



Appeal is Blagojevich's last hope to cut sentence

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

Submitted at 9:01 AM December 9, 2011

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

“By MICHAEL TARM

CHICAGO (AP) — Rod Blagojevich has one last hope to reduce his harsh 14-year sentence: an appeal.

But lawyers for the disgraced former Illinois governor face long odds in chipping away at the time he must serve for attempting to auction off an appointment to President Barack Obama's old Senate seat and other crimes, legal experts said Thursday.

Attorneys will have the daunting task of demonstrating that the respected, 25-year veteran Judge James Zagel who oversaw Blagojevich's two trials made major errors at trial and in calculating a sentence for the 18 convictions, said Lance Northcutt, an adjunct professor at Chicago's John Marshall Law School.

“Zagel is careful to rule in a way to avoid having his decisions overturned and his reasoning for this sentence on Wednesday was detailed,” he said. “A higher court is loath to second-guess the trial court – and they rarely do.”

Northcutt was in the crowded Chicago courtroom Wednesday observing as Zagel scolded a visibly anxious Blagojevich – in a tone befitting a school principal – for harming public confidence in government.

Blagojevich's attorney Sheldon Sorosky told The Associated Press on Thursday that the defense would ask for the convictions to be overturned and for the sentence to be reduced.

“We intend to appeal everything,” he said.

Potential issues on appeal, he said, included whether Zagel placed so much emphasis on sending a message to other would-be political schemers that he unduly inflated the sentence of the twice-elected Democrat.

“He absolutely did,” said Sorosky, noting that Zagel several times mentioned Blagojevich's predecessor, Republican George Ryan, who was convicted in 2006 and is serving a 6 1/2-year sentence for corruption.

“He said Ryan got 6 1/2 and so I have to give you way more,” Sorosky said. “He

was giving Blagojevich the sentence not to punish Blagojevich for what he did but to stop other governors. That's not right.”

An appeal could drag on for years, and experts add that there is virtually no chance Blagojevich, who turns 55 Saturday, would be able to put off reporting to prison as scheduled on Feb. 16.

Blagojevich has started a bleak countdown toward that date. In the meantime, he will spend a Christmas at home with his wife, Patti, and their daughters – Amy, 15, and Annie, 8. Once behind bars, Blagojevich will be cut off from the outside world, with visits from his family strictly limited. He'll share a cell and perform a menial job.

As it stands, he won't be eligible for early release until 2024, when he's 67.

Only felons deemed likely to prevail on appeal can stay out of prison in the interim, and that doesn't seem to apply to Blagojevich. Zagel will make that determination.

The chance that Zagel will let Blagojevich remain free pending appeal? “Slim to none,” said Gal Pissetzky, a Chicago-based attorney who practices in federal court.

Zagel's comments at the sentencing weren't devoid of conciliation. He told Blagojevich he accepted that he did some good as governor, such as on children's health issues, and said it was “a mitigating factor” for the sentence.

He also cited the former governor's direct appeal for mercy, in which an untypically contrite Blagojevich repeated apologized and said, “I have nobody to blame but myself. ... I am just so incredibly sorry.”

Zagel's acceptance of Blagojevich's apologies, Northcutt said, likely kept the former governor from getting an even longer term. Blagojevich's attorneys will thus likely focus their appeal on trial errors and not on asserting that he did not commit the crimes, Northcutt said.

If the higher court determines Zagel didn't give Blagojevich a fair trial – even if he admitted the crimes during sentencing – they could toss out the convictions and order a new trial.

In defense motions filed during Blagojevich's retrial, the defense accused

Zagel of bias, pointing to how he almost invariably sided with prosecutors when there were objections during testimony.

They could make similar claims in any appeal.

Blagojevich's lawyers also have complained that Zagel had repeatedly rejected their requests to play FBI wiretap evidence that they claimed would help their defense.

Chicago attorney Michael Ettinger, who represented Blagojevich's brother and co-defendant, Robert Blagojevich, at a first trial, said the tapes may be good grounds for appeal.

“I've heard those tapes, and what Rod says in one hour, he says something the opposite the next hour,” he said Thursday.

During the sentencing hearing, Zagel rejected the notion – made often by Blagojevich's own attorneys at trial – that the recordings showed Blagojevich was merely a big talker who brainstormed wildly as a way to weed out good ideas from bad ones.

“Musings are talks without purpose, not the material of arranged meetings and repeated phone calls” to commit crimes, Zagel said. “The jury and I do not believe these were musings.””

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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 and OFAC SDN Sanctions Removal.

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Houston Investment Manager Indicted in Utah for Alleged Role in \$72 Million Fraud Scheme

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

Submitted at 8:39 AM December 9, 2011

The U.S. Department of Justice (DOJ) on December 8, 2011 released the following: "WASHINGTON – An investment manager based in Houston was arrested today on charges filed in federal court in Salt Lake City for his alleged role in a \$72 million investment fraud scheme, announced Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division, U.S. Attorney David B. Barlow for the District of Utah, Special Agent in Charge David Johnson of the FBI's Salt Lake City Field Office and Special Agent in Charge Paul A. Camacho of the Internal Revenue Service-Criminal Investigation (IRS-CI) Las Vegas Field Office.

An indictment unsealed today in the District of Utah charges Robert J. Andres, 60, with five counts of wire fraud. He was arrested this morning in Houston and is expected to make his initial appearance tomorrow in the Southern District of Texas.

According to the indictment, Andres operated Winsome Investment Trust, an investment entity, and served as its sole manager, attorney and trustee. The indictment alleges that from October 2005 until at least January 2011, Andres recruited investors for Winsome by misrepresenting Winsome's assets and asset allocation and the way in which funds were invested.

Between October 2005 and April 2007, Andres allegedly raised more than \$39 million from Winsome investors by disseminating false and misleading Winsome balance sheets and by representing to investors that Andres would invest all of their funds in a trading

New Orleans Police Officer Convicted of Obstruction of Justice and Perjury

(USDOJ: Justice News)

Submitted at 2:51 PM December 9, 2011

Ronald Mitchell, 33, an officer with the New Orleans Police Department, was convicted today of obstructing justice and committing perjury during the course of a federal civil suit related to the shooting death of civilian Danny Brumfield in September 2005.

US Files Lawsuit in Miami to Block Promotion of Tax Fraud Scheme

(USDOJ: Justice News)

Submitted at 10:15 AM December 9, 2011

The United States has sued Sharon

program or a mostly automated trading business.

The indictment alleges that between April 2007 and January 2011, Andres used false and misleading information to raise an additional \$32 million from new investors. Furthermore, Andres allegedly failed to disclose that new investors' funds would be used to pay earlier investors. The indictment also alleges that Andres used new investor funds to make purported "profit" payments to earlier investors to create the false impression that Winsome was profitable. During this period, Andres allegedly misappropriated approximately \$2.2 million in investor proceeds for personal use, including hotel bills and living expenses.

The maximum penalty for each count of wire fraud is 20 years in prison and a fine of \$250,000 for each count.

An indictment is merely an accusation, and a defendant is presumed innocent unless proven guilty in a court of law.

This case is being prosecuted by Trial Attorney Thomas B.W. Hall and Deputy Chief Charles La Bella of the Fraud Section in the Justice Department's Criminal Division and Assistant U.S. Attorney Mark Y. Hirata for the District of Utah. The case was investigated by the FBI's Salt Lake City Field Office and the IRS-CI Las Vegas Field Office. The department thanks the Commodity Futures Trading Commission and the Securities and Exchange Commission for their assistance in the investigation.

This prosecution is part of efforts underway by President Barack Obama's Financial Fraud Enforcement Task Force. President Obama established the interagency Financial Fraud Enforcement Task Force to wage an aggressive, coordinated and proactive effort to

Former New York Con Ed Manager Sentenced to Serve 70 Months in Prison for Fraud, Bribery and Tax Crimes

(USDOJ: Justice News)

Submitted at 2:20 PM December 9, 2011

A former Consolidated Edison of New York (Con Ed) manager was sentenced today to serve 70 months in prison for participating in schemes to accept approximately \$807,000 in bribes from two Con Ed industrial pipe supply vendors.

Angulo and Claudia Zuloaga to bar them from promoting an alleged tax fraud scheme and from preparing federal tax

investigate and prosecute financial crimes. The task force includes representatives from a broad range of federal agencies, regulatory authorities, inspectors general and state and local law enforcement who, working together, bring to bear a powerful array of criminal and civil enforcement resources. The task force is working to improve efforts across the federal executive branch, and with state and local partners, to investigate and prosecute significant financial crimes, ensure just and effective punishment for those who perpetrate financial crimes, combat discrimination in the lending and financial markets, and recover proceeds for victims of financial crimes."

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

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Identity Thief Sentenced in Virginia to 12 Years in Prison for Managing East Coast Credit Card Fraud Ring

(USDOJ: Justice News)

Submitted at 3:45 PM December 9, 2011

A Brooklyn, N.Y., man was sentenced today in U.S. District Court in Alexandria, Va., to 12 years in prison for operating a credit card fraud ring that used counterfeit credit cards encoded with stolen account information up and down the East Coast of the United States.

returns for others.



Iowa Insurance Agent to Pay Us to Resolve False Claims Allegations on the Federal Crop Insurance Program

(USDOJ: Justice News)

Submitted at 3:11 PM December 9, 2011

Russell Hawley and Hawley Insurance Inc. of Vail, Iowa, have agreed to pay the United States \$834,897.50 to settle allegations that they caused false claims to be submitted to the Federal Crop Insurance Corporation.

Former Army Corps of Engineers Employee Sentenced to 20 Months in Prison for Accepting Bribes from Iraqi Contractors

(USDOJ: Justice News)

Submitted at 6:40 PM December 9, 2011

Thomas Aram Manok, 51, of Chantilly, Va., was sentenced by U.S. District Judge Anthony J. Trenga.

FBI's Top Ten News Stories for the Week Ending December 9, 2011

fbi (Current)

Submitted at 6:00 AM December 9, 2011

— Washington, D.C.

U.S. v. Gloria F. Harper

(Antitrust Division: Upcoming Public Hearings)

Submitted at 2:27 PM December 9, 2011

Sentencing hearing has been rescheduled for February 9, 2012 at 9:30 a.m. Eastern.