

Temidayo Aganga-Williams Weighs in on the Donald Trump Indictment

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(This article includes excerpts from articles originally published in entirety in The Financial Times and Law360.)

As the historic indictment of former President Donald Trump dominated news cycles over the past few weeks, Selendy Gay partner Temidayo Aganga-Williams was sought out by several major publications for his insights.

Aganga-Williams joined Selendy Gay in February 2023 after serving as Senior Investigative Counsel for the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol. Prior to that, he was an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Eastern District of New York.

After Trump pled not guilty to the 34 felony charges related to business fraud, Aganga-Williams spoke to publications, including *The Financial Times* and *Law360*, about the staying power of the charges against the former president and the admissibility of key evidence.

In speaking to [The Financial Times](#) about the likelihood that the Manhattan District Attorney's Office's charges will stick, Aganga-Williams surmised, **"President Trump will spare no expense in trying to get these charges dismissed."**

"For strategic reasons you may choose as a prosecutor to release less information than you otherwise might," he added, and instead wait until the law requires such release as a tactic to fight **"a barrage of pre-trial litigation."**

Aganga-Williams shared his opinion in [Law360](#) that the Manhattan prosecutors are taking an innovative approach to shoring up their case, referring to outstanding questions concerning whether the former president can be prosecuted for felony business fraud, which requires that prosecutors prove that Trump falsified business records with an intent to defraud and an intent to commit another crime or to help or conceal such an offense.

Aganga-Williams told *Law360* that it's instructive to remember that Trump's former attorney Michael Cohen pled guilty to various federal crimes, including tax offenses and campaign finance violations related to the same conduct that is now a focus of Trump's prosecution. Aganga-Williams described the Manhattan district attorney Alvin Bragg's post-indictment suggestion that Trump will be prosecuted on the theory that he was concealing both campaign finance violations and tax crimes by saying, **"It's a ... move that will likely serve the Manhattan DA's office well here. The fact that they're moving forward in tandem with two different bases to obtain a potential felony conviction here, I think it shows some creative thinking on their end."**

Finally, Aganga-Williams again spoke to [Law360](#) on the legal battle that the Manhattan District Attorney's Office's will face over the admissibility of a surreptitious audio recording that may be a key piece of evidence against Trump. The recording, which allegedly contains a call between Trump and Cohen in which the two discuss paying former Playboy model Karen McDougle to keep her from announcing she had sexual relations with Trump, may qualify as an admission by Trump, meaning it would be admissible evidence under the party admission exception to the hearsay rule.

Aganga-Williams explained to *Law360*, **"If Trump is making statements that are against his own interests and tend to prove his guilt, those statements can be brought in to be used against him, even though those statements might otherwise meet the definition of hearsay."**

Attorney

- Temidayo Aganga-Williams