



Written by [D. Michael DeRidder](#) on December 27, 2023

## Jack Smith Asks Judge to Restrict Trump's Claims of Election Interference and Political Prosecution

[In a motion filed in the case of \*United States of America v. Donald J. Trump\*](#), special counsel Jack Smith requested that U.S. District Judge Tanya S. Chutkan restrict former President Donald Trump's legal counsel from [arguing the defendant is the target of political prosecution](#). Smith argues that any evidence supporting claims that Trump is the target of political prosecution looking to prevent him from being reelected must be excluded from the defense during trial: "To ensure that the jury remains focused on its fact-finding duty and applies the law as instructed by the Court, the defendant's improper evidence and argument should be excluded."



AP Images  
Jack Smith

According to Smith's motion, "The defendant has made clear his intent to introduce evidence and make arguments that are improper." Smith [argues that the Trump defense claims are false and support jury nullification](#), saying, "The defendant repeatedly has levied baseless political claims — evidence or argument that serves only to support a jury nullification argument has no relevance to guilt or innocence and must be excluded."

Jury nullification occurs when a jury finds a defendant not guilty regardless of the prosecution establishing guilt beyond a reasonable doubt. Smith believes a jury could find Trump innocent due to their refusal to convict him. If Trump is found innocent due in part to jury nullification, he would be protected from further prosecution under the 5th Amendment: "... nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb."

[Trump alleges President Biden targeted him](#) and directed the Department of Justice — along with state and local authorities — to charge the former president after he began leading in 2024 Republican primary polls, saying, "They waited and waited until I became dominant in the polls. And then they filed them all, including local DAs and AGs, and other cases, right in the middle of my campaign." He accused President Biden of 2024 election interference saying, "Biden and his protectors know he cannot win this race any other way, so they are trying election interference."



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