

### The Federal Crimes Watch Daily

When The FBI Comes Calling...\*

Federal Criminal Defense Lawyers

Thursday, May 31, 2012

www.McNabbAssociates.com

# John Edwards not guilty of illegal campaign contributions; mistrial on other charges

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

Submitted at 3:37 PM May 31, 2012

CNN on May 31, 2012 released the following:

"[Updated at 4:31 p.m. ET] The judge in the John Edwards trial has declared a mistrial on all counts except for the one on which the jury found the former presidential candidate not guilty, CNN producers in the courtroom said Thursday. [Updated at 4:24 p.m. ET] The jury in the John Edwards trial has found the former presidential candidate not guilty on count three of accepting illegal campaign contributions from heiress Rachel "Bunny" Mellon in 2008.

The jury said it was deadlocked on the other charges.

That was the sole count the jury had earlier that they had reached a unanimous verdict on. The jury was still deadlocked on the other charges.

The Justice Department will now have to decide whether to try him again on the other charges.

[Updated at 3:08 p.m. ET] The judge in former North Carolina Sen. John Edwards' federal corruption trial has ordered jurors to continue deliberations after they announced they had reached a verdict on only one of six counts.

The judge will soon issue an "Allen charge," which is essentially a request from the court for the jury to go back into deliberations and try again to reach a unanimous verdict on all counts.

[Updated at 2:55 p.m. ET] The prosecution has asked for the jury to go back in the jury room to deliberate. The defense has asked for a mistrial on the remaining counts.

The judge is taking a five minute recess on the matter. The judge has the option to issue an "Allen charge," which is essentially a request from the court for the jury to go back into deliberations and try again to reach a unanimous verdict on all What are the charges against John Edwards?

[Posted at 2:53 p.m. ET] The jury in the John Edwards trial has only reached a unanimous decision on one charge against John Edwards.

The group of jurors said that as of this moment they could only agree on the charge of illegal campaign contributions from Rachel "Bunny" Mellon. We do not know which way the jury decided on that count.

Edwards, a former Democratic U.S. senator and presidential candidate, was charged with accepting illegal campaign contributions, falsifying documents and conspiring to receive and conceal the contributions. The charges carry a maximum sentence of 30 years in prison and a \$1.5 million fine.

Everything you need to know about John Edwards

Jurors last week asked to review all the exhibits, indicating they were in it for the long haul.

Prosecutors said Edwards "knowingly and willingly" accepted almost \$1 million from two wealthy donors to hide former mistress Rielle Hunter and her pregnancy, then concealed the donations by filing false and misleading campaign disclosure reports.

Defense attorneys argued that Edwards was guilty of nothing but being a bad husband to his wife, Elizabeth, who died in 2010. They also argued that former Edwards aide Andrew Young used the money for his own gain and to pay for Hunter's medical expenses to hide the affair from Edwards' wife.

Neither Edwards nor Hunter testified during the trial. The affair occurred as Edwards was gearing up for a second White House bid in 2008, and he knew his political ambitions depended on keeping his affair with Hunter a secret, Assistant U.S. Attorney Robert Higdon told jurors in closing arguments.

Prosecutors argued that Edwards

knowingly violated campaign finance laws by accepting the large contributions from Rachel Mellon and Fred Baron that went to support Hunter. Edwards "knew these rules well," Higdon said, and should have known that the contributions violated campaign finance laws.

Edwards accepted \$725,000 from Mellon and more than \$200,000 from Baron, prosecutors said. The money was used to pay for Hunter's living and medical expenses, travel and other costs to keep her out of sight while Edwards made his White House run, prosecutors say."

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# Assistant Attorney General for the Civil Rights Division Thomas E. Perez Speaks on the Fair Lending Settlement with SunTrust Mortgage Inc.

(USDOJ: Justice News)

Submitted at 1:44 PM May 31, 2012

"Today's settlement with SunTrust builds on an unprecedented period of fair lending enforcement by the department. Since the establishment of the Fair lending Unit, thanks to the committed career professionals in the Division, we have

brought record numbers of enforcement actions," said Assistant Attorney General Perez.

# Founders of S3 Partners Charged in an Alleged \$21 Million Real Estate Investment Fraud Scheme

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

Submitted at 1:22 PM May 31, 2012

The Federal Bureau of Investigation on May 30, 2012 released the following: "Defendants Allegedly Engaged in Securities Fraud Targeting Elderly Investors

SAN JOSE, CA—The three founders of S3 Partners who allegedly defrauded numerous individual investors and banks out of more than \$21 million in connection with a real estate investment fraud scheme were arrested and arraigned on 33 counts of conspiracy, wire, mail, bank and securities fraud, United States Attorney Melinda Haag announced. According to the indictment, which was filed in San Jose federal district court on May 23 and unsealed on May 24, from 2006 to 2009, Melvin Russell "Rusty" Shields, 42, of Granite Falls, North Carolina.; Michael Sims, 58, of Gilroy, California; and Sam Stafford, 56, of Campbell, California, defrauded individual investors and banks in the Northern District of California and elsewhere in connection with various real estate development projects. The three defendants conducted their business as "S3 Partners" out of a variety of locations including San Jose, Campbell, and Palo Alto, California; and Hickory, North Carolina. Shields, Sims, and Stafford allegedly engaged in securities fraud targeting elderly investors by encouraging those elderly investors to cash out their individual retirement accounts (IRAs) and wire the proceeds to the S3 Partners for the purchase of shares in an S3 Partnerscontrolled LLC. The three defendants falsely represented to investors that they would receive predictable high rates of return, that there was minimal to no risk of investing, and that profits from S3 Partners business projects would benefit various charitable and religious organizations. Shields, Sims, and Stafford obtained more than \$21 million from investors and banks and converted more than half of those funds for their personal benefit, their personal business ventures, and other unauthorized purposes. Their conduct resulted in a near-total loss to investors.

On May 24, the Federal Bureau of Investigation arrested Sims and Stafford in Northern California and Shields in North Carolina pursuant to a sealed arrest warrant. That same day, Sims and Stafford made their initial appearances in San Jose before United States Magistrate Judge Paul Grewal where, subject to the posting of a \$100,000 secured bond and being placed on home electronic monitoring, they were ordered released pending a detention hearing. Sims and Stafford are scheduled to appear at a detention hearing in San Jose tomorrow at 9:30 a.m, at which hearing Magistrate Judge Grewal will consider additional conditions governing their pretrial release. Shields made an initial appearance May 24 in Charlotte, North Carolina. After a detention hearing this morning before U.S. Magistrate Judge David C. Keesler, Shields was ordered released subject to a \$100,000 unsecured bond and placed on home electronic monitoring.

The maximum statutory penalty for each count of conspiracy to commit wire, mail and bank fraud, wire fraud, and mail fraud in violation of Title 18, United States Code, Sections 1349, 1343 and 1341 is 20 years in prison and a fine of \$250,000, plus restitution. The maximum statutory penalty for each count of bank fraud in violation of Title 18, United States Code, Section 1344 is 30 years prison and a fine of \$1 million, plus restitution. The maximum statutory penalty for each count of Title 15, United States Code, Sections 78j(b) and 78ff; and 17 C.F.R. Section 240.10b-5-securities fraud is 20 years in prison and a fine of \$5 million, plus restitution. Any sentence following conviction would, however, be determined by the court after considering the Federal Sentencing Guidelines, which take into account a number of factors and would be imposed in the discretion of the court. Assistant United States Attorney Joseph

Assistant United States Attorney Joseph Fazioli is prosecuting the case with the assistance of Legal Assistant Kamille Singh. The prosecution is the result of a multi-year investigation by the Federal Bureau of Investigation.

Please note, an indictment contains only allegations against an individual and, as with all defendants, Shields, Sims, and Stafford must be presumed innocent unless and until proven guilty.

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 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. For more information about the task force visit www.stopfraud.gov."

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# Judge orders jury to continue deliberating in John Edwards case

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

Submitted at 2:28 PM May 31, 2012

CNN on May 31, 2012 released the following:

"[Updated at 3:08 p.m. ET] The judge in former North Carolina Sen. John Edwards' federal corruption trial has ordered jurors to continue deliberations after they announced they had reached a verdict on only one of six counts.

The judge will soon issue an "Allen charge," which is essentially a request from the court for the jury to go back into deliberations and try again to reach a unanimous verdict on all counts.

[Updated at 2:55 p.m. ET] The prosecution has asked for the jury to go back in the jury room to deliberate. The defense has asked for a mistrial on the remaining counts.

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charged with accepting illegal campaign contributions, falsifying documents and conspiring to receive and conceal the contributions. The charges carry a maximum sentence of 30 years in prison and a \$1.5 million fine.

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Defense attorneys argued that Edwards was guilty of nothing but being a bad husband to his wife, Elizabeth, who died in 2010. They also argued that former Edwards aide Andrew Young used the money for his own gain and to pay for Hunter's medical expenses to hide the affair from Edwards' wife.

Neither Edwards nor Hunter testified during the trial. The affair occurred as Edwards was gearing up for a second White House bid in 2008, and he knew his political ambitions depended on keeping his affair with Hunter a secret, Assistant U.S. Attorney Robert Higdon told jurors in closing arguments.

Prosecutors argued that Edwards knowingly violated campaign finance laws by accepting the large contributions from Rachel Mellon and Fred Baron that went to support Hunter. Edwards "knew these rules well," Higdon said, and should have known that the contributions violated campaign finance laws.

Edwards accepted \$725,000 from Mellon and more than \$200,000 from Baron, prosecutors said. The money was used to pay for Hunter's living and medical expenses, travel and other costs to keep her out of sight while Edwards made his White House run, prosecutors say."

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#### Justice Department Reaches \$21 Million Settlement to Resolve Allegations of Lending Discrimination by Suntrust Mortgage

(USDOJ: Justice News)

Submitted at 3:07 PM May 31, 2012

SunTrust Mortgage Inc., the mortgage lending subsidiary of the nation's 11th-largest commercial bank, has agreed to pay \$21 million to resolve a lawsuit by the Department of Justice that it engaged in a pattern or practice of discrimination that increased loan prices for many of the qualified African-American and Hispanic borrowers who obtained loans between 2005 and 2009 through SunTrust Mortgage's regional retail offices and national network of mortgage brokers.

### Former Tuscaloosa, Alabama Police Sergeant Charged with Civil Rights Violations

(USDOJ: Justice News)

Submitted at 6:28 PM May 31, 2012

A federal grand jury in Birmingham, Ala., today returned a five-count indictment charging former city of Tuscaloosa Police Sergeant Jason Glenn Thomas with federal civil rights offenses in connection with the aggravated sexual assault of a Tuscaloosa woman in 2011, announced Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, Joyce White Vance, U.S. Attorney for the Northern District of Alabama, and Patrick J. Maley, Special Agent in Charge of the FBI Birmingham Field Office.

# Justice Department Files Lawsuit Against Las Vegas Casino for Unfair Documentary Practices

(USDOJ: Justice News)

Submitted at 4:33 PM May 31, 2012

The Justice Department announced today that it filed a lawsuit against Tuscany Hotel and Casino LLC in Las Vegas, alleging that the company engaged in a pattern or practice of discrimination in the employment eligibility verification and re-

verification process. The Immigration and Nationality Act (INA) requires employers to treat all authorized workers equally during the hiring, firing and employment eligibility verification process, regardless of their national origin or citizenship status.



# Chicago Investment Advisor Accused of Defrauding Suburban Bank and Two Clients of More Than \$3.2 Million

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

Submitted at 12:55 PM May 31, 2012

The Federal Bureau of Investigation on May 31, 2012 released the following: "CHICAGO— A Chicago investment advisor was indicted on federal charges for allegedly engaging in a scheme to defraud Oak Brook-based Leaders Bank and two of his clients of more than \$3.2 million and ultimately causing the bank to lose more than \$2.7 million. The defendant, Robert J. Lunn, was charged with five counts of bank fraud in an indictment returned by a federal grand jury yesterday, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, and Robert D. Grant, Special Agent in Charge of the Chicago Office of the Federal Bureau of Investigation, announced today. Lunn, 62, of Chicago, who did business as Lunn Partners LLC, an investment advisory business, will be arraigned at a later date in U.S. District Court.

According to the indictment, Lunn fraudulently obtained a \$1.32 million line of credit from the bank for his business, as well as separate loans of \$1.4 million and \$500,000, purportedly on behalf of two clients. Lunn allegedly made a series of misrepresentations to Leaders Bank about his own assets, the purpose of the loans, and the knowing authorization of clients purportedly seeking the financing. Instead, Lunn used substantially all of the fraudulently obtained funds for his own benefit, including to make mortgage payments and approximately \$1.4 million in payments to other investment clients,

#### Minnesota-based St. Jude Medical Pays U.S. \$3.65 Million to Settle Claims That It Overcharged for Implantable Cardiac Devices

(USDOJ: Justice News)

Submitted at 11:48 AM May 31, 2012

St. Jude Medical Inc. has agreed to pay the United States \$3.65 million to resolve civil allegations under the False Claims Act that the company inflated the cost of replacement pacemakers and defibrillators purchased by the Departments of Defense and Veterans Affairs, the Justice Department announced today. St. Paul, Minn.-based St. Jude Medical develops, manufactures and distributes cardiovascular and implantable neurostimulation medical devices.

the charges allege

Lunn initially obtained a business line of credit from Leaders Bank for \$480,000 in May 2001. He increased the credit line twice in early 2004, first to \$1.2 million and later to \$1.32 million, all after he allegedly submitted personal financial statements to the bank falsely stating that he owned millions of dollars of stock in Morgan Stanley and Lehman Brothers. In September 2002, Lunn arranged for an unsecured bank loan of \$1.4 million, purportedly for the benefit of Client A, after submitting a net worth report for Client A and asserting that Client A wanted short-term financing to purchase an interest in an airplane, according to the indictment. In June 2004, Lunn allegedly arranged a bank loan for \$500,000 for the benefit of Client B, without Client B's knowledge or authorization, after submitting a net worth report for Client B and stating that Client B wanted shortterm financing for a business investment. The indictment seeks forfeiture of at least \$2.7 million in alleged fraud proceeds. The government is being represented by Assistant U.S. Attorney Daniel Collins. Each count of bank fraud carries a maximum penalty of 30 years in prison and a \$1 million fine, and restitution is mandatory. The court may also impose a fine totaling twice the loss to any victim or twice the gain to the defendant, whichever is greater. If convicted, the court must impose a reasonable sentence under federal statutes and the advisory United States Sentencing Guidelines. 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."

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

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# Plastics Producer SABIC Agrees to Reduce Harmful Air Pollution from Leaking Equipment to Resolve Clean Air Act Violations in Indiana and Alabama

(USDOJ: Justice News)

Submitted at 3:05 PM May 31, 2012

SABIC Innovative Plastics US LLC, and its subsidiary, SABIC Innovative Plastics Mt. Vernon LLC, have agreed to pay an approximately \$1 million civil penalty and improve leak detection and repair

practices to settle alleged violations of the Clean Air Act (CAA) at chemical manufacturing facilities in Mt. Vernon, Ind., and Burkville, Ala., the U.S. Department of Justice and the U.S. Environmental Protection Agency (EPA) announced today.

## Woman Convicted of Tax Fraud Conspiracy in South Florida Sentenced to 51 Months in Prison

(USDOJ: Justice News)

Submitted at 5:44 PM May 31, 2012

Nasheba Necia Hunte was sentenced today to 51 months in prison for her role

in a conspiracy to defraud the Internal Revenue Service (IRS) and for filing false tax returns, the Justice Department and IRS announced.



### John Edwards Jury Reaches Verdict

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

Submitted at 1:33 PM May 31, 2012

ABC News on May 31, 2012 released the following:

JAMES HILL and MAT MENDEZ
"After a lengthy deliberation, a North
Carolina jury has reached a verdict in the
John Edwards mistress-and-money trial.
The verdict is expected to be read shortly.
The jury began deliberating on May 18
after a month of testimony, which at times
sounded more like a steamy soap opera
than a trial on the intricacies of campaign
finance rules.

Charged with six counts of violating federal campaign laws, Edwards was accused by the government of soliciting nearly \$1 million from wealthy backers to finance a cover up of his illicit affair and illegitimate child while running for president in 2008.

If convicted, Edwards can face up to 30 years in prison and be fined more than \$1 million, although it is unlikely he will face the most severe penalties.

The government spent three weeks building its case. Much of it hinged on the testimony of Andrew Young, once Edwards' most loyal aide, who testified he collected \$725,000 from wealthy heiress Rachel "Bunny" Mellon, who disguised her contributions as payments for antique furniture.

The prosecution detailed the way Edwards met mistress Rielle Hunter and how he worked throughout his campaign to keep the affair and later his love child a secret. The government said Fred Baron, another wealthy backer who was once Edwards' campaign treasurer, contributed an additional \$300,000 to move Hunter and her baby all over the country to keep them away from the media.

In just three days of defense testimony, Edwards' lawyers tried to portray Young as the mastermind of a plot to use Edwards' scandal to request funds for his own personal use. Any lies Edwards told, his lawyers, said were in an effort to keep the affair a secret from his wife, Elizabeth, who was dying of cancer, and not to advance his political career.

The jury consists of eight men and four women."

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

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# Army Master Sergeant Arrested by AFOSI and the FBI

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

Submitted at 1:42 PM May 31, 2012

The Federal Bureau of Investigation on May 30, 2012 released the following: "TAMPA—On Wednesday, May 30, 2012, special agents from the Air Force Office of Special Investigations (AFOSI) and the FBI Innocent Images Task Force (IITF) arrested Army Master Sergeant Thomas Meyer, age 42, at his residence this morning without incident. A federal search warrant was also executed at Meyer's residence today.

The law enforcement activity was the culmination of investigative efforts by the AFOSI; Largo Police Department; Kenton County Police Department, Kentucky; Pennsylvania State Police; United States Postal Inspection Service; and the FBI. Meyer will be facing federal charges, including attempted production of child pornography, transportation of child pornography, and transfer of obscene material to an individual under the age of 16. If convicted, he faces a mandatory minimum penalty of 15 years, up to 30 years in federal prison for the production

charge; a mandatory minimum penalty of five years, up to 20 years in federal prison for the transportation charge; and up to 10 years in federal prison for the transfer of obscene matter charge.

The FBI's IITF is an intelligence-driven, proactive investigative initiative that combats the proliferation of child pornography and child sexual exploitation facilitated by the Internet. The mission of the IITF is to reduce the vulnerability of children to acts of sexual exploitation and abuse facilitated through computers; to identify and rescue witting and unwitting child victims; and to investigate and prosecute sexual predators who use the Internet to sexually exploit children for personal and financial gain.

The charges in the complaint are merely allegations and the defendant is presumed innocent, unless, and until proven guilty."

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#### Former National Guard Recruiter Pleads Guilty for Leading Role in Bribery and Fraud Scheme to Illegally Obtain Military Recruiting Bonuses

(USDOJ: Justice News)

Submitted at 6:36 PM May 31, 2012

A former Army National Guard recruiter pleaded guilty today in the Western District of Texas for his lead role in a bribery and fraud conspiracy that caused more than \$90,000 in losses to the National Guard Bureau, announced Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division.

# U.S. v. Douglas A. Goldberg

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:56 PM May 31, 2012

Sentencing hearing has been scheduled for September 6, 2012 at 10:00 a.m. Eastern

### U.S. v. Brian Scott Zwerner

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:40 PM May 31, 2012

Sentencing hearing has been scheduled for December 14, 2012 at 11:00 a.m. Eastern

## U.S. v. William A. Collins

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:58 PM May 31, 2012

Sentencing hearing has been rescheduled for August 13, 2012 at 10:30 a.m. Eastern

### U.S. v. Isadore H. May

(Antitrust Division: Upcoming Public Hearings)

Submitted at 5:05 PM May 31, 2012

Sentencing hearing has been rescheduled for August 13, 2012 at 10:00 a.m. Eastern

### U.S. v. Daniel Moshe Naeh

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:58 PM May 31, 2012

Sentencing hearing has been rescheduled for September 7, 2012 at 2:30 p.m. Eastern

### U.S. v. G.S. Electech, Inc.

(Antitrust Division: Criminal Case Filings)

Submitted at 1:41 PM May 31, 2012

Document filed on May 16, 2012

• Plea Agreement

### U.S. v. Young Keun Park

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:43 PM May 31 2013

Sentencing hearing has been scheduled for June 5, 2012 at 2:30 p.m. Pacific

### U.S. v. Monosis Inc., et. al

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:45 PM May 31, 2012

Sentencing hearing has been scheduled for June 20, 2012 at 10:00 a.m. Eastern

## U.S. v. Dominick P. Carollo, et al.

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:50 PM May 31, 2012

Sentencing hearing has been scheduled for October 11, 2012 at 9:00 a.m. Eastern