

Cases against Donald Trump are dropped, but he is not exonerated



In the United States, two of the most serious criminal cases against Donald Trump have been dropped. The prosecutor says the decision was not taken on merit ... but rather because Mr Trump is due to return to the White House next year. While there is a slim chance the cases could be picked up again after Trump's second term, experts say it's unlikely.

Listen to Australian and world news, and follow trending topics with [SBS News Podcasts](#).

TRANSCRIPT

A federal judge has dismissed two criminal cases against Donald Trump ahead of his impending inauguration.

It marks the end of a years-long legal battle that saw Special Counsel Jack Smith pursuing Trump on two separate charges.



The first centred on allegations Mr Trump illegally sought to overthrow the election he lost to Joe Biden in 2020.

The second related to allegations the former President illegally retained classified documents at his Mar-a-Lago mansion after leaving office.

Mr Trump had pleaded not guilty in both of the cases.

"As far as the joke of an indictment it's a horrible thing. It's a horrible thing for this country. I mean, the only good thing about it is it's driven my poll numbers way up. Can you believe this?"

The cases were scuttled at the request of Special Counsel Jack Smith - but he maintains the decision to abandon the prosecution is not based on the merits or strength of either case.

Instead, Mr Smith cited a longstanding Justice Department policy against prosecuting a sitting president.

In effect, the prosecutor has run out of time.

However, because the cases were dismissed "without prejudice" there is a slim chance they could be resurrected after Mr Trump's second term.

Analysts say it's unlikely though. Steven Hendrix is a retired diplomat who worked in both the Obama and Trump administrations.

"This was already a difficult and unlikely prosecution, given the personalities and the context. To think that something could be revived four years from now is fanciful. It's legally possible, I must concede. There is another scenario which could even extinguish it all together, and that is once President Trump is sworn into office, there is an untested legal theory that he could pardon himself, even though he's never been convicted."

2016 election.

Mr Trump had been due to be sentenced this week - but prosecutors requested the New York state Supreme Court defer proceedings until after President Trump's second term.

Democratic Congressman Dan Goldman - who served as lead council in the first impeachment of Donald Trump - emphasises the fact the President has not been exonerated of the cases that were dropped today.

"Well, no one else would have their case dismissed based on nothing related to the merits. Donald Trump is simply evading accountability because he won the presidential election, and there's a Department of Justice policy that has never been vetted, that has never been approved or even challenged in front of a court that prohibits prosecuting a sitting president. Now there are valid reasons for it. I could come up with other valid reasons against it, but that is the Department of Justice policy."

The policy dates back to the Watergate scandal which engulfed Richard Nixon's administration and ultimately spared the resigning president from prosecution.

Since then, the Supreme Court has also ruled Presidents have 'absolute immunity' for official acts carried out while in office, which had all but gutted the charges brought against Mr Trump for election interference.

It's a far cry from the day Special Council Jack Smith unsealed the indictment.

"The attack on our nation's capital on January sixth, 2021, was an unprecedented assault on the seat of American democracy. As described in the indictment, it was fuelled by lies, lies by the defendant targeted at obstructing a bedrock function of the US government: the nation's process of collecting, counting and certifying the results of the presidential election.]

Donald Trump is set to be sworn in on January 20.

SHARE



Special counsel Jack Smith has abandoned his cases against Donald Trump (AAP) Source: AAP / J. Scott Applewhite/AP