



Written by [D. Michael DeRidder](#) on December 11, 2023

Jack Smith Asks SCOTUS For Expedited Trump Ruling

Special counsel [Jack Smith petitioned the Supreme Court](#) for a writ of certiorari, expediting a decision determining if former President Donald Trump can be prosecuted for the crime that he allegedly “engaged in systematic and deliberate efforts to overturn the results of the 2020 presidential election and prevent the lawful transfer of power to his successor.”

In the court filing, Smith presents the Supreme Court with the question:

Whether a former President is absolutely immune from federal prosecution for crimes committed while in office or is constitutionally protected from federal prosecution when he has been impeached but not convicted before the criminal proceedings begin.



AP Images
Jack Smith

Smith’s request that the Supreme Court to issue a certiorari bypasses the federal appeals court currently hearing Trump appeal of [U.S. District Judge Tanya Chutkan’s ruling](#) that denied the motion to dismiss the indictment based on presidential immunity.

Smith agrees with Chutkan’s ruling saying,

Respondent’s claims are profoundly mistaken, as the district court held. But only this Court can definitively resolve them. The Court should grant a writ of certiorari before judgment to ensure that it can provide the expeditious resolution that this case warrants, just as it did in *United States v. Nixon*, 418 U.S. 683, 686-687 (1974).

Smith cites the *United States v. Nixon* as precedent supporting an expedited ruling, writing:

When the government sought certiorari before judgment in *United States v. Nixon*, 418 U.S. 683 (1974), a case presenting similarly consequential issues of presidential privilege, the Court granted the petition and resolved the constitutional question expeditiously so that trial could begin as scheduled. There, the district court overseeing one of the Watergate cases had scheduled trial to begin on September 9, 1974. On May 24, 1974, the Special Prosecutor sought certiorari before judgment following the district court’s denial of former President Nixon’s motion to quash a subpoena seeking Oval Office recordings. *Id.* at 687-688, 690. The Court granted certiorari a week later and set the case for argument on July 8, 1974. *Id.* at 690. The decision issued 16 days later, and trial began in the fall of 1974.



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