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CURRENT PRACTICE

LAW OFFICE OF BENJAMIN BRAFMAN, New York, NY July 2006 – Present

Of Counsel –

As a former supervisor at a United States Attorney's Office and former Manhattan Assistant District Attorney, I serve as lead trial counsel on complex and serious criminal cases, investigations and financial regulatory matters in U.S. District Courts throughout the United States, in State Courts in New York and New Jersey, and in other countries.

I handle high-stakes, complex criminal cases involving securities, mail, wire, insurance and bankruptcy fraud, money laundering, construction and labor union matters, foreign corrupt practices act (FCPA) violations, racketeering and enterprise corruption, international arms dealing, anti-trust, bribery, kickbacks, criminal tax investigations, espionage, Iran sanctions violations and political corruption. I specialize in sensitive and high profile matters, including United States Congressional investigations. I also represent companies and individuals in Securities and Exchange Commission and FINRA enforcement proceedings, internal corporate investigations and grand jury matters. My practice has also included the representation of select clients charged with offenses such as murder, firearms possession, or other similar matters. Finally, I have an active international criminal practice, working with local counsel on matters charged by the governments of Italy, Switzerland, Romania, Bulgaria and Kyrgyzstan as well as investigations in other countries.

International Criminal Matters

- Represented founder of international investment bank in large, international fraud case involving money laundering, European VAT tax fraud and criminal association charged by the Public Prosecutor in Rome under Italian law;
- Represent several Swiss and Liechtenstein affiliate banks in tax haven investigation conducted by U.S. Department of Justice;
- Represent indicted Swiss banker in U.S. Department of Justice case charging international tax fraud through complex financial structures;
- Represented Grand Jury target in U.S. Foreign Corrupt Practices Act (FCPA) investigation into bribery of public officials in India by U.S.-based company;
- Represented several subjects in criminal investigation conducted by government of Kyrgyzstan into fraud and other crimes leading to that nation's revolution in April 2010;
- Represent individual charged with significant crimes in Italy, Switzerland, Romania and Bulgaria regarding international business transactions;
- Represented principal in U.S. FCPA investigation concerning payments to foreign public officials in connection with the operations of large fuel

- Represent individual charged with significant crimes in Italy, Switzerland, Romania and Bulgaria regarding international business transactions;
- Represented principal in U.S. FCPA investigation concerning payments to foreign public officials in connection with the awarding of large fuel contracts;
- Represented Italian citizen convicted *in absentia* in the Palermo, Italy “maxi trial in extradition proceeding;”
- Represented high level executive of an international oil company in criminal tax and money laundering prosecutions brought by the U.S. and Israel;
- Represented founder of multinational business extradited from the U.K to New York by Manhattan District Attorney;
- Represent international private equity fund manager regarding Interpol “red flag” due to arrest warrant issued by former Soviet Republic;
- Represented U.S. citizen in U.S. criminal matter and related Swiss investigation involving illegal UBS tax shelters.
- Represent persons convicted in absentia before the European Court of Human Rights and before the United Nations High Commission on Human Rights.

United States Federal Criminal Matters

- Represent prominent Long Island politician charged with official corruption by the U.S. Attorney in the Eastern District of New York;
- Represent prominent former CEO of drug company charged with securities fraud by the U.S. Attorney for the EDNY; appeared with client before Congress;
- Represent Turkish gold trader charged by SDNY in largest Iran sanctions case against single person in U.S. history;
- Represent a valuation company in connection with EDNY Platinum Partners investigation;
- Represent an administrator of the web site “Silk Road” in connection with a SDNY indictment, including extradition proceedings from a European country;
- Represent target of a DOJ Antitrust investigation into potential bid-rigging by executives at one of the oldest advertising agencies;
- Insider trading securities fraud prosecution by U.S. Attorney for the Southern District of New York (SDNY) with parallel S.E.C. enforcement action;
- Represented CEO of a Bitcoin company in money laundering investigation by the SDNY.
- Represent Chinese National charged by U.S. Attorney in Connecticut with stealing trade secrets regarding confidential U.S. Air Force project for the benefit of China;
- Represent doctors in federal investigation concerning commercial bribery with national laboratories by the U.S. Attorney in New Jersey;
- First ever international “cyber drug case” involving encrypted web sites created to sell illegal non-narcotic drugs in over 50 countries;
- Fraud investigation involving medical billing conducted by US Attorney for the Eastern District of New York;
- Grand Jury investigation into union corruption in the construction industry conducted by U.S. Attorney in New Jersey;
- Major Mortgage and Bank fraud investigation conducted by

- Grand Jury investigation into union corruption in the construction industry conducted by U.S. Attorney in New Jersey;
- Major Mortgage and Bank fraud investigation conducted by U.S. Attorney for the District of New Jersey;
- Multiple defendant “small cap” stock fraud case charged in the SDNY with parallel S.E.C. enforcement investigation;
- Bank Fraud prosecution in SDNY related to alleged “Ponzi Scheme”;
- Insurance fraud and embezzlement prosecution in Eastern District of New York (EDNY) related to large multistate car dealership;
- Significant international missile trafficking case in SDNY involving international law and the extraterritorial applicability of federal criminal statutes; argued and briefed appeal before U.S. Court of Appeals for the Second Circuit;
- High profile federal “Mann” Act case involving international escort service (Emperor’s Club) in SDNY;
- Large racketeering (RICO) prosecution against reputed organized crime figures in EDNY, charging “Hobbs Act” extortion and official bribery;
- RICO, extortion case regarding alleged organized crime members in SDNY;
- Money laundering “sting” investigation against real estate developer prosecuted by U.S. Attorney in New Jersey;
- Complex business fraud scheme charged by U.S. Attorney for the Eastern District of Virginia;
- International medical product and prescription drug mislabeling investigation prosecuted by U.S. Attorney in the Eastern District of Virginia;
- Major international illegal prescription drug case prosecuted by U.S. Attorney for the District of Maine;
- Narcotics prosecution in the SDNY;
- Large bank, wire, mail and bankruptcy fraud case charged by U.S. Attorney in Delaware;
- Insurance, mail, and wire fraud investigation by U.S. Attorney for the Northern District of New York into a corporate officer of an insurance company;
- Representation of President and CEO of national company in investigation into mail and wire fraud conducted by the U.S. Attorney in New Jersey;
- Major international money laundering prosecution in U.S. District Court in New Hampshire;
- Representation of several defendants in different mortgage fraud cases in the Eastern District of N.Y.
- Bank fraud investigation of real estate developer by U.S. Attorney for the SDNY;
- Investigation into bid-rigging and fraud conducted by the U.S. Department of Justice Antitrust Division.
- Briefed and argued appeals before the U.S. Court of Appeals for the Second Circuit in numerous criminal cases.

New York District Attorney and New York State Attorney General Matters

- Full acquittal after month-long trial for a man charged with murder who had served twenty years in prison for a crime he did not commit after being wrongfully convicted twice;
- Enterprise Corruption (OCA) and Securities fraud case against

- Full acquittal after month-long trial for a man charged with murder who had served twenty years in prison for a crime he did not commit after being wrongfully convicted twice;
- Enterprise Corruption (OCCA) and Securities fraud case against the founder and owner of a multistate broker dealer brought by Manhattan D.A.;
- Prosecution of Chinese National by Manhattan D.A. regarding theft of secret scientific material and confidential computer material from a “Quant” hedge fund;
- Secured Non-Prosecution Agreement for major national construction company in connection with industry-wide investigation by the U.S. Attorney for the Eastern District of New York;
- Represent CEO of a brokerage company charged by Manhattan DA with NYS Securities Fraud (Martin Act), Larceny and defrauding investors;
- Homicide charges brought by Manhattan D.A. against investment banker stemming from a boating accident in New York Harbor;
- NY Attorney General OCCA prosecution of multi-state untaxed cigarette and money laundering business;
- Grand Larceny and fraud charges by Manhattan D.A. against employee of a New York Hedge Fund;
- Investigation by Queens D.A. of non-profit education company regarding misuse of public funds
- Multi-million dollar construction fraud case against principal of large construction company;
- Twenty-million dollar fraud prosecution by Manhattan District Attorney of large New York City real estate developer;
- Extradition and trial of president of international corporation charged in the United States by Manhattan D.A.;
- Fraud prosecution brought by Manhattan D.A.’s Frauds Unit, involving extradition from Brazil;
- Significant firearms trafficking case prosecuted jointly by Manhattan and Queens District Attorneys;
- Case involving official-bribery against N.Y. State Banking Department Official brought by Manhattan D.A. Rackets Division;
- N.Y. State Attorney General investigation of a former New York State Comptroller;
- Manhattan D.A. investigation into the fire at the Deutsche Bank Building, resulting in the death of two fire fighters;
- Two-year Grand Jury investigation into labor racketeering and fraud in N.Y.C. construction industry.
- High profile drug case against students at Columbia University. Represented only defendant to get diversion, resulting in dismissal of charges.

New Jersey and Pennsylvania State Criminal Matters

- Acquittal against Bergen County Prosecutor’s Office in a case charging a New York nightclub owner of the double execution murders of alleged drug associates;
- Union County Prosecutor’s Office case charging the Vice President of a major professional sports franchise with firearms possession;
- New Jersey Attorney General investigation into fraud committed by multiple doctor medical practice;

- President of a major professional sports franchise with firearms possession;
- New Jersey Attorney General investigation into fraud committed by multiple doctor medical practice;
 - New Jersey Attorney General investigation into mortgage fraud committed by a New York attorney;
 - Philadelphia District Attorney investigation into a highly publicized fire which caused the deaths of two firemen.

S.E.C., FINRA and Private Securities Matters

- Represent a long island politician in SEC investigation into alleged corruption regarding municipal bonding;
- Represent the President and Founder of Public Company named in securities class action law suit in the SDNY;
- Represented hedge fund manager in S.E.C. insider trading case;
- Representation of high-yield bond trader in first ever insider trading case involving credit default swaps brought by the Securities and Exchange Commission (S.E.C.), New York Regional Office;
- Representation of several stock analysts in S.E.C investigation in Chicago Regional Office;
- Representation of broker in New York S.E.C. investigation into “spoofing” and “layered trading;”
- Representation of stock promoter in New York S.E.C. investigation into reverse mergers and stock manipulation;
- Representation of former Lehman Brothers broker charged with insider trading by S.E.C. in Washington D.C.;
- Representation of founder and owner of broker dealer in FINRA enforcement proceeding.

Internal Corporate Investigations

- Representation of trader in internal investigation conducted by major international Broker-Dealer;
- Conducting internal investigation of several Swiss banks in connection with US DOJ Swiss Bank Program;
- Conducting internal investigation of large construction company in connection with Department of Justice criminal investigation;
- Representation of owner of medical device company in corporate investigation conducted in concert with two U.S. Attorney’s Offices;

PRIOR EMPLOYMENT

UNITED STATES ATTORNEY’S OFFICE, District of N.J. February 1998 – July 2006

- Chief of Violent Crime Unit – supervised AUSAs in investigations into murder, money laundering, conspiracy, extortion, drug trafficking and other offenses committed by transnational criminal organizations;
- Organized Crime Strike Force – prosecuted organized crime and corruption in the professional boxing industry, convicted high

- trafficking and other offenses committed by transnational criminal organizations;
- Organized Crime Strike Force – prosecuted organized crime and corruption in the professional boxing industry, convicted high level members of American mafia as well as hit men for Sicilian mafia for multiple murders as part of RICO enterprise;
- Supervised long-term grand jury investigations utilizing wiretaps, top echelon informants and other sophisticated techniques;
- Served extensively in the Terrorism Command Post investigating the events of the September 11, 2001 attack; received “top secret” security clearance regarding terrorism investigations;
- Nationally recognized expert in sophisticated criminal prosecutions and the RICO statute; have lectured extensively throughout the U.S. and abroad, and have written and published on these topics;
- Won the Director’s Award for Outstanding Performance as an Assistant U.S. Attorney as well as four FBI Outstanding Achievement Awards for successful prosecutions in difficult and complex matters.

LAW OFFICE OF MARC A. AGNIFILO, New York, New York 1994-1998

Successfully litigated state and federal criminal and civil cases; drafted state appellate briefs and U.S. Supreme Court *certiorari* petitions. Won a full acquittal in a sweeping OCCA, extortion, bribery case brought against Union Officials.

NEW YORK COUNTY DISTRICT ATTORNEY’S OFFICE 1990-1994

Assistant District Attorney, trial division
 Prosecuted, investigated and litigated hundreds of criminal cases, presented over one hundred cases to the Grand Jury and tried dozens of cases to verdict.

AWARDS, WRITTEN MATERIALS AND LECTURES

AWARDS & DISTINCTIONS

- U.S. Department of Justice, **Director’s Award For Outstanding Performance As An Assistant United States Attorney** – 2002;
- Federal Bureau of Investigation, **Outstanding Achievement Award**, 2002, 2001, 2000, 1999;
- Jersey City Police Department, **Outstanding Service Award**, 2005, 2002, 1999;
- U.S. Department of Justice, **Director’s Award Nominee**, 2004;

WRITTEN MATERIALS

- Defense Perspectives On Cooperating Witnesses, presented to N.Y. County D.A.’s Office, “Advanced Trial Advocacy Program,” April 2011;
- Using RICO Against Organized Financial Crime Groups, presented to national law enforcement association, July 2010;
- Criminal and Civil Use of the RICO Statute, outline accompanying

- 2011;
- Using RICO Against Organized Financial Crime Groups, presented to national law enforcement association, July 2010;
 - Criminal and Civil Use of the RICO Statute, outline accompanying lecture broadcast on “Lawline;”
 - Prosecuting Violent Gangs under the “Enterprise Theory” of Investigation, United States Attorney Bulletin, May 2006;
 - Report to the Deputy Attorney General of the United States on the State of Gangs, Gang Violence and Prosecution Measures in the District of New Jersey – presented on July 31, 2005;
 - Gangs of New Jersey – An Assessment of the Current Situation – presented at the United States Attorney’s Office Gang Symposium in May of 2004;
 - How to Prosecute a Group of Bad Guys – Innovative Uses of the RICO and CCE Statutes, presented to the Home Office of the United Kingdom at the U.K. Annual Law Enforcement Gang convention of 2003;
 - The Fourth Amendment and “Street Encounters”, presented to the U.S. Attorney’s Office in New Jersey, 2003;
 - Actually Understanding the Bail Reform Act, presented to the U.S. Attorney’s Office in New Jersey, 2003
 - How To Take a Statement from a Defendant, presented to the U.S. Attorney’s Office in New Jersey, 2002._

LECTURES & PRESENTATIONS

Frequent lecturer to local, state, federal and foreign governments, as well as educational and law enforcement institutions on a variety of subjects. Notable presentations include the following:

- **N.Y. County D.A. “Advanced Trial Advocacy Program**, April 2015 – Trial practice regarding cooperating witnesses;
- **New York County Lawyer’s Association**, October 2011 – Attorney Ethics in White Collar Criminal Investigations;
- **New York State Bar Association**, September 2011 – Federal Criminal Practice
- **N.Y. County D.A. “Advanced Trial Advocacy Program**, April 2011 – Defense Perspectives On Cooperating Witnesses;
- **West Coast Law Enforcement Association (HIDTA)**, July 2010 – Using RICO against transnational financial criminal organizations;
- **New York County Lawyer’s Association**, July 2009, “How to Try a Federal Criminal Case;”
 - **New York County Lawyer’s Association**, March 2009, “From Arraignment to Trial, An Overview of the Federal Criminal System;”
- **New York County Lawyer’s Association**, February 2008, “From Arrest to Arraignment, An Overview of the Federal Criminal System.”
- **Department of Homeland Security, International Criminal Enterprise training**, As a Senior Instructor for the United States Department of Homeland Security, I lecture four times a year to DHS Special Agents on the use of RICO and other complex federal statute in the prosecution of transnational criminal organizations.
- **Criminal and Civil use of the RICO Statute**, May, 2007, broadcast

- Enterprise training**, AS a Senior Instructor for the United States Department of Homeland Security, I lecture four times a year to DHS Special Agents on the use of RICO and other complex federal statute in the prosecution of transnational criminal organizations.
- **Criminal and Civil use of the RICO Statute**, May, 2007, broadcast on “Lawline”
 - **Home Office of the United Kingdom**, March 2003. Lectured to all major law enforcement representatives of England, Scotland, Wales and Jamaica regarding gun trafficking in the United States.

MEDIA APPEARANCES

- * **MSNBC and BNN** – repeated on air commentary on the insider trading trial of Raj Rajaratnam; multiple appearances;
- * **National Public Radio (NPR)**, March 2008 – “Weekend Edition.” Discussed firearms laws in the context of the ability of violent criminal organization to secure firearms through illegal means
- * **The History Channel**, February 2008 – “Gangland” series. On camera discussion on the history of the Bloods street gang.
- * **An Omar Broadway Film**, premiered at the Tribeca Film Festival in April 2008. Nominated Best Documentary Film at the festival. On camera discussion of the Bloods in the U.S. prison system.

EDUCATION

BROOKLYN LAW SCHOOL, New York, NY
Juris Doctor, May 1990

Honors:

- Moot Court Honor Society, Co-Chairperson, 1989 – 1990;
- American Jurisprudence Award for outstanding performance in Trial Advocacy;
- Member and Coach of the National Trial Advocacy team;
- Member and Coach of three appellate advocacy teams in national competitions.

CONNECTICUT COLLEGE, New London, CT
Bachelor of Arts in Philosophy and Political Science, May 1986

BAR ADMISSIONS - New York State Bar; State of New Jersey Bar, United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey, the Supreme Court of the United States and the United States Court of Appeals for the Second Circuit. *Pro Hac Vice* admission in the United States District Courts for the Central District of California, the District of Connecticut, the District of Maine, the Southern District of Florida, the District of New Hampshire and the Eastern District of Virginia.

