

The Banana Yellow Indictment of President Trump

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(Apr. 5, 2023) — Now that Manhattan Banana Republic District Attorney Alvin (“No Neck”) Bragg has made good on his campaign pledge to arrest President Trump as a private citizen (for the time being), the full, 3-D impaired malevolence of his psyche [emerges](#). By leveraging various misdemeanor acts of “falsifying business records” into 34 felony counts under New York law, he has with a blundering [indictment](#) succeeded only in violating a blindfolded Lady Justice, then casting her to the side of the road like a used trollop after having “had his way with her.” Strong words? Perhaps, but actually understated and sanitized for *P&E* readers.

To begin with, as noted [here](#), Bragg’s abuse of power and politicization – not to mention misunderstanding – of the criminal code of New York in order to “get” President Trump after he left office in 2021 – a campaign promise he made to the imbeciles who voted the Soros-funded prosecutor into office..., recalling, of course, that 90% of registered voters in Manhattan are Democrats – brings to mind the adolescent Q & A. Q: Why does a dog lick itself? A: Because it can. It is what Soros-backed Democrat prosecutors do. To quote [Brandon](#): “Not joking..., not hyperbole.”

PREFACE

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is intended to establish standards for ethical conduct of judges. It consists of broad statements called Canons, specific rules set forth in Sections under each Canon, a Terminology Section, an Application Section, and Commentary. The text of the Canons and Sections, including the Terminology and Application Sections, is authoritative and parallels the provisions contained in the Rules of the Chief Administrator of the Courts, 22 NYCRR part 100. References to Part 100 are included. The Commentary, by explanation and example, provides guidance with respect to the purpose and meaning of the Canons and Sections. The Commentary is not intended as a statement of additional rules and has not been adopted by the Chief

<https://nysba.org/NYSBA/Sections/Judicial/CJC.pdf>

And as for the judge overseeing the spectacle – Judge Juan Manuel Merchan – it would appear that he has some major conflict of interest [issues](#) facing him. But fear not, faithful *P&E* readers: apparently the Banana Republic of Manhattan does not recognize the [Rules of Judicial Ethics](#) promulgated by the State Bar of New York, because if reality were otherwise, Judge Merchan – after boning up (or for the first time scanning) the New York Canons of Judicial Ethics – should have recused himself *long* ago.

Specifically, by continuing to preside over Bragg’s idiotic but dangerous pogrom targeting President Trump, Merchan has ignored:

Canon 1: “A judge shall uphold the *integrity and independence* of the judiciary.” (Emphasis added) Commenting on that Canon, the New York State Bar observes: “[V]iolation of this Code [of Judicial Ethics] *diminishes public confidence in the judiciary* and thereby does injury to the system of government under law.” (Emphasis added)

Canon 2: A Judge should avoid impropriety *and the appearance of impropriety in all of the Judge’s activities.*” (Emphasis added). Commenting on that Canon, the New York State Bar notes: “A judge shall not allow family, social, *political or other relationships* to influence the judge’s judicial conduct or judgment... [and] [t]he *test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge’s ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.*” (Emphasis added)

Canon 3: “A Judge shall perform the duties of judicial office *impartially* and diligently.” The New York State Bar’s comment on that canon specifies: “Disqualification. (1) A judge *shall* disqualify himself or herself in a proceeding in which the judge’s impartiality ... *might reasonably be questioned, including but not limited to instances where ... the judge has a personal bias or prejudice concerning a party.*” (Emphasis added)

Against the backdrop of the facts captured in the Townhall.com article linked in the preceding paragraph, it should be *far* beyond dispute that Judge Merchan’s political donations to leftist organizations and, in particular, the Goof at 1600 – coupled with family affiliations with anti-Trump and anti-Republican interests in general – should have

resulted in self-disqualification a long time ago. But, hey, in the Banana Republic of Manhattan..., different rules apply. Trump must be arrested, tried and found guilty..., no matter what. Did you not get the memo? Soros and Machiavelli rule. Again, it is what Democrats do, including, seemingly, Democrat judges as well. Move along..., nothing in the way of judicial ethics breaches to see here.

But I digress.



The People's Court ([German Federal Archives](#))

As for Mr. Bragg, in his mindless political pursuit of President Trump – while simultaneously ignoring rapists, robbers and murderers in the Big Apple – Bragg seems to have drawn on the dark and malevolent protocols, if not the outright practices, of the Third Reich Nazi [Volksgerechtshof](#) tribunal, discussed [here](#). Aided by a bunch of grand jurors who never met a ham sandwich with the surname “Trump” they did not want to chew up and spit out, the 45th President of the United States emphatically pleaded “not guilty” today to the 34-count “void for vagueness” indictment.

The label “void for vagueness” is pressed on the indictment because, in each of the 34 cookie-cutter counts, it is alleged that President Trump acted “with intent to defraud.” The 34 counts had to make that assertion because that is what the New York law under which the counts are made ([N.Y. Penal Code § 175.10](#)) requires it. And yet, each count of the indictment refers to a murky, unidentified and ephemeral “another crime.”



At Bragg’s post-arraignment hearing press conference, when asked to clarify, he contended that “the indictment does not specify the other crimes because [New York] law does not so require....” Perhaps so, foolishly... but on the other hand, the Due Process Clause of the Fifth Amendment does. And like it or not, the Banana Republic of Manhattan is still within the jurisdiction of the U.S. Constitution. And this guy “graduated” from Hah-vahd?

But wait..., there is a bigger threshold problem. This “fly in the ointment” – perhaps better described as a “gorilla in the corner” – of course, is that both Alvin “No Neck” Bragg and, as yet, apparently Judge Merchan, seem to have ignored the provisions of [N.Y. Penal Code § 30.10](#).

That provision states, in relevant part: “1. A criminal action *must* be commenced within the period of limitation prescribed in the ensuing subdivisions of this section.” (Emphasis added) The class “E” felony prescribed under N.Y. Penal Code § 175.10 forming the basis for Bragg’s pogrom is not listed among the ones as to which specific separate longer (or shorter) limitations periods apply or as to which the limited exceptions of N.Y. Penal Code § 30.10(3) would apply.

SECTION 30.10
Timeliness of prosecutions; periods of limitation
Criminal Procedure (CPL) CHAPTER 11-A, PART 1, TITLE C, ARTICLE 30

§ 30.10 Timeliness of prosecutions; periods of limitation.

1. A criminal action must be commenced within the period of limitation prescribed in the ensuing subdivisions of this section.

<https://www.nysenate.gov/legislation/laws/CPL/30.10>

This, in turn, should trigger N.Y. Penal Code § 30.10 (2)(B), which mandates: “A prosecution for *any other felony must be commenced within five years after the*

commission thereof” (Emphasis added). The “class E” felony identified under N.Y. Penal Code § 175.10, the exclusive core of the indictment, would thus appear to fit precisely within the 5-year limitation “commencement” restriction of N.Y. Penal Code § 30.10 (2)(B).



<https://www.manhattanda.org/wp-content/uploads/2023/04/Donald-J.-Trump-Indictment.pdf>

Even a cursory examination of the indictment shows that Count One relates to a document dated Feb. 14, 2017 and Count Thirty-two relates to one dated Dec. 5, 2017. Accordingly, under N.Y. Penal Code § 30.10(2)(B), the last date that a prosecution could have been “brought” on the most “recent” document was: Dec. 6, 2022.

Ummm..., using 4th grade math for the benefit of Mr. Bragg, March 30, 2023 – the date he indicted President Trump, thereby formally “commencing” the prosecution against him – was... 114 days late.

Your humble servant awaits an explanation from Mr. Bragg..., or his apparatchiks in the District Attorney’s office..., or the talking-heads of the mainstream media..., or anyone else... why the indictment should not be immediately quashed as being filed in violation of N.Y. Penal Code § 30.10(2)(B). If your servant is mistaken, it would not be the first time..., and he welcomes the opportunity to correct himself. He dislikes being accused of spreading disinformation.

In conclusion (for now), the nation is careening toward a dangerous abyss. Soros-backed prosecutors; lunatic academics; violent radicals; and a sycophantic mainstream media have put the Republic on a course which, if things do not self-correct, could lead to consequences which will not end well. While a “hot” Civil War 2.0 does not seem imminent, neither is it a distant figment of fevered MAGA imaginations.



Americans would do well to recall – and heed – the [admonition](#) of Thomas Jefferson in 1787: “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure.”