

David Sidoo's lawyer's legal 'fishing expedition' opposed by U.S. government

Sidoo's lawyers seeking recordings of thousands of phone calls and text messages that investigators deemed "non-pertinent"

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U.S. prosecutors are fighting what they're calling a "fishing expedition" by lawyers for Vancouver resident David Sidoo and other defendants in the U.S. college admissions scandal.

Sidoo, a prominent Vancouver businessman and former CFL player, was indicted last year (<https://vancouversun.com/news/local-news/david-sidoo-in-good-state-of-mind-ahead-of-u-s-federal-court-appearance-lawyer-says>) in the U.S. on fraud and money laundering charges, accused of paying to have someone take college entrance exams for his two sons to earn them spots in American universities.

Dozens of wealthy parents, including CEOs and Hollywood stars (<https://vancouversun.com/news/local-news/lori-loughlin-dropped-from-hallmark-production-halted-on-several-vancouver-filmed-projects>), have been charged by the U.S. Federal Bureau of Investigation. Of the 50 people charged, most have already agreed to enter guilty pleas, including some parents who have already been sentenced to prison.

But Sidoo and some other accused parents have pleaded not guilty (<https://vancouversun.com/news/local-news/david-sidoo-pleads-in-boston-court-appearance>), and their lawyers have been sparring with the government over the production of evidence in new court filings in recent weeks.

Two other key figures who have already agreed to plead guilty are William Rick Singer of California and Mark Ridell (<https://vancouversun.com/news/local-news/unclear-how-impostor-allegedly-wrote-b-c-exam-for-david-sidoos-son>) of Florida.

Sidoo is alleged to have wired US\$200,000 to Singer, the central figure in the alleged college admissions conspiracy, who then arranged to have Riddell to write college entrance exams in 2011 and 2012 for Sidoo's sons, who were later admitted to California universities (<https://vancouversun.com/news/local-news/u-s-prosecutors-subpoenaed-university-attended-by-b-c-businessmans-son>).

Last month, lawyers for Sidoo and seven other co-defendants filed a motion requesting the government provide recordings of all phone calls and text messages made by Singer, both before and after he was co-operating with law enforcement.

Court filings show the government recorded Singer's cellphone calls from June to September 2018, when government agents approached him and he agreed to cooperate. Phone-monitoring then continued until March 2019, the month Sidoo was arrested (<https://vancouversun.com/news/local-news/vancouver-businessman-david-sidoo-charged-in-u-s-college-entrance->

scandal) and the case became public, which means Singer knew the government was recording an October 2018 phone call with Sidoo described in the indictment.



David Sidoo posed with Justin Trudeau in 2016 during the UBC Thunderbirds' meet-and-greet with the prime minister following the football team's 2015 Vanier Cup championship win.

PNG

As part of the pretrial discovery process, the government has provided Sidoo and co-defendants with more than 3,500 of Singer's recorded calls or text messages which investigators considered "pertinent," but not an additional 16,384 calls and texts considered "non-pertinent."

Last fall, Sidoo's lawyer, Martin Weinberg, informed the U.S. Attorney's Office they wanted all those "non-pertinent" recordings, arguing that if Singer testifies, the undisclosed calls and texts might contain "exculpatory" information.

But in its response last week, the government says the material provided so far in discovery has already "far exceeded" legal requirements, and "the sweeping nature" of the defendant's request "lays bare that their motion is little more than an impermissible fishing expedition."

Many of Singer's non-pertinent calls, the government contends, were personal in nature. Of the 30 hours of recordings that agents had deemed non-pertinent, almost six hours of calls were between Singer and his ex-wife and family members, and at least 4.5 hours' worth of calls are between Singer and women he dated.

The government response says that the defendants' "demand for the full set of audios is simply an effort to troll through all of Singer's communications in the hope that something will turn up. That is not permitted."

In the motion filed last month, Weinberg and other defence counsel argued that "the full set of audios is needed to prove Singer's pattern of deceit."

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In his conversations with the parents, Singer appeared to have made several references to earlier conversations he had supposedly had with "deans of universities, coaches, prominent business people, athletes or other celebrities," last month's motion says, "as a means of fostering trust with his clients and boosting his perceived legitimacy. ... Without the audios, the defence is being denied the best evidence to demonstrate Singer's mendacity and deceit."

But the government responded that such information would not help the defendants prove their case, "because it is neither favourable to the defendants nor material to their guilt."

“Even if, as they contend, Singer made false claims to ‘foster trust and boost his perceived legitimacy,’ that has no bearing on whether the defendants had the requisite intent to commit the charged crimes, and are guilty of those crimes,” last week’s government response says, using Sidoo as an example: “Whether Singer had a relationship with (name redacted) at the time of his call with Sidoo in 2018 is irrelevant to whether Sidoo intended to engage in the college entrance exam cheating scheme on behalf of his two sons years earlier.”

No charges have been proven against Sidoo or the other parents who have pleaded not guilty, and none of the children have been accused of wrongdoing. No trial dates have been set.

In an emailed statement to Postmedia, Weinberg said the defence will have until Jan. 28 to respond to the government’s opposition to the motion, and the court will schedule a hearing by mid-February to resolve those issues. Sidoo declined to comment.

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