

News

PARTNER IN 'BLOOMBERG' ON ELIZABETH HOLMES RECORDING IN CRIMINAL FRAUD TRIAL

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BCLP Partner Andrey Spektor was quoted Oct. 22 by *Bloomberg* in an article about evidence recently introduced in the criminal trial of Elizabeth Holmes, founder and CEO of Theranos. Andrey was asked why the government might have chosen to call as a witness an investor who was less known and lost less money than some of the more recognizable victims. For the government to make the argument that Holmes lied to raise more than \$700 million, a cooperative witness with little baggage is preferable to a billionaire media mogul or family scion, noted Andrey, a former federal prosecutor. "Those factors outweigh how famous they are or how much money they've lost," Andrey said. "Jurors may feel less swayed by testimony of a rich person who they believe should have known better or has not suffered all that much."

Andrey was also quoted Oct. 22 by *BloombergQuint* concerning yet another juror who was dismissed from the criminal trial of Elizabeth Holmes, leaving only two alternates in a trial that is expected to last until December. Under federal rules, criminal juries can deliberate with just 11 jurors under limited circumstances, noted Andrey. If the panel loses too many jurors, the judge's only alternative is to declare a mistrial and start over. "Having two alternates with at least a month left of trial is definitely not ideal from a prosecutor's point of view," Andrey said. "And with Covid-19 still in the air, coupled with the trial's publicity, the government is definitely getting anxious about the jury size."

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Andrey Spektor

New York

andrey.spektor@bclplaw.com

+1 212 541 2085

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