



Legal experts say Trump could face prosecution now that he's no longer president

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Legal experts argue that former President Donald Trump could become the first former president in U.S. history to face incarceration as a result of what he did during and after leaving office.

A justice department legal memo ruling out criminal prosecution of a sitting president has shielded Trump from legal jeopardy during his term in office. That memo no longer provides him such protections now that he's out of office, meaning Trump's legal troubles are likely to have just begun.

"The Supreme Court has never ruled directly on whether a sitting president can be tried, but after he leaves office, it's fairly clear he can be tried, even for offenses he committed while in office," Roger Pilon, a constitutional scholar at the Cato Institute, told Sinclair Broadcast Group, referring to the former president's legal battles.

He added: "If that happens, we will be in new legal territory."

If Trump is prosecuted, then the case would probably reach the Supreme Court, according to Pilon.

Trump could face state and federal prosecutors.

The former president faces criminal and civil fraud investigations in New York, with Manhattan district attorney, Cyrus Vance, conducting an ongoing criminal inquiry into Trump's finances. New York Attorney General Letitia James also opened a civil investigation into whether Trump illegally altered the value of his assets.

Georgia prosecutors are investigating whether Trump attempted to overturn the peach state's presidential election results. It's the second criminal investigation aimed at President Joe Biden's Republican predecessor.

"This matter is of high priority, and I am confident that as fellow law enforcement officers sworn to uphold the constitutions of the United States and Georgia, our acquisition of information and evidence of potential crimes via interviews, documents, videos and electronic records will be

cooperative,” Georgia prosecutor Fani Willis wrote in a letter to Secretary of State Brad Raffensperger.

Raffensperger’s office opened an investigation into the Jan. 2 phone call Trump had with Raffensperger that some believe was designed to pressure the Georgia Republican into overturning Biden’s Nov. 3 victory in the state. Trump asked Raffensperger to find votes for him in the taped phone call.

The former president and his legal team leveled unfounded voter fraud claims after Biden had already won.

Trump is currently facing a second impeachment trial. The House impeached the former president for allegedly inciting some of his supporters to lay siege to the Capitol Building in January while lawmakers were inside confirming Biden's win.

“The facts currently known warrant a criminal investigation of the president and others who were involved in inciting the insurrection at the Capitol,” Mary McCord, a former Justice Department official and Georgetown University law professor, told the Los Angeles Times in January.

She added: “Whether charges should be brought will depend on the results of that investigation and considerations of prosecutorial discretion, but accountability is important in the face of such grievous and dangerous abuses of power and privilege.”

If convicted, Trump would become the first former president to face a potential prison sentence.

Former President Gerald Ford pardoned former President Richard Nixon after he resigned from office following the Watergate scandal, which involved Nixon's attempts to cover up his involvement in the June 17, 1972, break-in of the Democratic National Committee headquarters.