



Attorney: Terror suspect isolated for a year

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

Submitted at 11:05 AM June 12, 2012

CBS News on June 11, 2012 released the following:

“LOUISVILLE, Ky. — An Iraqi man facing terrorism charged in Kentucky has been held in solitary confinement for more than a year with no contact with other inmates or access, television, radio or outdoor recreation during the daytime, his attorney said.

The conditions under which 24-year-old Mohanad Shareef Hammadi have been held violate his constitutional rights, defense lawyer Jim Earhart said. “It’s horrendous,” Earhart told The Associated Press on Monday. “He’s doing about as well as could be expected if you put someone in a room by himself for a year.”

Earhart has asked U.S. District Judge Thomas B. Russell to release Hammadi on bail until his Aug. 27 trial in Bowling Green. Russell has postponed the trial from the original date of July 30 because of a scheduling conflict.

Hammadi faces 12 charges, including attempting to send material support such as rocket-propelled grenade launchers, sniper rifles, machine guns and explosives to al-Qaida. A co-defendant in the case, 30-year-old Waad Ramadan Alwan, has pleaded guilty and is awaiting sentencing Oct. 2.

Prosecutors said Alwan and Hammadi lied to gain refugee status and enter the U.S. Prosecutors also said the pair took part in insurgent activities near Baiji, Iraq, including planting improvised explosive devices targeting U.S. troops.

In search warrants in the case, the FBI said the pair talked about attacking American soldiers and building

homemade bombs. The two were caught in an FBI sting involving a confidential informant.

Earhart is due in federal court Wednesday in Louisville for a hearing on the bail request. The motion does not specify where Hammadi would spend his home detention if he is released. Federal authorities use several detention centers in Kentucky to hold inmates. Court records do not reveal where Hammadi is being held under an assumed name. Federal prosecutors had not responded to a request for comment nor filed a response in court as of midday Monday.

Charles Rose, a former Army intelligence officer and military attorney, said there may be intelligence or national security reasons for keeping Hammadi under an assumed name and in isolation.

“It’s perfectly legitimate to do it if they’ve got a valid reason to believe this individual might be a danger to himself or others or if others might be a danger to him,” said Rose, who teaches at Stetson College of Law in Gulfport, Fla. “Is it uncommon? Absolutely, it’s uncommon.”

Since pleading guilty, Alwan has been moved to the general population at an undisclosed jail and given the freedoms of other inmates, including the ability to socialize, watch television and have recreation time during the day, Earhart said.

When asked if federal authorities were trying to coerce a guilty plea from Hammadi by putting him in solitary confinement, Earhart said he wasn’t sure, but found the differing circumstances of Alwan and Hammadi curious.

“It seems more than coincidental,” Earhart said. “The only difference I can see between them is one pleaded guilty and one hasn’t.”

Earhart said he’s discussed a plea deal with prosecutors, but so far they have not reached an agreement.

Rose said to show that Hammadi is being mistreated, Earhart will have to present evidence that there’s no legitimate reason for holding his client in isolation. “His detention has to be above board and not behind somebody’s back,” Rose said.”

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

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Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition Defense, OFAC SDN Sanctions Removal, International Criminal Court Defense, and US Seizure of Non-Resident, Foreign-Owned Assets. Because we have experience dealing with INTERPOL, our firm understands the inter-relationship that INTERPOL’s “Red Notice” brings to this equation.

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ING Bank N.V. Agrees to Forfeit \$619 Million for Illegal Transactions with Cuban and Iranian Entities

(USDOJ: Justice News)

Submitted at 12:21 PM June 12, 2012

ING Bank N.V., a financial institution headquartered in Amsterdam, has agreed to forfeit \$619 million to the Justice Department and the New York County District Attorney’s Office for conspiring to violate the International Emergency

Economic Powers Act (IEEPA) and the Trading with the Enemy Act (TWEA) and for violating New York state laws by illegally moving billions of dollars through the U.S. financial system on behalf of sanctioned Cuban and Iranian entities.

Haji Bagcho Sentenced to Life in Prison on Drug Trafficking and Narco-Terrorism Charges

(USDOJ: Justice News)

Submitted at 2:41 PM June 12, 2012

Haji Bagcho, an Afghan national and large scale drug trafficker, was sentenced by U.S. District Judge Ellen S. Huvelle in the District of Columbia.



Mexican Cartel Hides Millions in Horse Races, U.S. Alleges

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

Submitted at 2:24 PM June 12, 2012

The New York Times on June 12, 2012 released the following:

“By GINGER THOMPSON

Newcomers rarely make it into the winner’s circle at the All American Futurity, considered the Kentucky Derby of quarter horse racing.

Yet in September 2010, a beaming band of men waving Mexican flags and miniature piñatas swept into Ruidoso, N.M., to claim the million-dollar prize with a long-shot colt named Mr. Piloto.

Leading the revelry at the track was Mr. Piloto’s owner, José Treviño Morales, 45, a self-described brick mason who had grown up poor in Mexico. Across the border, Ramiro Villarreal, an affable associate who had helped acquire the winning colt, celebrated at a bar with friends.

As for the man who made the whole day possible, Miguel Ángel Treviño Morales, he was living on the run, one of the most wanted drug traffickers in the world.

Mr. Treviño, a younger brother of José Treviño, is second in command of Mexico’s Zetas drug trafficking organization. Thin with a furrowed brow, he has become the organization’s lead enforcer — infamous for dismembering his victims while they are still alive.

The race was one of many victories for the Treviño brothers, who managed to establish a prominent horse breeding operation, Tremor Enterprises, in the United States that allowed them to launder millions of dollars in drug money, according to current and former federal law enforcement officials. The operation amounted to a foothold in the United States for one of Mexico’s most dangerous criminal networks, the officials said.

Using Miguel Ángel Treviño’s cash, José Treviño’s legal residency and Mr. Villarreal’s eye for a good horse, Tremor bought a sprawling ranch in Oklahoma and an estimated 300 stallions and mares. The Treviño brothers might have kept their operation quiet, given the criminal connection, but their passion for horses and winning apparently proved too tempting. In the short span of three years, Tremor won three of the industry’s biggest races, with prizes totaling some \$2.5 million.

The business was “so far out there it’s hard to believe,” said Morris Panner, a former prosecutor who handled drug cases. “Maybe they were using some kind

of perverse logic that told them they could hide in plain sight, precisely because people wouldn’t believe it or question it.”

The Justice Department moved against Tremor on Tuesday morning, dispatching several helicopters and hundreds of law enforcement agents to the company’s stables in Ruidoso and its ranch in Oklahoma. Jose Treviño and several associates were taken into custody and were charged later in the day, authorities said.

Miguel Angel Trevino and another brother, Omar, were also charged. The two remain at large in Mexico. Omar Trevino is also a high-ranking member of the Zetas and an F.B.I. affidavit filed in United States district court describes him as participating in the money laundering.

The affidavit said the Zetas funneled about \$1 million a month into buying quarter horses in the United States. The authorities were tipped off to Tremor’s activities in January 2010, when the Zetas paid more than \$1 million in a single day for two broodmares, the affidavit said.

The New York Times became aware of Tremor’s activities in December 2011 while reporting on the Zetas. The Times learned of the government’s investigation last month and agreed to hold this story until Tuesday morning’s arrests.

The brothers’ activities on either side of the border made for a stark contrast. One week in May began with the authorities pointing fingers at Miguel Ángel Treviño for dumping the bodies of 49 people — without heads, hands or feet — in garbage bags along a busy highway in northern Mexico. The week concluded with José Treviño fielding four Tremor horses in a prestigious race at Los Alamitos Race Course, near Los Angeles.

By then, Mr. Villarreal’s story had come to a fatal, fiery end. Not long after the 2010 victory at Ruidoso, he was detained by the Drug Enforcement Administration and reluctantly agreed to work as an informant. Five months later, his charred remains were found in a burnt-out car on the highway outside Nuevo Laredo.

The buzz around Tremor’s winnings and acquisitions began three years ago, when José Treviño bought an estimated \$3 million in quarter horses, including one named Number One Cartel.

Since then he has worked with breeders, trainers and brokers considered pillars of the business. Tremor Enterprises did not always put its name on the horses it owned or the races they ran, presumably to avoid the attention of tax collectors and law enforcement authorities, according to

federal agents.

But people inside the financially struggling industry do not need written records to tell them who is doing business with whom. And some of those insiders acknowledged that the subject of José Treviño’s identity, and where he got his money, was treated like so many taboos: people did not ask many questions, either because they did not care, or did not want to know.

“Everyone knows who José Treviño is,” one trainer said. “But all they cared about was whether his checks would clear.”

A Drug Organization Ascends

Made up of rogue members of the Mexican military and police, the Zetas were a protection force for the powerful Gulf Cartel before they set out on their own in 2010. Their ascendancy ignited a spate of massacres and assassinations of elected officials, police chiefs, journalists and others, which turned organized crime from a law enforcement problem to the No. 1 national security threat for Mexico’s fragile democracy.

Miguel Ángel Treviño, known as Zeta-40, or just 40, was never in the military. But he became useful to the Zetas for his experience moving contraband across the border.

Law enforcement authorities said the Zetas have been able to rapidly expand their reach beyond Mexico’s borders with the United States and Guatemala. And while other Mexican drug organizations prefer to keep themselves and their money close to home, the Zetas have established outposts as far as South America and West Africa.

“The Zetas are particularly adroit at spreading their tentacles across borders,” said Michael S. Vigil, a former senior official with the Drug Enforcement Administration. He added that the gang’s extensive intelligence and operational capabilities allow it to take control of new territory so quickly that it is difficult for law enforcement to keep up.

Their primary stronghold is Nuevo Laredo, one of North America’s busiest border-crossings and Mr. Trevino’s hometown.

He had grown up there in a large family with six brothers, including José, and six sisters, American authorities said. Like most local residents, the Treviño family treated the border as a kind of imaginary line.

Law enforcement authorities knowledgeable about the family said the



MEXICAN

continued from page 2

siblings learned the tricks of moving easily between the United States and Mexico, using temporary visas and border-crossing cards to start families, buy properties and do business in both countries.

Court records lay out the nature of the brothers' turn to crime, which dates back at least two decades. In 1995, an older brother, Juan Francisco Treviño, was sentenced on charges of conspiring to smuggle hundreds of pounds of marijuana into the United States.

On the witness stand, Juan Francisco described himself as a struggling entrepreneur who had tried to make a go of a small construction company, Treviño Masonry, but later went into trucking.

Prosecutors argued that those businesses were fronts for the Treviños' smuggling activities, citing a raft of lapsed business licenses, false identification documents and suspicious wire transfers.

The defendant was sentenced to 22 years in prison, and remains incarcerated. José and Miguel Ángel Treviño were implicated in the case, but were never prosecuted for lack of evidence, said authorities involved in the investigation.

It is unclear whether the two brothers parted ways at that point or continued collaborating. Miguel Ángel Treviño's rise through the ranks of the Zetas is well known. Jere Miles, an expert on the Zetas at the Department of Homeland Security, said that among the Mexican underworld, Mr. Treviño had gained the notoriety of a cult figure, one who has escaped unscathed from several gun battles against the law, makes deals with no one and seems unafraid to die. Dismembered bodies, dumped by the dozens, have become his calling card.

He also manages the organization's money, according to George Grayson, a professor at the College of William and Mary who has written a book about the Zetas.

The trail of public information on José Treviño goes cold until 2009, when he began buying expensive racehorses. "From all appearances, he looked like anyone else interested in quarter horses," said one person in the industry who knows José Treviño. "But he had a massive amount of money, with no good explanation where it came from. And he had a family name that made a lot of people wonder."

New Player at the Track

As much as Tremor was a money-laundering operation, the Treviño brothers' quarter horse venture allowed them to mix business with pleasure. Horses have long been considered a status symbol in Latin America and drug

traffickers have been among the region's most avid collectors.

Law enforcement officials said quarter horse racing was one of Miguel Ángel Treviño's favorite pastimes, and even while living on the run, he has managed to keep control of several ranches and racetracks in Mexico and Guatemala where he holds match races, known as *parejeras*.

But Mexican horse racing — like so much else in that country — has been battered by the violence of the drug war. Many Mexican breeders have moved their operations to the United States, where they could buy horses with better bloodlines and compete for bigger prizes, without fearing for their lives.

"Much of the growth in American quarter horse racing is due to those guys," said one industry expert, referring to the influx of breeders and buyers from Mexico. "They have spent a lot of money. And it's made a big, big difference."

The races, centered in the Southwest, pit scrappier, less expensive horses than high-end thoroughbreds in contests that can be over in less than 20 seconds.

To get in on the action at American tracks, Miguel Ángel Treviño needed someone he could trust to pick a winner. For that, he turned to Mr. Villarreal.

Mr. Villarreal was an unlikely horseman, the socially awkward son of a bookkeeper and teacher known for his build and bottomless appetite as "El Gordo," or "Fatso." He began attending auctions as a child, and developed an uncanny ability to spot horses that may not have come from the best lineage, but whose stride or attitude suggested an exceptional capacity for speed.

Mr. Villarreal's parents said he started buying horses as a teenager, mostly borrowing from relatives and friends. Still, he never seemed to have enough to purchase the kinds of horses that could compete for major prizes. Nor did the strikingly effeminate man ever develop the social skills needed to fit into the macho world of breeders and trainers.

In some ways, said one friend, he stopped trying. For awhile, he named his horses after runway models — like Campbell, as in Naomi, and Elle, as in Macpherson — because he was captivated by women's fashion.

Mr. Villarreal got his big break in 2006, when he cobbled together \$10,500 to buy a colt at an auction at Los Alamitos, records show. He took the horse to Mexico, named it "El Sicario" — which means "The Assassin" — and entered it in the *parejera* circuit, where it began to beat younger, better-rated competitors.

"That horse got 40's attention," said one

of Mr. Villarreal's friends. "He told Ramiro, 'I want you to buy horses for me.'"

He did not hesitate, the friend said. "This was his chance to live his dream."

Mr. Villarreal's father, who is also named Ramiro, saw it slightly differently.

"If someone like that asks you to do something," the elder Mr. Villarreal said, "Are you going to tell him no?"

Soon, the younger Mr. Villarreal's name began appearing on the lists of the top buyers at auctions in California, Texas, New Mexico and Oklahoma. His first champion was Tempting Dash, which won more than \$600,000 in 2009, set a track record during the Texas Classic Futurity and gave Tremor its first victory in a million-dollar race.

No matter how successful, Mr. Villarreal always showed deference to his boss, calling him "Papi." When Miguel Ángel Treviño wanted to see Tempting Dash for himself, Mr. Villarreal drove the horse, along with dozens of others, to Mexico.

Getting back was more complicated. To avoid inspections, quarantines and other procedures required for bringing livestock into the United States, Mr. Villarreal had trainers sneak the horses back across the border, herding them just after dawn through the Rio Grande.

"My son used to tell me that his biggest blessing was also his curse," said Mr. Villarreal's father. "He would tell me, 'My problem is that I am good at what I do, so a lot of people ask me to help them. Some of those people are good. Some of those people are bad.'"

'A Great Moment'

As much as Miguel Ángel Treviño relied on Mr. Villarreal, he needed his brother, José, to be the face of his fledgling American horse business.

José Treviño, the clean-cut father of three, with a small tattooed Tremor logo on his hand, almost always attended races with his family at his side. He often credited his success to a combination of divine intervention and dumb luck.

"After a win, he always says that he's been blessed with an ability to pick the right horses and run them in the right races," said one person who met him.

"He's always humble. He's the kind of guy who knows what he doesn't know, who seems eager to learn, and who isn't shy about asking for advice."

At the start, José Treviño seemed reticent in the spotlight, avoiding reporters by pretending he did not speak good English. But the more races he won, the more comfortable he seemed with cameras and microphones. People who knew him said



MEXICAN

continued from page 3

he never sought out the media, but never refused to talk when they called.

And they called often. "That was awesome, that was awesome," José Treviño said, beaming before reporters in November 2009, after Tempting Dash won the Texas Classic Futurity. "We were expecting him to run big, but we weren't expecting something like this, to break the track record like this."

The following year, when the colt named Mr. Piloto won the All American Futurity in Ruidoso, N.M., racing writers called it the "biggest upset in All-American history," and marveled at how Mr. Treviño, with a "green-as-grass" horse, could beat competitors with better qualifying times and world-class jockeys.

Then last year, a sorrel filly named Separate Fire swept the Ed Burke Futurity at Los Alamitos, Calif., delivering José Treviño his third race where the top prizes were worth \$1 million — a record. "We're down-to-the-ground people," he humbly told Track Magazine after the race last July. "This is a great moment, one we are going to enjoy for a long time. But I think you have to take it as it comes and don't let it change your life."

Still, his life did change. Tremor's winning streak allowed him to hire the most respected jockeys, trainers and sales associates in the business. Last year, said people who know him, José Treviño moved his family from a modest suburban house in Mesquite, Tex., where he said he worked in the construction industry, to a large ranch outside Lexington, Okla.

The 70-acre ranch, Zule Farms, is named after his wife, Zulema, a former secretary who told people that she kept the books for Tremor. A person familiar with the ranch said that Mr. Treviño had converted a manure-filled cattle barn on the property into a breeding facility, with state-of-the-art labs and special stalls where mares are implanted with embryos.

Across the quarter horse industry, people started to whisper about where he was getting his money.

"There's no way all the money he's putting into that ranch came from being a brick mason. It's just not logical," said a person familiar with Zule Farms.

Nor were José Treviño's operations always transparent. Records show that on at least a couple occasions, he had other people sign for the company's major purchases. One deal was signed by a teenager who looked like he was not yet old enough to drive. The other was handled by the scion of a prominent quarter horse family, Tyler Graham, who stunned a packed auction house in Oklahoma by agreeing to pay a record

\$875,000 for a broodmare named Dashin Follies.

At the time of the sale, Mr. Graham said he was buying the horse on behalf of a client he would only identify as "a Mexican resident." Shortly afterward, records show, he turned the horse over to Tremor. Mr. Graham has not been accused of any wrongdoing.

An industry expert who attended the auction said the sale prompted more rumors. But he said sketchy deals are not uncommon in an industry where payments are made in cash and records are notoriously — even deliberately — unreliable.

"If someone walks into an auction with hundreds of thousands of dollars, and refuses to give his name, no one is going to turn him away," the industry expert said. "What they'll tell him is, 'We'll register the horse in any name you want.'"

A Mysterious Death

As José Treviño's prominence grew in the quarter horse community, so did Miguel Ángel Treviño's place in the drug trade. By the end of 2010, he had helped lead a brutal expansion so deep into Mexico that the Zetas became not only a priority for Mexico's security forces, but also an enemy that inspired other drug organizations to join forces and fight.

Miguel Ángel Treviño's control over drug warehouses and hit squads across the border also compelled United States authorities to offer a \$5 million reward for information leading to his arrest.

At the same time, Mr. Villarreal was falling out of favor with Tremor. He was in debt because the Treviño brothers barely paid him enough to cover travel costs, friends said. Mr. Villarreal began padding his expenses, prompting Miguel Ángel Treviño to suspect him of skimming money from Tremor, the friends said.

In September 2010, Mr. Villarreal was traveling to a horse auction in Oklahoma when he was detained by D.E.A. agents during a layover at a Houston airport. A spokesman for the agency refused to comment on its relationship with Mr. Villarreal.

But several law enforcement officials familiar with the case said agents held him for up to six hours, questioning him about his ties to Miguel Ángel Treviño. Before releasing him, the agents confiscated Mr. Villarreal's cellphone and computer, and ordered him to meet with them a few days later.

When Mr. Villarreal returned, the agents said he could either work for them as an informant or face being prosecuted himself, according to the officials. The D.E.A. wanted Mr. Villarreal to help track

Miguel Ángel Treviño's whereabouts and then lure him into the United States.

Mr. Villarreal pleaded that he was too nervous to pull off the ruse, adding that Miguel Ángel Treviño would never trust him enough to follow him across the border.

But the D.E.A. insisted and a beleaguered Mr. Villarreal relented, the officials said.

At least once, Mr. Villarreal tipped off his handlers when Miguel Ángel Treviño went to a racetrack in Nuevo Laredo. "Mexican authorities took pictures of 40, but they didn't try to arrest him," said one of Mr. Villarreal's friends. "They told Ramiro that they were afraid too many people might get killed. Ramiro told them if they waited any longer, he was going to get killed."

Sometime around the end of that year, Miguel Ángel Treviño summoned Mr. Villarreal to a meeting. Mr. Villarreal's friends recounted the following incident as he had described it to them.

A pickup point was arranged in Laredo, where Mr. Villarreal was blindfolded and then driven into the Mexican desert by gang members.

Minutes dragged as Mr. Villarreal waited for Miguel Ángel Treviño to arrive. He saw two vats filled with a liquid he presumed to be acid, one of the trafficker's preferred methods for disposing of bodies.

"Where's Papi?" he asked the men. "Don't worry," they answered. "He's coming."

Miguel Ángel Treviño arrived about an hour later in a car with more lieutenants and an unknown man, who was also wearing a blindfold.

The trafficker hugged Mr. Villarreal and asked, "You're not screwing me, are you, Gordo?"

"No, of course not, Papi," Mr. Villarreal answered.

Saying he would be back "in a minute," Miguel Ángel Treviño walked over to the unknown man, took off his blindfold, shot him in the head and ordered his men to dump the body in one of the vats of acid.

Mr. Villarreal passed out. He told his friends he did not know how long he was unconscious, but when he awoke Miguel Ángel Treviño was slapping him in the face and laughing.

"What's wrong, Gordo?" he joked. "You can't handle seeing me kill someone? Next time, I'm going to have you do it." "No Papi," Mr. Villarreal said. "I don't want there to be a next time."

The drug trafficker got back into his car and drove away. Mr. Villarreal was taken back to Laredo and immediately got in



Jerry Williams to ask for leniency in Tuesday's federal court sentencing

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

Submitted at 11:42 AM June 12, 2012

NaplesNews.com on June 11, 2012

released the following:

“By LAURA LAYDEN

FORT MYERS — Once facing fraud charges that could have put him away for life, Jerry Williams, the ex-CEO of Orion Bank in Naples, won't spend more than 15 years in prison.

Under his plea agreement, he can't get any more time than that for his crimes.

But he's asking for a sentence of no more than five years, arguing through his attorneys that when he crossed the line it was an “isolated mistake.”

His sentencing hearing is at 1 p.m. Tuesday in federal court in Fort Myers.

Williams, 52, pleaded guilty to three counts involving bank fraud at Orion, with each count carrying a sentence of up to five years. He faces fines of at least \$250,000 and he's agreed to pay restitution to his victims. Charges in his original 13-count indictment carried a maximum sentence of 220 years in prison. “Based on the fact he only pleaded to three of the 13 charges I see no reason for any additional leniency,” said Patrick Miller, Orion's former senior vice president and one of the hundreds of shareholders in Orion's holding company who lost millions when the bank failed in November 2009.

Williams admitted to orchestrating a complex scheme that involved illegally raising more capital for Orion and selling off bad loans to a borrower to make the failing bank appear in better financial shape than it was to its regulators.

Williams isn't the only bank executive to find himself in trouble after doctoring financial documents and lying to state and federal regulators. Some of the more recent cases resulted in sentences ranging from a few months to more than six years in prison:

** In late 2011, a former Georgia banker was sentenced to six years in federal prison for a scheme that netted him kickbacks for fraudulent loans made to a Florida real estate developer. On top of his sentence, banker S. Pope Cleghorn Jr., the former president and CEO of Hometown Bank, had to pay more than \$2.5 million in restitution to SunTrust, which acquired the bank after its collapse in 2008.

** Earlier this year, Mary S. Becker, a former vice president of Jersey State Bank in Illinois, was sent to prison for five years and three months for bank fraud and ordered to pay restitution after siphoning

\$4.45 million from the bank, putting it into her accounts.

** About a year ago, William Sandison, the former CEO of Community National Bank in Minnesota, got a four-month prison sentence and had to pay a \$30,000 fine after he pleaded guilty to defrauding nearly two dozen other banks that invested millions of dollars in a failed town center project.

** A little more than two years ago, David Kennelly, a former executive with the Bank of Clark County in Washington, was sentenced to four months in prison after he hid appraisals on 17 properties that had fallen in value. Based on the appraisals, regulators would have required his bank to set aside nearly \$17 million in reserves for loan losses.

** In late 2010, Jeffrey Thompson, former president of Hume Bank in Missouri, got a 6-and-1/2-year prison sentence after admitting he concealed problem loans from regulators and altered records. Loan losses caused the bank to fail in March 2008.

Peter Turecek, a senior managing director in the New York office of Kroll, a leading risk consulting company, said though plea deals can often result in lighter sentences for the accused, there are benefits to others. There doesn't have to be a costly trial, saving taxpayer money, and it keeps the courts from getting clogged.

If Williams went to prison for life he wouldn't be able to pay restitution, Turecek noted.

Bank fraud often doesn't involve hardened criminals, he said.

“They are people who probably went into it with a high ideal and a desire to run a business and somewhere along the way something came up and when faced with an ethical decision or hard decision they made the wrong choices,” he said. “Then they tried to continue to cover it up, which led to more lies.”

Fred Gibson, deputy inspector general for the Federal Deposit Insurance Corp. and a bank regulator, said his office has 210 open investigations and about half of those cases involve allegations of criminal activity against bank officials.

Some think there hasn't been enough prosecution of bankers.

“The general feeling of a lot of people is that with this current crisis there weren't enough put in jail,” said Ken Thomas, a Miami-based economist and independent banking consultant. “There is a public sentiment out there that ‘How could we have this terrible crisis with so many losses and very few people going to jail?’”

In the case of financial fraud, a judge needs to look closely at the victims and consider how they've been hurt, he said. “You're not talking about a lost life or someone who has lost a leg, or who is injured for life or paralyzed,” Thomas said. “But financial disaster can also ruin lives. They cause relationships to break up, foreclosures, lost homes, lost businesses.”

Williams' co-conspirators already are serving time in federal prison and will have to pay restitution to the Federal Deposit Insurance Corp., which lost \$844 million when Orion failed. Their sentences ranged from two years to 5-and-1/2-years.

Nicole Waid, the federal prosecutor in the Orion case, wrote in a memorandum to the judge that Williams “clearly had the most to gain financially” from the fraud. He owned 24 percent of Orion Bancorp's stock and was the largest single shareholder.

In 2009, Williams reported a net worth of about \$78 million, but if his bank had failed at that time and his stock had become worthless his net worth would have dropped to \$65,000, according to the court filing.

Waid's recommending the court not go easy on Williams.

In a motion for a lighter sentence, Williams' attorneys paint him as a community leader, a family man, a philanthropist, a caring employer. Attached to the motion are letters from his wife, Heather, and other supporters. “He offers neither excuses nor qualifications,” his attorneys wrote. “And yet the facts of this case compel one to recognize it for what it is: a critical aberration from an otherwise exemplary life and career.””

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Douglas McNabb and other members of the U.S. law firm practice and write and/



Indictment Charges Alleged Dental Clinic Operator Involved in \$20 Million Medicaid Fraud Scheme

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

Submitted at 1:50 PM June 12, 2012

The Federal Bureau of Investigation on June 11, 2012 released the following: "David B. Fein, United States Attorney for the District of Connecticut, today announced that a federal grand jury in New Haven has returned a nine-count indictment charging Gary F. Anusavice, also known as "Gary Andrews," "Gary Andrus," and "Gary Francis," 59, of North Kingstown, Rhode Island, with various offenses related to his involvement in a \$20 million Medicaid fraud scheme. The indictment was returned on June 7, 2012. Anusavice has been detained since his arrest on May 24, 2012.

"By surreptitiously operating dental clinics in Connecticut, this defendant allegedly defrauded the Medicaid program of more than \$20 million over a two-year period," said U.S. Attorney Fein. "We are committed to protecting American taxpayers from health care fraud, which can increase costs and jeopardize the integrity of our health care system. I want to commend HHS-OIG, IRS-Criminal Investigation, and the FBI for their investigative efforts and thank the Connecticut Attorney General's Office, which provided invaluable assistance during the course of this investigation."

According to the indictment, the Medicaid program is a joint federal-state program that provides funds for medical services to lower-income individuals who qualify for benefits. The program is jointly administered by the U.S. Department of Health and Human Services and supervised by the Centers for Medicare and Medicaid Services. In Connecticut, the Medicaid program is administered by the State of Connecticut Department of Social Services (DSS).

The indictment alleges that Anusavice was previously a registered dentist in Massachusetts and Rhode Island. In July 1997, Anusavice sustained a felony conviction in Massachusetts for submitting false health care claims and was subject to disciplinary proceedings in both Massachusetts and Rhode Island. Based on Anusavice's Massachusetts disciplinary proceedings, the U.S. Department of Health and Human Services notified Anusavice in April 1998 that he was being excluded from participation in Medicare and state health care programs, including Medicaid. As part of that notice, Anusavice was

informed that, as an excluded individual, he may not "submit claims or cause claims to be submitted" for payment from the federal Medicaid program. Further, Anusavice was advised that Medicaid reimbursement payments are prohibited to any entity in which he serves as an "employee, administrator, operator, or in any other capacity."

In November 2005, Anusavice surrendered his right to practice dentistry in Rhode Island for 18 months, and the Massachusetts Board of Registration in Dentistry permanently revoked Anusavice's license to practice dentistry in Massachusetts in 2006.

The indictment alleges that, from 2009 to April 2011, Anusavice owned and operated several dental clinics in Connecticut but used a licensed dentist, who is referred to in the indictment as "Co-Conspirator 1," to act as the nominal head of the dental clinics. The clinics included Landmark Dental in West Haven, Dental Group of Connecticut in Trumbull, and Dental Group of Stamford. After Co-Conspirator 1 provided false Medicaid Provider Enrollment Applications to DSS, which failed to disclose Anusavice's ownership or control interest in the dental clinics and Anusavice's disciplinary history, the dental practices received nearly \$21 million in Medicaid reimbursements from the Connecticut Medicaid program, which payments were prohibited given Anusavice's exclusion from the Medicaid program. Anusavice, in turn, received more than \$3 million in payments from the clinics through nominee entities that he controlled.

As alleged in a previously filed criminal complaint, at the dental clinics, Anusavice was involved in reviewing patient charts, suggesting dental procedures to be performed, reviewing billing records, reviewing income reports, interviewing and hiring dentists, and providing overall management direction to the offices.

The indictment charges Anusavice with conspiring with others to fraudulently obtain money from the Connecticut Medicaid program by submitting Medicaid claims and concealing and misrepresenting Anusavice's prior disciplinary and criminal history, his ownership interest in the dental clinics, and his exclusion from the Medicaid program. This charge carries a maximum term of imprisonment of five years.

The indictment also charges Anusavice

with one count of health care fraud, which carries a maximum term of imprisonment of 10 years, and two counts of wire fraud, which carry a maximum term of imprisonment of 20 years, on each count. Anusavice also is charged with four counts of making false statements involving the Medicaid Program, and one count of concealment and failure to disclose an event affecting the Medicaid Program. Each of these charges carries a maximum term of imprisonment of five years.

The indictment also seeks the forfeiture of Anusavice's Rhode Island home, his 2008 Mercedes automobile, and \$91,700 in cash that was seized at the time of his arrest.

U.S. Attorney Fein stressed that an indictment is not evidence of guilt. Charges are only allegations, and each defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt.

This matter is being investigated by the U.S. Department of Health and Human Services, Office of Inspector General; the Internal Revenue Service-Criminal Investigation; and the Federal Bureau of Investigation. The Connecticut Attorney General's Office provided assistance and cooperation throughout the investigation.

This case is being prosecuted by Assistant United States Attorneys Susan Wines and Richard Molot and Special Assistant United States Attorney Sean Beaty. U.S. Attorney Fein encouraged individuals who suspect health care fraud to report it by calling the Health Care Fraud Task Force at 203-777-6311 or 1-800-HHS-TIPS."

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INDICTMENT page 7



Catherine Greig sentenced to 8 years for harboring 'Whitey' Bulger

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

Submitted at 2:38 PM June 12, 2012

Boston Globe on June 12, 2012 released the following:

"Catherine Greig, the girlfriend who spent years on the run with notorious Boston gangster James "Whitey" Bulger, was sentenced today to eight years in prison by a federal judge who said that Greig had aided "someone accused of the most serious crimes imaginable" to evade capture by law enforcement.

"We're all responsible for what we do," US District Judge Douglas P. Woodlock told Greig at her sentencing hearing. "We all make choices."

"There has to be a price imposed," the judge said, "to serve as general deterrence."

The sentencing closed another chapter in the saga of Bulger, a fearsome figure accused of 19 murders who once roamed the city's underworld while at the same time being protected as a highly prized FBI informant. His connections with a corrupt FBI agent led to a tipoff that allowed him to flee and remain a fugitive for 16 years, until his arrest, along with Greig, last year. Bulger now faces a trial in the fall.

Woodlock, saying that the case demonstrated "how the criminal justice system can break down," also fined Greig \$150,000 and ordered her to serve three years of supervised release.

Prosecutors, arguing today for a 10-year sentence, say Greig, 61, was the "key actor" in a conspiracy that allowed Bulger to evade law enforcement. Assistant US Attorney Jack Pirozzolo said it would be "wise and reasonable" considering the nature of the case.

"Essentially, the defendant was

INDICTMENT

continued from page 6

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committing a crime, day after day," Pirozzolo said in US District Court in Boston. "This is a woman who by choice chose to help a man who has been accused of vicious crimes."

But defense attorney Kevin Reddington, who has described Greig as a woman who was a victim of her love for Bulger, said she had not committed any crimes and was simply Bulger's "housemate." In court filings, he said that she was kind to animals, and never believed that Bulger was a murderer.

The sentencing hearing had included brief but emotionally charged testimony from relatives of some of Bulger's victims.

Tim Connors, 37, whose father, Edward, was allegedly shot to death by Bulger June 12, 1975 — 37 years ago today — was first to speak. He addressed Greig, saying, "You are as much a criminal as Whitey, and you ought to be handled as such. ... You are a cold-hearted criminal."

Greig appeared to pay close attention what her attorney and prosecutors said — and then to the testimony of the relatives.

For the most part, when the relatives were speaking, Greig looked straight ahead, avoided eye contact, and showed no obvious emotion.

However, when Connors made a reference to the 1984 suicide of her brother, David, Greig's composure crumpled.

Connors said he would have killed himself, too, if he had a sister like Greig. Greig gasped, then put her hands to her face and mouth — and started to cry. It took her several minutes to regain her composure. In March, Greig said in open court that she had sought psychiatric counseling after her brother shot himself to death.

Greig and Bulger were arrested last June

at the Santa Monica apartment where they had been staying since at least 1996. Bulger, facing a racketeering indictment that alleges he took part in a host of murders, was on the FBI's Ten Most Wanted list. He fled the Boston area just before he was about to be charged in an initial indictment in 1994, after being tipped off by his corrupt FBI handler."

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Clemens trial about lying, not baseball: prosecutors

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

Submitted at 1:56 PM June 12, 2012

Chicago Tribune on June 12, 2012 released the following:

“Lily Kuo

Reuters

WASHINGTON (Reuters) – Federal prosecutors in the perjury trial of former pitching ace Roger Clemens urged jurors on Tuesday to use common sense and not to fall for the “entangled web of lies” he weaved to protect his reputation.

Clemens, 49, is on trial for the second time on federal charges of lying in 2008 to the House of Representatives’ Committee on Oversight and Government Reform, which was investigating drug use in Major League Baseball.

Prosecutors made closing arguments as jurors prepared to begin deliberations after nearly two months of testimony.

“What is this case about?” Assistant U.S. Attorney Gilberto Guerrero asked. “This case is not about Roger Clemens’ greatness. It is about (him) lying...to protect his legacy.”

Clemens, who won 354 regular-season games and is a record seven-time winner of the yearly Cy Young Award as best pitcher, is among the biggest names implicated in drug use in baseball.

The defense has worked to portray Clemens as a hard worker whose stunning late-career success was the product of dedication and smart pitching, not performance-enhancing drugs.

Defense lawyers will make closing statements and the jury will begin deliberating later Tuesday or Wednesday morning on what they have heard from 46 witnesses in the nine-week trial.

JERRY

continued from page 5

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Guerrero outlined the government’s charges against Clemens, including obstruction of Congress, making a false statement and perjury, and appealed to jurors to use their common sense.

He argued against attacks on the testimony of Brian McNamee, the prosecution’s key witness and Clemens’ former trainer, who said he injected Clemens with anabolic steroids and human growth hormone between 1998 and 2001.

Clemens’ lawyers have worked to paint McNamee as a liar who obtained immunity in exchange for his testimony. “We’re not asking you to like Brian McNamee. ... Brian McNamee did a lot of things that weren’t nice ... but Roger Clemens is the one who chose Brian McNamee to inject him with steroids and HGH,” Guerrero told the jury.

He also highlighted inconsistencies in defense witnesses from Clemens’s wife, Debbie, who testified that she had received an injection of human growth hormone from McNamee in 2000.

New York Yankees’ pitcher Andy Pettitte testified earlier in the trial that Clemens, a former teammate, told Pettitte in 1999 or 2000 that he had taken human growth hormone but, years later, said he had been referring to his wife’s use of the drug.

Guerrero pointed to physical evidence prosecutors have presented, medical waste which they say contain Clemens DNA and traces of steroids. Defense attorneys have argued that blood and pus on two cotton balls and a small number of cells on a needle, could have been fabricated.

“That’s totally illogical. There’s no way in the world someone could fabricate that,” Guerrero said, echoing the testimony of a

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government forensic scientist.

McNamee testified that he kept needles, cotton balls, a broken steroid ampoule and other medical waste from injections for Clemens. He turned the evidence in to authorities in 2008.

Clemens won his final Cy Young Award in 2004, the summer he turned 42, in his first season with the Houston Astros.”

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New York Certified Public Accountant Who Failed to Pay Employment Taxes Sentenced to Two Years in Prison

(USDOJ: Justice News)

Submitted at 3:03 PM June 12, 2012

Silford Warren, a resident of Queens, N.Y., was sentenced today to 24 months in prison for failure to pay over

employment taxes in connection with his ownership of Silford Warren, CPA PC., the Justice Department and Internal Revenue Service (IRS) announced today. Judge William F. Kuntz II of the U.S.

District Court for the Eastern District of New York also ordered Warren to pay \$184,263 in restitution to the IRS.



Dutch man charged with allegedly stealing Wash. credit cards

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

Submitted at 11:31 AM June 12, 2012

Associated Press on June 11, 2012

released the following:

“By MANUEL VALDES

Associated Press

SEATTLE (AP) — In an investigation that spanned from a Seattle restaurant to Romania, a 21-year-old Dutch national pleaded not guilty Monday to federal computer hacking charges that include the theft of at least 44,000 credit card numbers.

Federal prosecutors said David Benjamin Schrooten is a prominent figure known as “Fortezza” in the international hacking community who sold stolen credit card numbers in bulk through websites.

The 44,000 credit card numbers included in these charges come from just one sale, authorities said.

Schrooten was arrested in Romania and arrived in Seattle on Saturday. He has been charged with 14 crimes, ranging from access device fraud to identity theft, authorities said.

“People think that cyber criminals cannot be found or apprehended. Today we know that’s not true. You cannot hide in cyberspace,” said U.S. Attorney Jenny A. Durkan at a news conference. “We will find you. We will charge you. We will extradite you and we will prosecute you.”

A message left with Schrooten’s listed attorney was not immediately returned.

Attorney General Eric Holder Testifies Before the U.S. Senate Committee on the Judiciary

(USDOJ: Justice News)

Submitted at 10:19 AM June 12, 2012

“I am proud of all that’s been achieved by the 116,000 men and women who serve the Department in offices around the world. Their dedicated efforts – and those of our government and law enforcement partners at every level – have allowed me to fulfill the commitments that I made during my first appearance before this Committee as Attorney General,” said Attorney General Holder.

Seattle and federal authorities credited a local Italian restaurant owner for sparking the investigation.

Corino Bonjrada said he became alarmed after several complaints from customers of suspicious charges after dining at Modello Risorante Italiano.

Customers suspected his workers had taken their credit card information and used it, but Bonjrada found no evidence of that. He then called computer experts and eventually the police, he said.

That led police to Christopher A. Schroebel, 21, of Maryland, who they say planted spying malware in the sales systems of two Seattle businesses, two of dozens of businesses targeted. Schroebel had collected at least 4,800 credit card numbers in 2011.

“Some of my customers were saying they didn’t know if they wanted to come back,” Bonjrada said. “They were afraid.”

Schroebel was arrested in November 2011 and pleaded guilty last month to federal charges that included bank fraud. He is set to be sentenced in August.

Investigators said Schrooten worked with Schroebel in creating websites to sell the credit card numbers.

Bonjrada said some customers were charged within “10 minutes” of using their credit card at his restaurants in the amounts of \$70 or \$80.

Authorities said the investigation into the ring run by Schrooten is continuing.

Schrooten is scheduled back in court

MEXICAN

continued from page 4

touch with the D.E.A., imploring the agents to release him from their agreement.

“When I met him he was a complete mess; profusely sweating, gangrene in one leg, and barely able to walk,” said a former law enforcement official. “He was in between a rock and a hard place: either stay in the United States and risk going to prison, or go back to Mexico and risk getting killed.”

In the end, Mr. Villarreal, 38, continued informing for the D.E.A. and in March, Miguel Ángel Treviño summoned him to another meeting.

On March 10, 2011, Mr. Villarreal’s car was found incinerated outside Nuevo Laredo. There was so little left of him that authorities took DNA samples from the ashes to identify his remains.

One federal law enforcement official said some agents believed his death was an accident, but acknowledged that no investigation was conducted.

Mr. Villarreal’s father said he had little

Aug. 20.”

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hope of ever finding the truth. Asked who he thought was behind Mr. Villarreal’s death, the round, balding man looked over at his wife, tears streaming down her cheeks, and echoed a refrain heard from so many Mexican crime victims. “If we ask questions, we could be the next ones to die, so for us, this is a closed chapter.”

Whispers of a “mob hit” spread across the quarter horse industry. In March, law enforcement agents even raided Tremor’s stables at Los Alamitos racetrack. But none of it seemed to slow down Tremor’s business.

Last weekend, at Los Alamitos, a Tremor colt named Mr. Ease Cartel ran the second-fastest qualifying time for a million-dollar race scheduled for June 24. When Jose Trevino’s daughter was married recently, guests included well-known figures in the industry and Track magazine covered the “big event” on its Web site.



Former Tioga County Corrections Lieutenant Indicted for Allegedly Assaulting Inmate in 2010

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

Submitted at 2:29 PM June 12, 2012

The Federal Bureau of Investigation (FBI) on June 11, 2012 released the following:
 “Richard S. Hartunian, United States Attorney, Northern District of New York, announced today that a Binghamton, New York grand jury returned an indictment on June 6, 2012 charging David Monell, a former corrections lieutenant at the Tioga County Jail, with deprivation of rights under color of law, in violation of Title 18 United States Code, Section 242. If found guilty, the defendant faces a statutory maximum sentence of 10 years’ imprisonment and a fine of up to \$250,000.

The indictment relates to an incident alleged to have occurred on June 21, 2010 at the Tioga County Jail in Owego, New York. It alleges that the defendant, while employed as a corrections lieutenant, and while acting under color of law, unlawfully assaulted and caused bodily injury to inmate David Coffey. The indictment further alleges that these actions deprived Coffey of the right,

MEXICAN

continued from page 9

“If he had been some thug, or the stereotypical person you’d expect to be in a drug cartel, then maybe people wouldn’t have accepted him and done business with him,” a former trainer said of José Treviño. “But he’s a really nice guy, so none of us wanted to believe he could have anything to do with the killing going on in Mexico.””

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protected by the Constitution and laws of the United States, to be free from the excessive use of force amounting to punishment.

The defendant appeared before U.S. Magistrate Judge Andrew T. Baxter on June 11, 2012 in Syracuse, New York, and entered a plea of not guilty to the indictment. He was released on his own recognizance pending disposition of the matter. The charge contained in the indictment is merely an accusation, and the defendant is presumed innocent unless and until proven guilty.

The indictment resulted from an investigation conducted by the Federal Bureau of Investigation and the Tioga County Sheriff’s Office. The case is being prosecuted by Assistant United States Attorney Kevin P. Dooley of the Binghamton Office, with assistance from the criminal section of the Civil Rights Division of the Department of Justice. Inquiries can be directed to AUSA Dooley at (607) 773-2887.”

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