The Federal Crimes Watch Daily

When The FBI Comes Calling...®

Federal Criminal Defense Lawyers Thursday, December 1, 2011 www.McNabbAssociates.com

Taiwan Aftermarket Auto Lights Manufacturer and Its Chairman Indicted for Alleged Participation in Price-Fixing Conspiracy

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

Submitted at 9:48 AM December 1, 2011

The Federal Bureau of Investigation (FBI) on November 30, 2011 released the following:

"WASHINGTON— A federal grand jury in San Francisco returned a superseding indictment yesterday against a Taiwan aftermarket auto lights manufacturer, its U.S.-based subsidiary distributor and its chairman for participating in an international conspiracy to fix the prices of aftermarket auto lights, the Department of Justice announced. Aftermarket auto lights are incorporated into an automobile after its original sale, often as repairs following a collision or as accessories and upgrades.

The one-count felony superseding indictment, filed today in U.S. District Court in San Francisco, charges that Eagle Eyes Traffic Industrial Co. Ltd., which is based in Tainan County, Taiwan, participated in a conspiracy to fix the prices of aftermarket auto lights in the United States and elsewhere from about July 2001 to about September 2008. The indictment also charges Eagle Eyes' highest-ranking officer, Chairman Yu-Chu Lin, aka David Lin, for his participation in the conspiracy from about July 2001 to about September 2008. Lin is a resident of Taiwan. E-Lite Automotive Inc., Eagle Eyes' U.S. subsidiary based in Chino, Calif., is also charged in the indictment for its participation in the conspiracy from about March 2006 to about September 2008. Today's indictment supersedes an indictment filed on July 19, 2011, against the second-highest-ranking officer of Eagle Eyes, Vice Chairman Homy Hong-Ming Hsu.

"The Antitrust Division will continue to crack down on international price-fixing conspiracies that target U.S. businesses and consumers," said Sharis A. Pozen, Acting Assistant Attorney General in charge of the Department of Justice's Antitrust Division.

According to the indictment, Eagle Eyes, E-Lite, Lin, Hsu and co-conspirators participated in a conspiracy in which the participants met and agreed to charge prices of aftermarket auto lights according to jointly determined formulas. The participants in that conspiracy issued list price announcements to customers in accordance with the jointly determined price structure, and collected and exchanged information on prices for the purpose of monitoring and enforcing adherence to the conspiracy. The department said that the conspirators met in Taiwan and the United States for their discussions.

Including Eagle Eyes, E-Lite and Lin, four companies and four individuals have been charged to date in connection with the department's ongoing investigation into the aftermarket auto lights industry. On Nov. 15, 2011, Maxzone Vehicle Lighting Corp., a U.S. distributor of aftermarket auto lights, pleaded guilty and was sentenced to pay a $43 million criminal fine for its participation in the conspiracy. On Oct. 4, 2011, Sabry Lee (U.S.A.) Inc., a U.S. distributor of aftermarket auto lights, pleaded guilty and was sentenced to pay a $200,000 criminal fine for its participation in the conspiracy. On March 29, 2011, Polo Shu-Sheng Hsu, the former president and CEO of Maxzone, was sentenced to serve 180 days in prison and to pay a $25,000 criminal fine for his role in the conspiracy. Chien Chung Chen, aka Andrew Chen, the former executive vice president of Sabry Lee, pleaded guilty for his participation in the conspiracy on June 7, 2011. He is currently scheduled to be sentenced on July 17, 2012.

Eagle Eyes, E-Lite and Lin are charged with price fixing in violation of the Sherman Act which carries a maximum penalty of 10 years in prison and a $1 million fine for individuals and $100 million fine for corporations. The maximum fines may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine.

This case is part of an ongoing joint investigation being conducted by the Department of Justice Antitrust Division's San Francisco Office and the FBI in San Francisco."

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

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Detroit-Area Occupational Therapy Assistant Pleads Guilty to Participating in Medicare Fraud Scheme

(USDOJ: Justice News)

Submitted at 10:09 AM December 1, 2011

Vanessa Dowell, 50, pleaded guilty yesterday before U.S. District Court Judge Avern Cohn in the Eastern District of Michigan to one count of conspiracy to commit health care fraud.

Manhattan U.S. Attorney Charges 20 Individuals for Allegedly Participating in a Scheme to Recruit Illegal Immigrants to Work in Adult Entertainment Clubs Controlled by La Cosa Nostra

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

Submitted at 9:12 AM December 1, 2011

The Federal Bureau of Investigation (FBI) on November 30, 2011 released the following:

" Defendants Charged with Racketeering, Extortion, Visa Fraud, Immigration, and Marriage Fraud Crimes; Seven Defendants Are Alleged Members or Associates of the Gambino and Bonanno Crime Families

Preet Bharara, the United States Attorney for the Southern District of New York, James T. Hayes, Jr., the Special Agent in Charge of the New York Field Office of the U.S. Immigration and Customs Enforcement's ("ICE") Homeland Security Investigations ("HSI"), and Robert Goodrich, the Special Agent in Charge of the New York Field Office of the U.S. Department of State's Diplomatic Security Service ("DSS"), announced charges today against 20 individuals for their participation in a scheme that involved recruiting women from Russia and other Eastern European countries to illegally enter the U.S. to work as exotic dancers at adult entertainment clubs ("Strip Clubs") controlled by the Gambino and Bonnano Organized Crime Families of La Cosa Nostra. Several of the defendants also arranged for many of the women to enter into sham marriages with U.S. citizens. Defendants ALPHONSE TRUCCHIO, WILLIAM PAZIENZA, SR., CHRISTOPHER COLON, and RICHARD GUTKOWSKI, who are members or associates of the Gambino Organized Crime Family, and ANTHONY FRASCONE, PAUL CASELLA, and LAWRENCE ZAINO, who are members or associates of the Bonnano Organized Crime Family, are charged with racketeering and extortion crimes related to their control of several Strip Clubs located in Queens and Long Island, New York, at which the women worked. These seven defendants and 13 others—ALEKSANDR KRAVETS, THOMAS DEVITT III, GERALD MONFORT, YONG WANG, BORIS YUSUPOV, VITALIY MINDYUK, ZHANNA KUZNETSOVA, ELENA TURUBANOVA, NATALIA IVANOVA, CHRISTINE GUNNING, JEFFREY RINCHEY, OSCAR ZELEDON, and ALEXANDER BELESON—are also charged with several other crimes related to the scheme, including visa fraud, marriage fraud, and transporting, harboring, and inducing the entry of illegal aliens. All of the defendants were arrested today and will be presented before U.S. Magistrate Judge Gabriel W. Gorenstein in Manhattan federal court this afternoon. The case is assigned to U.S. District Judge Victor Marrero.

Manhattan U.S. Attorney Preet Bharara stated: "As alleged, the schemes in which these defendants participated ran the gamut of criminal activity—from racketeering and extortion, to immigration and marriage fraud. And the defendants themselves had one thing in common—the desire to turn the women they allegedly helped enter this country illegally into their personal profit centers. Today's arrests have brought an end to their illicit activities."

ICE HSI Special Agent in Charge James T. Hayes, Jr., stated: "Today's arrests bring to an end a long-standing criminal enterprise operated by colluding organized crime entities that profited wildly through a combination of extortion and fraud. As alleged, the defendants controlled their business and protected their turf through intimidation and threats of physical and economic harm. Today, that business model has been extinguished."

DSS Special Agent in Charge Robert Goodrich stated: "The Diplomatic Security Service is firmly committed to working with the U.S. Attorney's Office and our law enforcement partners at the Homeland Security Investigation's Document and Benefit Fraud Task Force, to investigate and bring to justice those who commit passport and visa fraud, which oftentimes leads to other criminal activities. This case demonstrates Diplomatic Security's continuing commitment to safeguard the integrity of the U.S. passport and U.S. visa by vigorously investigating and bringing those who commit passport or visa fraud to justice."

As alleged in the Indictment unsealed today:

All seven of the defendants with ties to the Gambino and Bonanno Organized Crime Families are charged with racketeering offenses. The other charges contained in the Indictment are outlined below:

Strip Club Extortions (TRUCCHIO, PAZIENZA, COLON, GUTKOWSKI, FRASCONE, CASELLA, and ZAINO)

The named defendants are charged with extorting payments from the owners and operators of four Strip Clubs located in Queens and Long Island in exchange for "protection" from competing Strip Clubs and other organized crime figures. The protection included the resolution of disputes among Strip Clubs over the apportionment of illegal aliens from Russia and Eastern Europe to work at the clubs, and disputes over ownership interests in certain clubs.

Visa Fraud Conspiracy (TRUCCHIO, PAZIENZA, GUTKOWSKI, CASELLA, ZAINO, KRAVETS, DEVITT, MONFORT, WANG, YUSUPOV, MINDYUK, KUZNETSOVA, TURUBANOVA, RINCHEY, ZELEDON, and BELESON)

The named defendants are charged with participating in a scheme that recruited Russian and other Eastern European women and assisted them in fraudulently obtaining summer work and travel visas. The defendants procured and sent these women false job offers for waitressing and other positions they would then include on their visa applications. However, once the women arrived in the U.S., they worked as exotic dancers at the Strip Clubs, in violation of visa rules prohibiting employment in the adult entertainment industry.

Conspiracy to Transport, Harbor, and Induce Entry of Illegal Aliens (TRUCCHIO, PAZIENZA, COLON, GUTKOWSKI, CASELLA, ZAINO, KRAVETS, DEVITT, MONFORT, WANG, YUSUPOV, MINDYUK, KUZNETSOVA, TURUBANOVA, IVANOVA, GUNNING, RINCHEY, ZELEDON, and BELESON)

The named defendants are alleged to have participated in a scheme to recruit women from Russia and other Eastern European countries through the Internet and newspapers to work as exotic dancers, and to fraudulently obtain visas so that the women could travel to the U.S. The scheme also involved housing these women at various residences and transporting them to and from the Strip Clubs.

Marriage Fraud Conspiracy (KRAVETS, KUZNETSOVA, TURUBANOVA, IVANOVA, and GUNNING)

The named defendants are charged with operating a scheme in which many of the Russian and other Eastern European women recruited to work as exotic dancers were coupled with U.S. citizens to enter into fraudulent marriages intended solely to give the women legal status in the U.S.

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Richard Bell, Robert Rogers, Jackiem Wright, and Reginald Berry are Charged in Separate Federal Criminal Informations with Alleged Wire Fraud, and Mr. Bell is Additionally Charged with Alleged Willfully Filing a False Federal Income Tax Return

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

Submitted at 9:42 AM December 1, 2011

The Federal Bureau of Investigation (FBI) on November 30, 2011 released the following:

"Four Charged with Fraud on City Sheriff's Department

PHILADELPHIA— Charges were filed today against four people involved in an alleged scheme to defraud the Philadelphia Sheriff's Office, announced United States Attorney Zane David Memeger. Separate informations[1] were filed against Richard Bell, Robert Rogers, Jackiem Wright, and Reginald Berry. Each of the defendants is charged with one count of wire fraud; Bell is additionally charged with willfully filing a false federal income tax return.

Bell was employed in the accounting department of the Philadelphia Sheriff's Office. According to the information, between 2007 and 2010, Bell wrote fraudulent checks drawn on bank accounts of the Philadelphia Sheriff's Office to unauthorized individuals and companies. Bell forwarded over $400,000 of those checks to Rogers. Rogers cashed the checks made payable to himself. Rogers forwarded the other checks to other individuals to cash or deposit. In particular, Rogers forwarded over $147,000 in checks made payable to one company to Wright and Berry. Wright and Berry deposited those checks into the company bank account, and withdrew or attempted to withdraw the proceeds. Bell, Rogers, Wright, and Berry shared the proceeds from their fraudulent checks.

It is further alleged that Bell assisted a person known to the United States Attorney in fraudulently purchasing properties at Sheriff's sale for only 10 percent of the bid price. Bell carried out the scheme by removing the checks that the person submitted to the Philadelphia Sheriff's Office for the remaining ninety percent before the checks were deposited. For this, Bell allegedly charged and received a fee from the person.

Information Regarding the Defendants Name Address Age Richard Bell Philadelphia, PA 36 Reginald Berry Philadelphia, PA 29 Robert Rogers Philadelphia, PA 44 Jackiem Wright Philadelphia, PA 29

If convicted, Bell faces an advisory sentencing guideline range of 33 to 41 months in prison; Rogers faces an advisory sentencing guideline range of 27 to 33 months in prison; Wright and Berry each face an advisory sentencing guideline range of 15 to 21 months in prison.

The case was investigated by the Federal Bureau of Investigation, the Internal Revenue Service Criminal Investigation Division, the Philadelphia District Attorney's Office, and the City of Philadelphia Office of Inspector General. The City of Philadelphia Office of the Controller has also assisted the investigation. The case is being prosecuted by Assistant United States Attorney Sarah L. Grieb, Assistant United States Attorney Christopher Diviny, and Special Assistant United States Attorney Meriah Russell.

1 An indictment or information is an accusation. A defendant is presumed innocent unless and until proven guilty."

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Mr. Bharara praised the investigative work of ICE HSI and DSS. He also thanked the Federal Bureau of Investigation for their assistance and noted that the investigation is continuing.

Assistant United States Attorneys Daniel Chung, Jonathan Cohen, and Michael Ferrara are in charge of the prosecution. The case is being handled by the Office's Organized Crime Unit.

The charges contained in the Indictment are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

U.S. v. Trucchio, et al. Count Charge Defendants Maximum Penalties 1 Racketeering Conspiracy TRUCCHIO, PAZIENZA, COLON, GUTKOWSKI, FRASCONE, CASELLA, ZAINO 20 years in prison 2 Racketeering TRUCCHIO, PAZIENZA, COLON, GUTKOWSKI, FRASCONE, CASELLA, ZAINO 20 years in prison 3 Extortion Conspiracy FRASCONE, CASELLA, ZAINO 20 years in prison 4 Extortion Conspiracy TRUCCHIO, PAZIENZA, COLON, FRASCONE, CASELLA, ZAINO 20 years in prison 5 Extortion Conspiracy TRUCCHIO, PAZIENZA, COLON, GUTKOWSKI, FRASCONE, CASELLA, ZAINO 20 years in prison 6 Visa Fraud Conspiracy TRUCCHIO, PAZIENZA, GUTKOWSKI, CASELLA, ZAINO, KRAVETS, DEVITT, MONFORT, WANG, YUSUPOV, MINDYUK, KUZNETSOVA, TURUBANOVA, RINCHEY, ZELEDON, BELESON Five years in prison 7 Conspiracy to Transport, Harbor, and Induce the Entry of Illegal Aliens TRUCCHIO, PAZIENZA, COLON, GUTKOWSKI, CASELLA, ZAINO, KRAVETS, DEVITT, MONFORT, WANG, YUSUPOV, MINDYUK, KUZNETSOVA, TURUBANOVA, IVANOVA, GUNNING, RINCHEY, ZELEDON, BELESON 10 years in prison 8 Marriage Fraud Conspiracy KRAVETS, KUZNETSOVA, TURUBANOVA, IVANOVA, GUNNING Five years in prison Defendant Residence Age ALPHONSE TRUCCHIO Howard Beach, NY 34 WILLIAM PAZIENZA, SR. Bronxville, NY 64 CHRISTOPHER COLON Howard Beach, NY 37 RICHARD GUTKOWSKI Ridgewood, NY 40 ANTHONY FRASCONE East Meadow, NY 62 PAUL CASELLA Franklin Square, NY 45 LAWRENCE ZAINO Westbury, NY 44 ALEKSANDR KRAVETS Brooklyn, NY 42 THOMAS DEVITT III East Meadow, NY 43 GERALD MONFORT West Babylon, NY 54 YONG WANG Flushing, NY 36 BORIS YUSUPOV Brooklyn, NY 36 VITALIY MINDYUK Brooklyn, NY 43 ZHANNA KUZNETSOVA Brooklyn, NY 24 ELENA TURUBANOVA Dix Hills, NY 24 NATALIA IVANOVA Kew Gardens, NY 43 CHRISTINE GUNNING Windsor, NY 46 JEFFREY RINCHEY Kew Gardens, NY 38 OSCAR ZELEDON East Hampton, NY 39 ALEXANDR BELESON Manalapan, NJ 53
"

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Feds search Santa Rosa Commissioner Bob Cole's home, business

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

Submitted at 7:18 AM December 1, 2011

Nwfdailynews.com on November 30, 2011 released the following:

"Tom McLaughlin and Bill Gamblin
Daily News

Federal agents spent about eight hours Wednesday searching the home and business of Santa Rosa County Commissioner Bob Cole.

There were eight vehicles and 10 or more FBI and IRS agents at Cole's home Wednesday morning. The agents appeared to spend the early part of the day searching a garage area. Hammering was heard on the property.

No arrests were made.

The FBI and IRS also entered Cole's business, Bob Cole's Automotive, on Long Street in Pensacola. They removed computers and reviewed paperwork there.

A person who answered the phone at Bob Cole's Automotive hung up when a reporter identified himself.

A woman answered Cole's cell phone Wednesday afternoon, but immediately hung up.

The federal agents did not search Cole's county office or computer.

Cole told a reporter from the Santa Rosa Press Gazette on Wednesday afternoon that the FBI and IRS left his business about 4 p.m. after going through his computers and records. He said it was hard for him to determine what they were after.

"Their questions when they spoke to me were so general it was hard to filter anything out," he said.

Cole said one thing he was certain of was his innocence.

"I know I am not guilty of anything wrong.

No vote was bought and I did not better myself because of a vote," he said. "I am comfortable in my votes of the past on issues and no one twisted my arm. Everything I have done is on the record and I feel good to go."

Cole attended the County Commission's meeting at 4:30 p.m. Wednesday.

FBI spokesman Jeff Westcott said the agency could not comment on what it was looking for at Cole's home and business. He and agents at Cole's home directed questions to Len Register, spokesman for the U.S. Attorney's Office in Pensacola.

"Local rules of federal court preclude us from making any public comment on the nature of the official business being conducted by the FBI and IRS today unless and until that activity becomes a matter of public record," Register said.

In August, the FBI confiscated the county computer used by former Commissioner Gordon Goodin.

It also requested a many records and documents held by Team Santa Rosa, an agency that contracts with the county to promote economic development."

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FBI Fights To Keep Jurisdiction On Terror Suspects

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

Submitted at 8:57 AM December 1, 2011

WSJ on November 29, 2011 released the following:

"By Evan Perez

Federal Bureau of Investigation Director Robert Mueller is joining the fray as lawmakers and the Obama administration fight over whether the U.S. will rely on civilian or military authorities to detain and try terrorists in the U.S.

Mr. Mueller, who rarely injects himself publicly in such disputes, has written to Senate lawmakers who are pushing a plan to put the military in the lead. The plan, part of a defense spending bill, would allow the FBI to take charge only if the defense secretary granted a waiver.

The legislation "introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation," Mr. Mueller wrote. He added that the proposed changes "will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence."

Unlike so many disputes in D.C., this one doesn't fall neatly on partisan lines. Sen. Carl Levin (D., Mich.) and Sen. John McCain (R., Ariz.), the leaders of the Armed Services Committee, worked out

the detainee provision and defended it in a Washington Post op-ed.

"The bill does not tie the administration's hands in deciding how best to handle a detainee," the senators wrote. "Not only does the bill include a national security waiver, but it expressly authorizes the transfer of any military detainee to civilian custody for trial in the federal courts."

Mr. Mueller, an appointee of President George W. Bush, is in his 10th year heading the FBI and earlier this year won a 100-0 Senate vote to extend his term by two years.

As we wrote yesterday, the Bush administration relied almost exclusively on civilian courts to try alleged terrorism plotters in the U.S. The lines have shifted since President Barack Obama took office. Lawmakers have used spending bills to insert restrictions on resettling Guantanamo prisoners in other countries or moving detainees to the U.S. for trial.

Freshman Sen. Kelly Ayotte (R., N.H.) has led the fight to put accused terrorists into military custody. "I don't believe the criminal system should be a default position," she said in an interview."

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