



Larry Elder

Arrest That Man – Crime to Follow!

Former President Donald Trump, citing “illegal leaks” from the Manhattan district attorney’s office, posted the following on social media: “...WITH NO CRIME BEING ABLE TO BE PROVEN, & BASED ON AN OLD & FULLY DEBUNKED (BY NUMEROUS OTHER PROSECUTORS!) FAIRYTALE, THE FAR & AWAY LEADING REPUBLICAN CANDIDATE & FORMER PRESIDENT OF THE UNITED STATES OF AMERICA, WILL BE ARRESTED ON TUESDAY OF NEXT WEEK...”

If true, this represents a 180-degree switch from when Manhattan DA Alvin Bragg entered office. In February 2022, two prosecutors, described as leading the Manhattan DA’s criminal investigation of Trump, resigned over Bragg’s decision *not* to proceed with the case. According to *The New York Times*, the then-new Manhattan D.A. “indicated to them that he had doubts about moving forward with a case against” Trump. CNN reported: “One person familiar with the investigation by the district attorney’s office told CNN that Bragg appeared ‘disinterested’ in his office’s investigation into the Trump Organization...”

A former Manhattan assistant D.A., Mark Pomerantz, who resigned over the office’s failure to prosecute Trump, wrote a book asserting that Trump committed felonies, including a \$130,000 payment to a former porn star. But in an NPR interview, Pomerantz conceded: “I am not suggesting to you that there were no legitimate reasons to stand down. People could conclude that bringing the case and losing the case would promote enormous disrespect for the law.”

Bragg, since entering office, has reportedly come down with an acute case of the second thoughts. On Jan. 30, 2023, the *New York Times* reported: “The Manhattan district attorney’s office on Monday began presenting evidence to a grand jury about Donald J. Trump’s role in paying hush money (\$130,000) to a porn star during his

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2016 presidential campaign, laying the groundwork for potential criminal charges...”

Yet even the *Times* wrote: “A conviction is not a sure thing, in part because a case could hinge on showing that Mr. Trump and his company falsified records to hide the payout from voters days before the 2016 election, a low-level felony charge that would be based on a largely untested legal theory.” It also hinges on the testimony and credibility of Michael Cohen, the former Trump lawyer, now disbarred, who pleaded guilty to and served time for criminal tax evasion and campaign finance violations. Some star witness.

Why use an untested legal theory? Falsifying business records is generally a New York state misdemeanor. This poses a problem because the state misdemeanor statute of limitations is two years. So, what to do? Bragg argues that the falsification occurred to further a second crime, in this case a federal campaign finance violation, so, voila, this becomes a felony illegal campaign contribution with a five-year statute of limitations. The argument goes that the payment to silence the porn star was to advance Trump’s presidential campaign, as opposed to avoid personal embarrassment and possible damage to his marriage. And the payment came from Trump’s personal finances, not from campaign funds.

But even under this untested theory and its five-year statute of limitations, time has still expired. But wait! *The New York Times* writes: “...New York law extends those limits to cover periods when a defendant was continuously out of state, as Mr. Trump was while living in the White House or at his home in Florida. In addition, during the pandemic, New York’s statute of limitations was extended by more than a year.”

Keep in mind that the Federal Elections Commission voted 4-1 in 2021 to close its investigation, failing to find that Trump “knowingly and willfully” broke the federal campaign finance law Bragg claims Trump violated. As to the Department of Justice, in July 2019, the Associated Press wrote: “...(DOJ) prosecutors revealed in a court filing this week that they had closed their investigation (of alleged Trump campaign finance violations.)”

George Washington Law Professor Jonathan Turley, a Democrat, called Bragg’s case against Trump “legally pathetic” and accused the George Soros funded D.A. of “struggling to twist state laws to effectively prosecute a federal case long ago rejected by the Justice Department against Trump.”

Apart from that...

Larry Elder is a bestselling author and nationally syndicated radio talk-show host. To find out more about Larry Elder, or become an “Elderado,” visit www.LarryElder.com. Follow Larry on Twitter @larryelder. To read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate webpage at www.creators.com.

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