

NOEL FRANCISCO ON CORRUPTION

Highlights:

- Noel Francisco argued in favor of overturning Bob McDonnell's corruption conviction.

Francisco Defended Bob McDonnell In His Public Corruption Appeal

FRANCISCO ARGUED TO OVERTURN THE CONVICTION OF BOB MCDONNELL

2016: Francisco Represented Former Virginia Governor Bob McDonnell Before The Supreme Court In His Attempt To Overturn His Bribery Convictions. According to the Washington Post, "Francisco had originally been named as the No. 2 in the solicitor general's office, which represents the federal government in -appellate courts. He might be best known as the lawyer who -represented former Virginia -governor Robert F. McDonnell last year when the Supreme Court unanimously overturned McDonnell's conviction on corruption charges." [Washington Post, [3/8/17](#)]

2014: McDonnell Was Convicted On Eleven Counts Of Conspiracy, Bribery, And Extortion For Trading Favors With A Vitamin Executive While Governor. According to the New York Times, "Former Gov. Bob McDonnell of Virginia and his wife, Maureen, were convicted of corruption in federal court on Thursday, after a trial that shattered the political career of the onetime Republican star and peeled back the couple's private life to the bone. As he was pronounced guilty on 11 counts of conspiracy, bribery and extortion, [...] The defense used the self-debasing portrait to argue that the McDonnells were too estranged to conspire criminally to trade favors with the vitamin executive, Jonnie R. Williams Sr. The jury, which heard from 67 witnesses, had to decide whether gifts from Mr. Williams and Mr. McDonnell's actions on his behalf over two years added up to bribery and extortion. At issue was whether the McDonnells accepted the largess with corrupt intent. They were not forbidden under Virginia ethics laws from taking \$120,000 in undocumented loans from Mr. Williams, nor the gifts he bestowed — such as a custom golf bag for the governor, Louis Vuitton shoes for the first lady, and a \$15,000 check for their daughter's wedding at a time the first couple owed \$31,000 on their credit cards and were hemorrhaging money on beachfront property." [New York Times, [9/5/14](#)]

The Supreme Court Overturned The Conviction

The Supreme Court Unanimously Overturned McDonnell's Conviction. According to SCOTUSblog, "The federal bribery statute, 18 U.S.C. § 201, makes it a crime for a public official to 'receive or accept anything of value' in exchange for being 'influenced in the performance of any official act.' An 'official act' is a decision or action on a 'question, matter, cause, suit, proceeding or controversy'; that question or matter must involve a formal exercise of governmental power, and must also be something specific and focused that is 'pending' or 'may by law be brought' before a public official. To qualify as an 'official act,' the public official must make a decision to take an action on that question or matter, or agree to do so. Setting up a meeting, talking to another official, or organizing an event -- without more -- does not fit that definition of 'official act.' Because jury instructions in the case of former Virginia governor Bob McDonnell were erroneous, and those errors are not harmless beyond a reasonable doubt, McDonnell's convictions are vacated. Judgment: Vacated and remanded, 8-0, in an opinion by Chief Justice Roberts on June 27, 2016." [SCOTUSblog, viewed [6/25/24](#)]