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## GLOBAL CONNECTION

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### Largest Indictment for an FCPA Case is Dismissed

After a string of losses involving the largest Federal Corrupt Practices Act (FCPA) case against individuals, the U.S. government has now dismissed the Superseding Indictment and all underlying indictments.

The FCPA, 15 U.S.C. §§ 78dd-1, et seq., makes it illegal for U.S. companies and citizens, foreign companies listed on a U.S. stock exchange, or any person acting while in the United States to make payments to foreign government officials to assist in obtaining or retaining business. The FCPA specifically prohibits a person or company from making a bribe to a foreign official to influence that official to violate his or her lawful duties, or to secure an improper advantage in obtaining or retaining business.

In late 2009 and early 2010, a District of Columbia grand jury indicted 22 defendants, charging them with, among other things, violations of the FCPA and conspiracy to violate the FCPA. The indictments all related to a purported deal to sell \$15 million in military and law enforcement products to the Ministry of Defense for Gabon. The case is often referred to as the "SHOT Show Case" because the vast majority of defendants were arrested at a shooting and hunting convention in Las Vegas in January 2010. Originally the grand jury issued 16 indictments against the 22 defendants, but the grand jury later issued a Superseding Indictment in April 2010 that consolidated all 22 defendants into one case, the largest ever for an FCPA case.

Because of the sheer number of defendants, the government, acting through the Justice Department (DOJ) Criminal Fraud Section and the U.S. Attorney for D.C., recommended setting a trial schedule in four groups. Last year, the first group went to trial, but the Court declared a mistrial after the jurors could not reach a verdict. The second group went to trial in September 2011. One defendant was acquitted based on insufficient evidence before the jury even received the case. In early February 2012, the jury acquitted two other defendants and the Court declared a mistrial when the jury could not reach a verdict on the remaining defendants. After these string of losses, the U.S. government moved to dismiss the indictment and entire case with prejudice, which the D.C. federal court granted on February 22, 2012.

This dismissal comes as DOJ, led by Assistant Attorney General Lanny Breuer, is working on releasing new guidance related to FCPA. The new guidance has not yet been released, but we will keep you apprised of the events.

Please join KPMG LLP and Snell & Wilmer L.L.P. for an overview of the Foreign Corrupt Practices Act (FCPA) Executive Briefing on Wednesday, April 11, 2012. More information can be found [here](#).

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