



## Jerry A. Behnke

### **PARTNER**

**P** 949.516.7264

**F** 949.516.7251

[jbehnke@larsonllp.com](mailto:jbehnke@larsonllp.com)

Orange County

Jerry Behnke is an experienced trial and appellate lawyer. His practice focuses on white collar criminal defense, internal investigations, and complex civil litigation. Jerry represents individuals and companies in a wide range of white collar criminal matters, including allegations of wire and mail fraud, healthcare fraud, procurement fraud, false claims, tax violations, and public corruption. He also conducts internal investigations for corporations. Jerry's civil litigation practice includes breach of contract disputes, civil false claims, breach of fiduciary duties, and environmental matters.

### **PRIOR EXPERIENCE**

Jerry is a former Assistant U.S. Attorney (AUSA) and a former Deputy District Attorney (DDA) with 18 years of experience investigating and prosecuting complex white collar criminal cases. He has extensive experience handling federal and state anti-corruption, fraud, and regulatory matters. Jerry previously served as an AUSA in the Southern District of California where he was a member of the Major Frauds and Special Prosecutions Section and also served as a discovery coordinator. Jerry also previously served as an AUSA in the Central District of California, where he was Deputy Chief in the Riverside branch office. Before his work as a federal prosecutor, Jerry served as a DDA for Riverside County.

### **REPRESENTATIVE MATTERS**

- Represented a company in a criminal investigation and prosecution for insurance fraud and negotiated a settlement of the matter as a civil compromise, which resulted in dismissal of the criminal charges.

### **EDUCATION**

Loyola Law School, Order of the Coif, J.D.  
University of Southern California, B.A.

### **ADMISSIONS**

California  
U.S. Court of Appeals for the Ninth Circuit  
U.S.D.C. Central District of California  
U.S.D.C. Eastern District of California  
U.S.D.C. Northern District of California  
U.S.D.C. Southern District of California  
U.S. District of Columbia

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- Defended a company in a criminal prosecution stemming from the death of one of the company's employees and negotiated a settlement of the matter as a civil compromise, which resulted in dismissal of the criminal charges.
- Represented the owner of a chain of furniture stores in a criminal investigation and prosecution for sales tax fraud and negotiated a settlement of the matter as a misdemeanor.
- Defended a former Drug Enforcement Administration agent in a federal criminal prosecution involving allegations of conspiracy and fraud. All charges were dismissed in the middle of trial.
- Represented an oil company in a civil suit against a former employee paralegal involving breach of duty of confidentiality, breach of contract, breach of fiduciary duty, and unlawful business practices.
- Conducted an internal investigation for a company that offered lending and financial advice to determine whether the CEO had engaged in fraud.
- Represented a lawyer in an investigation by the State Bar of California. The investigation was closed with no charges filed.
- Represented an oil company accused of violating the Clean Water Act and other statutes related to releases of oil. Obtained sanctions against the State of California for the spoliation of evidence.

### *Significant Prior Matters:*

- Served as lead attorney in the investigation and prosecution of a city mayor and others for conspiracy, bribery, and false statements.
- Served as lead attorney in the investigation and prosecution of a grant writer for mail fraud, false statements, and forging a writing to obtain money from the U.S. in connection with a \$35 million education grant for before and after school programs.
- Served as lead attorney in the investigation and prosecution of a high-profile case under the Military Extraterritorial Jurisdiction Act involving the death of a U.S. serviceman at a U.S. airbase in Turkey.
- Served as lead attorney in the investigation and prosecution of several complex cases involving the trafficking of contraband cigarettes and evasion of state tobacco taxes.
- Tried a jury trial against a medical doctor charged with conspiracy to defraud the U.S., introducing misbranded drugs into commerce, and smuggling goods into the U.S. in connection with bringing drugs into the country that did not contain labeling as required under the Federal Food, Drug, and Cosmetic Act.
- Tried a jury trial against mortgage brokers charged with conspiracy, wire fraud, mail fraud, and money laundering in connection with a scheme to defraud banks and other mortgage lenders.

### **ACTIVITIES**

- Ninth Circuit Judicial Conference, *Lawyer Representative*
- U.S.D.C. for the Central District of California, *Merit Selection Panel Member*