

Letitia James and “Undue Interest”



by Gary Fouse

On Monday of this week, former President Trump appeared once again in a New York courtroom, this time in a civil fraud case brought by State Attorney General Letitia James. Without going into the merits of the case (or lack thereof), I want to comment on the fact that James was noticeably present in the courtroom.

Why is that a fact worth noting? Let me explain. When I was a DEA agent, I had hundreds of occasions when I was present in a

courtroom or grand jury room. Generally, I was a witness for the prosecution in a drug trafficking case. On several occasions, I was also the lead investigating agent in the case- the case agent as we called it. In federal trials, it was the custom for the case agent not only to assist the prosecutor in preparing the case for trial but, with the permission of the judge, to actually sit at the prosecutor's table as the trial proceeded.

I am speaking for myself here (and for many other agents), but it was my practice in these cases not to be present at the time of sentencing. The reasoning was that I considered that to be showing "undue interest" in the sentence. In other words, professionally speaking, it was the investigator's job to find the evidence and present it in court. The verdict and the sentence were the purview of the jury/judge.

That brings me back to Letitia James. This is a woman who shamelessly campaigned for her position as New York Attorney General on the promise that she was going to put Trump in prison, that she was going to go after him and his family, that she was going to go after all of his property in New York. That was disgraceful because, in our system of justice, the job of the prosecutor is to seek truth and justice, to investigate crimes when they occur. It is not to publicly put a target on the back of an individual or individuals and promise to put them out of business and/or in jail before they have ever even been charged with a crime.

In that regard, Ms. James has already shown undue interest in Trump, his family, and his businesses. Now she compounds her sin by appearing in the courtroom staring daggers at defendant Trump. She is not trying the case herself. She has no role in that courtroom. Her presence there in itself was not illegal, but it was very unprofessional. James showed undue interest by her very presence in that courtroom.

Just another indication that this massive prosecutorial

assault against Trump is a witchhunt that does not do credit to our system of justice.