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Melania's Presence at Trump's Hush-Money Trial Could Be 'Powerful,' Legal Experts Say — but Eric and Don Jr., Not So Much

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Jacob Shamsian, Laura Italiano, Natalie Musumeci

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[\[Link\]](#)

- Opening statements in Donald Trump's first criminal are set to begin Monday.
- The former president's family has not attended this past week's jury selection.
- But their presence, especially Melania's, could have a powerful impact, legal experts say.

[Donald Trump](#) enters his [first criminal trial](#) every day flanked by lawyers, court officers, Secret Service members, and political advisors.

But not his wife and children.

[Melania Trump](#) and the former president's children have not attended this past week as seven men and five women were chosen as jurors for his historic Manhattan [hush-money trial](#).

And while it's not uncommon for family members of defendants to sit out the slogging jury-selection process, legal experts say their presence — especially that of Melania Trump — could have a strong positive impact on jurors once opening statements begin Monday.

'No question that Melania is the most important'

"There's no question that Melania is the most important family member to be there," Mark Bederow, a criminal defense attorney and former prosecutor for the Manhattan district attorney's office, told Business Insider.

Bederow explained that Melania Trump's courtroom support could be "potentially very powerful" given the salacious nature of the hush-money case against Trump.

Making Trump at least look like a wholesome, beloved husband and father might help him.

"Certainly, if Melania were there supporting him, that potentially sends a message that 'I support him, I'm OK, I believe, perhaps, this didn't happen,'" Bederow said. "I think that can only have a positive impact on the jury."

This is especially important in a trial where the words "porn actress" and "extra-marital affair" will be lobbed at Trump by prosecutors.

Prosecutors from the Manhattan district attorney's office say Trump [falsified 34 business records](#) to disguise a \$130,000 hush-money payment to adult film star [Stormy Daniels](#).

The payment to buy Daniels' silence over an alleged 2006 sexual encounter with a married Trump was part of an illegal scheme to influence the 2016 election, according to prosecutors.

Jill Huntley Taylor, a jury consultant, told BI that the presence of Trump's family will likely magnify the jurors' other impressions of the case.

If the jurors are inclined to side with Trump, thinking the case is lousy, then they'd understand why his family didn't show up, she said. If they side against Trump, they might wonder why none of his family members are supporting him.

"Trump doesn't want to be there," Huntley Taylor said. "I could see jurors, if they're favoring him thinking, 'Well, he's not going to make his family be there.' And I can see jurors who are not favoring him thinking, 'Well, wouldn't your family want to support you in this while you're on trial?'"

His family — or lack thereof

Courtrooms are, by design, "sensory deprivation tanks," joked Julia Vitullo-Martin, a criminal justice consultant and former director for the [Citizens Jury Project](#), an initiative of the [Vera Institute of Justice](#).

So when there's downtime in the courtroom, jurors, who don't have their electronics, have little else to do but study the defendant and whoever is with them.

"So you look around, and you assess the defendant's demeanor, his clothes, his family — or his lack thereof," Vitullo-Martin said.

Jurors have sworn they will judge Trump's case solely on the evidence. But their observations of the defendant — and any family present — will influence their eventual verdict, she said.

"They're human beings," she said of jurors.

"And defense attorneys have always known this, which is why they are so conscious of how their client is coming across to the jury."

'Kind of the elephant in the room'

Whether family shows up for Trump should not matter to the jury, but Bederow said it's only natural for jurors to wonder why Melania Trump or any other family member might not show their solidarity in the courtroom for the presumptive Republican presidential nominee.

"It's not evidence of anything, and it's not the kind of thing they're supposed to consider, but I think it's kind of the elephant in the room," Bederow said.

Even in criminal trials with more dire stakes — and where defendants have been accused of far worse — it's common for family members to attend and show support.

Fallen cryptocurrency mogul [Sam Bankman-Fried](#) had watched his parents in the front row of the gallery for every day of his monthlong trial. Even [Ghislaine Maxwell](#), who trafficked girls to disgraced financier [Jeffrey Epstein](#) for sex and sexually abused them herself, had two sisters and a brother attending her trial nearly every day.

Melania Trump did not show up for her husband's past Manhattan trials

But Melania Trump has been a no-show in Trump's other three Manhattan trials, all of which he lost, and at a cost of more than \$600 million in judgments against him.

The former First Lady also did not attend either [Trump's first](#) or [his second E. Jean Carroll](#) federal defamation trials, in April, 2023 and in January of this year.

She was also a no-show at [last year's civil fraud trial](#).

Trump himself stayed away entirely from the first Carroll trial, at which a jury found him liable for sexual assault.

These absences likely do not make jurors' hearts grow fonder, according to legal experts.

"A defendant's demeanor and appearance in front of a jury is critically important, from the very start of jury selection through the return of a verdict," defense attorney and former federal prosecutor Justin Danilewitz told BI.

Danilewitz added, "And although a defendant cannot, of course, communicate directly with a jury, perceptive jurors will note the courtroom surroundings and the support of family a defendant may have."

Former Brooklyn prosecutor Arthur Aidala echoed those remarks.

"Typically, you want family members there to show the jury that the defendant has a lot of support," he said.

Aidala, a criminal defense attorney who has represented Rudy Giuliani and Harvey Weinstein, agreed Melania Trump's presence at the trial would be "key" but noted that he did not believe the attendance of family would have much of an impact in this case.

"It's not the kind of case where sympathy matters. Usually family matters when you want the sympathy of the jury for the defendant. That's not the case here," Aidala said. "People know Trump. Family will not change their opinion."

Danilewitz, a current white-collar partner at the law firm Saul Ewing, said Trump's defense team may have a different strategy in mind when it comes to Melania Trump.

"Ordinarily, in a case like this, the appearance of a spouse may well send an important signal of support," said Danielwitz. "But the defense strategy here is likely to signal that this trial is not worth the time of the defendant, and even less the time of his close family."

"Attending could suggest a level of importance the defense does not want to give the case," he said.

Instead of family, Trump has been surrounded in court by lawyers and support staff.

They include his four main [criminal defense lawyers in the case](#) — Todd Blanche, Susan Necheles, Emil Bove, and Gedalia Stern — and a rotating cast of political aides working for his

2024 presidential campaign, including Steven Cheung, Jason Miller, Margo Martin, and Natalie Harp.

On Friday, they were joined by Clifford Robert, one of Trump's family's lawyers in the New York attorney general's civil fraud trial against the Trump Organization last year.

Melania Trump is portrayed as the 'mistreated wife' in the hush-money case

They spend a lot of time together, but they're not the wife and kids.

Melania Trump "is the mistreated wife in this narrative that the DA is saying," Bederow said, explaining, "If she's not there, jurors may take note of that. Certainly the media will."

Given that the prosecution's narrative includes Trump having an affair, Trump's lawyers may have deemed it wiser to keep Melania Trump away, according to Huntley Taylor, the jury consultant.

"It seems like you would have to really think twice about whether you want to put her through that," she said.

The presence of Trump's daughter, Ivanka Trump, at her father's criminal trial could also be impactful, but the appearance of his sons, Eric Trump and Donald Trump Jr. likely wouldn't matter, according to Bederow.

"Let's be honest, if Donald Jr. and Eric Trump showed up, is that going to make it any better? No. Probably, if anything, it potentially makes it worse," said Bederow. "But it's a different story with Melania and Ivanka."

"People who are inclined not to like Donald Trump probably view the sons in the same way just because they're very vocal defenders of their father, which is natural and expected," Bederow continued. "But they're also very involved in the political game and the media game that surrounds everything involving Trump."

Melania Trump has privately called the charges against her husband "a disgrace," even though she was initially furious at him when news of the alleged affair broke in 2018, [according to the New York Times](#).

If Trump's family does decide to show up Monday, they might want to wear sweaters. The temperature in the courtroom is [very cold](#).