

THE GUY WHO REFUSED TO WIRETAP ILLEGALLY IS OFF TO JAIL

The full 10th Circuit just decided to send Joseph Nacchio off to jail after reinstating his insider trading conviction.

A federal appeals court reinstated the insider trading conviction of former Qwest CEO Joe Nacchio on Wednesday and said he could be ordered to begin serving a 6-year prison sentence.

A three-judge panel of the 10th U.S. Circuit Court of Appeals had overturned the conviction last year, ruling that the trial judge improperly barred testimony from a defense witness.

But on a 5-4 vote, the full 10th Circuit said Wednesday the trial court was "well within its discretion" to keep the witness off the stand.

Now, it's likely that Nacchio will appeal to SCOTUS. Which means the Roberts Court will probably be refusing cert for Nacchio at about the time they overrule Vaughn Walker's impending decision that retroactive immunity for telecoms—you know, the guys who broke the law when they cooperated with Dick Cheney's illegal wiretap program?—is illegal.