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**FOR IMMEDIATE RELEASE**

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**MARK RIDLEY-THOMAS LEGAL TEAM FILES REPLY BRIEF IN  
SUPPORT OF APPEAL SEEKING REVERSAL, CALLING  
GOVERNMENT’S CASE UNTETHERED TO FEDERAL LAW**

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*Defense team details Prosecutors’ attempts to recast or abandon trial theories alleged in its indictment and argued to the jury throughout MRT’s trial in order overcome legal invalidity and constitutional infirmity.*

**LOS ANGELES** – The legal team representing Dr. Mark Ridley-Thomas filed its Reply brief with the Ninth Circuit Court of Appeals today, calling the government’s contorted theories untethered to federal precedent and laying the groundwork for Ridley-Thomas’ convictions to be reversed. The brief details how the U.S. Attorney’s Office, in its April 2024 Answering Brief, attempted to recast or even abandon the theories it alleged in Dr. Ridley-Thomas’ 19-count indictment and argued to the jury throughout the 12-day trial. Additionally, the defense strongly criticized the U.S. Attorney’s Office for its exclusion of Black women from Dr. Ridley-Thomas’ jury, including the government’s statement that it was “irrelevant” that Black women were excluded because other minorities were permitted to serve.

Dr. Ridley-Thomas’ legal team, led by former Ninth Circuit Court of Appeals Judge Paul Watford, now a partner at Wilson Sonsini Goodrich & Rosati, UC Berkeley School of Law Dean Erwin Chemerinsky, and Alyssa Bell and Michael Schafler, partners with Cohen Williams LLP, forcefully argued that the Appellate Court must either reverse the convictions or grant Ridley-Thomas a new trial.

The Appellate Reply Brief ([click here](#)) elaborates on the ways the U.S. Attorney's office (referenced in the brief as either 'the government' or 'the prosecution') has abandoned the legal theories upon which Dr. Ridley-Thomas' convictions are predicated, as well as how Federal District Court Judge Dale S. Fischer misapplied the law, erred in instructing the jury, and erred in rulings during jury selection. The brief also details the many ways in which this compendium of errors inhibited Dr. Ridley-Thomas' ability to obtain a fair trial and resulted in a miscarriage of justice. The brief makes the following key points:

***1. Dr. Ridley-Thomas' honest services fraud convictions must be reversed because they are predicated on a legally invalid bribery theory.***

During the 12-day trial, the government never argued--nor presented any evidence--that Dr. Ridley-Thomas solicited a cash bribe from USC, either for himself or his son. However, in the Government's Answering Brief, prosecutors do a complete about-face. For the first time, it now contends that the *quid* upon which the jury's verdict rests is *not* the so-called "funneling," -- a pejorative term mentioned not less than 66 times throughout the indictment, trial, and post-trial proceedings--but rather cash: a \$100,000 payment of *University funds* to Sebastian's non-profit (PRPI). Were those the facts, the Reply explains, this would be a different case. But those were not the facts. As the government itself argued at trial, the undisputed evidence shows USC Dean Flynn donated Dr. Ridley-Thomas' *own* funds -- not USC's -- to PRPI.

"From indictment to summation, the government argued that Dr. Ridley-Thomas exchanged what prosecutors coined, 'funneling,' a term with a negative connotation that the government used 66 times, for a vote in favor of a Los Angeles County contract," stated Alyssa Bell, partner at Cohen & Williams, LLP. "On appeal, the government's response is a telling about-face and amounts to a concession that Dr. Ridley-Thomas' convictions are invalid as a matter of law and must be reversed."

***2. Dr. Ridley-Thomas' federal-programs bribery conviction is predicated upon a legally invalid theory and must be reversed.***

The government argued loudly and repeatedly for Dr. Ridley-Thomas' conviction on the theory that he "monetized" his public service by accepting a "reward" for official action that he was determined to take. This argument was put forward in spite of the fact that Dr. Ridley-

Thomas' \$100,000 contribution from his campaign fund to USC fully complied with state law. Jurors should have been made aware that lobbying, in this case by USC Dean Flynn to Dr. Ridley-Thomas, even if viewed negatively by the general public, is legal from the standpoint of federal law.

“Judge Fischer’s instructions to the jury failed to distinguish between ‘corruption’ and ‘an elected official responding to legitimate lobbying,’” added Bell. “Because Dr. Ridley-Thomas’ conduct complied fully with state law, as the evidence at trial established, the jury needed to be told specifically that he had not committed bribery if his intent was limited to the cultivation of business or political friendship.”

### ***3. The prosecution’s discriminatory strike of all Black women jurors denied Dr. Ridley-Thomas a fair trial.***

Dr. Ridley-Thomas’ legal team argues that, during jury selection, the government used two of its preemptory challenges in a discriminatory manner to purposefully exclude two Black women from the jury – a *Batson* challenge. As stated in *Batson v. Kentucky*, “[p]urposeful racial discrimination in selection of the jury panel violates a defendant’s right to equal protection because it denies the protection that a trial by jury is intended to secure.”

As stated in the brief, “[f]ederal precedent makes clear that Black women face ‘unique discrimination’ because of their ‘race *and* gender’ and this Court has acknowledged numerous times, including as recently as 2002, that the importance of protecting intersectional groups as a separate class.”

“It is shocking that the government claims in its Answering Brief that it is ‘irrelevant’ whether Black women constitute a ‘cognizable group’ under *Batson* because Dr. Ridley-Thomas’ jury included Black men and other minority jurors,” stated Michael Schafler, partner, Cohen & Williams. “Black women have long been stereotyped as more likely to engage in jury nullification and have therefore faced disproportionate preemptory strikes from potential jury panels. The government’s decision to dismiss two Black female jurors, and then minimize the impact of this biased decision, is deeply troublesome.”

“The Ninth Circuit has yet to recognize an intersectional race-and-gender class for *Batson* purposes. Other courts have already done so. It’s beyond time that the 9<sup>th</sup> Circuit follow suit,” concluded Schafler.

**Background:**

On October 13, 2021, the United States Attorney's Office brought a sweeping 19-count indictment against Dr. Mark Ridley-Thomas. At trial, which began on March 7, 2023, and concluded on March 30, 2023, jurors acquitted Dr. Ridley-Thomas on 12 of 19 counts. He was convicted solely for accepting USC Dean of Social Work Marilyn Flynn's assistance in funding PRPI, in exchange for his vote in favor of amending an existing contract with USC for the provision of tele-mental health services to at-risk youth. On August 28, 2023, Federal District Court Judge Dale S. Fischer sentenced Ridley-Thomas to 42 months in prison and three years of supervised release. He was also ordered to pay a \$30,000 fine, which he has already paid. On October 5, 2023, Judge Fischer agreed that Dr. Ridley-Thomas would remain free on bail pending appeal. No hearing date has been set yet for Dr. Ridley-Thomas's appeal, but it is expected to be heard before the end of 2024.

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