday that you knew that from your
15 work on that, that President Trump was happy with your work;
16 correct?

17 A He was happy with the result, yes.

18 Q And after that first result, you started working on
19 other — on other legal matters for President Trump; correct?

20 A I was asked to intercede in other matters as well;
21 yes.

22 Q And at some point, President Trump offered you a job;
23 correct?

24 A Correct.

25 Q And he offered you a job right then and there; you

1 accepted; you never even returned to Phillips, Nizer; correct?

2 A That's correct.

3 Q So, you were President Trump's personal attorney when
4 you went to work for The Trump Organization; correct?

5 A That's correct.

6 Q You didn't answer to the General Counsel at the time;
7 did you?

8 A No, sir.

9 Q You never answered to anybody in the Legal Department
10 or anybody else at the Trump Organization; you only answered to
11 President Trump?

12 A Correct.

13 Q You — but, your job wasn't just representing
14 President Trump; right? You also represented his family at
15 times?

16 A I have, yes.

17 Q Well, I want to stay focused on the time when you
18 started until 20 — 2017.

19 So, those nine-and-a-half years that you were there, you
20 represented the family on occasion?

21 A Yes.

22 Q That includes which members of President Trump's
23 family?

24 A Melania. Don, Junior. Um. I don't believe I ever
25 represented Eric. And I can't recall if I represented Ivanka.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Putting aside — you would also help some of the kids
2 with various work, maybe not legal work and filing lawsuits,
3 but, for example, reaching out to the media on behalf of
4 President Trump's children; correct?

5 A Yes, sir.

6 Q And you were paid — just focusing now on 2011 to
7 2016, you made about 375,000 a year in base salary; right?

8 A That's correct.

9 Q With the exception of 2016, your bonus for those
10 years, 2011 to 2015, was 150,000 a year; right?

11 A Correct.

12 Q That's what you would get in a check around the
13 holiday season, around Christmastime; correct?

14 A Correct.

15 Q Now, fair to say that you admired President Trump
16 while you were working for him?

17 A Yes, sir.

18 Q You admired his financial success, his high profile,
19 his tenacity?

20 A Very much so, yes.

21 Q You've read Art of the Deal, I believe, twice; is that
22 correct?

23 A That's correct.

24 Q And you view that as a masterpiece; correct?

25 A I viewed it as a excellent book, yes.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Well, you've actually called it a masterpiece;

2 correct?

3 A Yes. Masterpiece.

4 Q And you saw a little bit of yourself in President

5 Trump; correct?

6 A Correct.

7 Q Ambitious, hard-working, dealmaker, never afraid;

8 correct?

9 A Innovative. Yes.

10 Q And you were actually obsessed with President Trump;

11 weren't you?

12 A I don't know if I would characterize the word

13 "obsessed".

14 I admired him tremendously.

15 Q Well, you have characterized it as you being

16 "obsessed"; haven't you?

17 A I can't recall using that word, but I wouldn't say

18 that that would be wrong, but I don't recall using that word.

19 Q Sorry. I interrupted you.

20 In Disloyal, you described — you describe your feelings

21 for President Trump as being "obsessed" with President Trump,

22 with Donald J. Trump; correct?

23 A Correct.

24 Q And, we talked a lot about when you were working for

25 him.

1 But, your obsession for — you admired him even before you
2 started working for him; correct?

3 A That's correct.

4 Q And you spoke publicly on many occasions about your
5 positive feelings for President Trump; correct?

6 A Yes, sir.

7 Q You've said — just for some examples, in 2015, you
8 publicly said he was a good man?

9 A Yes.

10 Q Also in 2015, this is around the time he announced he
11 was running for President, you said that he's a man who cares
12 deeply about this country; right?

13 A I said that.

14 Q That he's a man who tells it straight?

15 A Yes, sir.

16 Q Now, you also said — again, I'm still in 2015 —
17 that, in your view, President Trump speaks from the heart?

18 A I've said that.

19 Q And that all that he wants to do is make this country
20 great again.

21 You said that?

22 A Sounds right, yes.

23 Q And at the time, you weren't lying; right?

24 A At that time, I was knee-deep into the cult of Donald
25 Trump; yes.

1 Q So, let me ask the question again.

2 At that time, you weren't lying; right?

3 A I was not lying, no. That's how I felt.

4 Q You've — you've said about — for example, about
5 President Trump's memory, that it's fantastic and that you've
6 never come into a situation where he's said something that's
7 not accurate; correct?

8 A I recall saying that.

9 Q This is in 2015.

10 Just so I understand, you're not testifying that when you
11 said that, you were lying; right?

12 A Correct.

13 Q So, in 2015, when you said those things that I just
14 went through, you were telling the truth?

15 A That's how I felt.

16 Q You were telling the truth; correct?

17 A That's how I felt.

18 Q Well —

19 A I was expressing my feelings. So, yes, it would be the
20 truth.

21 Q You also testified a little bit on direct — and now
22 we're getting into 2016 — that you served as a surrogate to
23 the campaign; correct?

24 A Correct.

25 Q And one of the things that you did in September of

1 2016 is you delivered remarks in Cleveland, Ohio about
2 President Trump; right?

3 A I did, yes.

4 Q Can you tell us about — so, were you one of many
5 speakers that day?

6 A I was one of several, yes.

7 Q Now, when you were speaking, President Trump was
8 there?

9 A Yes, sir.

10 Q And did President Trump also speak, as well?

11 A I believe so, yes.

12 Q And you remember telling the — how large was the
13 crowd? What was the venue?

14 A The venue was the New Spirit Revival Church. It was
15 run by my co-creator of the National Diversity Coalition,
16 Pastor Darrell Scott, and it was a good hundred people there.

17 Q During your speech, you described President Trump as
18 generous; do you remember that?

19 A I did.

20 Q Compassionate, principled, empathetic; do you remember
21 saying all that?

22 A Correct.

23 Q Kind, humble, genuine; correct?

24 A Yes, sir.

25 Q The same question I asked you before. When you said

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 that back in September of 2016, you were telling the truth?

2 A Again, that's how I felt. So, yes, it would be the
3 truth.

4 Q Now, moving a little bit forward to 2017, do you
5 recall a Vanity Fair profile that was done about you in 2017,
6 in September?

7 A I'm sorry. Can you repeat that?

8 Q Sorry.

9 Do you recall a Vanity Fair profile that was done in
10 September of 2017?

11 A I do.

12 Q And do you remember saying — and that was an article
13 that you participated in; right?

14 A Written by Emily Jane Fox.

15 Q And you said that you were the guy that stops the
16 leaks, talking about who you were as it relates to President
17 Trump; correct?

18 A Correct.

19 Q And you said that you were the guy who protects the
20 the President and the family; right?

21 A I believe so.

22 Q Excuse me?

23 A I believe so, yes.

24 Q And you also said at that point that you would take a
25 bullet for the President?

1 A I did say that, yes.

2 Q You also talked about, at that time — and, again,
3 this is September 2017. You said that towards the end of the
4 campaign, that you were offered book deals; correct?

5 A I was offered a book deal, yes.

6 Q So, you were offered — I believe you said you were
7 offered \$10 million to write a tell-all book; is that right?

8 A I believe so, yes.

9 Q And you said that — what you said in the article is
10 that your counteroffer was, "How about a hundred million?";
11 correct?

12 A Correct.

13 Q According to the article, at the time, there was no
14 number that worked for you; right?

15 A That's correct.

16 Q You — you were just pushing them to see how high they
17 would go in a book offer; right?

18 A No. That's not true.

19 Q No?

20 I wasn't trying to fight with you there.

21 You were just going back at them to say there's no number
22 in the world that you would agree to to write a book about
23 President Trump?

24 A Correct.

25 Q And, again, when you said that, that was true; you had

1 no intention of writing a book?

2 A I had no intention of writing a book.

3 Q At that time, in 2017?

4 A At that time.

5 Q And you also said, not only about President Trump, but
6 there was no money in the world that would cause you to write
7 about his family; correct?

8 A Sounds correct, yes.

9 Q You said there's no money in the world that could get
10 you to disclose anything about the family; right?

11 A Okay.

12 Q You described them at the time, in 2017, talking about
13 the family, as a surrogate family of yours; correct?

14 A Correct.

15 Q Now, we're mid-2017 right now. So, September of 2017.

16 And during that time — so, that's the first year that
17 President Trump is in Office, when you are his Personal
18 Counsel; correct?

19 A Correct.

20 Q You were not spending as much time with him then that
21 you had spent with him the prior nine-and-a-half years; right?

22 A Correct.

23 Q So, you went from seeing him almost daily, except for
24 when he was campaigning, to not seeing him nearly as much when
25 he was in the White House; correct?

1 A Oh, that's correct.

2 Q For example, you told Hope Hicks in June of 2017 that
3 you missed him and that you missed being around the folks that
4 you had worked with for years and years; correct?

5 A Yes, I did.

6 I had a great relationship with my colleagues.

7 And I did say that I missed President Trump.

8 In fact, he said the same thing at a rally — well, I
9 shouldn't say a rally. It was a fundraiser in Washington, D.C.

10 Q Now, you — at some point, because of the
11 investigation — you talk about, on direct, there was an
12 ongoing investigation, and there was some separation placed
13 between you and President Trump; right?

14 A Yes. There was a separation.

15 Q And you spoke about that.

16 You spoke about the fact that it was frustrating to you
17 that you weren't able to communicate as often with President
18 Trump or with the kids; correct?

19 MS. HOFFINGER: Objection.

20 THE COURT: Overruled.

21 A I'm sorry. Repeat that.

22 Q Of course.

23 So, now talking about 2017. You publicly spoke about the
24 fact that it was frustrating to you or you were disappointed
25 that you weren't able to spend as much time with President

1 Trump's children or President Trump because of the
2 investigation?

3 A (Pause) I'm sorry. Where was that said?

4 Q So, let me ask it a different way.

5 In the Fall of 2017, okay — so, in September of 2017,
6 there was an ongoing investigation; and one of the consequences
7 of that was you were told you had to stay away and you
8 shouldn't communicate directly with President Trump or his
9 family; correct?

10 A I was advised that I could not speak to President
11 Trump, but not to the family.

12 Q Well, you don't remember saying to Emily Fox in the
13 reporting that: That's the part that's most disappointing,
14 meaning not being able to see the President, I haven't spoken
15 to any of the kids?

16 A Correct.

17 Not that I couldn't see the kids. We just didn't.

18 Q Well, you didn't speak with the kids?

19 A Correct.

20 Q You then testified in Congress on October 24th of that
21 year; correct?

22 A Correct.

23 Q And this is the testimony that you talked about on
24 direct where you lied?

25 A That's the 2017?

1 Q Yes. Sorry.

2 So, October 24, 2017?

3 A Yes, sir.

4 Q Did you lie — you identified the areas that you pled
5 guilty to lying about, right, involving the Russia Project;
6 correct?

7 A Correct.

8 Q Did you lie in other areas of your testimony or only
9 that area of your testimony?

10 A I believe that's — (pause) — part?

11 Q So, for example, you testified in front of Congress on
12 that day that you were very proud to have served Donald Trump
13 for all of those years and that you would continue to support
14 him.

15 That wasn't a lie; that was true?

16 A That was true.

17 Q Then — we'll come back to this in a little bit.

18 In 2018, in April, the FBI raided your home office, safe
19 deposit box, and the hotel room you were staying in; correct?

20 A That's correct.

21 Q After that time, you had one conversation on the
22 phone, shortly thereafter, with President Trump; correct?

23 A Yes. The day after.

24 Q Now, a few weeks later — so, April 26th of that same
25 year, of 2018, do you recall saying on the phone that you

1 really missed The Boss?

2 You said, "Boss, I miss you so much. I wish I was down
3 there with you. It's really hard for me not to be there."

4 Do you remember that?

5 A I don't recall that.

6 Q If we can show you and see if we can refresh your
7 recollection.

8 MR. BLANCHE: If we can look at B66 just for the
9 witness, the parties and the Court.

10 (Whereupon, an exhibit is shown on the witness'
11 and the parties' screens.)

12 Q It's an article.

13 Take a look at that, and see if it refreshes your
14 recollection.

15 (Whereupon, the witness reviews the exhibit on
16 his screen.)

17 Q Does that article refresh your recollection that you
18 said that?

19 A No.

20 Um, what it states is that, according to this person — I
21 don't know who the person is. And I don't recall specifically
22 saying that.

23 Q Fair enough.

24 Now, at some point — and — around August of that year, so
25 August of 2018, you started — you decided that you were going

1 to meet with the Special Counsel's Office and tell them what
2 you knew; correct? Cooperate?

3 A I was asked to cooperate, yes.

4 Q Well, you were asked to cooperate, but at some point
5 you decided that you would cooperate; correct?

6 A Yes, sir.

7 Q And you don't remember exactly when it was that you
8 decided to cooperate?

9 A I don't remember the specific date, no.

10 Q Was it — so, you first met with the Special Counsel,
11 with Mueller's Special Counsel on August 7, 2018; correct?

12 A Correct.

13 Q Had you decided at that point you were going to
14 cooperate?

15 A I don't believe so.

16 Q So, in your mind, when you met with them, what were
17 you thinking?

18 A Still to protect Mr. Trump, to provide answers that
19 might have been deceptive.

20 Q And when you met with them that first time, you had
21 lawyers with you; right?

22 A I did.

23 Q You had three lawyers with you?

24 A I believe so.

25 Q And there were — there was an FBI agent?

1 A I don't recall who was in the room. There was a lot of
2 people in the room.

3 Q Understood.

4 MR. BLANCHE: Let's take a look at A65, just for
5 the witness, the parties and the Court.

6 (Whereupon, an exhibit is shown on the witness'
7 and the parties' screens.)

8 MR. BLANCHE: If we could blow up just the first
9 paragraph.

10 (Whereupon, the witness reviews the exhibit on
11 his screen.)

12 Q There's some redactions there, Mr. Cohen.

13 See if that refreshes your recollection about whether there
14 was an FBI agent there.

15 (Whereupon, the witness reviews the exhibit on
16 his screen.)

17 A Yes.

18 Q And there were three lawyers from the Special
19 Counsel's Office there; correct?

20 A Correct.

21 Q There was an Intelligence Analyst and a Forensics
22 Analyst there, as well; correct?

23 A That's correct.

24 Q New, you told — at that first meeting, you gave a
25 reason why you were gonna meet with them; right?

1 (Whereupon, the witness reviews the exhibit on
2 his screen.)

3 A I'm certain I did.

4 Q Well, you said, did you not, that your life had been
5 turned upside-down since the release of the Steele dossier;
6 right?

7 A Yes.

8 Q And you said to them that there was no truth to the
9 allegations in that dossier; correct?

10 A That is correct.

11 Q And that you've never been to Prague?

12 A I have never been to Prague.

13 Q That's one of the accusations made against you.

14 Not true?

15 A That's not true.

16 Q You told them you never paid the Russians to hack
17 anything?

18 A That's correct.

19 Q That's true, you never did?

20 A Never did.

21 Q You told them that by speaking with them — so, by
22 speaking with the Special Counsel's Office that day in August,
23 that was a way for your voice to be heard; right?

24 A Correct.

25 Q And you wanted your voice to be part of the report

1 when it was ultimately issued; right?

2 A I wanted my voice to be reflected that the Steele
3 dossier, according to me, as an example, was inaccurate.

4 Q And you — they told you at that meeting, the first
5 meeting, I assume: You have to tell the truth?

6 A They did.

7 Q And they told you that lying to a Federal Agent was a
8 Federal crime?

9 A I'm certain they did.

10 Q But, you didn't have any doubt in your mind at the
11 time that lying to them was a crime; did you?

12 A Correct.

13 Q And they asked you about all kinds of background
14 information about — about President Trump, about The Trump
15 Organization, about the campaign, about the Inaugural Ball;
16 correct?

17 A They asked me a lot of information, yes.

18 Q Now, they also asked you about the Trump Moscow
19 Project, and you lied to them; right?

20 A (Pause) Yes. The information I gave was not accurate.

21 Q So, is "not accurate" information a lie?

22 A Sure.

23 Q I don't —

24 A It's not — I mean —

25 Q Is it a lie?

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 A It was inaccurate, yes.

2 Q So, was it a lie?

3 A I don't know if I would characterize it as "a lie".

4 It was inaccurate.

5 Q So, in your mind, if something is inaccurate but it's
6 not a lie, how are you distinguishing that in your head?

7 A It wasn't truthful. Yes. You want to call it a lie,

8 I'll call it a lie. It's inaccurate.

9 Q I'm asking you to testify —

10 A I believe they're the same thing.

11 Q Pardon?

12 A I believe they're the same thing.

13 I believe that the information I gave to them was
14 inaccurate.

15 Q But, you're not testifying today that that information
16 was a lie?

17 A (Pause) Sure. I'll say it's a lie.

18 Q Well —

19 A I'll say it's a lie.

20 Q I'm just asking questions, Mr. Cohen.

21 A No problem.

22 And I'm trying to give you the answer.

23 Q Okay. Fair enough.

24 So, when you testified inaccurately or didn't testify

25 truthfully or lied — whichever word you want to use — about

1 the Moscow Project, okay, that was one of many things you
2 talked about that day; right?

3 A I believe so, yes.

4 Q Do you recall lying about anything else or were you
5 only lying about that? Or being inaccurate? Whatever word.

6 A I — I don't know.

7 I'd have to refresh my memory to see what the document is,
8 but I specifically recall the number of times that I claimed to
9 have spoken to Mr. Trump, which I was doing for his benefit
10 and, in essence, at his direction.

11 Q But, ultimately — but, ultimately, what the Special
12 Counsel made you plead guilty to from your lies to Congress,
13 right, had to do only with the Moscow Project; correct?

14 A That's correct.

15 Q And you never had to plead guilty to a false
16 statements charge from when you lied in this meeting on
17 August 7th; did you?

18 A No, sir.

19 Q Now, did they also — you were also asked on that
20 date, on August 7, 2018, about the Access Hollywood videotape
21 and audiotape; weren't you?

22 A I believe so.

23 Q And you — you testified that you — excuse me.
24 You told them on August 7th that you were in London; right?

25 A I was.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q You were visiting your daughter?

2 A Yes, sir.

3 Q And that you were at dinner at a place called Lulu's?

4 A That's correct.

5 Q Then you told them, much like you testified to
6 yesterday, that after you received the call, you made a bunch
7 of phone calls to folks in the media; correct?

8 A Correct.

9 Q But, you told them on August 7, 2018 that you didn't
10 recall speaking with President Trump about the tape; correct?

11 A (Pause) I don't recall that.

12 MR. BLANCHE: Well, let's put up B65. We had
13 that on the screen. Not for the jury.

14 (Whereupon, an exhibit is shown on the witness'
15 and the parties' screens.)

16 MR. BLANCHE: If we can turn to Page 18 of that.

17 (Whereupon, the witness reviews the exhibit on
18 his screen.)

19 Q If you can take a look at that section that talks
20 about the Access Hollywood tape, and see if it refreshes your
21 recollection.

22 A Sir, it states —

23 Q Sir, you can't read from the document.

24 A Okay.

25 Q Sorry.

1 It's against the rules.

2 A Your question to me or your statement is inaccurate.

3 Q Why is it inaccurate? Without looking at the document,
4 if your memory is refreshed.

5 A Yes, it was.

6 "Cohen might have spoken to Trump about it." That's what
7 it says.

8 Q Well, if you look before that, right, if you look
9 before that, it says: You don't recall, but you might have;
10 right?

11 A Yes, sir.

12 Q So, when you testified — so, when you met with the
13 Special Counsel on August 7th, 2018, you told them you didn't
14 recall, you might have spoken with President Trump; but, you
15 testified yesterday, right, that you had a specific
16 recollection of speaking with President Trump about the Access
17 Hollywood tape; right? You testified about that yesterday?

18 MS. HOFFINGER: Objection as to form.

19 THE COURT: Sustained.

20 Q So, when you met with the Special Counsel on August 7,
21 2018, that was about two years after the Access Hollywood tape
22 had been released; correct?

23 A Correct.

24 Q And when you testified yesterday — many years later;
25 correct?

1 A Correct.

2 Q And when you testified yesterday, you testified that
3 you had a specific recollection about speaking with President
4 Trump that day; right?

5 A Correct.

6 Q You said that you remember a phone call with Hope
7 Hicks that President Trump was on?

8 A I said that, yes.

9 Q And that you remembered a separate phone call with
10 President Trump, as well; right?

11 A I believe so, yes.

12 Q Well, do you have any doubt that you said that
13 yesterday?

14 A No.

15 Q But, you didn't have that clear of a recollection when
16 you met with Special Counsel August 7th; did you?

17 A It was being deceptive. Or, I might have.

18 So, I left the door open because I didn't want, again, to
19 have his name in it because I was trying to be protective.

20 Q So, at that point, if you did say that, you couldn't
21 recall, or you might have, as opposed to remembering specifics
22 like you did yesterday, it would have been because you were
23 still being deceptive; is that your testimony?

24 A I was trying to be loyal to President Trump.

25 Q You were still being loyal to President Trump at the

1 time?

2 A Yes, sir.

3 Q But, you don't remember anything else in that meeting
4 with the Special Counsel on August 7th that wasn't truthful,
5 except for the Trump Moscow Project; is that correct?

6 MS. HOFFINGER: Objection.

7 THE COURT: Sustained.

8 Q So, you — we'll talk a little about this a little bit
9 more.

10 You testified earlier today you had two separate guilty
11 pleas in the Southern District of New York; correct?

12 A Correct.

13 Q One, August 21st of 2018?

14 A Yes, sir.

15 Q And then August 29th of 2018?

16 A Yes, sir.

17 Q November 29th was when you pled guilty to lying to
18 Congress; is that right?

19 A That's right.

20 Q The August 21st was the guilty plea in front of Judge
21 Pauley, with all the other conduct you talked about earlier
22 today; correct?

23 A Correct.

24 Q After November 29, 2018, you were sentenced
25 December 12, 2018; correct?

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 A That's correct.

2 Q Then you testified in front of a couple of different
3 Congressional Committees in between your sentencing and the
4 time that you surrendered to serve your sentence; correct?

5 A Correct.

6 Q Now, by that time, by the time you testified in
7 February of 2019, you had changed your views about President
8 Trump; correct?

9 A Correct.

10 Q You testified on February 27th completely differently
11 than your prior public statements about President Trump;
12 correct?

13 A I'm sorry. Can you repeat that?

14 Q So, you had been talking for years and years about
15 your views of President Trump.

16 You testified in Congress that you had committed to work
17 with him and continued to do so.

18 But, once you testified February of 2019, you changed all
19 that, and you now said that President Trump was a con man and
20 that you were ashamed; correct?

21 A I said that, yes.

22 Q Now, you were initially supposed to surrender to serve
23 your sentence March 6th of 2019; right?

24 A Correct.

25 Q And your lawyers asked the Judge for more time to

1 surrender. So, from March 6th until May; right?

2 A I just had surgery, yes.

3 Q So, it was because you were recovering from a medical
4 issue; right?

5 A Correct.

6 Q And because you were going to testify in front of the
7 Committees we just talked about, as well; right?

8 A No, sir.

9 It was because I had surgery.

10 Q It wasn't because you were going to testify in front
11 of the Committees, as well?

12 A No.

13 Q So —

14 A I did testify before the Committee.

15 But, that wasn't the reason — the reason I was given the
16 60 days is because I had shoulder surgery.

17 Q Now, you — you — prior to going into prison in May,
18 you had never met with the Manhattan District Attorney's
19 Office; right?

20 A That's correct.

21 Q The first time you met with members of the District
22 Attorney's Office was while you were at Otisville, in prison;
23 right?

24 A Correct.

25 Q And you had been at Otisville since early May 2019;

1 right?

2 A May 6th.

3 Q And just so the jury knows, Otisville, that's 90 miles
4 away from here, give or take?

5 A Give or take.

6 Q About an hour-and-a-half from New York City?

7 A Approximately.

8 Q And you were very much looking, in the Fall of 2019,
9 for a way to get your sentence reduced; correct?

10 A Yes, sir.

11 Q And you had visitors who came to see you?

12 A Yes.

13 Q Do you know someone named Anthony Scaramucchi?

14 A I do.

15 Q Did he come visit you in October of 2019?

16 A He came to visit.

17 I don't know exactly when.

18 Q And he commented and said that you were trying to
19 figure out a way to get out of prison early; right?

20 A (No response).

21 Q You talked to him about that; right?

22 A Sounds correct.

23 Q And between August 2019 and October 2019, you met in
24 person with Prosecutors from the District Attorney's Office on
25 three occasions; is that right?

1 A In Otisville?

2 Q In Otisville.

3 A Yes, sir.

4 Q August 27th; sound right?

5 A (Nods yes).

6 Q September 19th?

7 A Sounds correct.

8 Q And then in October, October 30th; right?

9 A Also correct.

10 Q And prior to you meeting with them, you understood

11 from talking to your lawyers — I don't want to hear what they

12 said to you — but, you understood that your lawyers had

13 communications with the District Attorney's Office?

14 MS. HOFFINGER: Objection.

15 THE COURT: Sustained.

16 Is this a great time to take a break?

17 MR. BLANCHE: Yes, sir.

18 THE COURT: All right, jurors.

19 I'll see you in about 15 minutes.

20 (Whereupon, the jurors and the alternate jurors

21 are excused.)

22 THE COURT: Sir, you can step out.

23 (Whereupon, the witness is excused.)

24 (Whereupon, a recess is taken.)

25

Laurie Eisenberg, CSR, RPR
Senior Court Reporter

1 COURT OFFICER: Come to Order.
2 Part 59 is back in session.
3 COURT OFFICER: Witness entering.
4 (Whereupon, the witness, Michael Dean Cohen,
5 having been previously duly sworn and/or affirmed, resumes
6 the witness stand and testifies as follows:)
7 COURT OFFICER: All rise.
8 Jury entering.
9 (Whereupon, the jurors and the alternate jurors
10 are present and properly seated.)
11 THE CLERK: Case on trial continued.
12 All jurors are present and properly seated.
13 THE COURT: Jurors, I just want to discuss
14 scheduling for one moment before we continue.
15 As you know, we're not meeting tomorrow because
16 it's Wednesday.
17 I also remind you, we're not going to be meeting
18 this Friday.
19 The last thing is, I'm told one of your fellow
20 jurors has a commitment Thursday afternoon, so we're only
21 going to work until 4 o'clock on Thursday.
22 You may proceed.
23 MR. BLANCHE: Thank you, your Honor.
24 CONTINUED CROSS-EXAMINATION
25 BY MR. BLANCHE:

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1 Q So, we were talking about the first time you met with
2 the Manhattan District Attorney's Prosecutors was in Otisville,
3 late August, August 27th of 2019; right?

4 A Correct.

5 Q So, you had been in — at Otisville for a little over
6 three months; is that correct?

7 A Correct.

8 Q Early May of 2019?

9 A Correct.

10 Q Do you recall, one of the things you wanted to talk to
11 the Prosecutors about when you were in Otisville was what the
12 benefit was to you for meeting with them; right?

13 A I did ask that.

14 Q And you told them that you had been screwed over by
15 the system; correct?

16 A I don't know if that's the language I used, but sounds
17 correct.

18 MR. BLANCHE: Well, let's put up, if we can, just
19 for the witness, the Court, and the parties, B95. B, as in
20 boy, 95.

21 (Whereupon, an exhibit is shown on the witness'
22 and the parties' screens.)

23 Q These are notes, not your notes, Mr. Cohen.

24 And you can — if you can look at just the first couple of
25 lines about — so, there's two initial lines and then a blank

1 space.
2 You can look at the next four lines and see if you can make
3 out what's read there — what's written there, rather?
4 (Whereupon, the witness reviews the exhibit on
5 his screen.)
6 A Okay.
7 Q So, you wanted to know why you should meet with them;
8 correct?
9 (Whereupon, the witness reviews the exhibit on
10 his screen.)
11 A Are you looking at the line that says: Why are you
12 here?
13 Q Um — I was actually looking two above that.
14 (Whereupon, the witness reviews the exhibit on
15 his screen.)
16 A (No response).
17 Q You can put that aside, Mr. Cohen. It's fine.
18 We'll just ask questions.
19 A Okay.
20 Q You wanted to know what the benefit was to you for
21 being there?
22 A (Nods yes).
23 Q Which was fair.
24 A Correct.
25 Q The reason why — I want to make sure I have this

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 right.
2 You were sentenced December 12th of 2018; right?
3 A Correct.
4 Q And we're now in August of 2019; right?
5 A (Nods yes).
6 Q That we're talking about a meeting at the DA's Office;
7 right?
8 A Yes.
9 Q Are you familiar with a Rule 35 Motion in Federal
10 Court?
11 A I am.
12 Q And you understand that a Rule 35 Motion, at times,
13 gives the Judge who sentences you the right to give you a lower
14 sentence if certain things happen; like, potentially,
15 cooperation; right?
16 A That was something that Judge Pauley issued in his
17 decision.
18 Q And Judge Pauley is the Federal Judge who sentenced
19 you; right?
20 A Correct.
21 Q So, you understood — well — but, you understood, did
22 you not, that a Rule 35 Motion has to be made within one year
23 of sentence unless certain privileges pertain, right, or apply?
24 A At the time I did not know that, no.
25 Q At the time — well, did you later learn that?

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Senior Court Reporter

1 A I did later learn that, yes.

2 Q Was it later than 2019 you learned that?

3 A Yes.

4 Q During the time the motions — when the motion was
5 actually filed by your lawyers; correct?

6 A Correct.

7 Q So, when you were meeting with the District Attorney's
8 Office for the first time, you asked them what's in it for you,
9 but you also asked them for their timeline; correct?

10 A I apologize.

11 Timeline of what?

12 Q Well, that was going to be my question, Mr. Cohen.
13 You asked them what their timeline was for this
14 investigation; correct?

15 A I don't recall that; no, sir.

16 Q Did you want to understand from them how long it was
17 going to take them to bring charges?

18 A I don't recall asking that.

19 Q I'm not asking you whether you recall asking that or
20 answering that.

21 I'm asking you, at the time — so, August of 2019, did it
22 matter to you how long it was gonna take the District Attorney
23 to bring charges?

24 A (Pause) No, sir.

25 Q It didn't?

1 A I didn't — I didn't ask that, and they didn't discuss
2 that with me.

3 (Whereupon, Senior Court Reporter Theresa
4 Magniccari relieves Senior Court Reporter Laurie
5 Eisenberg, and the transcript continues on the following
6 page.)

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Laurie Eisenberg, CSR, RPR
Senior Court Reporter

1 (Whereupon, the proceedings were continued from
2 the previous page:)
3 ~k~k~k
4 CONTINUED CROSS EXAMINATION
5 BY MR. BLANCHE:
6 Q. Okay. I'm not asking if you asked it or discussed it.
7 Did it matter to you how long it would take for charges
8 to be brought in this case?
9 A. I didn't consider it at the time; no, sir.
10 Q. So, you didn't say in August 2019, "What is your
11 timeline?"
12 A. I don't recall saying that; no, sir.
13 Q. Now, you recall that your lawyers had asked them —
14 Okay. I'm not asking if you asked it or discussed it.
15 Did it matter to you how long it would take for charges
16 to be brought in this case?
17 A. I didn't consider it at the time; no, sir.
18 Q. So, you didn't say in August 2019, "What is your
19 timeline?"
20 A. I don't recall saying that; no, sir.
21 Q. Now, you recall that your lawyers had asked them
22 whether they would help write a Rule 35 motion with you then?
23 A. I am sorry. Once again.
24 Q. Do you recall a conversation when they were meeting
25 with you, when the District Attorney was meeting with you in

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Senior Court Reporter

1 Otisville, about whether the District Attorney would be helping
2 to write the Rule 35 motion?

3 A. My lawyers may have answered that. I didn't ask for
4 it.

5 Q. I didn't say that you did.

6 You were there when they were meeting with you, so while
7 you were there with your lawyers in the District Attorney's
8 office, do you remember a conversation where your lawyers asked
9 the District Attorney whether they would be willing to help with
10 the Rule 35 motion in Federal Court?

11 A. I believe so, yes.

12 Q. Is it fair to say — I know this goes back a couple of
13 years — but the District Attorney didn't commit to anything;
14 right?

15 A. No, sir.

16 Q. They didn't say, yes, we'll do it, but they didn't say,
17 no, we won't; they didn't commit; correct?

18 A. That's correct.

19 Q. So, eventually, you met with the District Attorney
20 again on September 19th for the second time in Otisville?

21 A. They came to Otisville.

22 Q. Then, again, on October 30th; correct?

23 A. Yes, sir.

24 Q. Then in December, your lawyers, in fact, did make a
25 Rule 35 motion in the Southern District of New York; correct?

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Senior Court Reporter

1 A. They did.

2 Q. Your lawyer at the time was somebody named Roger Adler?

3 A. Roger Adler.

4 Q. You had retained Roger Adler in August, a few months

5 prior; is that right?

6 A. Correct.

7 Q. And Mr. Adler put a motion in to the Federal Court

8 asking for a Rule 35 reduction in sentence; correct?

9 A. I did, yes.

10 Q. And you reviewed that paperwork before it was

11 submitted; correct?

12 A. Yes.

13 Q. So, the basis for you, through your lawyer, asking the

14 Federal Judge to give you a lower sentence was because of your

15 cooperation; is that right?

16 A. As well as the earlier cooperation, yes.

17 Q. So, it was the cooperation with the Special Counsel's

18 Office; correct?

19 A. Correct.

20 Q. The cooperation with the Manhattan District Attorney's

21 Office the three times you met with them; correct?

22 A. Correct.

23 Q. And then, was it also the cooperation with the Southern

24 District of New York Prosecutors?

25 A. I don't recall the Souther District.

1 Q. I am sorry. We're talking about a lot of lawyers.

2 You met with the Special Counsel Mueller's team;

3 correct?

4 A. Yes.

5 Q. You met with the Manhattan District Attorney's Office;

6 correct?

7 A. Yes.

8 Q. You also met with prosecutors with the Southern

9 District of New York, the U.S. Attorney's Office?

10 A. I mean, they were there at the meetings with the

11 Mueller investigation.

12 Q. And they mention —

13 A. The Southern District of New York. It was not

14 independent, correct.

15 Q. And nobody had signed you up to a Cooperation

16 Agreement; right?

17 A. That's correct.

18 Q. And, to this day, you've never signed a Cooperation

19 Agreement?

20 A. That's correct.

21 Q. Now, that motion was not granted; correct?

22 A. It was not.

23 Q. So, the Judge, the Federal Judge denied your request to

24 have a reduction of sentence; correct?

25 A. Yes, it was denied.

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Senior Court Reporter

1 Q. But, a little bit later — so now, as we move forward,
2 we're talking about May of 2020, May 21st, as you testified
3 earlier, you were released to home confinement because of the
4 Corona Virus?

5 A. Correct.

6 Q. And, thereafter, you started speaking to the media
7 pretty regularly; correct?

8 A. Correct.

9 Q. And you started what you, I believe, called the
10 Redemption Tour; is that fair?

11 A. Fair.

12 Q. And one of the things that you did in September of 2020
13 was your first book was launched called Disloyal; right?

14 A. Correct.

15 Q. That was September 8, 2020; correct?

16 A. Yes, sir.

17 Q. Now, right around that time, you also launched your
18 podcast that you talked about, Mea Culpa?

19 A. Correct.

20 Q. Now, you, on your podcast — that started September
21 14th, 2020; does that sound right?

22 A. Sounds correct.

23 Q. On your first podcast, Mea Culpa, you referred to
24 President Trump as a boorish cartoon misogynist; didn't you?

25 A. It sounds like something I would say.

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I Q. And those types of comments and names continued on,
2 every single one, throughout 2020; correct?

3 A. I'm sure I said something. I can't say that they are
4 all —

5 Q. You recall the first one in 2020 as a Cheeto-dusted
6 cartoon villain?

7 A. That also sounds like something I said.

8 Q. Now, do you recall around that same time, October of
9 2020, you started talking about your hope that President Trump
10 would be convicted of a crime; correct?

11 A. I don't know if those are the exact words that I said,
12 but the sentiment is correct.

13 Q. You think you might have said "I truly fucking hope
14 that this man ends up in prison;" is that exact?

15 A. It sounds like my language on Mea Culpa.

16 Q. Just so I understand, this is now October 2020. The
17 last time you had met with the Manhattan District Attorney's
18 Office was about a year earlier; is that right?

19 A. Correct.

20 Q. So, you met with them three times in Otisville; you
21 applied to get a sentence reduction, which was denied; then you
22 were released because of the Corona Virus to your home, but you
23 were still serving a federal sentence at that time; right?

24 A. Correct.

25 Q. It's just that instead of being in Otisville, you were

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Senior Court Reporter

1 in your co-op?

2 A. Condo.

3 Q. Your condominium?

4 A. Condo.

5 Q. I believe you have headphones right to your right, and
6 I think the parties do as well. I am going to ask you to put
7 the headphones on. I would like to play a portion of B25, which
8 is a Mea Culpa — a portion of the Mea Culpa podcast on October
9 23rd.

10 Mr. Cohen, I would love to tell you how to use them.

11 A. You turn the very top up.

12 Q. Point it towards— do you hear it?

13 You heard that, Mr. Cohen?

14 A. I had heard that.

15 (Whereupon, the witness, Michael Cohen, listened
16 with headphones to above-referenced audio recording.)

17 MS. HOFFINGER: Your Honor, may we approach for a
18 moment?

19 THE COURT: Yes.

20 (Whereupon, the following occurred sidebarz)

21 MS. HOFFINGER: This tape is apparently an hour
22 long. I could tell from the screen. I was just given the
23 thumb drive. I haven't had a chance to review any of it.
24 I don't have the rest of it.

25 THE COURT: She was just handed the thumb drive

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1 now?
2 MR. BLANCHE: Yes.
3 I can just get back to this tomorrow.
4 I am not looking to introduce a lot of things.
5 Just two or three.
6 THE COURT: They haven't had chance to look at it.
7 MR. BLANCHE: I, literally, just gave it to them.
8 I am happy to go on.
9 MS. HOFFINGER: Thank you.
10 (Whereupon, the following occurred in open court:)
11 CONTINUED CROSS EXAMINATION
12 BY MR. BLANCHE:
13 Q. What you just heard was a portion —
14 MS. HOFFINGER: Objection.
15 THE COURT: I will allow him to clarify it.
16 MR. BLANCHE: Sorry for speaking.
17 Q. What you just heard is a portion of your podcast,
18 Mea Culpa, from October 3, 2020; correct?
19 A. Correct.
20 Q. You also said in that same podcast, did you not, that
21 President Trump needs to wear handcuffs and to do the perp walk,
22 people will not be satisfied until this man is sitting inside
23 the cell; do you recall saying that?
24 A. I don't recall saying that, but I wouldn't put it past
25 me.

1 Q. By the way, as of October 22, 2021, which is about a
2 year after you had been — you had started your podcast, you
3 started in early September 2020. Now we're talking about
4 October of 2021. Your podcast had topped ten million downloads;
5 does that sound right?

6 A. I think it was more, but, yes.

7 Q. You said you think it was more. The average was around
8 300,000 a week; is that right?

9 A. Something like that, yes.

10 Q. I am sorry.

11 A. Something like that.

12 Q. And you make money off the podcast; correct?

13 A. Yes, sir.

14 Q. And then, by the way, is it fair to say that you are
15 motivated by fame?

16 A. No, sir. I don't think that is fair to say.

17 Q. Is it fair to say you are motivated by publicity?

18 A. I don't know if that is fair to say. I am motivated by
19 many things.

20 Q. So, do you recall saying in Disloyal, which is a book
21 that you published the year before — we're talking about now
22 September of 2020. You published that book; right?

23 A. I did, yes.

24 Q. Do you recall saying that you had wealth, but that you
25 wanted power, the good life, public acclaim, big deals, fast

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Senior Court Reporter

1 cars, private planes, the excesses and the glamour and zest for
2 life; do you recall saying that?

3 A. Yes, sir.

4 Q. So, is that what motivates you, what I just read?

5 A. Yes, those are my words.

6 Q. You also, correct me if I am wrong, loved being on CNN,
7 MSNBC, even Fox TV?

8 A. When I was speaking on behalf of Mr. Trump?

9 Q. Well, let's do both.

10 Did you love it when you were speaking on behalf of
11 President Trump?

12 A. Yes, sir.

13 Q. Do you love it now?

14 A. Less, but yes, still do.

15 Q. So, the answer is yes, you love it, although just less
16 now than you used to?

17 A. Yes.

18 Q. Fair to say that in the first few months after Disloyal
19 was released, you had made about 2 million dollars off that
20 book?

21 A. Sounds correct.

22 Q. You put that money into a Trust for your family;
23 correct?

24 A. It went into a bank account.

25 Q. So, after meeting with the District Attorney three

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1 times in 2019, the last time being late October, you didn't meet
2 with them again, so you didn't meet with the Manhattan
3 prosecutors again until January 11, 2021; does that sound right?

4 A. They didn't ask to meet with me again until that date,
5 yes.

6 Q. I didn't ask you whether they asked you to meet with
7 them.

8 My question was a lot more basic than that.

9 Just, factually, between August 30, 2019 and January 11,
10 2020, you did not meet with the Manhattan District Attorney's
11 Office?

12 A. No, sir.

13 Q. They didn't ask you to meet with them; correct?

14 A. No, sir.

15 Q. Is it fair to say in your first call after you had gone
16 from October 30, 2019 to January 11, 2021, in your first call on
17 January 11, 2021, you thanked the new DA team for continuing
18 their investigation; didn't you?

19 A. Sounds correct.

20 Q. You told the prosecutors the very first time in January
21 of 2021 that you had a strong desire to hold President Trump
22 accountable; correct?

23 A. That sounds correct.

24 Q. At the time there was somebody who was working at the
25 District Attorney's Office, who is not at this table, named Mark

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1 Pomerantz?

2 A. Correct.

3 Q. You started meeting with Mr. Pomerantz and others just
4 after that January meeting in February of 2021; correct?

5 A. Sounds correct.

6 Q. Were those meetings — that was during COVID, were
7 those initial meetings on Zoom?

8 A. I believe one was on Zoom, yes.

9 Q. Do you recall that you met twice in February 2021,
10 February 18th and February 26th, 2021?

11 A. Again, it sounds correct.

12 Q. Well, do you want to see something to refresh your
13 recollection?

14 A. Sure.

15 MR. BLANCHE: If we can look first at B73 just for
16 the witness the parties and the Court.

17 MS. HOFFINGER: Your Honor, may we approach for a
18 minute?

19 (Whereupon, there was a sidebar discussion:)

20 THE COURT: Yes.

21 MS. HOFFINGER: Mr. Blanche is now asking about
22 another investigation, another investigation that occurred
23 in the office related to financial conditions.
24 If he wishes to open the door, I guess the door
25 will be open to that.

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1 Given that it is not yet opened, I would caution
2 that if he is asking all about those meetings, those
3 meetings did not have to do with the case.

4 MR. BLANCHE: I am not asking him about the
5 specifics of what he spoke to the District Attorney about
6 in February. I am asking if he did meet with them.

7 MS. HOFFINGER: The implication is that he met
8 with them to discuss the case.

9 MR. BLANCHE: If it doesn't open the door, I am
10 happy to make it crystal clear it wasn't about this case.
11 It was about a different investigation. I don't want to
12 open the door.

13 THE COURT: You can clarify it wasn't about the
14 case, and that won't open the door. That is fine. That
15 will not open the door.

16 MR. BLANCHE: I will clean that up.

17 THE COURT: One person at a time.
18 If you clarify it was not about the case, that
19 will not open the door.

20 MR. BLANCHE: Okay.

21 (Whereupon, the following occurred in open court:)

22 CONTINUED CROSS EXAMINATION

23 BY MR. BLANCHE:

24 Q. So, continuing to talk about the February 2021
25 timeframe. You were meeting with the District Attorney of

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Senior Court Reporter

1 Manhattan, but it wasn't about this case; correct?

2 A. Sounds correct.

3 Q. And you didn't — so, you said a few minutes ago that
4 the District Attorney hadn't asked you to come and meet with
5 them in that timeframe; right? Meaning, between 2019 and 2021,
6 you hadn't been asked to meet with the District Attorney; right?

7 A. That's correct.

8 Q. If they had asked, you would have cooperated and come
9 in; correct?

10 A. Presumably so.

11 Q. And you wanted, during that time period — and you were
12 asked this on direct a little bit, but I want to talk about it a
13 little bit more again. In the 2021 time period, early part, you
14 wanted the District Attorney's Office to publicly acknowledge
15 that you were cooperating; correct?

16 A. I would say so, yes.

17 Q. Well, I'm not trying to put words in your mouth.
18 Would you say so? Do you have any doubt that you wanted
19 that?

20 A. No.

21 Q. And you're still serving your sentence at home; is that
22 right?

23 A. I am still on supervised release.

24 Q. But your 2021 sentence is over?

25 A. November.

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1 Q. Of 2021?

2 A. Of 2024.

3 Q. I am sorry.

4 So, when you get home, you are still serving your
5 sentence because of COVID. When did you go from prison to
6 supervised release, even if it was still in your home?

7 A. November.

8 Q. Of what year?

9 A. 2021.

10 Q. So, in the beginning of 2021, we're talking about the
11 first five months, you're still serving your sentence; correct?

12 A. Yes, I am still on home confinement.

13 Q. And the rules with home confinement meant you weren't
14 allowed to leave your home except for certain times, for certain
15 things; correct?

16 A. Yes, a certain number of hours per day that I can be
17 outdoors.

18 Q. You were allowed to go places, but not anywhere you
19 wanted; right?

20 A. Anywhere in Manhattan.

21 Q. So, what was your restrictions when you were still
22 serving your sentence?

23 A. Other than those three hours, I was at home.

24 Q. So, three hours, seven days a week?

25 A. Correct.

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1 Q. You were allowed to go anywhere in the Borough of
2 Manhattan?

3 A. Yes.

4 Q. Did you have to wear an ankle bracelet?

5 A. There was an ankle bracelet at first, which then became
6 a phone.

7 Q. A what?

8 A. A telephone.

9 Q. So, the Bureau of Prisons tracked you on your phone, so
10 when you were not at your home or when you went out for your
11 three hours, that's how the Bureau of Prisons tracked you?

12 A. Correct.

13 Q. The way they knew you had your phone on you was that
14 they would call you; right?

15 A. Yes.

16 Q. Did they randomly call you?

17 A. They did.

18 Q. So, during that time — and, again, I don't want to get
19 mixed up on years. Correct me if I am saying something wrong.
20 But, during that time, the first half of 2021, you wanted the
21 District Attorney to publicly acknowledge your cooperation; you
22 were trying to get your sentence, even though you were just on
23 home confinement, lowered; right?

24 A. I was looking for a reduction in the home confinement
25 portion, not just from this, but also as a direct result of my

I work that I had done while I was at Otisville. In terms of work
2 and program and credits, I should have been entitled to a year,
3 but I received none of that either.

4 Q. Just so we understand, you're saying that you believe
5 that there had been a calculation that was done by the Bureau of
6 Prisons that maybe wasn't accurate, you were entitled to be
7 released earlier; is that what you are testifying to?

8 A. Pursuant to the Bureau of Prisons you get what's called
9 work credits as well as education credits, to which I took. I
10 put in an application to the Bureau of Prisons as well, which
11 never amounted to anything. And that would only be for the home
12 confinement portion.

13 Q. But, correct me if I am wrong, one of the reasons why
14 you wanted the District Attorney's Office to publicly announce
15 or talk about your cooperation was to help that effort; correct?

16 A. I would have used that, yes.

17 Q. And the goal of that was to be released from prison
18 early, even though prison was different, you weren't in
19 Otisville, you were just at home; right?

20 A. I did want to be released, yes.

21 Q. And you talked about this on direct, but, ultimately,
22 there was no letter or public announcement made by the District
23 Attorney about your cooperation; correct?

24 A. That's correct.

25 Q. So, again, talking about the 2021 timeframe, you are

1 still under the terms of imprisonment, at least until November,
2 right, you were doing your Mea Culpa podcast from your house;
3 correct?

4 A. Correct.

5 Q. And you were meeting with the District Attorney from
6 your house, or did you also go to meet with — did you also go
7 down to the District Attorney's Office?

8 A. Possibly a combination.

9 Q. You were also — you were also going on TV during that
10 time, as we talked about an hour ago or so ago, talking about
11 the fact that you're meeting with the District Attorney;
12 correct?

13 A. Yes. But I don't believe when I was on home
14 confinement that I was doing television. I would have to double
15 check that.

16 Q. You don't remember on January — January 17, 2021,
17 being interviewed by MSNBC, someone named Ari Melber; you don't
18 remember that?

19 A. I don't specifically remember that date, but I have
20 been on Mr. Melber's program many times.

21 Q. And do you remember the next month, on February 22,
22 2021, going on MSNBC and being interviewed by somebody named Joy
23 Reid?

24 A. Yes, I have been on Ms. Reid's program many times as
25 well.

1 Q. But, just so I understand, I am talking about 2021, do
2 you believe you were going on TV in 2021?

3 A. Yes.

4 Q. And then in November of 2021, your sentence is over and
5 then you're on supervised release; correct?

6 A. Correct.

7 Q. Can you explain what fundamentally changed when your
8 sentence ends, given the uniqueness of the Corona Virus, when
9 your sentence ends and you convert to supervised release?

10 A. With the home confinement for those appearances on
11 television or to meet with the District Attorney's Office or
12 anything outside of the three hours that I was provided access,
13 you fill out a form to your probation officer, and you wait for
14 approval.

15 Supervised release is less stringent. Basically, you
16 check in once a month on a form. And if you're going to leave
17 the state or the country, you just still have to provide them
18 with notice via an authorization form.

19 Q. And that the second part of what you are just talking
20 about, that started around November of that year; right?

21 A. That started when I was returning home.

22 Q. And you're still on supervised release until November
23 of this year; correct?

24 A. Correct.

25 Q. You understood at some point during this investigative

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1 process there was a new District Attorney; correct?

2 A. Correct.

3 Q. And you, at times, have spoken about that District
4 Attorney; correct?

5 A. Correct.

6 Q. And you have met in person with District Attorney
7 Bragg?

8 A. No, sir.

9 Q. Then, in October 2022 — now we have another year gone
10 by — you publish your second book, *Revenge*; correct?

11 A. Correct.

12 Q. How much money have you made from *Revenge*?

13 A. I don't know exactly, but I would say around \$400,000.

14 Q. And knowing that in the first two months or so *Disloyal*
15 made around 2 million, combining the two books, how much more
16 did *Disloyal* make after the 2 million that it made in the first
17 couple of months?

18 A. Maybe another million.

19 Q. You made — I am not expecting you to be exact — you
20 made about 3.4 million dollars from those two books; is that
21 fair?

22 A. Over the four-year period?

23 Q. Yes.

24 A. It is, yes, sir.

25 Q. So, that's over the past —

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1 A. I am sorry. Four years. The last four years.

2 Q. Yes. Thank you.

3 So, after you publish the book Revenge — by the way,
4 you talk about in that book your frustration about Trump not
5 being prosecuted; don't you?

6 A. I say things like that, yes.

7 Q. And you say, for example, you don't understand why
8 nobody will hold Donald Trump responsible; right?

9 A. That sounds correct, yes.

10 Q. And you talk about in your book, about your efforts at
11 cooperating with the Special Counsel and with the Manhattan
12 District Attorney's Office?

13 A. I talk about my cooperation with them, yes.

14 Q. Now, in that book, you call yourself a "fixer;" right?

15 A. I probably referenced it, yes.

16 Q. But, when you think of yourself as a "fixer," are you
17 fixing things that you broke?

18 A. No, sir.

19 Q. There came a time when you became concerned that the
20 new District Attorney was circulating negative stories about
21 you?

22 MS. HOFFINGER: Objection, your Honor.

23 THE COURT: Overruled.

24 A. Can you repeat that?

25 Q. Did there come a time when you became concerned that

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1 the new District Attorney was circulating negative stories about
2 you?

3 A. Yes.

4 Q. And you talked about that in your book; right?

5 A. Yes.

6 Q. And you said that the articles were saying people
7 familiar with Bragg's thinking were circulating stories about
8 you?

9 MS. HOFFINGER: Objection, your Honor.

10 THE COURT: Sustained.

11 Q. Now, we talked a little bit earlier about that time
12 period just over a year and three months ago, so January of
13 2023, that's towards the end of that month, when you turned over
14 your phones to the District Attorney's Office; right?

15 A. I am sorry, I am confused by your question.

16 Q. We talked about earlier January 2023, so a year and
17 three months ago, that's when you gave your phones — consented
18 to have the District Attorney's Office come and get your phones
19 and take them; right?

20 A. Yes.

21 Q. You gave them your password?

22 A. I did.

23 Q. You signed a Consent Form?

24 A. I did.

25 Q. And an Investigator Rosenberg came twice, the first

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1 time and a few days later, and got both your phones?

2 A. Correct.

3 Q. It was around that time, a little before the end of
4 January, that you started texting regularly with Investigator
5 Rosenberg; correct?

6 A. No, sir, I would disagree with that characterization of
7 "regularly."

8 THE COURT: Mr. Blanche, this might be a good time
9 to stop.

10 MR. BLANCHE: Absolutely.

11 THE COURT: You are going into a new area?

12 MR. BLANCHE: I am.

13 THE COURT: Let's stop now.

14 Jurors, I ask you, please, not to talk either
15 among yourselves or with anyone else about anything related
16 to the case.

17 Please continue to keep an open mind.

18 Do not form or express an opinion about the
19 defendant's guilt or innocence until all the evidence is
20 in, and I have given you my final instructions, and I have
21 directed you to begin your deliberations.

22 Do not request, accept, agree to accept or discuss
23 with any person the receipt or acceptance of any payment or
24 benefit in return for supplying any information concerning
25 the trial.

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1 Report directly to me any incident within your
2 knowledge involving an attempt by any person improperly to
3 influence you or any member of the jury.
4 Do not visit or view any of the locations
5 discussed in the testimony.
6 And do not use any program or electronic device to
7 search for and view any of the locations discussed in the
8 testimony.
9 Do not read, view or listen to any accounts or
10 discussions of the case. That includes the reading or the
11 listening to the reading of any transcripts of the trial or
12 the reading of any posts on any court sites.
13 Do not attempt to research any fact, issue or law
14 related to the case.
15 Do not communicate with anyone about the case by
16 any means, including by telephone, text messages, email or
17 the internet.
18 Do not Google or otherwise search for any
19 information about the case or the law which applies to the
20 case or the people involved in the case.
21 I will see you Thursday at 9:30.
22 (Jury leaving courtroom.)
23 ***
24 THE COURT: You may be seated.
25 Sir, you can step down.

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1 (Witness leaving courtroom.)
2 ***
3 THE COURT: Counsel, please approach.
4 (Whereupon, there was an off-the-record discussion
5 held at the bench between the Court and counsel.)
6 THE COURT: Let's just put on the record what we
7 were discussing at the bench.
8 I was asking Mr. Blanche if at that point he still
9 thought it would be possible he would be finished with the
10 witness by Thursday afternoon.
11 You were answering the question.
12 MR. BLANCHE: Yes, if I finish, it's at the end of
13 the day, I anticipate, your Honor.
14 THE COURT: Again, there is no rush. Take your
15 time. Do whatever you need to do.
16 You are also covering a different topic?
17 MR. BLANCHE: Yes, your Honor.
18 As it relates to our expert witness, we put in a
19 proposed charge today.
20 The Government put their's in yesterday, your
21 Honor.
22 What we would respectfully request, that we have
23 an opportunity to discuss the testimony to make sure that
24 our understanding of what is admissible is consistent with
25 the Court's motions in limine.

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1 THE COURT: Does that sound like something we can
2 do Thursday at 4, when we excuse the jury?
3 MR. BLANCHE: Absolutely.
4 THE COURT: Thank you.
5 I will see you then.
6 (Whereupon, the trial in this matter stood
7 adjourned to Thursday, May 16, 2024.)
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