



## Collar-bomb Suspect Gives up Extradition Fight

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 11:39 AM September 15, 2011

Paul Peters, the investment banker accused of placing a fake bomb around the neck of Sydney schoolgirl Madeleine Pulver, expects to be back in Australia within a week to fight the charges.

Mr Peters, 50, appeared in a court in Louisville, Kentucky, early this morning Australian time and waived his right to fight extradition.

Dressed in a striped jail uniform and sandals, Mr Peters was asked by US District Court Judge Dave Whalin if he understood the rights he was giving up, if he understood extradition law.

He replied "yes, indeed".

Judge Whalin then asked Mr Peters if anyone made threats or promises to ensure the waiver of extradition. "None whatsoever," he responded.

Mr Peters's ex-wife, Deborah Lee Peters, at whose Kentucky home he was arrested in an FBI operation last month, attended the hearing as a gesture of support.

At one point, Mr Peters mouthed to her "Are you OK?" then nodded his head after she signalled a response. She declined to comment to the media afterwards.

Outside the court, Mr Peters's lawyer, Thomas Clay, said he expected his client to return to Australia within a week.

"Mr Peters has executed a waiver of his right to contest extradition, so now the coast is clear for Australian officials to come and pick him up," Mr Clay said.

He said he had spoken to the Australian embassy earlier in the day, and the best estimate was that that would probably happen "some time next week".

He had waived the extradition rights because he wanted to get back to Australia and deal with the charges - and also because extradition was almost always granted, Mr Clay said.

"Generally the extradition process is just a formality, the burden of proof to justify it is low," Mr Clay said.

"Mr Peters knew that, and all the time he was spending in jail here would probably not gain him anything. He wanted to hasten the extradition and get back to Australia to face the charges."

Mr Clay said his client was relieved to get into court and speed up the process of returning home. "He is looking forward to his return to Australia," Mr Clay said.

Mr Peters returned to custody in Kentucky and will stay there until he is collected by Australian police.

The FBI's Kentucky spokesman, David Beyer, said US marshals and the US Department of Justice in Washington, DC, would now work with Australian officials to "finalise the paperwork" and return Mr Peters to Australia.

"We are thinking it will be fairly soon," he said.

Australian police said in US court documents that Mr Peters was accused of breaking into 18-year-old Miss Pulver's home in the wealthy Sydney suburb of Mosman on August 3 and tethering the fake bomb to her neck as part of an elaborate extortion plot.

Federal prosecutors said Australian authorities traced an email account used in the alleged plot, as well as surveillance video from several stores and airline records, to find Mr Peters, an

Australian citizen who has lived in Kentucky.

This article was written by Nick Miller and published on September 15, 2011.

To find additional global criminal news, please read [The Global Criminal Defense 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 List Removal.

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## Attorney General Addresses Summit in Lake Placid

McNabb Associates, P.C. (U.S. Extradition Attorneys)

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Collaborative border-security and shared-protection policy drew 200 state and international law-enforcement personnel to a single room Wednesday.

The Northern Border Summit convened at Crowne Plaza in Lake Placid Tuesday and Wednesday, conjoining legal forces from all along the 5,500-mile U.S.-Canadian and Interstate borders.

U.S. Attorney General Eric H. Holder Jr. arrived under tight security at about noon to deliver the keynote address.

"Today, on both sides of the U.S.-Canada border, the threats we face are unprecedented," he said.

"There's no question that our nations' security interests are currently and permanently intertwined.

"Our countries manage a 5,500-mile land border, which is crossed by 200 million people — and hundreds of billions of dollars of goods — each year. This poses a tremendous set of challenges.

"And the very openness of our border — which both Americans and Canadians value and seek to maintain — makes it vulnerable as a point of access for criminals of all stripes, for fugitives, for illegal traffickers and for terrorists."

#### TO AVOID DUPLICATION

Holder said that, working together, both nations next year will launch a pilot NextGen Cross-Designated border-security program to allow officers to work in both countries.

The effort expands on shared anti-crime goals and looks to streamline extradition and expedite procedures in a "bold move," Holder said, toward "comprehensive anti-crime policy that respects sovereignty" while still protecting civil liberties.

"Extradition and mutual legal-assistance processes could be streamlined to avoid delays," he added, and "certain sentencing laws and information-sharing policies and practices should be updated."

Specific details of Border Summit topics and elements of discussion were not released to members of the press.

But Holder summed up the summit to participants as a work session meant to forge and reinforce essential partnerships.

"You've shared innovative ideas for combating terrorism, cybercrime, drug trafficking, financial fraud schemes and organized criminal networks. You've also voiced issues of concern and identified areas for improvement," he said,

commending U.S. attorneys from at least 15 states and Canada provinces, district attorneys of border counties from here to Washington state and law-enforcement personnel.

NextGen teams of cross-designated border officers would allow both the United States and Canada to more effectively "identify, assess and interdict persons and organizations involved in transnational crime," Holder said.

"They would also allow us to conserve precious resources, to avoid duplicative efforts and to leverage tools and expertise."

#### TRANSNATIONAL POLICE

The U.S. attorney general's focus was confirmed by U.S. attorneys from New York, Vermont, Maine and New Hampshire and local district attorneys from Essex, Franklin and Clinton counties.

Franklin County District Attorney Derek Champagne said cross-border law enforcement is based in part on the Shiprider Agreement Program, a transnational police structure used on ships at sea.

For years, he said, this region has seen large cases of drug smuggling, human trafficking and organized crime that require multi-jurisdictional interaction.

"Criminal organizations know no border," Champagne said.

And the goal is to develop a response to match and counteract that threat.

The region's district attorneys were appreciative that Holder came, in person, to encourage their efforts.

"This shows his commitment to the northern border and the efforts we put forth," Clinton County District Attorney Andrew Wylie said.

The state, federal and Canadian authorities also looked for ways to share services and streamline funding, Wylie said.

Essex County District Attorney Kristy Sprague said the networking aspect is critical.

"It is very helpful to get to know our Canadian counterparts," she said.

#### TERROR THREAT REAL

U.S. Attorney for the Northern District of New York Richard S. Hartunian said that among top issues in this state is the Akwesasne border, where smuggling drugs and human beings, contraband and other illicit goods is more prevalent, due in part to the vast remoteness of the border itself.

He defended periodic use of checkpoints as "a tool of vigilance."

U.S. Attorney for Vermont Tristan J. Coffin said key summit discussions allowed them to "look carefully at what the real investigative and security goals are" for both state and national interests.

#### TERRORISM

Neither the U.S. attorney nor district attorneys would reveal specific data, when asked, about the number of terrorist threats they've dealt with in the past year.

Hartunian said only that "the terror threat is very real."

The northern-border legal contingent said nothing further about viable threats over the 9/11 anniversary weekend or if the Canadian border was at all involved.

Numerous regional law-enforcement officials were at the conference, including State Police Troop B Maj. Richard C. Smith Jr.

Members of the press were screened carefully before entering the room, and all gear bags were checked by bomb-sniffing dogs.

Holder was appointed U.S. attorney general by President Barack Obama in December 2008. This Border Summit is the first convened since the president took office.

This article was written by Kim Smith and published by The Press Republican on September 15, 2011.

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## Mother Used House She Doesn't Own as Bond Collateral for Fugitive Son

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 12:03 PM September 15, 2011

The mother of fugitive cop David Britto used her home as collateral to get her son out of jail. Now it seems there is a problem: She didn't own the house.

The mix-up appears to be yet another misstep in the dramatic saga of the Boynton Beach police officer who bolted for Brazil late last month rather than stand trial on charges of trafficking methamphetamines.

As expected, Britto was a no-show for the start of his trial Tuesday in federal court in Miami.

U.S. District Judge Donald L. Graham issued a warrant for the officer's arrest. "I would hope the government would exert all efforts to try to have him arrested and

extradited," Graham said from the bench after a brief, 10-minute proceeding.

Meanwhile, behind the scenes, lawyers and other officials were trying to sort out how Britto's mother, Janiber Vieira, 51, was able in July to use the Coral Springs house where she lives to secure a \$50,000 corporate surety bond for her son when her name is not on the deed.

It's in only the name of her husband, Mariorlando F. Vieira, Broward County records show.

"It doesn't matter if she's on the deed or not. She's my wife," Mariorlando F. Vieira said in an interview Tuesday afternoon.

"What I have belongs to her, no?"

Vieira, who is Britto's stepfather, said he would sell the house and use the proceeds to pay the court and bail bondsman for the \$100,000 in bonds that were posted guaranteeing Britto's appearance in court.

Half of it — \$50,000 — is owed to Big Mike's Bail Bonds in West Palm Beach. Officials there declined to comment Tuesday.

Another \$50,000 could be owed directly to the court. Britto and his mother co-signed a \$50,000 personal surety bond.

The house is assessed at nearly \$200,000, according to the Broward County records. But there is a \$250,000 home equity loan against it, records show.

On Tuesday, U.S. Specialty Insurance Company of Houston, which underwrites bail bonds, staked its interest in the house by filing a copy in Broward County land records of a \$50,000 mortgage signed by Janiber Vieira in July.

It may be worthless, however, since the house is not in her name.

That doesn't mean Britto's mother is in the clear. She's in federal custody in New York and will be brought to Miami in coming days to answer to criminal charges for lying to federal authorities.

This article was written by Megan O'Matz on September 13, 2011.

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## Trial Set to Begin for Botsvynyuk Brothers in Human-Trafficking Case

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 12:21 PM September 15, 2011

"Band of brothers," the U.S. Department of Justice calls them.

But if you're thinking World War II, parachutes behind enemy lines, battlefield heroics - wrong band.

These brothers number just five, hail from Ukraine, and stand charged with one of the most insidious crimes in the illegal immigrant underground: human trafficking.

Omelyan Botsvynyuk, 52, and Stepan Botsvynyuk, 36, are set to go on trial Tuesday in U.S. District Court in Philadelphia. Two more are in Canada pending extradition. One is believed to be in Ukraine, wanted by Interpol.

From 2000 to 2007, federal prosecutors charge, the brothers Botsvyniuk smuggled about 30 immigrants from their homeland to Philadelphia, promising them jobs, \$500 a month, and free room and board.

Instead, the immigrants say, they were enslaved.

By night, they cleaned big-box stores and supermarkets, including Target, Kmart, Wal-Mart and Safeway, here and in New Jersey, Delaware, New York, and Maryland, according to court filings. They slept five to a bedroom on dirty mattresses or floors in Port Richmond rowhouses. Rather than paying them for their labor, the Botsvyniuks demanded \$10,000 to \$50,000 from each for the trip to America.

Those who tried to escape say they were beaten or sexually assaulted, and their families in Ukraine threatened.

Omelyan and Stepan Botsvyniuk have pleaded not guilty.

Their trial, which could last five weeks, is expected to pull back the curtain on what Homeland Security Secretary Janet Napolitano has called one of the world's "most profitable" and hard-to-prosecute criminal enterprises, owing to victims' fear of reprisals for coming forward.

Trials such as the Botsvyniuks' are rare. But trafficking is not, according to immigrant-rights groups. Some estimate that 14,500 to 17,500 people, mostly women and children, are brought to the United States each year as peons. About 600,000 more are moved among other countries to be placed in servitude.

Experts say the victims fall into two categories: those who know their entry to America is illegal, and those who've been misled by traffickers into believing they are properly documented. Either way, they do not think they are signing on for enslavement.

To encourage victims to cooperate with law enforcement, Congress created the "T" visa program in 2000, granting U.S. residency to victims who assist authorities in prosecuting traffickers. But since 2002, only 4,750 T visas have been issued - a measure of the climate of fear in which the immigrants live.

In the Botsvyniuk case, eight of the illegal immigrant workers - six men and two women - are cooperating with the government. They are allowed to stay in the United States for the trial, and possibly longer if they receive T visas.

They "entered this country with dreams of great opportunity, only to find themselves living a nightmare," U.S. Attorney Zane David Memeger said when the indictment was announced last year. "They trusted this band of brothers . . . only to be rewarded with false promises. . . . No one trying to immigrate to this country should have to endure such mistreatment."

If convicted on all counts, the defendants face six to 40 years in prison and fines of \$250,000 to \$750,000.

According to court documents, the case began with a tip from overseas.

Brothers Mykhaylo and Dmytro Botsvyniuk, now 33 and 45, reportedly were seeking workers in Ukraine for their family cleaning company in Philadelphia. Several of their recruits were veterans of military service in Ukraine and were looking for jobs.

The Botsvyniuks appeared to have come to the United States legally on tourist visas but overstayed.

Prosecutors say the Botsvyniuks arranged Mexican tourist visas for their recruits and flew them out of Germany and Poland. From Mexico, unnamed associates of the Botsvyniuks allegedly gave the immigrants American-style clothing and instructed them how

to sneak across the border, primarily into southern California. They then traveled to Philadelphia, where, the indictment says, brother Yaroslav Churuk, now 43, put them into work crews.

The Botsvyniuks' cleaning business operated under a variety of names, according to prosecutors.

Assistant U.S. Attorney Daniel Velez has said the discount chains and supermarkets did not directly hire the immigrants and likely were unaware of their status.

Defense attorney Joshua Briskin, who represents Stepan Botsvyniuk, said in an interview the charges against his client "are just not true." The alleged victims, he said, are cooperating only because "they want green cards" for permanent U.S. residency.

Attorney Howard Popper, who represents Omelyan Botsvyniuk, echoed that line of defense. The government's witnesses, he said in an interview, "would like to get T visas. . . . That certainly motivates them to say whatever it is they are going to say."

The indictment provides a preview of their testimony:

One woman is expected to say she was bound and raped as punishment by Omelyan Botsvyniuk, whom investigators describe as the group's leader. He allegedly told a woman in Ukraine whose elder son escaped from the Botsvyniuks' American operation that her younger son's fingers and ears would be cut off and sent to her "unless she signed over her house as payment." He also is accused of threatening to kidnap a female worker's 9-year-old daughter and force her into prostitution to pay off the family debt.

Some prosecution witnesses are being flown in from Ukraine. For their protection, their identities will not be disclosed until they arrive here.

According to a trial brief, Omelyan Botsvyniuk's lawyers

may try to introduce testimony that he was tortured in Ukraine and forced to flee after being attacked by a gang of criminals, including government operatives, "who pulled out his gold teeth and poured scalding water into his lap."

The government says such testimony, even if true, is irrelevant to the charges, and has asked Judge Paul S. Diamond to exclude it.

This article was written by Michael Matza and published by the Philadelphia Inquirer on September 13, 2011.

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