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Sporting Judgment

Hurd's arrest may lead to larger fallout of other NFL players, teams

By Robert T. Shannon

General manager Jerry Angelo and offensive coordinator Mike Martz may be the latest departures from the Chicago Bears but they likely are not the most controversial.

On Wednesday, a federal grand jury indicted former Bears wide receiver Sam Hurd and charged him with conspiracy to distribute 11 pounds or more of cocaine. In addition to a long prison sentence and millions of dollars in fines, if convicted, the government has the right to seize all property used to commit the crimes as well as all crime proceeds. Hurd's 2010 Cadillac Escalade and \$88,000 in cash have already been seized.

The indictment follows Hurd's arrest outside a Rosemont steakhouse on Dec. 14, 2011. Two days later, the Bears cut Hurd from the team.

The allegations surrounding Hurd's arrest and his subsequent indictment are stunning and, as several pundits are predicting, the investigation may not be over and could implicate other players, teams and even have ripple effects on the league.

Hurd, a former standout wide receiver at Northern Illinois University, was traded from the Dallas Cowboys to the Bears in July 2011. In the off-season, Hurd signed a three-year deal with the Bears for about \$5 million, including a \$1.3 million signing bonus. He was presented as a promising addition to the group of Bears wide receivers.

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The charges in Hurd's criminal complaint paint a different picture. Federal filings show that the investigation into Hurd developed over the course of six months — starting when he was a member of the Cowboys.

Through a confidential informant, the U.S. Department of Homeland Security learned of a 4-kilogram purchase of cocaine, for an unknown buyer, later alleged to be Hurd. Near the meeting place for the exchange, law enforcement pulled over a vehicle registered to Hurd and seized \$88,000 of U.S. currency found in the car.

Although Hurd was not in the car during the traffic stop or currency seizure, he did contact federal authorities in attempt to retrieve his seized money. In connection with this attempt, Hurd appeared for a consensual interview with Department of Homeland Security investigators in July 2011 to answer questions regarding a sizable amount of cash found in a canvas bag in the automobile.

The affidavit from the undercover special agent says that Hurd admitted that the \$88,000 found in the vehicle was his, but claimed that it came from a withdrawal and wire transfer of funds from a personal bank account. The filing says a review of Hurd's banking records did not reflect the transaction and amounts claimed by Hurd. Thereafter, it appears the investigation intensified.

The investigation culminated in the Dec. 14 meeting between Hurd, an undercover special agent and a confidential informant. During that meeting, Hurd allegedly stated he wished to purchase enormous quantities of drugs — 5-to-10 kilograms of cocaine and 1,000 pounds of marijuana — on a weekly basis for distribution in the Chicago area. In financial terms, the value of such a weekly supply could be in excess of \$700,000.

The affidavit says Hurd also claimed

that he and his associates currently were distributing 4 kilograms of cocaine each week in the Chicago area, but were unhappy because their current supplier could not provide them with sufficient quantity. Of particular interest, the affidavit says that at the meeting, Hurd indicated a personal focus on the "higher-end" deals. Hurd then is alleged to have inquired whether the undercover agent and confidential informant could provide him with Mexican cell telephones because he believed law enforcement could not listen in on such conversations.

The affidavit says at the end of the meeting, the confidential informant presented Hurd with 1 kilogram of cocaine. In connection with discussing payment for the kilo, it is alleged that Hurd explained that he was a member of the Chicago Bears and would make arrangements for payment after practice at about 5:30 p.m. After leaving the meeting, officers immediately placed Hurd under arrest.

The federal criminal case is *United States v. Samuel George Hurd, III*, No. 3-11-MJ-590-BF. (U.S.D.C., N.D. Texas, 2011.)

Specifically, the complaint charges Hurd with "intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine" in violation of 21 U.S.C. §§ 841, 846. Under federal sentencing rules, Hurd faces decades in prison and a possible \$2 million fine if found guilty of the charges.

On Dec. 16, Hurd appeared before Magistrate Judge Young B. Kim in Chicago and waived his preliminary probable cause hearing. Kim ordered that Hurd surrender his passport and any firearms.

Hurd retained well-known criminal defense attorney David Kenner from California, whose former clients include Snoop Dogg and the late Tupac Shakur.

Federal prosecutors recently

presented their evidence to the grand jury, which issued the indictment on Wednesday. Hurd already had been released after posting a \$100,000 bond. Since the criminal complaint was filed in Texas, it is expected that Hurd will face trial on the charges in Texas.

This obviously is a sensitive situation for the Chicago Bears organization, but perhaps others too. Several national news outlets reported on an “as of yet to be released” list of other NFL players that are allegedly linked to Hurd. There is speculation as to whether the persons on such a list are Hurd’s “higher-end” deals that he referenced in the meeting at the Rosemont steakhouse on Dec. 14. Some reports on the ongoing investigation tally the list of implicated players in the

double-digits.

If this is the case, the fallout for other teams and the league could be monumental. Who knew what and when? Are the background tests sufficient? (For his part, Cowboys owner Jerry Jones issued a statement denying any knowledge into Hurd’s alleged crimes and supporting the Cowboys thorough background checks). Are the league’s drug and enforcement policies strong enough?

At the very least, and given the NFL’s swift and heavy response in other cases involving Adam “Pacman” Jones, Terry “Tank” Johnson and Cedric Benson, any players implicated would surely face punishment under the league’s substance and personal conduct policies.

The NFL issued a statement denying

that it is aware of any list of players. While Hurd denied all allegations in the case, his attorney made a statement specifically denying the allegations of other player involvement or supplying drugs to other players. Specifically, Kenner responded that Hurd “100 percent denies that allegation. It is patently and totally false. It just didn’t happen.”

Whether such a list exists is still unknown. Some wonder whether any players on such a list could become witnesses against Hurd or future targets of law enforcement. Others wonder what will happen if Hurd is offered a deal in exchange for telling authorities everything he knows. Lawyers and sports fans will have to see how this one plays out.

Rest assured, it will be one to watch.