



Written by [D. Michael DeRidder](#) on November 25, 2024

## Jack Smith Drops DOJ Trump Case

Special Counsel Jack Smith filed a motion to dismiss the federal criminal case against President-elect Donald Trump regarding his alleged attempts to overturn the 2020 U.S. presidential election, and purported participation in the events of January 6, 2021.

In the [motion to dismiss filed today](#), Smith wrote the situation is unprecedented, and after careful consideration, it was determined that the case against Trump must be dismissed before his inauguration on January 20, 2025:



AP Images  
Jack Smith

As a result of the election held on November 5, 2024, the defendant, Donald J. Trump, will be inaugurated as President on January 20, 2025. It has long been the position of the Department of Justice that the United States Constitution forbids the federal indictment and subsequent criminal prosecution of a sitting President. But the Department and the country have never faced the circumstance here, where a federal indictment against a private citizen has been returned by a grand jury and a criminal prosecution is already underway when the defendant is elected President. Confronted with this unprecedented situation, the Special Counsel's Office consulted with the Department's Office of Legal Counsel (OLC), whose interpretation of constitutional questions such as those raised here is binding on Department prosecutors. After careful consideration, the Department has determined that OLC's prior opinions concerning the Constitution's prohibition on federal indictment and prosecution of a sitting President apply to this situation and



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that as a result this prosecution must be dismissed before the defendant is inaugurated.

Trump responded after Smith's court filing, stating the prosecution was "political hijacking", and a low point in U.S. history, [stating in a post on X](#):

These cases, like all of the other cases I have been forced to go through, are empty and lawless, and should never have been brought. Over \$100 Million Dollars of Taxpayer Dollars has been wasted in the Democrat Party's fight against their Political Opponent, ME. Nothing like this has ever happened in our Country before. They have also used State Prosecutors and District Attorneys, such as Fani Willis and her lover, Nathan Wade (who had absolutely zero experience in cases such as this, but was paid MILLIONS, enough for them to take numerous trips and cruises around the globe!), Letitia James, who inappropriately, unethically, and probably illegally, campaigned on "GETTING TRUMP" in order to win Political Office, and Alvin Bragg, who himself never wanted to bring this case against me, but was forced to do so by the Justice Department and the Democrat Party. It was a political hijacking, and a low point in the History of our Country that such a thing could have happened, and yet, I persevered, against all odds, and WON. MAKE AMERICA GREAT AGAIN!

Trump Communications Director Steven Cheung released a press statement in response to Smith dropping the case, stating in a [Trump-Vance transition press release](#):

The American People re-elected President Trump with an overwhelming mandate to Make America Great Again. Today's decision by the DOJ ends the unconstitutional federal cases against President Trump, and is a major victory for the rule of law. The American People and President Trump want an immediate end to the political weaponization of our justice system and we look forward to uniting our country.

Senator Tom Cotton (R-Ark.) remarked that the case against Trump never should have been brought, and that Smith's prosecution will be remembered as liberal weaponization of the U.S. Department of Justice (DOJ). He [stated in a post on X](#):

The Jack Smith cases will be remembered as a dark chapter of weaponization. They never should have been brought. Our elections are decided by voters — not by fanatical, deranged liberal lawyers like Jack Smith.

In response to Smith's motion to dismiss the case, Trump attorney Alina Habba noted the millions of taxpayer dollars spent by the DOJ, [stating in a post on X](#):

Will Jack Smith reimburse taxpayers for the millions wasted on this bogus witch hunt he just dropped? Asking for America. ☐



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