



Stanford Should Get 230-Year Term in Ponzi Scheme, U.S. Says

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

Submitted at 9:13 AM June 7, 2012

San Francisco Chronicle on June 6, 2012 released the following:

“Laurel Brubaker Calkins,

June 6 (Bloomberg) — Convicted Ponzi scheme operator R. Allen Stanford should be sentenced to the maximum allowable term of 230 years in prison, federal prosecutors argued in court papers.

Stanford, who the government said is seeking a sentence of “time served,” is to be sentenced next week in U.S. District Court in Houston.

“Robert Allen Stanford is a ruthless predator responsible for one of the most egregious frauds in history,” the Justice Department said in a 34-page filing.

“Displaying an audacity that only further illustrates his depravity, Stanford seeks a sentence of time served, brazenly arguing that there are no losses” and rehashing arguments rejected by the jury that convicted him in March.

Stanford, 62, was found guilty of defrauding more than 20,000 investors through the sale of what the government called bogus certificates of deposit at his Antigua-based Stanford International Bank Ltd. A court-appointed receiver marshalling the ex-billionaire’s assets has located less than \$500 million in cash and assets that can be used to repay investors.

Stanford’s own sentencing recommendation was filed under seal. Prosecutors said he asked U.S. District Judge David Hittner for leniency, in part because he is a first-time offender.

Texas-based Medical Device Manufacturer Pays U.S. \$34 Million to Settle False Claims Act Allegations

(USDOJ: Justice News)

Submitted at 1:03 PM June 7, 2012

Orthofix Inc., a Texas-based manufacturer of medical devices, has agreed to pay the United States \$34,234,263 to settle allegations under the civil False Claims Act relating to the

Assistant Attorney General Thomas E. Perez Speaks at the National Disability Rights Network 2012 P&A/CAP Annual Conference

(USDOJ: Justice News)

Submitted at 11:50 AM June 7, 2012

“In the Civil Rights Division, we still see

Stripped of Assets

Stanford also denied that investors suffered any losses while he was running Stanford Financial Group and “complains that he was stripped of all his assets,” by the government, prosecutors said.

The recommended 230 years is at the top of the range of sentences for Stanford’s crime under federal guidelines, the prosecutors said in the filing.

“Nothing speaks more eloquently of Stanford’s character than his sentencing arguments in this case,” the Justice Department lawyers wrote. “After everything that he has done to so many innocent victims, Stanford does not show a hint of remorse for his misconduct, only the same arrogant, narcissistic behavior that led to it.”

Stanford has been incarcerated as a flight risk since his indictment in June 2009. He was charged about three months after U.S. securities regulators seized his companies on suspicion they were a “massive” Ponzi scheme, in which late-arriving investors’ funds were used to pay earlier investors.

Stanford’s Sentence Request

Stanford’s lawyers have requested a prison sentence of 31 to 44 months, prosecutors said.

Robert A. Scardino, one of Stanford’s criminal-defense lawyers, said by phone that his side is “hoping for the best and preparing for the worst” at the June 14 sentencing. Scardino declined to comment further, citing a court order not to speak publicly about the case.

A Justice Department spokeswoman, Alisa Finelli, didn’t immediately reply to

company’s sale of bone growth stimulator devices, the Justice Department announced today. The company has also agreed to plead guilty to a felony of obstruction of a federal audit, and to pay a \$7,765,737 criminal fine.

every single day barriers facing individuals with disabilities that stand in the way of allowing all people to

e-mail or voice messages seeking comment on the filing.

The case is U.S. v. Stanford, 4:09-cr-0342, U.S. District Court, Southern District of Texas (Houston).”

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U.S. v. Lawrence B. Stacy

(Antitrust Division: Criminal Case Filings)

Submitted at 12:47 PM June 7, 2012

Document filed on April 19, 2012

• [Plea Agreement](#)

maximize the contribution they can make to society,” said Assistant Attorney General Perez.



Nevada Lobbyist Harvey Whittemore Indicted for Allegedly Making Unlawful Campaign Contributions and Lying to Investigators

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

Submitted at 9:48 AM June 7, 2012

The Federal Bureau of Investigation (FBI) on June 6, 2012 released the following:

“WASHINGTON— Nevada lobbyist and lawyer Harvey Whittemore was indicted today in the District of Nevada by a federal grand jury on charges that he made unlawful campaign contributions to an elected member of Congress, caused false statements to be made to the Federal Election Commission (FEC), and lied to the FBI, announced Assistant Attorney General Lanny A. Breuer of the Justice Department’s Criminal Division and Daniel G. Bogden, U.S. Attorney for the District of Nevada.

F. Harvey Whittemore, 55, of Reno, Nevada, was charged with one count of making excessive campaign contributions, one count of making contributions in the name of others, and two counts of making a false statement to a federal agency. If convicted, Whittemore faces up to five years in prison and a \$250,000 fine on each count.

“Mr. Whittemore allegedly used his family members and employees as conduits to make illegal contributions to the campaign committee of an elected member of Congress,” said Assistant Attorney General Breuer. “Furthermore, according to today’s indictment, he attempted to conceal his crimes by lying to the FBI. Our campaign finance laws establish maximum limits on individual contributions, and failure to adhere to those rules jeopardizes the integrity of our elections. We will continue to pursue those who engage in such conduct.” “We remain committed to investigating and prosecuting illegal behavior that jeopardizes the integrity of our elections and corrupts our political process,” said U.S. Attorney Bogden. “Campaign finance laws exist to protect that process and criminal violations of those laws will be vigorously prosecuted by this office.”

Under federal law, it is illegal to contribute to a federal political campaign using a conduit in order to hide the identity of the true contributor. Federal law also sets limits on the amount that an individual can contribute to a campaign. In 2007, the maximum individual contribution was \$2,300 for a primary election and \$2,300 for a general election; thus, the maximum for one candidate was

\$4,600.

The indictment states that Whittemore was the chief executive of Company A. On about February 21, 2007, Whittemore allegedly met with an elected member of Congress (identified in the indictment as Federal Elected Official 1) and agreed to try to collect \$150,000 in contributions for the elected official’s campaign committee by March 31, 2007, which marked the end of a legally required quarterly reporting period. Aware of the strict limits on individual federal campaign contributions, Whittemore allegedly devised a scheme and plan whereby he used family members, employees of Company A, and their respective spouses as prohibited conduits through which to funnel his own money to the federal elected official’s campaign committee under the guise of lawful campaign contributions. This scheme allowed Whittemore to make an individual campaign donation to the federal elected official in excess of the limits established by federal law. Whittemore allegedly concealed the scheme from the FEC, the elected official, and the elected official’s campaign committee.

In March 2007, Whittemore allegedly solicited the employees, family members, and their respective spouses to make the maximum campaign donations to the federal elected official and reimbursed the contributors with personal checks and wire transfers. The indictment alleges that Whittemore attempted to conceal some of the reimbursements he made to the contributors by telling the employees that they were bonuses. Whittemore also allegedly paid the contributors additional money on top of the reimbursements. If a conduit contributed \$4,600, Whittemore reimbursed the individual \$5,000; likewise if a couple contributed \$9,200, he paid the couple \$10,000.

On about March 28, 2007, Whittemore allegedly caused a Company A employee to transmit \$138,000 in contributions to the federal elected official’s campaign committee, the vast majority of which were conduit contributions that Whittemore had personally funded in order to satisfy his pledge to the federal elected official. On April 15, 2007, the campaign committee then unknowingly filed false reports with the FEC stating that the conduits had made the contributions, when in fact, Whittemore had made them.

On about February 9, 2012, Whittemore allegedly made false statements during an interview with FBI agents by claiming that he never made a request for campaign contributions; never asked employees of Company A to contribute to the elected official’s campaign; never provided payments to anyone with the expectation that they would serve as reimbursements for campaign contributions; never spoke to any candidate about raising money for the candidate; and never gave money to family members to make political contributions.

The case is being investigated by the FBI and is being prosecuted by First Assistant U.S. Attorney Steven W. Myhre, Assistant U.S. Attorney Sue Fahami, and Trial Attorney Eric G. Olshan of the Public Integrity Section in the Justice Department’s Criminal Division.

An indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.”

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Detention Provision Is Blocked

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

Submitted at 2:02 PM June 7, 2012

The New York Times on June 6, 2012 released the following:

“By CHARLIE SAVAGE

WASHINGTON — The government may not rely on a disputed law enacted last year to hold people in indefinite military detention on suspicion that they “substantially supported” Al Qaeda or its allies — at least if they had no connection to the Sept. 11 terrorist attacks, a federal judge said on Wednesday.

In an eight-page memorandum opinion and order, Judge Katherine B. Forrest of the Southern District of New York clarified a preliminary injunction she issued on May 16 in a lawsuit brought by journalists and activists who challenged the statute — a provision of the National Defense Authorization Act of 2011 — and expressed fear that they could be detained.

The Obama administration had asked Judge Forrest to reconsider her ruling, saying that the plaintiffs lacked legal standing to challenge the law and that it was “extraordinary” for her to have restrained future military operations that might be ordered by the commander in chief during wartime.

As part of that request, the government said in a footnote that it was interpreting her injunction narrowly as applying only to the handful of people specifically named as plaintiffs in the lawsuit, including Chris Hedges, a journalist who interacts with terrorists as part of his reporting work, and several prominent **Attorney General Eric Holder Testifies Before the U.S. House of Representatives Committee on the Judiciary**

(USDOJ: Justice News)

Submitted at 9:49 AM June 7, 2012

" am proud of the work that's been done — by the Department's 116,000 employees, as well as our government and law enforcement partners worldwide — to help fulfill the promises that I made before this Committee more than three years ago," said Attorney General Holder.

Acting Assistant Attorney General Stuart F. Delery Speaks at the American Bar Association's Ninth National Institute on the Civil False Claims Act and Qui Tam Enforcement

(USDOJ: Justice News)

Submitted at 2:03 PM June 7, 2012

"Protecting taxpayer dollars is one of the Attorney General's core priorities. This

supporters of WikiLeaks.

But on Wednesday, Judge Forrest said that her order still stood — and that, contrary to the government's narrow interpretation of it, her injunction applied broadly and not just to the named plaintiffs.

“Put more bluntly, the May 16 order enjoined enforcement of Section 1021(b)(2) against anyone until further action by this, or a higher, court — or by Congress,” she wrote. “This order should eliminate any doubt as to the May 16 order's scope.”

Ellen Davis, a spokeswoman for the United States attorney's office in the Southern District of New York, declined to comment on the new order.

In section 1021, Congress laid out its interpretation of the extent of the military's authority to hold people without trial, as detailed in its approval — a decade earlier — of military force shortly after the Sept. 11 attacks.

One provision of the statute, which Judge Forrest's order did not block, said that authorization covered the detention of the perpetrators of the Sept. 11 attacks and those who assisted in them.

But another provision, which she did block, said it also covered people who were part of or substantially supported Al Qaeda, the Taliban or associated forces engaged in hostilities against the United States or its allies.

Enactment of the statute was controversial, in part, because it did not lay out what conduct could lead to someone's being detained, and because it

Two Northern California Real Estate Investors Agree to Plead Guilty to Bid Rigging at Public Foreclosure Auctions

(USDOJ: Justice News)

Submitted at 2:03 PM June 7, 2012

Two Northern California real estate investors have agreed to plead guilty for their roles in conspiracies to rig bids and commit mail fraud at public real estate foreclosure auctions in Northern California.

includes a commitment to increase our efforts to reduce fraud at the outset," said Acting Assistant Attorney General Delery.

was silent about whether it extended to American citizens and others arrested on United States soil.”

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Feds attack California's medical marijuana trade-again

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

Submitted at 9:18 AM June 7, 2012

Chicago Tribune on June 6, 2012 released the following:

“LOS ANGELES (Reuters) – Federal authorities opened the latest front in their war on California's massive medical marijuana industry this week, filing property forfeiture lawsuits in a bid to shut down three dispensaries and sending warning letters to 34 people.

The moves by the U.S. Attorney's Office in Los Angeles are the latest in an ongoing crackdown on what federal prosecutors say is a flourishing network of illegal cannabis suppliers operating across California under the cover of the state's medical marijuana law.



Virginia Attorney Charged in Alleged South African Ponzi Scheme

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

Submitted at 9:56 AM June 7, 2012

The Federal Bureau of Investigation (FBI) on June 6, 2012 released the following:
 “NORFOLK, VA— Brian Ray Dinning, 47, of Toronto, Canada, has been indicted by a federal grand jury on wire fraud charges.

Neil H. MacBride, United States Attorney for the Eastern District of Virginia, made the announcement after the indictment was returned by the grand jury. Dinning has been charged with 25 counts of wire fraud, which each carry a maximum penalty of 20 years in prison, if convicted.

According to the indictment, Dinning was a graduate of Regent University Law School and also obtained an LL.M in tax from the Georgetown University Law Center. From early 2005 until the present, Dinning allegedly recruited approximately 23 individuals to invest in his numerous “for-profit” corporations that he had established. He did this by falsely advising investors that they would accrue significant financial gains from South African projects, such as a luxury Oceanside housing development, a luxury Oceanside hotel and private residence club, as well as diamond and gold mining operations. The indictment alleges that Dinning also used “not-for-profit”

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Authorities have now targeted more than 220 dispensaries — deemed “marijuana stores” by prosecutors — or indoor cultivation houses in the seven-county Central District of California alone, U.S. Attorney’s spokesman Thom Mrozek said. Most have been closed or are facing eviction or have been the subject to additional federal law enforcement actions, he said. The Central District of California represents the largest federal law enforcement jurisdiction in the country.

“Because there are so many in our district we could not go after all of them at once, so we’ve developed a strategy based on geographical areas,” Mrozek said. “We’re methodically going through our district.”

The forfeiture lawsuits were filed on Monday in U.S. District Court in Los Angeles against a pair of buildings in the Los Angeles suburb of Santa Fe Springs, one of which houses two dispensaries.

Letters were also sent to 34 other property owners or store operators in the Los Angeles area giving them 14 days to come into compliance with federal law or

corporations to obtain donations purportedly for charitable, environmental, agricultural medical and community projects for the tribal people of South Africa, as well as developing wildlife habitats for native African species.

Regardless of whether his investors made investments for profit or donations for charitable causes to Dinning’s various corporations, upon receipt of these funds from his investors, Dinning is alleged to have immediately used their money for personal and family gain, for payment of his and his family’s expenses, for payment of alimony and child support to his ex-wife, for payment of private school tuition for his children, and to make the down payment and subsequent mortgage payments on his new \$975,000 home in Suffolk. As a result, Dinning allegedly obtained more than \$2.9 million from his investors, of which he retained more than \$2 million for his and his family’s benefit.

This case was investigated by the Norfolk Division of the FBI. Assistant United States Attorney Steve Haynie is prosecuting the case on behalf of the United States.

Criminal indictments are only charges and not evidence of guilt. A defendant is presumed to be innocent until and unless proven guilty.”

face civil or criminal actions.

The drive by federal prosecutors to shut down dispensaries has caused friction between the U.S. government and California, which in 1996 became the first state to decriminalize medical marijuana. Sixteen states and the District of Columbia have followed suit.

The possession or sale of marijuana is illegal under federal law, which does not have an exemption for medical purposes.

California Attorney General Kamala Harris, in a November interview with the New York Times, said the federal campaign had “only increased uncertainty about how Californians can legitimately comply with state law.”

Harris also said federal authorities were “ill equipped to be the decision makers as to which providers are violating the law.”

But Mrozek said federal prosecutors believed that the dispensaries were operating outside of California law, which he said permits only primary caregivers to dispense marijuana and bars sale of the drug for profit.

“Our position is that they are in violation

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of federal law, but also in violation of state law because they are operating as for-profit enterprises and they are not functioning as a primary caregiver,” he said.”

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Plea deal may force Catherine Greig to forfeit intellectual property rights

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

Submitted at 9:41 AM June 7, 2012

Boston Globe on June 7, 2012 released the following:

“By Travis Andersen

Federal prosecutors are asking a judge to order Catherine Greig, the girlfriend of notorious gangster James “Whitey” Bulger, to waive the right to profit from her story, which she agreed to do in March when she pleaded guilty to helping Bulger evade capture for 16 years.

In a Wednesday filing seeking the forfeiture order on Greig’s intellectual property rights, prosecutors also noted that she agreed to waive any claim to property seized from the apartment she shared with Bulger in Santa Monica, Calif., where the couple was apprehended in June 2011.

The FBI found more than \$820,000 in cash and 30 loaded guns hidden inside the walls of the apartment after authorities took Bulger and Greig into custody.

Christina Dilorio-Sterling, a spokeswoman for US Attorney Carmen M. Ortiz, said by e-mail that prosecutors did not seek a forfeiture order in Wednesday’s motion for property seized

from the apartment.

Greig agreed in her plea agreement to waive any claim to “any vehicles, currency, or other personal property” seized by the government, according to court records.

Dilorio-Sterling said prosecutors are “filing the motions necessary to effectuate the agreement.”

Greig’s lawyer, Kevin J. Reddington, said Wednesday night that he had not seen the latest motion from prosecutors.

Bulger, 82, is scheduled to face trial in federal court in Boston in November on a sweeping racketeering indictment charging him the murders of 19 people.

Greig, 61, is scheduled to be sentenced on Tuesday in the same courthouse and faces up to 15 years in prison, but family members of some of Bulger’s alleged victims have said prosecutors warned them she could face as little as 32 months under federal sentencing guidelines.”

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Lauryn Hill Faces Federal Tax Charges Over \$1.6M Income

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

Submitted at 2:07 PM June 7, 2012

Huffington Post on June 7, 2012 released the following:

By SAMANTHA HENRY AP

“NEWARK, N.J. — Five-time Grammy winner Lauryn Hill has been charged with failing to file income tax returns for several years with the IRS, the U.S. attorney’s office in New Jersey announced Thursday.

Hill earned more than \$1.6 million during 2005, 2006 and 2007, the three years that she failed to file returns, federal prosecutors said. Hill’s primary source of income is royalties from the recording and film industries, prosecutors said. She also owns and operates four corporations: Creations Music Inc., Boogie Tours Inc., L.H. Productions 2001 Inc. and Studio 22 Inc., according to court papers.

Messages left Thursday for her California-based attorney, Nathan J. Hochman, and an email sent to her publicist weren’t immediately returned.

The 37-year-old Hill got her start with

The Fugees and began her solo career in 1998 with the critically acclaimed album “The Miseducation of Lauryn Hill.”

The album, praised by critics for its incisive lyrics and synthesis of rap and soul, sold 8 million copies. Hill was pronounced the face of “The Hip-Hop Nation” by Time magazine.

She then largely disappeared from public view to raise her six children, five of whom she had with Rohan Marley, the son of famed reggae singer Bob Marley.

Hill lives in South Orange, a suburb just west of Newark, and attended Columbia High School in Maplewood.

She is scheduled to appear before a federal magistrate on June 29. She could face a maximum penalty of a year in prison and \$100,000 fine on each charge.”

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