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Convicted South American Soccer Bosses Seek New Trial

By **Zachary Zagger**

Law360, New York (January 23, 2018, 9:29 PM EST) -- Two South American soccer presidents convicted last month of racketeering conspiracy asked a federal court in Brooklyn on Monday to reverse their convictions or grant them a new trial, arguing the prosecutors failed to prove their bribery allegations in the trial, which was the first stemming from a much wider investigation of FIFA corruption.

Juan Angel Napout, 59, the former president of the South American soccer confederation CONMEBOL, and Jose Maria Marin, 85, a former Brazilian soccer federation president, were each **convicted** of racketeering conspiracy and other corruption-related charges last month by a federal jury in Brooklyn, a ruling that **experts have said** validated the prosecutors' corruption theories in the wide-ranging FIFA probe.

Prosecutors brought evidence that Napout and Burga had agreed to receive nearly $21.5 million in bribes from sports marketing executives in exchange for awarding lucrative rights contracts for soccer tournaments, including those organized by CONMEBOL.

The trial itself was the **culmination of an extraordinary effort** by the U.S. Attorney's Office for the Eastern District of New York to root out corruption at the highest levels of international soccer, tracking down numerous soccer officials in cooperation with Swiss authorities, who apprehended Napout and Marin in Zurich in 2015.

But both men believe there were problems with the U.S. prosecutor’s case and that U.S. District Judge Pamela Chen hampered their ability to introduce evidence that the bribes could be considered legal personal payments under laws in South America.

In separate post-trial motions Monday, Napout and Marin attacked the prosecutor’s theory that the payments amounted to bribes and took issue with evidentiary rulings that limited their ability to show how such payments are not necessarily illegal in many South American countries.

Even assuming Napout, who was cleared of money laundering charges, agreed to receive payments from sports marketing executives, it is not clear such payments “euphemistically referred to in many countries in South America as ‘personal payments’ that are regularly made in connection with contractual transactions” even harmed either FIFA or CONMEBOL, the filings argued.

Marin said there was no evidence that the payments were a “quid pro quo,” meaning that he had promised to do anything in exchange for the payments.

Dr. Stefan Szymanski, a sports management and economics professor at the University of

Michigan, testified that such bribes take money that would normally go to the soccer federations as part of contracts, but Marin pointed out that Szymanski did not review the specific contracts at issue.

Napout further alleged that new evidence showed that key government witness Alejandro Burzaco, the former principal and CEO of Torneos y Competencias SA, who testified to having negotiated bribe payments with Napout, Marin and others, had "lied" about a particular meeting with Napout.

A federal jury convicted Napout and Marin after a week of deliberations following the five-week trial. Napout was found not guilty of both money laundering conspiracy charges he faced, while Marin was found not guilty of one count of the money laundering conspiracy charges against him. Both men were found guilty of multiple wire fraud conspiracy charges related to the acceptance of bribe payments.

A third defendant, Manuel Burga, 60, the former president of the Peruvian soccer association, **was acquitted** of racketeering conspiracy, the only charge he faced due to limits on his extradition. Prosecutors told the court last week that they want to **keep open** other charges against him despite the acquittal.

A representative for the prosecutors said they had no comment. Counsel for Napout and Marin did not immediately respond to requests for comment.

Napout is represented by John Pappalardo, Elliot H. Scherker and Jacqueline Becerra of Greenberg Traurig LLP and Silvia Pinera-Vazquez of the Pinera-Vazquez Law Firm.

Marin is represented by Charles A. Stillman, James A. Mitchell and Bradley Gershel of Ballard Spahr LLP and Julio C. Barbosa of Barbosa Legal.

Burga is represented by Richard M. Asche of Litman Asche & Gioiella LLP and Bruce L. Udolf.

The government is represented by M. Kristin Mace, Samuel P. Nitze, Keith D. Edelman and Paul A. Tuchmann of the U.S. Attorney's Office for the Eastern District of New York.

The case is U.S. v. Napout et al., case number 1:15-cr-00252, in the U.S. District Court for the Eastern District of New York.

--Additional reporting by Sindhu Sundar. Editing by Alanna Weissman.

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