

(Intro music)

Hillel Aron: Hello, and welcome to a very special end-of-the-year extravaganza episode of Sidebar. I am your host, Hillel Aron, and we have the entire Sidebar team here today. There is Kelsey Reichmann, our special Supreme Court correspondent.

Kelsey Reichmann: Hello.

HA: There's Kirk McDaniel, our special Texas correspondent.

Kirk McDaniel: Hey y'all.

HA: And last but certainly not least, Amanda Pampuro, our very special Denver correspondent.

Amanda Pampuro: Hello.

HA: Well, 2024 is winding down, and what a year it was. We had former President Donald Trump get convicted of 34 criminal counts of falsifying business records after Manhattan prosecutors argued he tried to cover up the fact that he paid an adult film actress to keep quiet about an alleged affair they had. Of course, a verdict like that dealt a serious body blow to his electoral aspirations, isn't that right, Kelsey?

KR: Actually no, he was reelected handily and he's unlikely to face any repercussions. Special counsel Jack Smith even officially ended his prosecutions for election interference and misuse of classified documents.

HA: Ah. Well, anyway, Trump did play an outsized role in courthouse news this year, but we're probably all a little Trump-ed out by now. So, in today's episode we're going to talk about three of our favorite trials this year, the three weirdest, most entertaining trials that had nothing to do with the 45th and 47th president of the United States. And we'll begin in Atlanta, Georgia, Hotlanta, as the kids are calling it, when a rapper named Young Thug was on trial for an entire year.

KM: More than a year, as a matter of fact. This is actually one of the longest, strangest trials we've ever covered here. Jury selection actually began in January 2023.

HA: Wait, what?

KM: Yeah, it took 10 months.

HA: Ten months just to pick a jury?

KM: Yeah, although it was off and on, opening statements didn't start until November 2023.

HA: More than a year ago.

KM: That's right. It's the longest trial in the history of the state of Georgia. I spoke to Courthouse News' Atlanta reporter, Megan Butler, who's been covering the trial.

Megan Butler: Young Thug, whose real name is Jeffery Williams, he is a Grammy Award-winning hip-hop artist with a very big influence in the Atlanta area. He was indicted in May 2022, along with 27 others, who the indictment claims are in a gang called YSL, or Young Slime Life. They basically said

that Young Thug was the leader of the gang or was supplying money to these people to do these various criminal activity, but he also has a record label, which is called YSL.

HA: While we're talking about acronyms, there was another important one in this trial: R-I-C-O. Racketeer Influenced and Corrupt Organizations, or RICO.

KM: Yeah, the case was brought under Georgia's racketeering statute.

HA: These laws started getting passed in the 1970s to help combat organized crime.

KM: That's right, though they've been used more and more lately. I talked to Megan about that.

MB: Georgia's racketeering statute in particular, a lot of legal experts and attorneys say it is one of the most expansive in the country because you are able to tie in actions that were committed in other states, and you only need two or more overt acts to claim that there is a conspiracy going on.

KR: And Donald Trump was actually charged with racketeering in Georgia.

HA: Same prosecutor, right?

KM: Yep, Fani Willis, who's had her sights set on Young Thug for quite some time. Here's Megan again.

MB: One of the big incidents that led to the indictment was this murder in 2015 of this man in Atlanta named Donovan Thomas. It was a drive-by shooting. Investigators believed it to be gang-related and they found out the car that was used was rented under Young Thug's name. There was a string of drug dealings and other shootings and robberies that police were starting to say were connected. So, a lot of these individuals had already been charged and incarcerated for their individual crimes, but police wanted them to give them, give up the, you know, the big fish, so to say. That's when Young Thug's name got thrown into it and they started looking more into him, and after he was arrested, they also raided his home, which they found drugs and guns and stuff belonging to not only him, but the other, some of the other defendants as well.

HA: And who are some of the other defendants?

KM: Another defendant was an Atlanta-based rapper named Gunna, aka Sergio Kitchens.

HA: And Gunna is a pretty big artist himself, right?

KM: Yeah, definitely. He was nominated for a Grammy about four years ago and he has more than five million followers on Instagram, but he pleaded guilty very early on, just as the trial was starting in December 2022.

HA: Now, music has played a very big part in this trial, right?

KM: Yeah, in particular Young Thug's lyrics. I'll have Megan explain the details.

MB: What was very controversial about this case is that prosecutors wanted to use several of his lyrics as evidence, as well as lyrics of some of the other defendants, and like music video clips and even like social media posts. A lot of First Amendment advocates said was very against that, saying that that should be protected speech and that music is artistic expression and can't necessarily be

used against someone in prosecution because it doesn't necessarily mean it's true, whereas prosecutors in this case said that it was a confession, that they were evidence of that, and the original judge assigned to the case allowed them to use a good portion of his lyrics as evidence to the jury.

KM: One thing that's been great about this trial, at least from a journalist's point of view, is the whole thing has been streamed live on YouTube, so we get to play some clips from it. Here's the first judge in the case, Ural Glanville, reading some of the lyrics during a 2023 hearing.

Ural Glanville: This is that slime shit, hey, YSL shit, hey, killing 12 shit, hey, fuck a jail shit, hey, cooking white brick, I'm not new to this, hey.

HA: So why did this trial last so long?

KM: I asked Megan about that.

MB: It started off with 28 defendants, which is quite a few. A lot of them did end up taking plea deals or having their trials severed later on, but that was a big issue, and another issue was the state wanted 200 witnesses called. And then you have the fact that Young Thug, a lot of people know his name. He's very famous, so finding jurors that didn't know anything about him was also an issue, and finding jurors that were going to be able to sit that long through 200 witnesses is a huge burden on people. So, it was very difficult for them to seat a jury. It took several months.

KM: During jury selection, there was an early sign that this would become a complete and total circus. A prospective juror was caught recording some of the proceedings on her phone and the judge sentenced her to three days in jail.

UG: Do you recall this court giving you the ad nauseum admonitions about acceptable behavior?

Juror: About having phones out?

UG: Yes.

Juror: At the moment when we came in-

UG: Didn't I tell you to turn your phone off?

Juror: It was I'm going to be truthfully and very honest when it was a lot going on. We had just come from different courts.

UG: Answer my question first, and then you can explain it. Do you recall us telling you to turn off your cell phones?

Juror: Um, yes, sir.

KM: There were also a series of, how shall we put it, prosecutorial missteps.

MB: The prosecutors were constantly scorned for issues such as not handing evidence over to the defense, having witnesses read things they weren't supposed to in front of the jury, with evidence that was supposed to be redacted.

KM: The fact that this was livestreamed and there was so much interest in it did not help. At one point, someone managed to break into the Zoom where the trial was partially being conducted and voiced his support for Young Thug.

Zoom: Free Thug, mistrial. Free Thug, mistrial.

HA: This really was like a modern-day O.J. Simpson trial, where the judge, you know, basically lost control.

KM: You could say that. Later it was revealed that Judge Glanville did not disclose meeting privately with prosecutors. The defense lawyer said that the judge was trying to coerce one of the witnesses into testifying and called for the judge to be removed. This led to a huge delay in the trial, because not only did the judge refuse to step down, he actually held Young Thug's lawyer in contempt for refusing to reveal how he learned about the private meeting.

HA: Wow.

KM: Judge Glanville was finally removed in July.

HA: Now, there were some pretty comical moments from witnesses, right?

KM: Yeah, one that stood out was Adrian Bean who was called by prosecutors but did not testify like they thought he would.

Attorney: They wanted, they forced Jeffrey Williams into it. Did I hear you say that?

Adrian Bean: Um, can I get a water or something? I'm so high right now, y'all, I'm about to go to sleep, on y'all, man.

KM: In case you didn't hear that he said, 'I'm so high right now I'm about to go to sleep.'

HA: Amazing. Now. There was a pretty big plot twist in the trial a couple of months ago, right?

KM: Yeah, in October, Young Thug, seemingly out of nowhere, reached a plea deal with prosecutors and Megan said that it was another prosecutorial error that led to the plea deal offer.

MB: They had their witness read aloud from a piece of evidence, and part of it was supposed to be redacted, but the witness read it anyway and it revealed to the jury that certain defendants were already incarcerated, which the jury was not supposed to know. So, the defense attorneys all started calling for a mistrial and the judge said that she was going to consider it, but if she did grant a mistrial, the prosecutors would be able to start all over again, which the defense did not want.

HA: Which basically would have meant two wasted years.

KM: Exactly.

MB: To avoid that from happening, they started negotiating plea deals with some of the defendants. This led to one being negotiated with Young Thug, and his largely stemmed from the fact that he was denied bond. So, he has been sitting in a jail for over two years now. He basically told his attorney, 'I'm sick of being in jail, I can't take it anymore, I have kids, I have a career and there's no end in sight to this trial.' Even though his attorney was very outspoken against it, he told the judge, 'you know, I

think my client is innocent, I think we're winning the trial. This is, you know, I don't want this necessarily.' And so, he defended him up until the very end, and his plea deal in particular was unusual because he never acknowledged like that he was guilty as far as the racketeering charges. He did acknowledge that he had possession of drugs, possession of guns, but he never admitted any guilt to being involved in a gang or that it even existed, and he allowed the judge to ultimately decide his sentencing. She was very persuaded by his attorney, and she sentenced him, I believe it was five years commuted to time already served and then 15 years of probation and under those terms he has to avoid the city of Atlanta for a decade. He's not able to talk to any of the other co-defendants and he has to be careful with his music. She's told him that she he needs to not rap about gang activity or anything of the sort, and she urged him to use his influence in a different light. And if he violates any of these terms of his probation, he faces 20 years in prison.

KM: I'm curious to see how careful he is in the future or if he tries to push the envelope a bit. Here's Megan again.

MB: It's very vague and how they're going to hold him accountable for that is going to be interesting. When he accepted his plea deal and came before the judge, he said that he was ignorant about the influence he had and the effect of those lyrics and seemed adamant about her instructions to kind of change his focus with his music career. So, whether he was honest about that or not we'll see.

KM: The final two defendants were found not guilty of participating in a criminal street gang earlier this month. This brings the trial, which began with these really explosive allegations, to quite an unceremonious end.

HA: Hmm, could say the same thing about this segment.

AP: There's another organization accused of corruption and glorifying violence.

HA: Tell us Amanda.

AP: The NRA!

HA: What? The National Restaurant Association? What did they do?

AP: Um, it's the National Rifle Association.

HA: Ah, okay.

AP: In 2020, New York Attorney General Letitia James filed a lawsuit against the NRA and its president, Wayne LaPierre, claiming LaPierre spent millions of dollars in donations on himself for fancy Italian suits, private jet rides, home renovations and the like. The judge broke the case into two trials. First, a jury trial against LaPierre, and then a bench trial to decide if the organization was responsible for enabling the president's misbehavior. Just before the first trial began, in February, LaPierre stepped down as head of the NRA, citing health reasons. I spoke with Erik Uebelacker, who covered the trials for Courthouse News in New York.

Erik Uebelacker: This was proven at jury trial, this isn't, you know, alleged or supposed anymore is the NRA hired a PR firm called Ackerman McQueen and they basically just paid Ackerman McQueen a boatload of money, like more money than you would ever need to pay a PR firm, and

then executives, most notably Wayne LaPierre, would then, you know, bill Ackerman McQueen for things like private jet rides, trips with his buddies, vacations on yachts, things like that.

AP: A key witness for the state of New York was Chris Cox.

EU: Chris Cox was a very high, high level NRA figure, being the head of the NRA Institute for Legislative Action. He was kind of second in command. He was one of the more recognizable faces there and he was, as far as a lot of people were concerned at the time, sort of poised to take the reins when LaPierre were to step down later. But once he found out that LaPierre had spent more than \$250,000 on these luxury Italian suits, that sort of was the last straw for him.

HA: What did LaPierre say in his defense?

AP: He basically said that all these things he bought – the nice suits, first-class plane tickets – were things he needed to be an effective advocate for the Second Amendment. Here's Erik again.

EU: At trial, LaPierre testified no, like the PR team at Ackerman McQueen said that I needed these suits, you know, to kind of preserve my image and to go and speak on behalf of the NRA and look nice while doing so. I didn't even want to do this. And then for things like, you know, the jet trips and the vacations, he said that a lot of that stuff was for safety because he was, you know, such a polarizing figure as the head of the NRA.

AP: Was that believable?

EU: I mean, the jury didn't believe it.

AP: The jury ordered LaPierre to pay the NRA a \$5.4 million judgment.

HA: Okay, so how did the second trial go, the bench trial against the organization.

AP: It started in July. Here's Erik again.

EU: The February one was sort of the big one for people who are paying attention and people who know Wayne LaPierre's name, because that was the trial that ended in punishment for him and some of the other longtime members of NRA leadership, whereas this most recent trial was more important for NRA members themselves because it focuses on how the NRA is going to govern itself going forward. But the bench trial didn't get as much press because there was no punishment, there was no million-dollar figure for Wayne LaPierre. At the end of all this, the second phase is still kind of going on. The trial itself is over, but the end of the trial was a bit anticlimactic because the judge came out and said basically, like both of you guys need to just come to an agreement here as to how the NRA is to move forward.

AP: This trial is going to have a huge impact on the way the NRA functions. But you couldn't necessarily tell from the outside.

EU: Covering this trial was more unceremonious than I thought it would be. It was the same judge for both trials, that was New York Supreme Court Justice Joel Cohen, but there were really no protesters. It didn't seem like a ton of people really knew that this trial was happening outside of those involved. Trial number one they held in the massive ceremonial courtroom in the New York Supreme Court civil courthouse in Lower Manhattan and you know it was sort of unnecessary since

there wasn't a huge crowd outside of the very first and the very last days. And then the second trial was even more low key. So, it was a much more standard legal proceeding where it was a small courtroom, two, three reporters and then just the parties and their plus ones in the courtroom.

AP: Do you have a sense of how this litigation changed the NRA? What kind of organization it's going to be moving forward?

EU: The NRA was arguing look, we have made all these changes in the past several years, this trial is no longer necessary. And then the attorney general came out and said, well, you guys only made those changes because we sued you, so we kind of need to keep forcing the issue here, so you continue to make these changes and continue down the right path. So yeah, I mean it's tough to say the NRA isn't going anywhere in terms of its political or cultural impact. It's still by far the most powerful Second Amendment gun rights group we have in this country. With Wayne LaPierre stepping down I think that it's a less polarizing group.

HA: Wayne LaPierre was famous for making these pretty bombastic pro-gun arguments, even right after school massacres. Is his successor like that too?

AP: His successor is Doug Hamlin, and no, he's much more of a reformer, according to Erik.

EU: There's kind of two sides at the NRA. It's like the old Wayne LaPierre loyalists and then it's the new guard that wants to change the way the NRA functions and like, really take compliance seriously and get some of those old, and Hamlin is sort of more on the reformist side. I don't think you're going to get Doug Hamlin or, you know whoever, is the EVP years down the line, coming out after mass shootings and saying, "we actually need more guns, we need arms, school security," you know, things like that. I could be wrong, but those were kind of Wayne LaPierre's big moments were coming out after mass shootings and going even harder for Second Amendment rights. I do think that the current board and current leadership is a lot more focused on bringing the NRA back to focusing on sort of what it built its reputation on, which is hyperlocal, like gun safety workshops and, you know, teaching people how to shoot.

HA: All right, we had the YSL trial, the NRA trial. Kelsey, what three-letter trial are you here to talk about?

KR: The NFL trial.

HA: Of course, the National Football League. Do you watch a lot of NFL, Kelsey?

KR: I'll admit I didn't pay that much attention to football games before, but now that I can see Taylor Swift and irritate men simultaneously, I'm all in. While disgruntled fans bemoaned five-second clips of Taylor cheering on her beau, another group of displeased sports watchers took the NFL to court for antitrust violations. DirecTV customers who purchased the NFL's Sunday Ticket package filed a federal class action saying the league had inflated prices for a premium subscription with access to out-of-market games.

HA: All right, explain this one to me.

KR: The NFL television rights work a bit differently than most sports. The NFL bundles all the TV rights for its Sunday afternoon games and they're sold exclusively to Fox and CBS to show over

broadcast television. Viewers are able to watch their local team and a handful of out-of-market games, but you don't get to choose which ones.

HA: Okay, so, in Los Angeles I can watch Rams and Chargers games, but I can't choose to watch any of the out-of-market games I want to on Sunday afternoons, right? The networks decide which games I can see.

KR: Yes, that's right. If you wanted to watch the Dallas Cowboys or the Baltimore Ravens or the Washington Commanders, you would need to purchase the NFL's Sunday Ticket package.

HA: And about how much does that set you back?

KR: When it was on DirecTV, Sunday Ticket cost almost \$300 per season.

HA: Oof.

KR: But now that it's on YouTubeTV, subscribers can get Sunday Ticket for around \$380 per season and without the YouTubeTV subscription added, Sunday Ticket costs almost \$500 per season.

HA: Wow, OK, and how many people are in the class?

KR: The class action covered 2.4 million residential subscribers and about 48,000 businesses in the U.S. who had paid for Sunday Ticket on DirecTV from the 2011 through 2022 seasons, and their claim was that the NFL plotted with CBS, Fox and DirecTV to keep the subscription prices high. I spoke with Edvard Pettersson. He covered the trial for us in Los Angeles.

Edvard Pettersson: The reason this happened is that the NFL gets billions of dollars from CBS and Fox to show these games and CBS and Fox get billions of dollars from advertisers. And if those out-of-market games become more widely available if I'm here in Los Angeles thinking about lots of games other than the Rams on, you know, on cable or on DirecTV, in that scenario fewer people will watch the local games on broadcast TV, the ratings will go down, the advertisers will pay less money to CBS and Fox, CBS and Fox will pay less money to the NFL. And during the trial the plaintiffs were arguing that there's like emails, notes from meetings between the NFL executive s, marketing people that sort of, you know, made it clear that they were determined to keep Sunday Ticket as an exclusive, you know, premium price package so as not to cannibalize their revenue from the broadcast networks.

KR: Several subscribers testified during the trial. Edvard said a Saints fan stuck out to him.

EP: Hope I remember correctly, there was one guy he's from New Orleans, grew up with the Saints you know as their hometown team. It's like, you know, deeply rooted in the community there. So, he moved to Oakland or the Bay Area, you know he could not live without watching the Saints, so he was forced to, you know, pay hundreds of dollars a season to watch, to get a Sunday Ticket package from DirecTV.

HA: And what did the NFL say in its defense?

KR: The NFL argued that the broadcast rights keep the league competitive, meaning that it keeps the teams evenly balanced. Jerry Jones, the owner of the Dallas Cowboys, helped make this argument during the trial. Here's Edvard.

EP: One of the owners testified at trial. Jerry Jones, who owns the Dallas Cowboys, very popular and he testified like, 'if I would, you know, to sell the rights to the Cowboy Kings myself, I would get much more money, but as a result, the Dallas Cowboys would be the richest team in the league. They would get the best players, pay the highest salaries and the league would become less competitive and less fun to watch for viewers.'

HA: So, this was a pretty fun trial, right?

KR: Not exactly. Edvard said it was pretty boring with lots of dry testimony about broadcast rights that went on for three weeks.

EP: It was kind of like, you know, a long slog of a trial really in terms of, you know, lots and lots of detailed, you know economic analysis, hypothetical worlds, like if the NFL did it, like the college football teams are doing it now, they negotiate separate deals or as a group, so, if you were an NFL fan you probably would have found it all fascinating. Not everybody felt it.

HA: You and Edvard are not exactly selling this to me. Let's go to the verdict. What happened?

KR: The jury deliberated for less than a day before finding in favor of the plaintiffs, the football viewers, and they awarded an eye-popping \$4.7 billion in damages.

HA: Woof.

KR: And because damages can be tripled under federal antitrust laws, the NFL was potentially facing over \$14 billion in damages.

HA: \$14 billion, wow. I'll bet the verdict had the plaintiffs' attorneys celebrating in the end zone.

KR: Yeah, although they may have noticed a flag on the play.

EP: I thought after the verdict came in, you know, they were of course very happy, but I also noticed, you know, I've talked to some of them, they seemed a little nervous about whether it would stick and it was kind of you know, a big, a big, big verdict that it didn't last, unfortunately for the plaintiffs.

HA: What does that mean it didn't last?

KR: The federal judge found that the testimony of two witnesses for the subscribers was flawed and should have been excluded, and he said that even without the legal error he would have overturned the verdict because of the astronomical damages.

EP: The jury came up with a very precise number like \$4.3.969 million, billion or something like that, an oddly accurate number. And while the jury was deliberating, the judge was sort of joking with the lawyers about being like this rocket scientist on the jury, and they were sort of joking like he's probably come up with his own theory, damages theory, and that's exactly what happened. What they did was they took the number, the list price for DirectTV, they subtracted the average price people paid, and so they were left with, you know, the discount basically between the list price and the actual price people paid, and then that is multiplied, that discount, by the number of subscribers, like 25 million or something.

HA: And that was impermissible.

KR: Right. The judge actually called the award irrational.

HA: And so, like much of the news in 2024, you could have completely ignored it, and you wouldn't have missed a thing.

KR: Right, except the verdict could still be reinstated. The subscribers have appealed, and the Ninth Circuit will probably hear the appeal. The circuit actually revived the case in 2017 after a judge dismissed it.

HA: That's what's great about covering the courts. Nothing ever ends.

KR: That's right.

HA: I'll tell you what does end, though, and that's this podcast. Many thanks to Courthouse News reporters Megan Butler in Hotlanta, my own yokemate Edvard Pettersson in Los Angeles and Erik Uebelacker in New York City. Thanks to my fellow Sidebar co-producers, Amanda Pampuro, Kirk McDaniel and Kelsey Reichmann, and a very, very special thanks to our editor and Real Housewives expert, Jamie Ross, and our social media editor, Sean Duffy. Be sure to check out www.courthousenews.com for all the news you could possibly think to consume. We're going to take a bit of a hiatus, but we'll be back with new episodes in January. We'll speak to you then.

(Outro music)