

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP,

Defendant.

DECISION and ORDER

Defendant's Notice of
Automatic Stay or In the
Alternative, Motion for
Immediate Stay

Indictment No. 71543-23

JUAN M. MERCHAN, A.J.S.C.:

By the affirmation of Todd Blanche, Esq., and accompanying memorandum of law dated January 5, 2025, Defendant gave “notice of automatic stay of criminal proceedings or, in the alternative, motion for immediate stay.” Blanche Affirmation 1. Specifically, Defendant notified this Court “that he will initiate appellate proceedings on January 6, 2025, to challenge this Court’s Orders of December 16, 2024, and January 3, 2025.” Blanche Memorandum 1. Defendant claims that commencement of the appellate proceedings “immediately results in an automatic stay of proceedings in this Court under *Trump v. United States*, 603 U.S. 593 [2024].” Blanche Memorandum 1. In the alternative, “even if the filing [...] does not automatically stay these proceedings [...] the Court should grant an immediate stay of all pending proceedings, including the sentencing[.]” Blanche Memorandum 1-2.

By Memorandum dated January 6, 2025, the People oppose the notice of automatic stay and motion for immediate stay. The People argue in substance, that Defendant’s appeals do not automatically stay this case and that this Court should not grant a discretionary stay. In support, the People submit that equities tip decisively in the People’s favor and the Defendant will not be prejudiced by denial of a stay. Finally, it is the People’s position that Defendant is unlikely to prevail on the merits of any interlocutory appeals.

This Court has considered Defendant’s arguments in support of his motion and finds that they are for the most part, a repetition of the arguments he has raised numerous times in the past, including in his Criminal Procedure Law (“CPL”) § 330.30(1) motion to vacate his conviction and dismiss the indictment; and his “Clayton Motion” to dismiss in the interests of justice, both of which this Court denied by Decision and Order dated December 16, 2024 and January 3, 2025, respectively.

Further, this Court finds that the authorities relied upon in the instant motion by the Defendant are for the most part, factually distinguishable from the actual record or legally inapplicable.

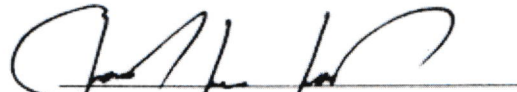
THEREFORE, Defendant's motion for a stay of these proceedings, including the sentencing hearing scheduled for January 10, 2025, is hereby DENIED.

Nothing in this Decision and Order shall be construed to in any way preclude Defendant from pursuing any, and all other forms of relief to which he may otherwise be entitled.

The foregoing constitutes the Decision and Order of the Court.

Dated: January 6, 2025
New York, New York

JAN 06 2025



Juan M. Merchan
Acting Justice of the Supreme Court
Judge of the Court of Claims

JUAN M. MERCHAN