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William Johnston Authors Law360 Article on Social Media Pump-and-Dump Dismissal and Its Effect on Fraud Prosecutions

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Bird Marella partner William Johnston authored the *Law360* article, “Discord Stock Case Toss Means Little For Fraud Defendants.” The article discusses the future of securities fraud prosecutions in light of recent cases that have dealt setbacks to the government.

In the article, Mr. Johnston highlights the recent dismissal of a “pump and dump” indictment in *U.S. v. Constantinescu*, based on the U.S. Supreme Court’s decision from last year in *Ciminelli v. U.S.*, a public corruption case with no obvious connection to securities fraud issues. Mr. Johnston goes on to analyze the applicability of the *Ciminelli* decision to such cases, and whether it will assist defendants in challenging future government prosecutions.

He explains that in light of *Ciminelli*, defense counsel can focus on the idea that information is not property. While Mr. Johnston notes that securities fraud indictments do not often suffer from the infirmities present in *Constantinescu*, where they do "not allege the intent to actually deprive the victim of their property or money, [the case] might be susceptible to a *Ciminelli* challenge.”

Read a PDF of the article here.

Click here to read the full article (*Law360* subscription required).

Prior to joining Bird Marella, Mr. Johnston served as Assistant Chief in the Fraud Section of the Criminal Division of the U.S. Department of Justice in Washington, D.C. Read more about his expertise here.