

# Takeaways and key lines from the indictment against Donald Trump

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*CNN legal analyst breaks down first released image of Trump in court*

## CNN —

In a first-of-its-kind criminal indictment against former President Donald Trump, Manhattan prosecutors are accusing Trump of falsifying business records with the intent to conceal illegal conduct connected to his 2016 presidential campaign.

The criminal charges stem from Manhattan District Attorney Alvin Bragg’s investigation into hush money payments, made during the 2016 campaign, to women who claimed they had extramarital affairs with Trump, which he denies.

Trump “repeatedly and fraudulently falsified New York business records to conceal criminal conduct that hid damaging information from the voting public during the 2016 presidential election,” the charging documents unsealed Tuesday allege.

Each criminal charge Trump is facing relates to a specific entry among the business records of the Trump Organization.

Trump pleaded not guilty to all charges on Tuesday.

Here’s a breakdown of the charges and evidence presented against Trump in the indictment and court documents:

<https://edition.cnn.com/2023/04/04/politics/takeaways-donald-trump-indictment/index.html>

## **Prosecutors point to Trump’s “unlawful” election influence scheme as backing for felony charges**

A major question was whether Bragg would charge Trump with a felony and how he would go about doing so, since falsifying business records – the count that Trump is charged with 34 times – is a misdemeanor unless prosecutors can prove that the records were falsified with the intent to commit or conceal another crime.

The new statement of facts only hints at the approach Bragg is taking, but the prosecutor laid out his legal theory more clearly during a news conference after the arraignment.

Bragg said the business records were falsified in 2017 with the intent of concealing criminal conduct connected to the 2016 campaign. He referenced a New York state law that makes it a crime to conspire to promote a candidacy by unlawful means.

Bragg is not charging Trump with a violation of election law or a conspiracy related to that alleged campaign-related conduct. The indictment says for all 34 counts that Trump had the “intent to defraud and intent to commit another crime and aid and conceal the commission thereof.”

The statement of facts explains that Trump allegedly orchestrated an “unlawful” scheme with others to “influence the 2016 presidential election” and that other participants in the scheme have admitted to “committing illegal conduct in connection with the scheme.

Specifically, the statement of facts references the guilty plea by ex-Trump lawyer Michael Cohen in the federal campaign finance case that was prosecuted in 2018 and the admissions of AMI – the publisher of National Inquirer – in the non-prosecution agreement it reached in the federal investigation.

The statement of facts cautions in a footnote that it “does not contain all facts relevant to the charged conduct.”

## **Trump and Cohen worked out repayment deal in the Oval Office, prosecutors say**

In describing the alleged election influence scheme, the charging documents go into detail about how the plan to silence women accusing Trump of extramarital affairs allegedly came about.

According to the charging documents, the editor-in-chief and the CEO of the National Enquirer approached then-Trump lawyer Cohen shortly after the “Access Hollywood” tape became public in October 2016, and told Cohen that adult-film actress Stormy Daniels was claiming she had an affair with Trump.

The charging documents say Cohen negotiated a hush-money payment with Daniels to “secure [Daniels’] silence and prevent disclosure of the damaging information in the final weeks before the presidential election.”

Trump allegedly hid the reimbursement payments to Cohen by marking monthly checks for “legal services,” according to the statement of facts, in a deal the two worked out in the Oval Office.

Trump personally signed checks reimbursing Cohen, prosecutors allege, including for the \$130,000 he paid Daniels in exchange for her signature on a non-disclosure agreement. The

plan was for reimbursements to be made to Cohen that would amount to \$420,000 total, with an extra 180,000 thrown in to cover his income tax exposure and then a \$60,000 bonus on top of that, the charging documents allege.

Trump also allegedly agreed to pay Cohen \$35,000 monthly for one year.

“In early February 2017, the Defendant and Lawyer A met in the Oval Office at the White House and confirmed this repayment arrangement,” the statement of facts says.

Many of these specific facts have been public for years. Cohen publicly revealed one of the \$35,000 checks while testifying to Congress in 2019 in an effort to corroborate his story that Trump played a role in coordinating and orchestrating the payment to Daniels.

## **Some payments central to Trump’s charges came directly from his bank account**

Prosecutors say checks were cut monthly – including some coming directly from Trump’s bank account – to Cohen. They allege these were disguised as attorney payments when they were not.

“Each check was processed by the Trump Organization, and each check was disguised as a payment for legal services rendered in a given month of 2017 pursuant to a retainer agreement,” prosecutors wrote in the statement of facts accompanying the indictment.

“The payment records, kept and maintained by the Trump Organization, were false New York business records. In truth, there was no retainer agreement, and Lawyer A was not being paid for legal services rendered in 2017,” it adds, referring to Cohen.

The way that the payments were falsely memorialized in the company’s records, according to prosecutors, is the backbone of the crime that Trump is actually being charged with.

## **Participants in the alleged scheme knew payoffs were unlawful, prosecutors say**

According to the legal theory Bragg is pushing, what makes the falsified business records a felony is an underlying federal campaign finance crime that Trump is accused of trying to conceal. The district attorney also claims that state election law was violated with the scheme.

The statement of facts points to court filings in the federal investigation into the hush-money payments to assert that the participants in the alleged illegal scheme, including Cohen, have admitted the payoffs to the two women were unlawful.

In late 2018, American Media, Inc. also entered into a non-prosecution agreement with the Southern District of New York’s US attorney’s office relating to paying Karen McDougal, another woman who allegedly had an affair with Trump – which he denies – for her story about Trump, the statement of facts says.

Detailing AMI’s role in the alleged scheme may also help prosecutors convince a jury at trial that the payoff gambits were aimed protecting Trump’s electoral chances, contradicting how the payments were allegedly recorded in business records.

AMI told authorities they never intended to publish McDougal's story and made the payment to McDougal so that she "did not publicize damaging allegations" about Trump "before the 2016 presidential election and thereby influence that election," the statement of facts says.

The statement of facts also cites Cohen's federal guilty plea, which said Cohen worked at the direction of Trump to arrange payment for the two women, McDougal and Daniels, to stop stories that could be harmful to Trump.

The documents also includes the allegation that Trump instructed Cohen to delay making the payments to Daniels until after the election because after that point, it would not matter if her story came out and they could perhaps avoid making the payments altogether. Prosecutors may seek to use that alleged instruction to justify the felony charges by arguing that the purpose of the payments were to secretly influence the presidential campaign, in violation of election law.