

Trial Looms For Ex-Perkins Coie Atty Accused Of Lying To FBI

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Carlton Fields white collar crime attorney Simon Gaugush was quoted in a *Law360* article, “Trial Looms For Ex-Perkins Coie Atty Accused Of Lying To FBI,” about *U.S. v. Michael Sussmann*. Sussmann was set to face trial for allegedly hiding his affiliation with Hillary Clinton’s presidential campaign when he approached investigators before the 2016 election regarding possible ties between then-candidate Donald Trump and a Russian bank. In regards to determining whether or not Sussmann’s alleged deception was material, Gaugush said that a weakness in the prosecution appears to be its focus on steps the FBI may or may not have taken with additional information. The false statement statute “is not an invitation for the government to wildly speculate about what the FBI might have or might not have done in this matter,” stated Gaugush. “Materiality needs to be more concrete.” Gaugush then referenced the May 2020 dismissal of the case against former Trump national security adviser Michael Flynn, who’s admitted lies about contacts with a Russian ambassador were determined as not material to an underlying investigation. Gaugush goes on to state that two years later, DOJ prosecutors are pursuing a matter on what seems to be a different view of materiality. [Read the article](#). (A subscription may be required).

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