

# Judge Sets Trump's Sentencing for Jan. 10, Signals He Won't Be Jailed

New York Supreme Court Justice Juan Merchan rejected President-elect Donald Trump's bid to dismiss the case.

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Former President Donald Trump sits in the courtroom during his hush money trial at Manhattan Criminal Court in New York City on May 30, 2024. Michael M. Santiago/Getty Images



New York Supreme Court Justice Juan Merchan has rejected an attempt by President-Elect Donald Trump to dismiss his business records case and ordered sentencing for Jan. 10.

In his Jan. 3 order, Merchan rejected the idea that the Presidential Transition Act, the Supremacy Clause of the U.S. Constitution, or presidential immunity—each of which had been cited by Trump’s legal team—required vacating the jury’s verdicts or dismissal of the indictment.

Merchan said in his order that he wasn’t inclined to impose a prison term on the president-elect. Citing concerns about presidential immunity, he also said that “a sentence of unconditional discharge appears to be the most viable solution to ensure finality and allow the Defendant to pursue his appellate options.”

In May, a jury found Trump guilty on 34 felony counts, raising the prospect that he could face prison. Experts previously told The Epoch Times that the supremacy clause of the U.S. Constitution would preclude Trump from serving time.

Trump Communications Director Steven Cheung responded to Merchan’s order by calling it “a direct violation of the Supreme Court’s Immunity decision and other longstanding jurisprudence.”

Cheung said that Trump’s transition should be “unobstructed by the remains of this or any remnants of the Witch Hunts.”

“There should be no sentencing and President Trump will continue fighting against these hoaxes until they are dead,” he said.

Merchan’s order came after the dismissal of special counsel Jack Smith’s federal cases against Trump in Florida and Washington. Trump’s other state-level criminal case in Georgia saw an appeals court [saying](#) the prosecutor, Fani Willis, should be disqualified. More

recently, an appeals court [affirmed](#) a verdict that found Trump liable for sexually abusing writer E. Jean Carroll.

Merchan's order came just weeks before the president's scheduled inauguration on Jan. 20 and touched on questions surrounding the protections afforded to president-elects. He said that Trump had presented a novel theory of presidential immunity for president-elects and that current precedent didn't require the case's dismissal.

He said the president-elect can "exercise his right to appear virtually for this proceeding, if he so chooses," considering "the mental and physical demands during this transition period."

Merchan in December rejected Trump's various immunity-related objections to the evidence used during trial.

He said that Trump waited too long or failed to preserve objections to evidence and that information related to both preserved and unpreserved arguments did not receive protection under the doctrine of presidential immunity.

"This Court ... finds that the evidence related to the preserved claims relate entirely to unofficial conduct and thus, receive no immunity protections," Merchan wrote in an opinion.

"As to the claims that were unpreserved, this Court finds in the alternative, that when considered on the merits, they too are denied because they relate entirely to unofficial conduct entitled to no immunity protections."

In his Jan. 3 order, Merchan said dismissing the indictment and setting aside the verdict would "undermine the Rule of Law in immeasurable ways."

He described the alleged offense as a "premeditated and continuous deception by the leader of the free world."

Trump has denied wrongdoing in the case.

Merchan also rejected the idea that Trump's character should serve as a basis for rejecting the jury verdict, and accused the president-elect of disdain for the judicial branch.

"Defendant's disdain for the Third Branch of government, whether state or federal, in New York or elsewhere, is a matter of public record," he said.

In a [post](#) on Truth Social on Dec. 17, Trump criticized Merchan's decisions on the presidential immunity arguments. Merchan had "completely disrespected the United States Supreme Court, and its Historic Decision on Immunity," he said.

The president-elect said the case itself is illegitimate, and the opinion written by Merchan "goes against our Constitution, and, if allowed to stand, would be the end of the Presidency as we know it."

Merchan's order dismissed the idea that the case would create a stigma that interfered with Trump's presidential duties. "Whatever threat of public stigma from criminal prosecution that might have existed has long passed," he said.

In the U.S. Court of Appeals for the Second Circuit, Trump has been pursuing an appeal of a district court's refusal of his request to move the case to federal court.

After Merchan's December [order](#) on immunity, the court released heavily redacted correspondence in which Trump's legal team alleged juror misconduct.

In a Dec. 16 [letter](#), Merchan said that the court made additional redactions following redactions made by the different parties. He noted, however, that the allegations were unsworn and that unless a claim of juror misconduct was properly filed under New York law, "this Court cannot allow the public filing of unsworn, and admittedly contested statements."

*Janice Hisle contributed to this report.*

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