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Nacchio jury dismissed for day

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Jurors in the criminal insider trading case of former Qwest chief executive Joe Nacchio completed their third day of deliberations without reaching a verdict.

Unlike the first day when they had several questions for the judge, jurors have kept to themselves during the past two days of deliberations, an indication that they may be thoroughly examining the evidence.

"You've put in another long day," Judge Edward Nottingham told jurors before excusing them for the day at 5 p.m.

The jury of eight men and four women will reconvene Tuesday at 8:45 a.m.

Nacchio, his family and attorneys arrived at the courthouse this afternoon just prior to the jury's dismissal. Prosecutors Cliff Stricklin and Colleen Conry have been in the courthouse at various times throughout the day. They were joined at the prosecution table this afternoon by fellow prosecutors Leo Wise, Kevin Traskos and James Hearty.

While the jury deliberated today, the parties in the case continue working behind the scenes on other issues.

Nacchio's attorneys filed a response, under seal, connected to their claim that Nacchio's constitutional right to mount a defense was hindered because of the court's rulings on certain classified information. The defense filed the claim last Monday, to which the government promptly responded. The defense's response to the government's response was filed Friday and made publicly available today.

The filings have all been redacted. The classified information issue is connected to the contention that Nacchio believed Qwest was in line to receive lucrative government contracts, boosting his outlook for the company. The issue was raised on a few occasions by Nacchio's attorneys during cross-examination of government witnesses, but the defense didn't call any witnesses during its case to speak about the argument.

After nearly four weeks of testimony, the case was given to the jury on Thursday.

Interest in the case continues to build as the trial nears conclusion.

The tenth floor of the courthouse, where jurors are deliberating, is littered with local and national press personnel.

Nacchio is charged with 42 counts of illegal insider trading. Each count carries a maximum penalty of 10 years in prison and a \$1 million fine. Nacchio could also be required to forfeit up to \$100.8 million - the gross proceeds on the alleged illegal insider trades during the first five months of 2001 - if he is convicted on all 42 counts.

Nacchio's attorneys have contended that he was upbeat about the company and was forced to exercise and sell stock options that had looming expiration dates.