

News

PARTNER QUOTED IN ‘NATIONAL LAW JOURNAL’ ON CONFLICTING CIRCUIT COURT DECISIONS

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BCLP Partner Andrey Spektor was quoted Aug. 22 by the *National Law Journal* on issues to watch in the Supreme Court. The Journal turned to Andrey, a former federal prosecutor, for developments in the white collar space. Venue-related issues have been bubbling up at the Circuit level; some judges have expressed skepticism about the limitless power of prosecutors to bring false-statement cases almost anywhere. “The Court has been suspicious of prosecutors’ arguments that have no limiting principles, and it could be troubled by the effects test—the idea that a false statement charge can essentially be prosecuted anywhere because the effect of that statement is amorphous,” he said. There was also a sign recently that the high court may revisit precedent allowing judges to use acquitted conduct to enhance a convicted defendant’s sentence, added Andrey. The Supreme Court “decided to punt, for at least another year, and let the U.S. Sentencing Commission to act, failing which, the justice wrote, ‘this Court may need to take up the constitutional issues presented,’” Andrey said.

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Andrey Spektor

New York

andrey.spektor@bclplaw.com

+1 212 541 2085

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