



‘Serious Concerns’ Raised About NY Judge’s Trump Judgment

Description

US : On Monday, a state appeals court agreed to hold off collection of the former president’s more than \$454 million civil fraud judgment if he puts up \$175 million within 10 days.

If he does, it will stop the clock on collection and prevent the state from seizing the presumptive Republican presidential nominee’s assets while he appeals.

Greg Germain, a law professor at Syracuse University in New York, said that President Trump may have a strong case to challenge Judge Arthur Engoron’s ruling in February that he must pay \$455 million in his civil fraud case.

“I think the \$175 million reduction ... shows that the appellate division has serious concerns about the validity of Judge Engoron’s decision,” Mr. Germain told Newsweek.

While he believes the judgment was “seriously flawed,” the professor said that President Trump will have a difficult time overturning the judge’s “findings that his financial statement was grossly overstated.”

“The standard for the appeals court to review factual findings is ‘clearly erroneous,’ which means that there was no evidence in the record to support the judge’s findings. Engoron was very careful to cite to the record for his factual findings, which were very solid,” Mr. Germain said.

But the judge, he added, “made no attempt to determine what portion of the profit was solely due to the financial statement as opposed to other factors” before handing down his ruling.

The former president “has some strong legal arguments to make on appeal,” Mr. Germain added. “Unfortunately for him, I think he’s so focused on denying that he did anything wrong that the strong legal arguments may be lost in his unwinnable arguments on the facts.”

The former president has said he did nothing wrong, adding that he actually undervalued his net worth

when communicating with banks and insurers at the center of the civil fraud lawsuit.

He said that the case is politically motivated, and that both the New York attorney general and Judge Engoron are biased against him.

Meanwhile, a constitutional scholar said that the bond for an appeal should be been reduced to basically nothing.

“The Court of Appeals may have felt that they can’t prejudge the evidence, and so to reduce the bond further would have been heavy-handed,” George Washington University professor Jonathan Turley told Fox News on Monday. “I actually think they could have reduced this bond to virtually nothing, because the amount set by [Judge Arthur] Engoron was absurd.”

In a post on social media, Mr. Turley wrote that the New York appellate court may “restore a degree of objectivity and restraint missing on the trial level,” referring to the Engoron decision.

“Both Engoron and [New York Attorney General Letitia] James would have gained greater credibility if they recognized the obvious unreasonableness of the original demand,” he continued.

A former federal prosecutor now in private practice said that “judgments of this size are rare,” referring to the penalties imposed against President Trump. “What makes this one unusual is someone who is subject to an enormous amount of money and has to come up with it himself,” Joshua Naftalis said.

President Trump hailed the ruling and said he would post a bond, securities, or cash to cover the \$175 million sum in the civil case. Ms. James’s office, meanwhile, noted that the judgment still stands, even if collection is paused.

Previously, the former president’s lawyers pleaded for a state appeals court to halt collection, claiming it was “a practical impossibility” to get an underwriter to sign off on a bond for such a large sum, which grows daily because of interest. The Trump attorneys had earlier proposed a \$100 million bond, but an appellate judge had said no late last month.

Monday’s ruling came from a five-judge panel in the state’s intermediate appeals court, called the Appellate Division, where President Trump is fighting to overturn Judge Engoron’s Feb. 16 decision. Trump attorneys Alina Habba and Christopher Kise characterized Monday’s ruling as a key first step.

By Jack Phillips

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