

08-1394 SKILLING V. UNITED STATES

DECISION BELOW:554 F.3d 529

LOWER COURT CASE NUMBER: 06-20885

QUESTIONS PRESENTED:

1. Whether the federal "honest services" fraud statute, 18 U.S.C. § 1346, requires the government to prove that the defendant's conduct was intended to achieve "private gain" rather than to advance the employer's interests, and, if not, whether § 1346 is unconstitutionally vague.
2. When a presumption of jury prejudice arises because of the widespread community impact of the defendant's alleged conduct and massive, inflammatory pretrial publicity, whether the government may rebut the presumption of prejudice, and, if so, whether the government must prove beyond a reasonable doubt that no juror was actually prejudiced.

CERT. GRANTED 10/13/2009