



Department of Justice

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SUPREME COURT HOLDS HONEST SERVICES FRAUD STATUTE CONSTITUTIONAL; EFFECT ON BRUNO CONVICTION BEING STUDIED

ALBANY, N.Y.— The United States Supreme Court held today that the honest services fraud statute used to prosecute Joseph L. Bruno, former New York State Senate Majority Leader, is constitutional, announced United States Attorney Richard S. Hartunian. In United States v. Skilling, the Supreme Court held that the statute applies to "offenders who, in violation of a fiduciary duty, participated in bribery or kickback schemes," but ruled that it does not apply to "mere failure to disclose a conflict of interest." The Supreme Court quoted from a federal statute which defined "kickback" as meaning "any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, . . . for the purpose of improperly obtaining or rewarding favorable treatment . . ."

"This ruling means that my office will continue to be able to use this important statute as we hold public officials accountable when they violate their bonds of trust with voters who elected them," said United States Attorney Hartunian. "The effect of the Supreme Court's ruling on Joseph L. Bruno's conviction is being carefully considered and will be addressed in future court filings."