

Press Release

Sergio Acosta, Dito Mas Argue Rare Writ of Error *Coram Nobis*

December 11, 2024

Court Vacates Chicago Client's Criminal Conviction

Akerman is pleased to share that on Dec. 3 a team of our attorneys achieved a significant victory for their client, Vahooman Mirkhaef, in which the U.S. District Court for the Northern District of Illinois granted Mirkhaef's petition for a writ of error *coram nobis*, vacated his criminal conviction, and dismissed all criminal charges against him. The court also ordered that the government return to Mirkhaef more than \$40,000 in criminal penalties.

In 2021, Mirkhaef pleaded guilty to conspiring to pay an illegal gratuity to an Illinois state senator in violation of 18 U.S.C. § 666. Mirkhaef was fined the \$40,000 and sentenced to two years of probation, which was terminated after just one year.

However, in its opinion in *Snyder v. United States* last June, the U.S. Supreme Court narrowed the scope of 18 U.S.C. § 666 to criminalize only bribes paid to state and local officials and not gratuities. Mirkhaef's counsel, Akerman attorneys Sergio Acosta and Ildefonso "Dito" Mas, seized on the ruling and filed a petition for a writ of error *coram nobis* on Mirkhaef's behalf. *Coram nobis* is a rare form of relief that, if granted, allows a court to correct a final judgment and, even more rarely, vacate a defendant's criminal conviction. To obtain *coram*

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nobis relief, the defendant must not only establish that they were found guilty of conduct that is not a crime, they must also demonstrate that they are still suffering significant prejudice from the conviction.

Mas and Acosta detailed in their petition how Mirkhaef, an environmental consultant who previously worked on numerous government contracts, continued to suffer significant harm from the 2021 conviction, as he was in many cases barred from entering government facilities due to his conviction.

The government did not oppose Mirkhaef's petition but filed a brief reserving the right to challenge other or future *coram nobis* petitions filed by defendants who had pleaded guilty to violating Section 666.

About Akerman

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