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UPDATE: Trial Court Overturns Former Alstom Executive's Foreign Corrupt Practices Act Convictions

by Beth Forsythe and Caitlin L.D. Hull

Former Alstom SA executive Lawrence Hoskins's jury convictions under the Foreign Corrupt Practices Act ("FCPA") were set aside on February 26, 2020, by Judge Janet Bond Arterton of the United States District Court for the District of Connecticut. The acquittal demonstrates this Court's reluctance to permit expansive FCPA prosecution of foreign nationals under an agency theory. It does not, however, impact Hoskins's conviction on three money laundering charges and one money laundering conspiracy charge.

Dorsey's prior e-Update detailed Hoskins's November 2019 jury conviction on charges including FCPA violations, for his involvement in an Indonesian bribery scheme carried out by Alstom Power, Inc., a U.S.-based subsidiary of Alstom SA. The trial focused primarily on whether Hoskins, a British citizen who worked in France, acted as an agent of the U.S.-based subsidiary, which the Second Circuit noted in *United States v. Hoskins*, 902 F.3d 69 (2nd Cir. 2018), would be required to bring Hoskins within the FCPA's jurisdictional reach.

In granting Hoskins's motion for acquittal, the district court agreed the evidence presented was insufficient to show Alstom Power "control[led] Mr. Hoskins's actions in a manner consistent with agency relationships." It is presently unclear whether the government will appeal the order.

Hoskins is set to be sentenced March 6, 2020, for the remaining money laundering and money laundering conspiracy convictions.

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