



Additional Charges Filed Against HSI Special Agent and Her Sister for Obstruction and Other Federal Violations

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

Submitted at 10:35 AM September 9, 2011

The Federal Bureau of Investigation (FBI) on September 8, 2011 released the following:
“TUCSON, AZ—A federal grand jury returned a 21-count superseding indictment against Homeland Security Investigations (HSI) Special Agent Jovana Deas, 33, of Rio Rico, Arizona and Dana Maria Samaniego Montes, 40, of Agua Prieta, Mexico.

The indictment alleges that Deas and her sister illegally accessed, stole, and transferred sensitive U.S. government documents to unauthorized individuals and they obstructed an HSI investigation and other agency proceedings.
“The agent betrayed the public’s trust by accessing classified information and then passing it on to friends and relatives, which compromised national security,” said Acting U.S. Attorney Ann Birmingham Scheel. “I want to thank ICE and the FBI’s Southern Arizona Corruption Task Force for their work in this investigation.”

“The superseding indictment is the culmination of efforts between Immigration and Customs Enforcement Office of Professional Responsibility and the Federal Bureau of Investigation’s Southern Arizona Corruption Task Force (SACTF),” said FBI Special Agent in Charge, James L. Turgal Jr. “The SACTF

The American Jobs Act

Tracy Russo (USDOJ: Justice Blog)

Submitted at 8:15 AM September 9, 2011

The following post appears courtesy of Attorney General Eric Holder. Last night, President Obama laid out a bold, comprehensive plan to save and create jobs, to advance our continuing recovery efforts, and to restore our nation’s economic strength. In the coming days, as Congress considers legislation aimed at accomplishing these goals – and as a robust [...]

has been a successful force multiplier in combating public corruption along the Southwest Border. This investigation is another fine example of the cooperative efforts between federal, state, and local law enforcement agencies in protecting our borders against the corrupt actions of public officials.”

Deas was accused of abusing her position as an HSI special agent to illegally obtain and disseminate classified government documents. The additional nine-count superseding indictment includes: two counts of obstruction of agency proceedings, one count of theft of government records, two counts of false statements, and four counts of computer fraud. She is charged with a total of 21 counts seven of which are each punishable by up to five years in prison. The other 14 counts are misdemeanors, each punishable by one year in prison.

The defendant’s sister, Dana Maria Samaniego Montes, is now charged in the superseding indictment with two counts of obstruction of agency proceedings and one count of theft of government records. Samaniego Montes is charged with two felony violations and one misdemeanor.

Deas became a U.S. government employee in June 2003 as a U.S. Customs and Border Protection officer at a Nogales, Ariz., port of entry. In 2008, she became a special agent at the HSI Nogales office. She remains on administrative leave without pay.

Virginia Woman Sentenced to 60 Months in Prison for Importing and Selling Counterfeit Cisco Computer Networking Equipment

(USDOJ: Justice News)

Submitted at 12:57 PM September 9, 2011

A Virginia woman was sentenced today to 60 months in prison for leading a sophisticated conspiracy to import and to sell counterfeit Cisco-branded computer networking equipment, laundering criminal proceeds and obtaining her citizenship through fraud.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation in this case was conducted by FBI and ICE Office of Professional Responsibility (OPR) agents at the FBI’s Southern Arizona Corruption Task Force (SACTF). SACTF agents were assisted in this investigation by agents from HSI, the Drug Enforcement Administration, the U.S. State Department’s Consular Integrity Division and the Brazilian Federal Police. The prosecution in this case is being handled by James T. Lacey, an Assistant U.S. Attorney in Tucson.

CASE NUMBER: CR 11-1572-TUC-CKJ”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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 and OFAC SDN Sanctions Removal.

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Ninjavideo Website Operators Charged with Criminal Copyright Conspiracy

(USDOJ: Justice News)

Submitted at 12:54 PM September 9, 2011

A federal grand jury has returned an indictment in Alexandria, Va., charging five individuals with one count of conspiracy and five substantive copyright infringement counts for their involvement with the Internet website NinjaVideo.net.



Kingpin's Son: US Traded Immunity for Information

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

Submitted at 10:28 AM September 9, 2011

The Associated Press (AP) on September 8, 2011 released the following:

“By MICHAEL TARM

Associated Press

CHICAGO (AP) — The handsome, square-jawed young man held in isolation in a Chicago jail doesn't deny he was a top lieutenant in his father's Mexican drug cartel but instead has offered a novel defense for his drug-trafficking.

Vicente Zambada's lawyers claim he and other cartel leaders were granted immunity by U.S. agents – and *carte blanche* to smuggle cocaine over the border – in exchange for intelligence about rival cartels engaged in bloody turf wars in Mexico.

Experts scoff at the claim, which U.S. prosecutors are expected to answer in a filing Friday in federal court. But records filed in support of his proposed defense have offered a peek at the sordid world of Mexico's largest drug syndicate, the Sinaloa cartel, which is run by his father, Ismael Zambada, and Mexico's most wanted man, Joaquin “El Chapo” Guzman.

It's a world of brutality, greed and snitching, and federal agents would love to have the younger Zambada pass along more intelligence, especially if it could help bring down his family's operation or lead to the capture of Guzman, a billionaire who escaped from a Mexican prison in a laundry truck in 2001.

“It comes down to whether he would be willing to give up his dad or Guzman,” said David Shirk, who heads the Trans-Border Institute at the University of San Diego. “Would he be willing to give up his own dad? It seems unlikely.”

Zambada, 35, has rarely been seen since his 2009 arrest in Mexico City, after which Mexican authorities paraded him before TV cameras in a stylish black blazer and dark blue jeans. His suave image was a sharp contrast to a photo of him with moustache and cowboy hat released by the U.S. Treasury Department in 2007.

He may have upgraded his look after he assumed control over cartel logistics in 2008 and, federal officials say, received authority to order assassinations. He was arrested and extradited to Chicago a year later to face trafficking conspiracy charges punishable by up to life in prison.

The Sinaloa cartel is one of Mexico's most powerful. Named after the Pacific coast state of the same name, it controls

trafficking on the border with California and is battling rival cartels in an effort to expand east along the 2,000-mile-long U.S.-Mexico border.

Accustomed to luxury in Mexico, Zambada has been held in a 10-by-6 foot cell in Chicago, is often served meals that have gone cold and hasn't been outside in 18 months, his attorneys say. U.S. District Court Judge Ruben Castillo told the government Thursday to file a response to those complaints.

Armed marshals led the shackled Zambada into Thursday's hearing. He appeared at-ease, even smiling and winking at woman sitting on a spectators' bench.

Castillo will decide later whether Zambada's provocative immunity claim has any credibility, but many experts said they were skeptical.

“Personally, I think it is a bunch of malarkey,” said Scott Stewart, who analyzes Mexico's cartels for the Texas-based Stratfor global intelligence company. “I mean, what the defense is saying is that a huge amount of cocaine was allowed to pass into the United States unimpeded. Why would you even have sought his extradition if there was this potential backlash?”

U.S. prosecutors briefly discounted Zambada's claim in one filing, but more details are expected in Friday's documents. A spokesman for U.S. Atty. Patrick Fitzgerald would not comment on the allegation. Neither would a Washington spokesman for the U.S. Drug Enforcement Agency, whose agents Zambada claims to have dealt with in Mexico.

However, clandestine intelligence deals are not uncommon, and conspiracy theories abound in Mexico about the government going easy on one cartel to keep the others under control.

The Sinaloa cartel's adept use of information has helped it gain power as some others waned, trafficking experts say. The government has had only limited success battling it since President Felipe Calderon declared war on the cartels five years ago. Since then, more than 35,000 Mexicans have died – mostly in cartel-on-cartel violence.

Zambada's lawyers say the U.S. government believed turning a blind eye to the Sinaloa kingpins was an “an acceptable price to pay, because the principal objective was the destruction and dismantling of rival cartels.”

To bolster their claim, they point to the way the U.S. and Colombia fought that

country's once mighty cartels.

The Medellin and Cali cartels were laid low in the 1990s, in part by a divide-and-conquer strategy in which U.S.-backed authorities brought down the former before going after the latter, trafficking experts say. In some cases, they relied on informants.

The demise of Colombia's cartels and U.S. successes in disrupting smuggling routes in the Caribbean contributed to the spectacular rise in influence and wealth of the Mexican cartels. Today, about 90 percent of U.S.-bound cocaine goes through Mexico, according to the DEA.

Mexican authorities arrested Zambada just hours after he supposedly met DEA agents in a Sheraton Hotel in Mexico City. He told the agents he wanted to start providing information directly to them rather than through a cartel attorney, according to the defense filings.

Experts, though, say the kind of collusion described by Zambada's attorneys goes far beyond what U.S. authorities were likely to have contemplated.

“I know of no case where immunity like this has been granted,” said George Grayson, author of the book, “Mexico: Narco-Violence and a Failed State?”

However, Zambada and other Sinaloa leaders may have given information to U.S. or Mexican agents even if the immunity claim isn't true, Stewart and other experts say.

“The Sinaloa cartel has been better than any other cartel in Mexico at framing rival cartels – leaking information that gets their enemies in trouble,” Shirk said.

Jorge Chabat, an international relations professor in Mexico City, said it's also possible that Sinaloa continued to thrive simply because Mexican authorities decided to focus first on more violent cartels, including a notorious gang in northeastern Mexico known as the Zetas. “By comparison, the Sinaloa aren't exactly the Sisters of Charity – but they're less violent,” he said. “Sinaloa is a little more rational about its violence.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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



Fugitive David Britto may be out of reach of American authorities forever

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

Submitted at 12:02 PM September 9, 2011

Sun Sentinel on September 8, 2011

released the following:

“Fugitive cop who fled to Brazil likely to avoid extradition

By Megan O’Matz and Jerome Burdi, Sun Sentinel

BOYNTON BEACH— Fugitive David Britto may be out of reach of American authorities forever.

This city’s former Police Officer of the Year was under house arrest, awaiting trial on drug trafficking charges, when he cut the electronic monitoring bracelet from his ankle Aug. 24 and hopped on a plane in Miami, bound for his native country, Brazil, according to court documents filed Wednesday.

Brazil’s constitution prohibits the extradition of Brazilian nationals. “Basically he’s gone unless the Brazilian government, through political pressure, allows U.S. agents to pick him up,” said attorney David Rowe, an adjunct law professor at the University of Miami and an extradition expert.

Britto, 28, appears to have successfully gambled on a high-stakes escape, rather than risk facing years in prison. He is to stand trial beginning Tuesday.

The daring run, however, raises questions about how he pulled it off and who, if anyone, helped him.

On Thursday, the U.S. Marshals Service, which is spearheading the hunt for Britto, said federal agents are looking at every possible way of getting Britto back to Miami, where he faces one count of conspiring to possess and traffic 500 grams of methamphetamine.

“We’re still pursuing him,” Marshals Service spokesman Barry Golden said. “He’s one of the big cases that are on the top of our list ... We’re still tracking down every lead. We’re trying to get him back into custody at all costs.”

Attempts to get Britto back are sure to be challenging, if not downright impossible.

A 1964 treaty between the United States and Brazil allows for the extradition of anyone accused or convicted of a crime carrying a sentence of a year or more.

But in 1988, Brazil amended its constitution, expressly stating that “no Brazilian shall be extradited.”

People born elsewhere who become Brazilian citizens, however, can be

handed over if they’re charged with certain drug-related crimes. Foreigners who find safe harbor in Brazil and are accused of political crimes elsewhere are not extradited.

The strict policy has strained Brazil’s diplomatic relations.

Earlier this summer Italy denounced Brazil for refusing to turn over political refugee Cesare Battisti, a former Italian militant, convicted in absentia of killing four people in the 1970s.

Meanwhile, Brazil’s refusal to extradite an Ohio woman, Claudia Hoerig, charged in the 2007 murder of her husband, has outraged an Ohio congressman.

U.S. Rep. Timothy Ryan, a Democrat, introduced legislation in June to withhold \$14 million a year in aid to Brazil until it reverses its ban on extraditing nationals. The bill is in a House committee.

Ryan has gone so far as to post an ever-changing clock on his website, showing the number of days, hours, minutes and seconds that Hoerig “has escaped justice.” On Thursday, it registered 1,641 days. “It’s been a nightmare experience on our end up here,” Trumbull County, Ohio, Prosecuting Attorney Dennis Wilkins said of efforts to extradite Hoerig. “I’ve dealt with President [George W.] Bush, Condoleezza Rice, the attorney general and now with [President Barack] Obama and Hillary Clinton, and we’ve not gotten satisfactory action.”

In Florida, the tamper alert on Britto’s ankle bracelet went off the night of Aug. 24, notifying a federal probation officer, according to court records. But U.S. Marshals were not told until the next morning. Only then was a warrant issued for his arrest, authorities said.

That gave Britto a window of time to escape.

“You cannot respond the next morning. That’s a major security breach,” said Rowe, the University of Miami law professor.

Court documents say Britto, who speaks Portuguese, boarded a plane Aug. 24 in Miami bound for Brasilia, the capital of Brazil.

It is unclear what documentation he used to board the international flight.

As a standard condition of bond, Britto had to relinquish “all passports and travel documents” to the Pretrial Services Office.

“Mr. Britto’s Brazilian passport was

revoked as a standard condition of release by the court,” said Laura Sweeney, a Justice Department spokeswoman in Washington.

Britto was free on a \$100,000 bond. He and his mother signed for half the bond and the other half was guaranteed by bailbonds.com, a Miami company.

Britto may be able to live out his days in Brazil, but he likely is landlocked, said Douglas McNabb, whose Washington, D.C., firm specializes in international extradition law.

Federal authorities likely will file a lifetime “red notice” with Interpol’s 188 member countries that will trigger Britto’s arrest if he leaves Brazil.

“He may leave Brazil a month from now or 30 years from now and go to Costa Rica,” McNabb said. “And when he goes through customs, his red notice [shows up].”

That’s what happened to director Roman Polanski, who was arrested in 2009 in Switzerland after being wanted by the United States since 1978 on a statutory-rape conviction. He hid in France, avoiding extradition countries, until he was captured. Polanski was freed by Swiss authorities on a legal technicality the following year.

It’s unknown if someone helped Britto reach Brazil.

According to his website, <http://www.blessedwarrior.com>, he was born in Brazil and moved to Queens, N.Y., when he was 7.

He joined the Boynton Beach police in 2006.

The Police Department still has an open internal investigation into Britto’s escape, but he’s likely to be fired soon, police said Thursday.

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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 and OFAC SDN Sanctions Removal.

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KINGPIN’S

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William Michael Naponelli, Walter Scott Fruit, Sandra Jackson and Brian Atwood Indicted in an Alleged Multi-Million-Dollar Mortgage Fraud Conspiracy

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

Submitted at 11:35 AM September 9, 2011

The Federal Bureau of Investigation (FBI) on September 8, 2011 released the following:

“Four Defendants Indicted in Multi-Million-Dollar Mortgage Fraud Conspiracy

TUCSON, AZ— A federal grand jury returned an indictment charging four defendants in a mortgage fraud conspiracy. The indictment charged 20-counts including conspiracy to commit bank fraud, false statement to influence a financial institution, and conspiracy to commit transactional money laundering.

The defendants charged in various counts of the indictment are: real estate developers William Michael Naponelli and Walter Scott Fruit; escrow officer Sandra Jackson; and real estate agent Brian Atwood. The defendants will be required to appear in federal court for their arraignment.

“The indictment alleges that the defendants fraudulently obtained loans for 19 properties that eventually ended in foreclosure,” said Acting U.S. Attorney Ann Birmingham Scheel. “As mortgage fraud continues to impact our communities, we also continue working closely with the IRS and FBI to hold those

U.S. Joined False Claims Act Lawsuit Against Florida’s Halifax Hospital Medical Center and Halifax Staffing Inc.

(USDOJ: Justice News)

Submitted at 1:19 PM September 9, 2011

The United States has partially intervened in a lawsuit under the False Claims Act against Halifax Hospital Medical Center and Halifax Staffing Inc. in the U.S. District Court for the Middle District of Florida.

Attorney General Eric Holder Speaks at the National Law Enforcement Officers Memorial’s 9/11 Commemorative Ceremony

(USDOJ: Justice News)

Submitted at 10:20 AM September 9, 2011

“It’s an honor to stand with you once again today, and to join you in paying

responsible for this fraud accountable.”

The indictment alleges that the defendants conspired to commit mortgage fraud to obtain 19 loans totaling approximately \$5.85 million between the years 2006 through 2007.

According to the indictment, Naponelli and Fruit purchased properties using various business entities with which they were associated. Thereafter, Naponelli and Fruit sold these properties to straw buyers for a profit.

The indictment further alleges that the defendants submitted to lenders loan applications and other documents that contained material false representations relating to the purchase of the nineteen properties. After the fraudulently obtained loan proceeds were received portions of the loan proceeds were diverted into bank accounts under the control of some of the co-conspirators.

As a result of the mortgage fraud scheme, each of the properties referenced in the indictment went into foreclosure.

A conviction for conspiracy to commit bank fraud and false statement to influence a financial institution carries a maximum penalty of 30 years in prison, a \$1,000,000 fine, or both. A conviction for conspiracy to commit transactional money laundering carries a maximum penalty of 10 years in prison and a \$250,000 fine.

Online Identity Thief Sentenced in Virginia to 14 Years in Prison for Selling Counterfeit Credit Cards Leading to More Than \$3 Million in Losses

(USDOJ: Justice News)

Submitted at 1:13 PM September 9, 2011

A Hammond, Ind., man was sentenced today in U.S. District Court in Alexandria, Va., to 14 years in prison for operating an online business that sold counterfeit credit cards encoded with stolen account information.

tribute to the 72 brave law enforcement officers who – on September 11th, 2001 – made the ultimate sacrifice in the line of duty,” said Attorney General Holder.

An indictment is simply a method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that established guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the Internal Revenue Service – Criminal Investigations and the Federal Bureau of Investigation. The prosecution is being handled by Jonathan B. Granoff, Assistant U.S. Attorney, District of Arizona, Tucson.

CASE NUMBER: CR11-3046-CKJ(JJM)”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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U.S. Bureau of Prisons Employee Indicted in Florida for Sexual Abuse of a Ward and False Statements

(USDOJ: Justice News)

Submitted at 1:17 PM September 9, 2011

U.S. Bureau of Prisons employee Jack Chris Jackson, 45, was indicted today on charges of sexual abuse of an inmate and false statements.

Arizona-Based TriWest Healthcare Alliance Corp. Agrees to Pay \$10 Million to Resolve False Claims Act Allegations Concerning the TRICARE Program

(USDOJ: Justice News)

Submitted at 1:00 PM September 9, 2011

TriWest Healthcare Alliance Corporation, a contractor to TRICARE Management Activity, has agreed to pay \$10 million to resolve civil false claims allegations.



Two Los Angeles Residents Permanently Barred by Federal Court from Forming Trusts for Taxpayers

(USDOJ: Justice News)

Submitted at 1:01 PM September 9, 2011

A federal court in California has permanently barred Gwenn Wycoff and Frank Ozak from forming trusts for others.