

Manhattan D.A. Would Face Uphill Battle if He Took Adams Case

Now that the Justice Department has directed federal prosecutors to drop Eric Adams's case, could Alvin L. Bragg's office pick it up?



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By Hurubie Meko

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With the Justice Department on Monday ordering federal prosecutors in Manhattan to drop corruption charges against Mayor Eric Adams of New York, the legal spotlight could shift to a local prosecutor — the Manhattan district attorney's office, and its leader, Alvin L. Bragg.

Mr. Adams was indicted on five counts of bribery conspiracy, fraud and soliciting illegal foreign campaign donations. The order by Emil Bove III, the Justice Department's acting No. 2 official, did not clear Mr. Adams of wrongdoing. Mr. Bove said he had not assessed “the strength of the evidence.”

The memo to federal prosecutors said there was to be “no further targeting of Mayor Adams or additional investigative steps” until after the November mayoral election, when the case could be re-evaluated.

But while Mr. Bragg has shown that he is willing to tangle with the president and his allies — he won a criminal conviction of Mr. Trump on 34 felony counts last year — he or any other prosecutor would face daunting obstacles in building a case against the mayor.

It would be “highly unusual” for the Manhattan district attorney’s office to begin its own investigation into Mr. Adams at this point, but nothing would prevent it if the statutes of limitations for any state crimes have not run out, said Cyrus R. Vance Jr., Mr. Bragg’s predecessor.

With the cooperation of federal prosecutors — which would mean access to federal witness interviews, grand jury statements and subpoenaed documents — Mr. Bragg would be able to pull together a case quickly, Mr. Vance said. But given that Mr. Trump’s Justice Department is highly unlikely to provide that cooperation, the office would have to “essentially rebuild the case from the ground up,” Mr. Vance said.

The outcome this week of the Manhattan district attorney’s case against Stephen K. Bannon, a longtime adviser to Mr. Trump, shows the hurdles that Mr. Bragg could face.

Mr. Bannon, who was facing a trial in March on five felony charges, pleaded guilty to a single count on Tuesday and was given a deal with no prison time and no restitution.

It was the second time that Mr. Bannon had avoided a trial on charges connected to a group called We Build the Wall. In 2021, in the hours before he left office, Mr. Trump pardoned Mr. Bannon in a similar federal case.

To build the case against Mr. Bannon, Mr. Bragg’s office would most likely have needed to depend on the documents those federal prosecutors had gathered and the evidence they had presented to a federal grand jury in Manhattan. Federal officials might have also needed to testify at a trial.

But that cooperation was unlikely to be forthcoming under the new administration. Justice Department prosecutors now answer to an attorney general, Pam Bondi, who has pledged to scrutinize Mr. Bragg. Last week, she said that Mr. Bragg’s conviction of President Trump would be reviewed by a Justice Department working group aimed at rooting out “abuses of the criminal justice process.” There is no indication that Mr. Bragg’s case against Mr. Trump violated the law.

In Mr. Adams's case, it appears that federal and state prosecutors may have already been cooperating on at least some of the investigations relating to the mayor, said Arlo Devlin-Brown, a former federal prosecutor in Manhattan who was the chief of the public corruption unit from 2014 to 2016.

For that reason, he said, the district attorney's office could already have access to some of the materials gathered in the federal investigation. State prosecutors could also issue subpoenas to obtain much of the testimony and documents used to build the federal case, he said. But it "wouldn't be seamless," he said. "The district attorney's office would have to closely consider whether the available evidence is sufficient to prove the state offenses."

Mr. Bragg has indicted several people in Mr. Adams's orbit in recent years, including his former chief adviser, Ingrid Lewis-Martin, but there has been no indication that Mr. Adams was a target of the investigations. Ms. Lewis-Martin, who was charged with bribery and conspiracy, has pleaded not guilty.

In December, Mr. Bragg said, "We do not have evidence of criminal conduct by the mayor."

Other paths to prosecuting Mr. Adams are also challenging.

- If federal prosecutors in Manhattan follow the Department of Justice directive and file a motion to drop the U.S. case against the mayor, the judge overseeing it, Dale E. Ho of the U.S. District Court in Manhattan, could question the decision. But under legal precedent, he has limited power to refuse the request.
- Zellnor Myrie, a state senator from Brooklyn who is running for mayor against Mr. Adams, sent a letter to Judge Ho urging him to reject the dismissal and to appoint a special prosecutor to continue the case.
- The New York attorney general, Letitia James, does not have original jurisdiction and could only bring a case against Mr. Adams case if she received criminal referral from a state agency, said Carrie H. Cohen, a former federal public corruption prosecutor in Manhattan and a former chief of the public integrity unit of the New York attorney general's office.

- Other district attorneys in New York City have not indicated that they are investigating Mr. Adams.
- Another state official who could take action against Mr. Adams is the governor, Kathy Hochul, who has the power to remove him from office. She reiterated Tuesday that she would not do so. Overturning the will of the voters who elected him “does not feel like something that’s very democratic,” she said.

Hurubie Meko is a Times reporter covering the New York Police Department and criminal justice in the New York region.

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