

Justices To Mull Limits Of Fraud In NY 'Buffalo Billion' Cases

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The U.S. Supreme Court agreed to consider whether private citizens who influence government decision-making can be convicted of honest-services fraud, taking up a case involving Carlton Fields client Joseph Percoco, a former aide [to] New York Gov. Andrew Cuomo. Carlton Fields Shareholder Michael Yaeger and a team of attorneys representing Percoco argued in their petition for certiorari “that the Second Circuit holding ‘that private citizens can owe a fiduciary duty to the public and therefore be guilty of honest-services fraud’ is ‘just the latest example of federal integrity prosecutors running amok and getting away with it.’” The U.S. Supreme Court granted Percoco's petition for certiorari. Percoco added, “the notion that private citizens owe a duty of honest services to the public so long as a jury deems them sufficiently influential finds no basis in law or common sense.” Percoco’s attorneys told *Law360* they were “pleased with this development and are optimistic about the outcome.” Read the article [here](#). (Subscription required for full access.)

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