



## Indictments brought against suspect in Queens mosque, temple attacks

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:00 AM March 20, 2012

CNN on March 19, 2012 released the following:

“By Kendall Green, CNN

New York (CNN) — Authorities on Monday unsealed parallel indictments against Ray Lazier Lengend, who is accused of firebombing a mosque and a Hindu temple in Queens in January.

The seven-count federal indictment and 36-count state indictment charge Lengend with hate crimes and explosives offenses. “Hate crimes offend the very principles upon which this country was founded, and those who engage in such conduct will be prosecuted to the fullest extent of the law. This defendant allegedly sought to fan the flames of ethnic and religious tension. Those flames will always be extinguished by the rule of law,” said U.S. Attorney Loretta E. Lynch.

The 40-year-old unemployed tow-truck driver, who confessed to a firebombing spree on New Year’s Day, is no stranger to confinement.

New York City police said Wednesday that Lengend had been arrested at least six times before they detained him in connection with a series of attacks that spanned two neighborhoods in the city.

Police say the attacks are thought to stem from a list of grievances he tallied against his alleged victims over the course of a few years. The gripes range from Islamic center personnel refusing him use of their bathroom to a grocer who caught him stealing.

Police accuse Lengend of filling

Frappuccino bottles from Starbucks with an accelerant and flinging them against buildings and residences in the Jamaica neighborhood of Queens, as well as against the home of one of his relatives living in neighboring Elmont, on Long Island.

But one of the attacks, targeting a Hindu temple, was actually the result of a wrong address, authorities later reported.

Deputy Police Commissioner Paul Browne added that Lengend, who had “a gripe with someone at each location,” was taken to Bellevue Hospital because he was demonstrating what police described as irrational behavior.

A dramatic video released by police two days earlier showed a person lobbing a flaming object toward a building, and a fiery explosion erupting an instant later. No injuries were reported in any of the incidents.

Authorities say they found Lengend by way of a stolen car with Virginia license plates spotted near at least one of the attacks.

The Buick, which police believe he stole from a rental car lot at John F. Kennedy International Airport on December 30, may have been used to flee the scene following the bombings.

Prior to the New Year’s charges, Browne noted, the most serious charge lodged against the Queens resident occurred in 2009 over the alleged possession of a loaded firearm in Long Island’s Nassau County.

Lengend is currently jailed on Rikers Island, according to spokeswoman for New York City Department of

Corrections. He will be arraigned March 26 at the Brooklyn Federal Courthouse.

Lengend is charged with arson as a hate crime, grand larceny, criminal possession of stolen property, reckless endangerment, criminal mischief, criminal possession of a weapon, endangering the welfare of a child and other charges, according to a press release from the Queens County District Attorney’s Office.

If convicted, Lengend faces a maximum sentence of life in prison.

Lengend’s lawyer, Kenneth Dean, could not be reached for comment.”

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## Harbert Companies Agree to Pay \$47 Million to Resolve False Claims Act Allegations

(USDOJ: Justice News)

Submitted at 11:33 AM March 20, 2012

Harbert Corporation, Harbert International, Inc., Bill Harbert International Constructions Inc., Harbert Construction Services (U.K.) Ltd. and Bilhar International Establishment have

agreed to pay the United States \$47 million to settle claims that they submitted false claims, and caused others to submit false claims, to the U.S. Agency for International Development (USAID), the Justice Department announced today.



# IRS policies help fuel tax refund fraud, officials say

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:11 AM March 20, 2012

CNN on March 20, 2012 released the following:

“By Scott Zamost and Randi Kaye, CNN Special Investigations Unit North Miami Beach, Florida (CNN) — Criminals across the country are raking in billions of dollars in tax refunds through a new and brazen form of fraud that takes advantage of the IRS’s fast online returns, law enforcement officials say.

Using laptops and free Wi-Fi connections, criminals are stealing identities and using the names of legitimate taxpayers to file fraudulent online tax returns. They’ve raked in billions, buying luxury cars, expensive jewelry and plastic surgery, police said. “It’s like the federal government is putting crack cocaine in candy machines,” said Detective Craig Catlin of the North Miami Beach, Florida, Police Department. “It’s that easy.”

First, thieves obtain Social Security numbers and other personal information from insiders at hospitals, doctor’s offices, car dealerships or anywhere the information is stored. Then, they file an online tax return using the real taxpayer’s name and a fictitious income. In most cases, the criminals buy a debit card so the IRS can issue the refund on that card, although some thieves have also gotten their returns on actual Treasury checks. The thieves know that the IRS does not verify the employer W-2s sent with the return until after the refund is issued.

It is a particular problem in the state of Florida, according to law enforcement officials.

“We can’t go ... two days in a row without making a traffic stop, and there’s going to be tax return fraud in the car,” Catlin said. “We could stop an 18-year-old kid who’s got five (debit) cards. The average is \$5,000 per card. So they’ll have \$25,000, which is really cash, even though it’s on debit cards.”

And it’s not just small-time criminals, he said.

“We have other cases that range up to \$100 million where subjects have opened up corporations and bank accounts and business accounts,” Catlin said. “And they’re receiving millions of dollars from the IRS that are all fraudulent.”

Prisoners’ tax refund scam nets millions from IRS

Last year, North Miami Beach police arrested the leader of the “Money Avenue” gang that they say specializes in

tax return fraud. When police searched his home, they found about \$250,000 in debit cards “just sitting on the dining room table for that week’s worth of work,” Catlin said.

“And inside his closet, there were nine to 10 spiral notebooks, ledgers of names, Social Security numbers, and dates of birth and the dollar amounts of returns that they’ve done on 3,000 victims,” he added.

It’s a crime that has replaced drug dealing in many neighborhoods.

“They’re sitting on a computer or iPad; they’re doing a return with a stolen identity where they don’t have to rob anybody or stick a gun in anybody’s face or run through the streets from police,” Catlin said.

Although tax refund fraud has been around for decades, North Miami’s interim police Chief Larry Gomer said the speedy returns and the option of having your refund issued on a debit card are making it easier for criminals to pull off the fraud.

“I think (the IRS’s) intentions might have been good in trying to speed returns to members of the community, but I think the problem is, they have set up a system that is too easy to abuse,” Gomer said.

He suggested that the IRS slow its processing of tax returns.

“Right now, when someone becomes a victim of income tax fraud and they catch it, it could take up to a year for them to get their return,” Gomer said. “But the way that the IRS is running the system right now, somebody can make a fraudulent return, (and) they are mailing out a check to them in two weeks without checking the information on the return.”

In Florida, where identity theft is rampant, the cities of North Miami Beach and Tampa have been particularly hard hit by the fraud. Police estimate that in the past two years, criminals in Tampa have cashed in on \$450 million in fraudulent tax return money.

Even police who are fully aware of the scam have become targets themselves, including four North Miami Beach Police Department detectives who specialize in combating tax refund fraud and officers in other South Florida police departments.

Police in Tampa discovered “a written tutorial that tells you step by step how to commit this type of crime,” according to the city’s police chief, Jane Castor.

“Throughout those written pages, it says how simple it is to do it,” she said.

“We’ve also heard from people on the street that it’s about a five-minute street-

corner lesson.”

In fact, a police informant who teaches friends how to commit the fraud said anyone could learn it.

“It’s like friends get together, and everybody brings their laptops, and we all work together,” the informant said. “Some people I know get up at like 8 in the morning and don’t finish until 8 at night.”

Law enforcement officials said that if the IRS stopped allowing the use of debit cards, that would curtail a majority of the fraud.

“The debit cards are a huge problem,” Castor said. “Plus ... the (IRS’s) focus, from my understanding, is getting these tax returns out quickly ... so instead of focusing on getting those out quickly, (the IRS should) put more of a focus on the fraudulent aspect of it.”

Deputy IRS Commissioner Beth Tucker pointed out that the debit cards are widely used by legitimate taxpayers who may not have a bank account.

“One hundred and forty million folks are filing their returns every year. Not every taxpayer has a bank account, and so the debit cards that are issued by a third-party provider are a legitimate way for taxpayers to get their refund,” she said.

Last year, the IRS reported 938,664 fraudulent returns related to identity theft, totaling \$6.5 billion, Treasury Inspector General for Tax Administration J. Russell George told a House subcommittee this month.

Treasury officials say that was money identified by the IRS as fraudulent but not actually issued. The IRS could not provide an estimate of how much fraudulent refund money it has issued.

“Any dollar that goes out of our tax system related to refund fraud is a dollar too much,” Tucker said. “We have noticed that there are more folks attempting identity theft. We’re in the middle of filing season, and we should be able to have a better assessment of exactly what the dollar amount could potentially be.”

Last year, the IRS identified at least 582,000 taxpayers who were the victims of identity theft, which is more than double the amount from only three years prior.

In testimony before Congress last year, National Taxpayer Advocate Nina Olson said the IRS has implemented a number of filters to catch the fraud, including an electronic marker to mark accounts of verified identity theft victims, an IRS identity theft affidavit form and a



# Justice Department, FBI to probe Florida teen's death

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 11:03 AM March 20, 2012

CNN on March 20, 2012 released the following:

“By the CNN Wire Staff

Sanford, Florida (CNN) — Federal prosecutors and the FBI will investigate the killing of an unarmed African-American teen amid claims of racial profiling and widespread calls for charges against the Hispanic neighborhood watch volunteer who has acknowledged shooting him.

“The department will conduct a thorough and independent review of all of the evidence and take appropriate action at the conclusion of the investigation,” Justice Department spokeswoman Xochitl Hinojosa said Monday in a written statement. “The department also is providing assistance to and cooperating with the state officials in their investigation into the incident.”

Trayvon Martin, 17, was shot and killed February 26 while walking to his father's fiancée's house in Sanford after a trip to a nearby convenience store.

His father said Monday the family believes race was a factor in their son's death, fueling a huge surge in the public outcry over the incident in the racially mixed community 16 miles northeast of Orlando.

“I think that's an issue that Mr. Zimmerman himself considers as someone suspicious — a black kid with a hoodie on, jeans, tennis shoes,” Martin said on CNN's “Anderson Cooper 360.”

“Thousands of people wear that outfit every day, so what was so suspicious about Trayvon that Zimmerman felt as though he had to confront him?”

The case was one of the most discussed topics Tuesday morning on the social networking service Twitter, much of it dedicated to an online petition posted by Trayvon's parents last month calling on Florida authorities to charge Zimmerman.

As of Tuesday morning, more than 534,000 people had signed the petition at Change.org, making it the third-largest petition campaign ever at the site, according to spokeswoman Megan Lubin. More than 10,000 people an hour were signing the petition early Tuesday.

Zimmerman, 28, has claimed self-defense in the shooting, according to police, who say they have not charged him because they have no evidence to refute his story.

But demonstrators who have turned out in recent days to protest police handling of the case have mocked Zimmerman's

claim, carrying bags of Skittles like the one Trayvon had bought shortly before his death.

CNN has made numerous attempts to contact Zimmerman, who is Hispanic, but have been unsuccessful. In a statement to the Orlando Sentinel, Zimmerman's father says his son grew up in a multiracial family and has moved out of his home after receiving death threats.

Florida's deadly force law allows people to meet “force with force” if they believe they or someone else is in danger of being seriously harmed by an assailant, but exactly what happened in the moments leading up to Trayvon's death remain unclear.

Zimmerman's father released a statement to the Orlando Sentinel last week in which he said his son never followed or confronted Trayvon. But on Monday, police released 911 recordings in which Zimmerman says he is, in fact, following the boy.

“Something's wrong with him. Yep. He's coming to check me out,” Zimmerman told a police dispatcher. “He's got something in his hands. I don't know what his deal is. Send officers over here.”

The teen started to run, Zimmerman reported. When he said he was following, the dispatcher told him, “We don't need you to do that.”

A few minutes later, someone who lives near the scene of the shooting called 911 to report an altercation. In the background, someone can be heard screaming for help, but the caller said she was too afraid to go outside and see what was going on.

Trayvon's father said he believed the pleas for help were his son's last words. “It's heart-wrenching, because those actually were my son's last words,” he said. “And to hear his last words being cries of help, is devastating. It tears me apart as a father.”

On Monday afternoon, White House spokesman Jay Carney said the FBI was monitoring the case but that the White House was not going to “wade into a local law enforcement matter.”

Hours later, the Justice Department announced its investigation. It was unclear what prompted the change.

A handful of student protesters and a law professor from Florida A&M University met Monday with a representative of the Seminole County state attorney's office and were told the local investigation will take several weeks, according to Jasmine Rand, the FAMU professor.

Assistant State Attorney Pat Whitaker told the students that the “investigation of

the Sanford police needs to be greatly supplemented,” according to Reed.

The state attorney's office also said a voice analysis would be conducted on 911 calls from the night of the shooting to determine who was yelling for help, students said.

Florida Gov. Rick Scott weighed in on Monday, noting that the case has “caused significant concern within the Sanford community and the state” and asking the Florida Department of Law Enforcement to provide “any assistance necessary” to local investigators.

The Congressional Black Caucus and the Congressional Hispanic Caucus have also called for a federal investigation, with the Black Caucus saying Sanford police showed “blatant disregard for justice” in the case.

In announcing the federal probe, Hinojosa cautioned that bringing a civil rights case requires that the government prove “that a person acted intentionally and with the specific intent to do something which the law forbids — the highest level of intent in criminal law.”

It was unclear when federal officials would announce a decision in the case.

The Justice Department said part of its effort will be to address tensions provoked by the case in the racially mixed community, whose population was 57% white and 30% African-American, according to 2010 U.S. Census Bureau figures. Hispanics, which can be of any race, made up 20% of the population, according to the data.”

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The author of this blog is Douglas C. McNabb. Please feel free to contact him





# Visitor Arrested for Allegedly Attempting to Smuggle Contraband into Metropolitan Detention Center

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 11:12 AM March 20, 2012

The Federal Bureau of Investigation (FBI) on March 19, 2012 released the following:

“SAN JUAN—On March 17, 2012, CARMEN GONZALEZ-ORTIZ, age 70, was arrested for allegedly attempting to smuggle contraband into the Metropolitan Detention Center (MDC) located in Guaynabo, Puerto Rico. GONZALEZ-ORTIZ is charged with possession of prohibited items within a federal prison facility.

The criminal complaint alleges GONZALEZ-ORTIZ entered the federal detention facility in order to visit her son, MIGUEL GONZALEZ-GONZALEZ, an inmate at MDC. It is further alleged GONZALEZ-ORTIZ entered the facility carrying inside her front waistband and inside her front pants pocket approximately 30 pills of what is believed to be the controlled substance known as Suboxone, 100 pieces of orange film also believed to be Suboxone, and two cellular telephone SIM cards, all wrapped in a balloon. In addition, it is also believed she was carrying approximately 13 grams of marijuana, which was wrapped in black electrical tape.

While visiting her son, GONZALEZ-ORTIZ was seen by a Bureau of Prisons (BOP) officer who was monitoring the MDC visitation room surveillance cameras covertly removing the contraband from her pants pocket, and also, from inside her waistband, and handing them to her son. MIGUEL GONZALEZ-GONZALEZ then took the contraband and appeared to place it in his rectum.

GONZALEZ-ORTIZ and her son were subsequently escorted out of the visitation room and placed in separate holding areas within MDC. During the examination of MIGUEL GONZALEZ-GONZALEZ, the contraband items as seen on the MDC surveillance cameras were found.

Suboxone is a Schedule III Controlled Substance used to treat opiate addiction. Suboxone is a combination of the prescription medications Buprenorphine and Naloxone.

If convicted, GONZALEZ-ORTIZ faces up to a maximum of 10 years' imprisonment.

This case is initially being prosecuted by Assistant United States Attorney Charles Walsh and was investigated by the U.S. Bureau of Prisons (BOP)-MDC Special Investigations Office and the FBI.

The public is reminded a criminal complaint contains only charges and is not

evidence of guilt. A defendant is presumed to be innocent until and unless proven guilty. The U.S. government has the burden of proving guilt beyond a reasonable doubt.”

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# Sex Smuggling Ring Broken Up

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 11:16 AM March 20, 2012

Courthouse News Service on March 20, 2012 released the following:

“By CAMERON LANGFORD

HOUSTON (CN) – A man pleaded guilty to conspiring to bring Mexican women to Houston to work as prostitutes, federal prosecutors said.

Javier Belmontes, 46, pleaded guilty to conspiring to harbor Mexican nationals, the U.S. Attorney's Office said. He was one of 10 people charged in the conspiracy.

“Belmontes was charged along with nine others in a conspiracy involving the recruitment of Mexican women and girls to travel to the United States with the false expectation of legitimate jobs in bars and restaurants,” the U.S. Attorney's Office said in a statement. “The indictment, returned Feb. 15, 2011, alleged that the conspirators further relied on the services of pimps to supply the women for use as prostitutes to maintain control of the

women.”

Belmontes owned and operated La Costenita and El Club Restaurante in Houston, where his associates charged the women \$15 for a condom and use of a room, and others worked as lookouts for police, prosecutors said.

Belmontes faces up to 10 years in federal prison and a \$250,000 fine at his April 9 sentencing.

The indictment charged seven others with conspiracy to harbor illegal aliens.

Two ringleaders pleaded guilty to conspiracy to harbor illegal aliens and conspiracy to commit sex trafficking.

So far nine of the 10 people named in the indictment have pleaded guilty, prosecutors said.

“The United States is also seeking the forfeiture of money, two bars, one restaurant and several properties which the government alleges were the proceeds of ill gotten gains and/or used to facilitate these crimes,” according to the statement.”

Douglas McNabb – McNabb Associates, P.C.'s

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## IRS

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standardized list of acceptable documents to substantiate identity theft.

Tucker said the IRS filters are “in place from the start of the filing season” and are “part of our prevention and detection.” She also said the IRS has trained 40,000 employees across the country in the past three months to deal with identity theft.

Also, the IRS last year began issuing an Identity Protection Personal Identification Number to victims of identity theft when filing their future returns.

But the filters, according to Olson’s annual report to Congress, “inevitably block large numbers of proper refund claims” since there “is no easy way to distinguish proper claims from improper ones.”

Tax refund fraud by identity theft will be the subject of Tuesday’s hearing before the Senate Subcommittee on Fiscal Responsibility and Economic Growth. It is the third hearing on the issue since last year.

Tampa officials have expressed concern that the IRS is not doing enough to combat the situation, which Castor said is one of the worst cases of fraud she has seen in her career.

“In my 28 years of law enforcement, I don’t think that I have ever seen this magnitude of fraud that is just wide open,”

the police chief said. “It’s wide open and there just doesn’t seem to be much being done about it.”

Tampa Mayor Bob Buckhorn said he’s angry that the IRS has not done more to help the city combat the fraud.

“As far as I’m concerned, they’re missing in action,” Buckhorn said. “They have not been helpful; they have not been a player; they have not taken responsibility for their side of the enforcement. If anything, you know, we’ve been banging our heads against their door asking for help and getting nothing in response. The silence has been deafening.”

Tucker disagreed with the mayor, noting that the IRS has “significantly increased the amount of resources we’ve devoted to identity theft, a heinous crime.”

A week after CNN’s March 6 interview with Tucker, the IRS sent a team of officials to meet with police officials in North Miami Beach and Tampa.

Buckhorn said the problem in Tampa is “just the tip of the iceberg” and offered this warning to the mayors of other U.S. cities:

“Go back and ask the IRS in (your) jurisdiction, ‘What are you doing? Is this a problem in my jurisdiction?’ Because I guarantee you it is,” Buckhorn said. “You may not know it, but it is.”

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# Omega Police Chief Indicted on Federal Civil Rights Charges

*McNabb Associates, P.C. (Federal Criminal Defense Lawyers)*

Submitted at 11:07 AM March 20, 2012

The Federal Bureau of Investigation (FBI) on March 19, 2012 released the following:

“WASHINGTON—The Justice Department announced today that a federal grand jury in Macon, Georgia returned a one-count indictment against Walter Young, 54, police chief of the Omega Police Department, for physically abusing a man in his custody.

The indictment alleges that, on March 24, 2011, Young, while acting in his capacity as the chief of police, assaulted “A.M.,” a pretrial detainee, thereby violating the civil rights of the detainee. The indictment further charges that A.M. suffered bodily injury as a result of Young’s use of

excessive force.

If convicted, the defendant faces a maximum penalty of 10 years in prison and a \$250,000 fine. An indictment is merely an accusation, and the defendant is presumed innocent unless proven guilty.

This case is being investigated by the FBI and is being prosecuted by Special Litigation Counsel Forrest Christian; Trial Attorney Tona Boyd, Civil Rights Division of the U.S. Department of Justice; and Assistant U.S. Attorney Robert McCullers of the U.S. Attorney’s Office for the Middle District of Georgia.”

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## JUSTICE

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