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Trump's Turning Himself In. Here's What Happens Next

By Stewart Bishop

Law360, New York (March 31, 2023, 8:58 PM EDT) -- The bombshell indictment of former President Donald Trump, expected to stem at least in part from hush money paid to adult film star Stormy Daniels, is the first step in what will arguably be the most famous case ever to take place in New York Supreme Court in Manhattan. Here, Law360 takes a look at what Trump can expect on his first day.

Trump is planning to surrender to authorities in New York City on Tuesday and is expected to be arraigned that afternoon, according to a court official. Several city, state and federal agencies are going to great lengths to ensure the process goes forward without a hitch, but before Trump can get before a judge, he's got to be arrested and booked like any other defendant.

On Thursday, the office of Manhattan District Attorney Alvin Bragg confirmed that a grand jury has handed down an indictment, which for now remains under seal.

Former Manhattan Assistant District Attorney Jeremy Saland told Law360 that safety will be top of mind for authorities, even though courthouse visitors have to go through security checkpoints.

"There will be safety concerns and there will be throngs, as you know ... of reporters and people that just want to see what's going on," Saland said in an interview. "I would imagine that this is going to really be planned out as best as they can so that time is limited where something can go awry or sideways."

While there has been much speculation about the prospect of Trump getting arrested, former Manhattan Assistant District Attorney David Filer said it's really just a matter of processing the former president.

"He'll walk in, and they will start this arrest process, which is, frankly, a lot of paperwork," he said.

Saland said that the first order of business following Trump's arrest will be to fingerprint the former president, and as part of that ordeal, prosecutors will send the prints to Albany for review, which will take some hours to complete.

Given that Trump has no known criminal record, a New York State ID number could be generated for him, which happens whenever someone gets fingerprinted in the Empire State, be it for an arrest or something like a background check or firearm purchase. But Saland, now the principal of Saland Law PC, said it's likely that Trump already has such a number.

At that point, he said Trump is due for another round of waiting, as law enforcement will then "sit on the body," meaning Trump will probably be taken to a room in the DA's office to wait until it's time to appear before a judge.

Secret Service agents and investigators from the Manhattan DA's office, as opposed to the NYPD, are likely going to be with him every step of the way. Trump's attorney Joe Tacopina has said that his client will not be handcuffed.

As part of the process for making a record of the self-surrender, the next step is a mugshot, although it's unclear if this will apply to Trump.

After an undetermined amount of time, Trump will be escorted to a courtroom, which under usual circumstances would be the one designated for most arraignments, known as the Arraignment Part in New York parlance. But in Trump's case, he's going to be arraigned before New York Supreme Court Justice Juan Merchan on the 15th floor of the Manhattan courthouse.

Filer, now in private practice at Whalen Filer PLLC, said the biggest challenge that day will be for court officers and personnel, who will want Trump in and out of the courthouse as fast as possible.

Most Manhattan prosecutors are used to dealing with high-profile defendants, be they actors, politicians, athletes or other celebrities. But Trump is going to be especially challenging.

"This is a whole other level, right?" Filer said. "It's a former president. It's never been done before in our history, in terms of an indictment. So my guess is that you're going to want to move this along."

If the past is any guide, the walk to the courtroom will be the first time post-arrest that the press will be able to see and photograph the former president. In high-profile cases in that courthouse, photographers and camera operators are usually boxed in by metal barricades and will only have a matter of seconds to catch a glimpse of Trump as he is escorted onward to the courtroom.

It's unknown how court authorities are going to limit or facilitate access to Tuesday's proceeding and subsequent court appearances. The number of journalists alone will fill up Justice Merchan's courtroom, besides any members of the general public or Trump's family and associates who may wish to attend.

Trump will almost certainly enter a plea of not guilty at this point, then be released, likely with no bail obligation if the charges are certain low-level felonies, which are not eligible for bail, in part due to recent bail reforms in New York.

After Trump's arraignment, a trial could be a year or more away, possibly proceeding as the former president's reelection campaign heats up.

Justice Merchan is the same judge who presided over the case brought by the Manhattan DA against the Trump Organization, which was convicted at trial over an alleged 15-year tax fraud scheme undertaken to benefit senior executives of the Trump family company.

Trump on Friday claimed in a post on Truth Social that Justice Merchan was "hand picked" by the DA's office and that he "HATES ME." Filer told Law360 that the judge-shopping claim is factually incorrect, as it's a "luck of the draw" process facilitated by New York's Office of Court Administration.

According to the aforementioned court official, the Secret Service on Friday met with personnel from the Manhattan DA's office, the FBI and the OCA to discuss security and conduct a walkthrough of the courthouse.

Access to the entire floor that houses Justice Merchan's courtroom was restricted on Friday, and reporters were turned away by court officers.

While most of the crowds outside the courthouse during the grand jury proceedings have been journalists, some protestors are expected to show up on Tuesday.

On Friday, conservative firebrand Rep. Marjorie Taylor Greene, R-Ga., said she was coming to New York on the day of Trump's arraignment.

"We must protest the unconstitutional WITCH HUNT!" she said on Truth Social and Twitter.

--Editing by Adam LoBelia.

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