**NY jury finds ex-Goldman programmer Aleynikov guilty of code theft**

By [Tom Brown](http://www.reuters.com/journalists/tom-brown) | NEW YORK

A New York jury on Friday convicted a former Goldman Sachs Group Inc ([GS.N](http://www.reuters.com/finance/stocks/overview?symbol=GS.N)) programmer of stealing some of the bank's high-frequency trading code, in a legal battle closely watched by Wall Street and the financial world.

The jury found Sergey Aleynikov guilty on only one count of stealing "secret scientific material" from Goldman. They were unable to reach a verdict on another similar count and acquitted him on a count of unlawful duplication.

Aleynikov's lawyer, Kevin Marino, said after the verdict that the defense would file a motion for dismissal of the conviction, which he said was fatally flawed.

Aleynikov, 45, a dual U.S. and Russian citizen, helped inspire Michael Lewis’ bestselling book “Flash Boys" about the rise and corrosive effects of high-speed trading in the U.S. equity market.

Aleynikov had been previously tried and convicted in federal court over the computer code theft and served nearly a year in prison before an appeals court overturned his conviction in 2012. The verdict delivered on Friday, after eight days of deliberation, amounted to a violation of the "double jeopardy" statute in U.S. law, Marino told reporters.

Aleynikov could face 1-1/2 years to four years in prison for the felony for which he was convicted, according to prosecutors, although there is no mandatory minimum. State Supreme Court Justice Daniel Conviser, who said he would issue his final decision in the case in five to six weeks, suggested he is likely to be lenient.

Conviser did not set a sentencing date and noted that Aleynikov had already served nearly a year in prison for his crime.

"His goal is to be exonerated," Conviser said. He gave the defense until May 15 to submit its motion for dismissal.

Marino argued during the trial that Aleynikov broke no law in copying code from Goldman's high-frequency trading software for his own use, even if he violated the bank's internal policy.

DELIBERATIONS MARRED

Prosecutors had charged Aleynikov with stealing the computer code in 2009, as he prepared to leave Goldman for a high-frequency trading startup in Chicago.

About six months after he was freed from prison, when his earlier conviction was thrown out on appeal, Manhattan District Attorney Cyrus Vance charged Aleynikov in August 2012 with unlawful duplication of computer-related material.

That was the charge that the jury acquitted him of on Friday.

Speaking after the verdict to reporters, Marino said "the jury was confused" by some of the legal issues behind Aleynikov's trial, adding that case against his client highlighted the influence of Goldman Sachs in a lower Manhattan court just a stone's throw away from Wall Street.

"Goldman Sachs is a tremendously powerful organization, scarily powerful," Marino said. "Mr. Aleynikov will continue to fight this battle until it is won."

Vance said Friday's outcome marked an important victory for the government and the New York financial center in "an increasingly competitive digital and global market."

The conviction came two days after the judge overseeing the case removed two jurors after a conflict between the two marred deliberations.

It remains unclear what prompted the bizarre dispute on Tuesday between the two discharged jurors.

A female juror had accused her male colleague of trying to poison her food, and on Tuesday Marino mentioned that the conflict may have involved an avocado sandwich.