

David Siegal in WSJ, NYDN: No 'Slam-Dunk' for Sheldon Silver Retrial on Corruption Charges

July 17, 2017

When the 2nd U.S. Circuit Court of Appeals threw out the 2015 conviction of former New York State Assembly Speaker Sheldon Silver, news outlets asked Haynes Boone Partner [David Siegal](#) to help sort out the implications.

In light of a 2016 U.S. Supreme Court ruling that narrowed the meaning of "official acts" in the context of public corruption, the jury in Silver's trial received flawed instructions and "it is not clear beyond a reasonable doubt that a rational jury would have reached the same conclusion if properly instructed," the circuit court ruled.

Silver had been convicted of illegally accepting millions of dollars for actions he took while a powerful public official, and prosecutors said they plan to retry him.

Haynes Boone Partner David Siegal was quoted by *The Wall Street Journal* as calling the appellate ruling "a very fact-based decision."

"It applied the law to these facts," he said.

But revised jury instructions won't clearly change the outcome on retrial, Siegal, who co-chairs Haynes Boone's Government Enforcement and Litigation Practice Group, told the *New York Daily News*.

"There's no question that the government presented evidence relating to Mr. Silver's receipt of benefits connected to his official position," Siegal said, but "I don't think the evidence is a slam-dunk either way on retrial."

"His lawyers are in a much better position this time to argue that however unsavory Mr. Silver's activities were, they don't meet the definition of a crime," he said.

Excerpted from *The Wall Street Journal* and the *New York Daily News*.

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