

News

INSIGHTS INTO LEGAL BATTLE OVER EX-LOS ANGELES DODGER'S WITHDRAWN PLEA AGREEMENT

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BCLP Associate Elliott Averett was mentioned in Law360, Court News Service and MyNewsLA regarding his representation of former Los Angeles Dodger Yasiel Puig, and whether Puig's agreement to plea guilty to lying about illegal gambling should be admissible in any future trial—even though Puig, citing newly discovered evidence of innocence, withdrew from the agreement before it had been accepted by the district court.

A federal district court had concluded Puig's plea agreement was unenforceable, prompting the government to appeal to the Ninth Circuit. During oral argument before a Ninth Circuit panel in Pasadena on Monday, Assistant U.S. Attorney Rajesh Ram Srinivasan argued that Puig's waiver of his rights concerning the plea agreement's admissibility was enforceable upon signing. Elliott, representing Puig, cited Ninth Circuit precedent stating that plea agreements are not binding until accepted by a judge – and pointed out that the government itself has relied on that rule to withdraw from plea agreements in the recent past.

The matter is currently under review in the U.S. Court of Appeals for the Ninth Circuit. Though the panel has not indicated how it would rule on the government's appeal, Judge Daniel P. Collins commented during oral argument that the case could potentially result in a circuit split regardless of how the panel rules.

Elliott clerked for Ninth Circuit Judge Richard C. Tallman before coming to BCLP. He is a member of the firm's Business and Commercial Disputes and Appellate and Supreme Court Practice Groups, and specializes in various litigations, including criminal matters, complex commercial disputes, class actions, and products liability matters. Prior to attending law school, he served as a Seattle police officer.

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