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## Reversal of Conviction from the Ninth Circuit

2010-12-12

On December 10, the Ninth Circuit unanimously reversed the conviction and dismissed all counts against WilmerHale client, former McAfee Chief Financial Officer, Prabhat Goyal. The decision is a resounding rejection of the government's case, finding that no jury could reasonably have reached a criminal violation. In a concurring opinion that takes special exception with the government's pursuit of criminal charges for accounting and financial fraud, Chief Judge Kozinski noted: "Mr. Goyal had the benefit of exceptionally fine advocacy on appeal, so he is spared the punishment for a crime he didn't commit. But not everyone is so lucky."

WilmerHale Appellate Partner Seth Waxman argued the case before the Ninth Circuit. Joining him on the appeal were Partners Jonathan Nuechterlein, Mark Fleming, and Ed DuMont as well as Senior Associate Brian Fletcher and former Associates Cary Bollinger and Roberto Gonzalez.