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NEWS

Winston Secures Acquittal for Former Puerto Rico Senator

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One of the country's longest-running white collar cases came to an end on January 17, 2019, when Winston obtained a judgment from the U.S. Court of Appeals for the First Circuit vacating the conviction and ordering the acquittal of former Puerto Rico Senator Hector Martinez.

In a 2010 indictment, the government alleged that businessman Juan Bravo bribed Senator Martinez by paying some of his expenses associated with a 2005 trip to Las Vegas in exchange for Senator Martinez's support for two popular public safety bills that Senator Martinez had already sponsored and that passed the Senate nearly unanimously. Following the indictment, the case proceeded to two trials, three trips to the Court of Appeals, and one merits case before the U.S. Supreme Court. The jury in the first trial returned what the Supreme Court later described as "irreconcilably inconsistent verdicts of conviction and acquittal" and, in an important precedent-setting decision, the First Circuit reversed those convictions because the jury was improperly instructed that something less than actual bribery could sustain a conviction. Next, the U.S. Supreme Court had to resolve a split among the lower courts as to whether the inconsistency in the jury's verdict could allow a retrial or whether double jeopardy principles barred such a trial. The Supreme Court allowed the case to be retried and both defendants were convicted of a single bribery charge, but the most recent decision from the First Circuit concluded that the government's evidence failed to prove bribery. Not only did the First Circuit reverse the convictions, it ordered the district court to enter a judgment of acquittal for both defendants so that neither defendant can be retried after nearly a decade of litigation. The case has received widespread media attention, including articles in Law360 and *El Nuevo Dia*, the largest newspaper in Puerto Rico.

Senator Hector Martinez was represented by Winston Partners Abbe David Lowell and Christopher Man.

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