

Nixon Peabody team secures reversal of parent's conviction in college admissions case

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Boston, MA. The U.S. Court of Appeals for the First Circuit in Massachusetts has vacated the conviction of Nixon Peabody client Gamal Abdelaziz, the first parent to take his case to trial in the Varsity Blues college admissions case.

On May 10, 2023, a three-judge panel of the First Circuit found that the lower court made crucial missteps in the trial of Mr. Abdelaziz. The First Circuit decision vacates Mr. Abdelaziz's conviction, rejecting the government's position that admissions slots at a university always qualify as "property" for purposes of the mail and wire fraud statutes, and holding that the government failed to prove Mr. Abdelaziz agreed to join a conspiracy with other parents.

"This is why people go to trial—to put the government's theories to the test," said **Brian T. Kelly**, a Nixon Peabody **Government Investigations & White-Collar Defense** partner representing Mr. Abdelaziz. "Our client has maintained his absolute innocence from day one and is enormously grateful that the Appeals Court has reversed his unfair conviction."

Mr. Abdelaziz was one of two parents involved in the first trial of the college admissions cases, which took place in 2021 in the U.S. District Court for the District of Massachusetts.

Nixon Peabody Government Investigations & White-Collar Defense partner **Joshua C. Sharp** argued the case on appeal before the First Circuit in late 2022. "Almost all defendants in the government's cases pleaded guilty, so the government's legal theories weren't really tested until our client's case was decided," said Mr. Sharp.

In addition to Messrs. Kelly and Sharp, the Nixon Peabody team includes e-discovery director **Mike Swiatocha**.

The case is *U.S. v. Abdelaziz*, case number 22-1129, in the U.S. Court of Appeals for the First Circuit.