

# OPINION

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## Column

# Lawyer shares what Trump verdict says about America

When all colors of pigment are mixed, the result is black paint. When all colors of the light spectrum are combined, it becomes white light. Both mysteriously produce uniformity. Like combining color, a criminal trial's goal is unanimity. However, a jury trial is not mysterious; it is public, the evidence introduced scrutinized, and the participants play defined roles.

Former President Donald Trump's trial has just ended without the nonpartisan support it deserves, and the myths propagated by the defendant's messengers remain afloat.

These acolytes have cried and complained that the process is a sham, a fraud upon the nation. The more Trump loses, the more heated air keeps such claims circulating.

Despite almost all the trial-related complaints being wholly inaccurate, even dangerously disingenuous, the lies have created a cloud of uncertainty, of hesitation, among many who may not be overly familiar with the criminal law or court proceedings. The

myths about the Trump trial are worth exposing.

The simple and objective reality is that the current president, the presiding judge, activists, Trump-haters and political operatives had nothing to do with the guilty verdict reached in the Trump criminal trial last week.

Criminal trials create an artificial, insular world in which physical and psychological spaces get boundaries. These boundaries include applying rules of evidence (that have existed many decades before this trial), assigning to the judge the task of communicating the law, having the lawyers engage in adversarial advocacy, having witnesses and jurors take oaths, and empowering 12 citizens summoned from the community to decide the facts. All this occurred in the Trump criminal fraud trial.

Further, both the prosecutors and Trump's lawyers vetted the potential jurors by scrutinizing detailed questionnaires, asking questions of the prospective jurors (collectively and individually) and having the ability to seek removal of potential jurors for bias. The lawyers also eliminated potential jurors without having to explain their reasons through peremptory strikes.



MARK PETERSON | Getty Images/TNS/pool

**Former President Donald Trump, followed by his attorney, Todd Blanche, exit the Manhattan courthouse in New York on Thursday to talk to the media after Trump was convicted in his hush money trial.**

Michael Cohen, one of the state's chief witnesses, was subjected to hours of robust cross-examination by Trump's lead counsel. Indeed, all the prosecution witnesses were questioned by the defense. The defense had the power (but no obligation) to subpoena its own witnesses to appear at trial.

Critically, the jury makes its decisions in secret and alone. The judge has no authority to force a verdict or impose a viewpoint. The jurors asked several questions of the court during their deliberations, including a request to rehear specific portions of the witness testimony and to have an enhanced ability to listen to recordings in evidence. The jury was working to reach the right result.

The trial wasn't a scripted show where the result was predetermined. It's easy to view trials through television viewers' lenses of performances and dramat-

ic endings. Do not mistake the Trump criminal trial for entertainment. While the lawyers surely performed as advocates and the guilty verdict certainly was dramatic, the result is real and binding.

It is not enough for commentators to refute the relentless criticisms by stating the attacks "don't have support." A mountain of fact exists upholding the integrity of the trial. The Trump trial possessed all the hallmarks of a legitimate, fair proceeding. Its success shouldn't be judged by the specific verdict, but that a unanimous verdict was reached at all.

One can agree or disagree with a jury while recognizing the validity of the court process. One can believe that misconduct (business record fraud) wasn't significant enough to justify the attention and resources committed to the case but still acknowledge the district attorney gets to make that deci-

sion in his or her jurisdiction.

And in the political process, the voters remain the jury. As odd as it seems, the American constitutional system allows a convicted felon to run, be elected and serve as president. Even if that felon is incarcerated. The election result will not be unanimous; in fact, the vote likely will be reed-thin in its closeness, a hallmark of division.

We should take pride and comfort in knowing that 12 ordinary New Yorkers, complete strangers at the start of the trial, could do what the country can't — reach a consensus.

*Michael McAuliffe is a former federal prosecutor. He also served as the elected state attorney for Palm Beach County. Currently, he is a practicing lawyer, an adjunct professor at the College of William & Mary's Law School and a senior lecturing fellow at Duke University's School of Law.*