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Shkreli Verdict Could Spell Mixed Fate for Greebel

Christine Simmons, *New York Law Journal*

August 7, 2017 | 0 Comments

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Evan Greebel

Evan Greebel, the law firm partner arrested alongside now convicted felon Martin Shkreli, is facing his own criminal trial in October on two charges, including one in which Shkreli was convicted.

But Greebel is likely buoyed by the acquittal last week of Shkreli on the second charge in which the two were joined and which may present challenges for prosecutors at

Greebel's October trial.

Federal prosecutors charged the pair in 2015, alleging Shkreli defrauded former hedge fund investors and then conspired with Greebel to defraud biopharmaceutical company Retrophin Inc., where Shkreli was CEO until 2014.

Greebel was Retrophin's outside counsel and a partner at Katten Muchin Rosenman at the time of the alleged fraud. He joined Kaye Scholer in summer 2015 but resigned in early 2016, after the indictment.

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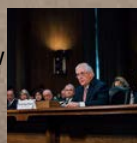


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The acquittal of Shkreli on count seven "could potentially have an impact" on Greebel's trial, he said, because the

government may re-evaluate how it brings the case and the sufficiency of its proof. "Is there evidence the prosecution did not utilize in the first trial that they will utilize in the second?" he asked.

Another observer, Alfredo Mendez, a partner at Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, said "it's always good news" for a co-defendant when a jury acquits a co-conspirator. "Obviously the jury acquitting Shkreli found there was no such agreement between Shkreli and [Greebel]," he said.

"But the caveat is that [Greebel] will be tried before another jury," and the prosecution now has an opportunity to present additional evidence—if they have it, he said.

Offering his perspective on Greebel's case, Brafman said count seven "is at best, now hanging by a thread."

Reed Brodsky, Greebel's attorney and a partner at Gibson, Dunn & Crutcher, declined to comment.

'Flip Side of the Coin'

On the other hand, Shkreli was convicted of count eight for securities fraud conspiracy, the other count facing Greebel.

Prosecutors alleged the two conspired to secretly control a large portion of Retrophin stock.

"The fact that he was convicted of a count that involved his attorney, that's the flip side of the coin. An acquittal is good news—a conviction not so much," Mendez said.

And on Aug. 4, U.S. District Judge Kiyoko Matsumoto of the Eastern District of New York [rejected Greebel's attempt to kick that charge out of the indictment.](#)

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Andrew Denney contributed to this report. Christine Simmons writes about the New York legal community and the business of law. Contact her at csimmons@alm.com and on Twitter [@chlsimmons](https://twitter.com/chlsimmons)

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