



Rajat Gupta Gets Two-Year Sentence for Insider Trading

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

Submitted at 6:00 AM October 25, 2012

Bloomberg on October 24, 2012 released the following:

“By Patricia Hurtado, David Glovin and Bob Van Voris

Former Goldman Sachs Group Inc. (GS) director Rajat Gupta was sentenced to two years in prison for insider trading, marking the downfall of a man who rose to the top of corporate America after being orphaned as an 18-year-old in Kolkata.

Gupta, who ran McKinsey & Co. from 1994 to 2003, was sentenced today by U.S. District Judge Jed Rakoff in Manhattan for leaking stock tips to Galleon Group LLC co-founder Raj Rajaratnam. Gupta, 63, was convicted in June of securities fraud and conspiracy. He is set to report to prison on Jan. 8. He was also fined \$5 million.

The evidence that Gupta passed illegal information about Goldman Sachs to Rajaratnam was “not only overwhelming, it was disgusting in its implications,” Rakoff said in court today before handing down the sentence.

Prosecutors had sought a prison term for Gupta of as long as 10 years. Gupta requested probation and community service, and his lawyer had proposed that he work with needy children in New York or the poor in Rwanda.

In his 17 years as a judge, Rakoff has sentenced at least nine defendants other than Gupta for insider trading, including seven who pleaded guilty and two whom he jailed after they were found guilty by juries. Rakoff has a track record of imposing sentences that are half what the government recommends.

Insider Probes

From Jan. 1, 2011 to July of this year, federal judges in Manhattan sent the average insider-trading violator to prison for more than 22 months, according to an analysis of sentencing data by Bloomberg News. That was a 20 percent increase from the average term of 18.4 months during the previous eight years.

Over the same 18-month period, the average sentence after trial was 58 months, compared with 22 months during the same time for 18 defendants who

pleaded guilty. Of the dozen defendants who pleaded guilty and agreed to cooperate with the U.S. insider-trading probe during that time, 11 avoided prison altogether. One got six months.

“With today’s sentence, Rajat Gupta now must face the grave consequences of his crime — a term of imprisonment,” Manhattan U.S. Attorney Preet Bharara said in a statement. “His conduct has forever tarnished a once-sterling reputation that took years to cultivate.”

‘Innovative’ Proposal
During today’s hearing, Rakoff said the Rwanda community service proposal was “very innovative.”

“I thought, ah, this was the Peace Corps for insider traders,” the judge said to Gupta’s lawyer, Gary Naftalis. “But I think if everything you told me about Mr. Gupta’s character is correct, and I think it is, he would be doing this regardless of a court order or not. So looking at it in a cynical kind of way, it is not punishment.”

Before he was sentenced, Gupta told the judge that “I lost my reputation that I built over a lifetime. The last 18 months have been the most challenging period of my life since my parents died when I was a teenager.”

Gupta served on the boards of Procter & Gamble Co. (PG) and AMR Corp. (AAMRQ) and won praise for his charity from Microsoft Corp. (MSFT) Chairman Bill Gates and former United Nations Secretary-General Kofi Annan. As McKinsey’s youngest managing director, he almost tripled the firm’s revenue.

Helped ‘Many’

Gupta’s life “has been an extraordinary one,” Naftalis said today in court. He said his client has made “extraordinary contributions that have tangibly helped many, many people on this planet.” His crimes are a “total aberration in an otherwise laudatory life.”

Gupta was convicted by a jury of leaking tips to Rajaratnam, his friend and business partner, about New York-based Goldman Sachs. Gupta leaked information including a \$5 billion investment by Warren Buffett’s Berkshire Hathaway Inc. (BRK/B) on Sept. 23, 2008, and a tip on a quarterly loss.

The jury acquitted Gupta of charges that he leaked information that Cincinnati-

based P&G’s organic sales growth would fall below estimates and that he tipped Rajaratnam, 55, about Goldman Sachs’s earnings in the first quarter of 2007.

Unlike the Rajaratnam prosecution, which was based on dozens of wiretaps of his mobile-phone conversations, the case against Gupta was circumstantial and built on trading records, business relationships and comments by Rajaratnam or others about Galleon’s sources of information. The jury heard one wiretapped conversation between Gupta and Rajaratnam. Naftalis told the judge today that he would challenge Rakoff’s decision to admit the recording and other evidentiary rulings he made during the trial on appeal.

The case is U.S. v. Gupta, 11-cr-907, U.S. District Court, Southern District of New York (Manhattan).”

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The author of this blog is Douglas C. McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.



Seventeen Members of an Alleged North Carolina Racketeering Enterprise Indicted on Investment Fraud, Mortgage Fraud, and Related Charges

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

Submitted at 10:48 AM October 25, 2012

The Federal Bureau of Investigation (FBI) on October 24, 2012 released the following:

“Fourteen Others to Plead Guilty on Related Charges; Total of 81 Defendants Have Been Charged to Date in Operation Wax House

CHARLOTTE, NC— A federal indictment charging 17 defendants in Charlotte and elsewhere with racketeering, investment fraud, mortgage fraud, bank bribery, and money laundering was unsealed today in U.S. District Court, announced the U.S. Attorney’s Office for the Western District of North Carolina. Fourteen additional defendants have agreed to plead guilty in connection with the latest round of criminal charges resulting from Operation Wax House, a mortgage fraud investigation that began in the Western District of North Carolina in 2007.

Chris Briese, Special Agent in Charge of the FBI, Charlotte Division; Jeannine A. Hammett, Special Agent in Charge of the Internal Revenue Service, Criminal Investigation (IRS-CI); and Elaine Marshall, North Carolina Secretary of State join the U.S. Attorney’s Office in making today’s announcement.

The federal racketeering indictment was returned by a federal grand jury sitting in Charlotte on July 26, 2012, but remained sealed until today. The indictment alleges that the 17 defendants and others were part of a criminal organization (the Enterprise) that operated principally in the cities of Charlotte and Waxhaw, North Carolina, and stole more than \$75 million from investors and mortgage lenders. The indictment was unsealed following the arrests this week of 11 members of the Enterprise, including three of its leaders, James Tyson, Jr.; his mother, Carrie Tyson; and Victoria Hunt. James Tyson, Jr. was arrested on Sunday, October 21, 2012, at Washington Dulles International Airport upon arrival in the United States from a flight originating in Dakar, Senegal, which is Tyson’s last known residence.

The racketeering charges contained in the indictment are the result of Operation Wax House, an ongoing investigation into securities and mortgage fraud targeting communities in the Mecklenburg and Union Counties of North Carolina’s Western District. The investigation was

conducted jointly by the FBI and IRS-CI, along with the North Carolina Secretary of State, Securities Division.

According to allegations contained in the unsealed indictment:

The Enterprise, which operated from about 2005 through the present, engaged in an extensive pattern of racketeering activities, consisting of investment fraud, mortgage fraud, bank fraud, money laundering, and distribution of illegal drugs. Members of the Enterprise also bribed bank officials and committed perjury before the grand jury. The co-conspirators targeted professional athletes and doctors as well as their personal and professional acquaintances and convinced them to invest in a series of sham corporations controlled by the Enterprise. The co-conspirators stole over \$27 million from more than 50 investor victims, including money that the investor victims were induced to obtain as loans from financial institutions. Rather than investing victims’ money as promised, the Enterprise diverted victims’ money to finance its mortgage fraud operations and to support its members’ lifestyles. For example, members of the Enterprise used the stolen money to purchase luxury vehicles, take lavish vacations, organize extravagant dinners and parties, and invest in other sham businesses or investments. In addition, the conspirators made Ponzi-style payments to other victims.

The Enterprise’s mortgage fraud operations involved acquiring luxury homes in neighborhoods in Charlotte and Waxhaw. One member of the Enterprise would agree with a builder to purchase a property at the “true price.” The Enterprise would then arrange for a buyer to purchase the property at an inflated price. In most circumstances, the buyer would agree to purchase the property in his or her own name and sign whatever documents were necessary, in exchange for a hidden kickback. The builder would sell the property at the inflated price, the lender would make a mortgage loan on the basis of that inflated price, and the difference between the inflated price and the true price would be extracted at closing by the Enterprise.

The 17 defendants charged in today’s indictment and the 14 defendants who have agreed to plead guilty bring the total number of defendants charged to date in connection with Operation Wax House to 81. Charged in the indictment are:

- Ramin Amini, 44, of Tehran, Iran, is

charged with racketeering conspiracy, mortgage fraud, and money laundering conspiracy. Role: Leader and promoter in the scheme. Status: Fugitive.

- Vonetta Tyson Barnes, 38, of Wahiawa, Hawaii, is charged with racketeering conspiracy, securities fraud, wire fraud to defraud investors, and money laundering conspiracy. Role: Promoter. Status: Released following arrest and initial appearance.

- Travis Bumpers, 36, of Charlotte, is charged with racketeering conspiracy, securities fraud, mortgage fraud, wire fraud to defraud investors, bank bribery, and money laundering conspiracy. Role: Promoter. Status: Fugitive.

- Glynn Hubbard, 35, of Charlotte, is charged with racketeering conspiracy, mortgage fraud, and money laundering conspiracy. Role: Promoter. Status: In federal custody, pending release on conditions, following arrest and initial appearance.

- Victoria Hunt, 36, of Charlotte, is charged with racketeering conspiracy, securities fraud, mortgage fraud, wire fraud to defraud investors, and money laundering. Role: Leader and promoter. Status: Currently in federal custody pending detention hearing.

- Toby Hunter, 37, of Fort Mill, South Carolina, is charged with racketeering conspiracy, securities fraud, wire fraud to defraud investors, and money laundering. Role: Promoter. Status: Released following arrest and initial appearance.

- Steven Jones, 44, of Waxhaw, is charged with securities fraud, wire fraud to defraud investors, and money laundering conspiracy. Role: Promoter. Status: Currently in federal custody pending detention hearing.

- John McDowell, 40, of Dunn, North Carolina, is charged with racketeering conspiracy, securities fraud, mortgage fraud, wire fraud to defraud investors, and money laundering. Role: Promoter. Status: Arrest warrant issued.

- Kurosh Mehr, 52, of Charlotte, is charged with racketeering conspiracy, mortgage fraud, and money laundering. Role: Promoter and buyer. Status: Currently in federal custody pending detention hearing.

- Ann Tyson Mitchell, 61, of Charlotte, is charged with racketeering conspiracy, mortgage fraud, and money laundering. Role: Facilitator. Status: Released

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following arrest and initial appearance.

- John Wayne Perry, Jr., 31, of Charlotte, is charged with racketeering conspiracy, and money laundering conspiracy. Role: Promoter. Status: Released following arrest and initial appearance.
- Donte Thorogood, 34, of Durham, North Carolina, is charged with racketeering conspiracy, mortgage fraud, and money laundering. Role: Promoter. Status: To appear for an initial appearance pursuant to a summons.
- Carrie Tyson, 58, of Winterville, North Carolina, is charged with racketeering conspiracy, securities fraud, mortgage fraud, wire fraud to defraud investors, and money laundering. Role: Leader and promoter. Status: Released following arrest and initial appearance.
- James Tyson, Jr., 32, of Dakar, Senegal, is charged with racketeering conspiracy, securities fraud, mortgage fraud, wire fraud to defraud investors, bank bribery, and money laundering. Role: Leader and promoter. Status: Currently in federal custody pending detention hearing.
- James Tyson, Sr., 61, of Charlotte, is charged with racketeering conspiracy, securities fraud, wire fraud to defraud investors, and money laundering. Role: Promoter. Status: Currently in federal custody pending detention hearing.
- Nathan Shane Wolf, 41, of Charlotte, is charged with racketeering conspiracy, mortgage fraud and money laundering. Role: Real estate agent. Status: To appear for an initial appearance pursuant to a summons.
- Purnell Wood, 41, of Palmyra, New Jersey, is charged with racketeering conspiracy, mortgage fraud, and money laundering. Role: Promoter. Status: Arrest warrant issued.

Today, the U.S. Attorney's Office also filed criminal bills of information and plea agreements against 14 other defendants who acted as mortgage brokers, real estate agents, straw buyers, and a home builder in the scheme. They acknowledge taking part in the mortgage fraud conspiracy and have agreed to plead guilty. They are:

- Crystal Goodson-Hudson, 44, of Kannapolis, North Carolina, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Mortgage broker. Status: To appear for initial appearance upon a summons.
- Shannon Lee (Somer Bey), 47, of Charlotte, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Real estate agent. Status: To appear for initial appearance upon a summons.
- Robert Mahaney, 52, of Ridgeway, South Carolina, is charged with mortgage

fraud conspiracy and money laundering conspiracy. Role: Mortgage broker.

Status: To appear for initial appearance upon a summons.

- George Moore, 44, of Charlotte, is charged with mortgage fraud conspiracy. Role: Buyer. Status: To appear for initial appearance upon a summons.
- Kevin Smith, 46, of Oxford, North Carolina, is charged with mortgage fraud conspiracy. Role: Buyer. Status: To appear for initial appearance upon a summons.
- Holly Pasut, 56, of Charlotte, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Real estate agent. Status: To appear for initial appearance upon a summons.
- Danielle Vaughn, 34, of Greenbelt, Maryland, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Mortgage broker. Status: To appear for initial appearance upon a summons.
- Mary Vaughn, 58, of Charlotte, is charged with mortgage fraud conspiracy. Role: Buyer. Status: To appear for initial appearance upon a summons.
- Jamaine Wallace, 41, of Conyers, Georgia, is charged with mortgage fraud conspiracy. Role: Buyer. Status: To appear for initial appearance upon a summons.
- Phillip Wellington, 46, of Charlotte, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Promoter. Status: To appear for initial appearance upon a summons.
- William Wellington, 30, of Amityville, New York, is charged with mortgage fraud conspiracy. Role: Buyer. Status: To appear for initial appearance upon a summons.
- Marcia Williams, 36, of York, South Carolina, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Mortgage broker. Status: To appear for initial appearance upon a summons.
- Sean Williams, 41, of Orangeburg, South Carolina, is charged with mortgage fraud conspiracy and money laundering conspiracy. Role: Mortgage broker. Status: To appear for initial appearance upon a summons.
- Mark Wittig, 41, of Matthews, North Carolina, is charged with mortgage fraud conspiracy. Role: Builder. Status: To appear for initial appearance upon a summons.

The conspiracy to participate in the racketeering activities charge carries a maximum term of 20 years in prison and a \$250,000 fine or twice the gross profits or other proceeds. The securities fraud

charge carries a maximum term of 20 years in prison and a \$250,000 fine. The bank fraud charge carries a maximum term of 30 years in prison and a \$1 million fine. The wire fraud charge carries a maximum term of 20 years in prison and a \$250,000 fine. The money laundering conspiracy charge carries a maximum term of 20 years in prison and a \$500,000 fine or twice the amount of criminally derived proceeds. The bank bribery conspiracy charge carries a maximum term of five years in prison and a \$250,000 fine.

An indictment is merely an allegation, and the defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law. In addition, the guilty plea of any other person is not relevant to the guilt of any indicted person.

Operation Wax House in the Western District of North Carolina is being handled by the Charlotte Division of the FBI, the Criminal Division of the IRS for the Financial Fraud Enforcement Task Force, and the Securities Division of the North Carolina Secretary of State. The prosecution for the government is being handled by Assistant United States Attorneys Kurt W. Meyers and Maria K. Vento and Special Assistant United States Attorney Kevin M. Harrington.

The President's Financial Fraud Enforcement 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 on the task force, visit www.stopfraud.gov.

The names and case numbers of all the defendants charged to date in Operation Wax House are listed below, organized by their alleged role in the scheme.

Attorneys and Paralegals
Crawford/Mallard, Michelle 3:11cr374
Gates, Christine 3:09cr100
Norwood, Kelli, 3:09cr162
Rainer, Demetrius 3:08cr239/241
Smith, Troy, 3:08cr264
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Brown, Jamilia, 3:10cr124



Bulger defense says prosecutor gave immunity

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

Submitted at 11:15 AM October 25, 2012

The Boston Globe on October 25, 2012 released the following:

“Alleged deal was made decades ago

By Travis Andersen and Milton J. Valencia

Lawyers for James “Whitey” Bulger have identified the late federal prosecutor Jeremiah O’Sullivan as the federal agent who allegedly gave the notorious gangster immunity to commit his reign of terror.

Attorney J.W. Carney Jr. of Boston made the bombshell allegation in a court filing late Wednesday in which he again called for a US District Court judge to recuse himself from presiding over the case. He said the judge has an apparent conflict of interest as a former prosecutor who worked at the same time as O’Sullivan, a former US attorney who died in 2009 at age 66.

Carney said he may call US District Court Judge Richard G. Stearns and other former prosecutors as witnesses to testify about the leeway that the leadership within the US attorney’s office gave Bulger and about their failure for years to charge him with any crimes, which he said would speak to the immunity agreement that Bulger alleges that he had.

Stearns was a former federal prosecutor and chief of the criminal division during part of Bulger’s alleged reign of terror in the 1970s and 1980s. But the judge was not part of the New England Organized Crime Strike Force that had an apparent relationship with Bulger at the time and he has maintained he did not know Bulger was the target of any investigation.

Carney argued there was no line dividing work between the Strike Force and the US attorney’s office, and so prosecutors from both units shared and were aware of investigations.

The judge refused an initial request to recuse himself in July, citing the high standards that must be met for a judge to have to recuse himself for conflict of interest concerns.

“I have no doubt whatsoever about my ability to remain impartial at all times while presiding over the case,” Stearns said in his ruling, maintaining he had no knowledge “of any case or investigation” in which Bulger was “a subject or a target.”

But Carney said Bulger’s reputation was well known, or should have been, particularly among leaders in the US attorney’s office.

He also said that the notorious gangster, now 83, will testify to support his assertion. He said Bulger will provide “a detailed account of his receipt of

immunity by O’Sullivan,” who was a member of the strike force and at one point its chief.

In one example, Carney said, Bulger will discuss a time when O’Sullivan allegedly ordered Bulger be removed from a list of targets in a horse race-fixing scheme in the early ’80s.

Brian T. Kelly, one of the prosecutors in the case, wrote a letter to Carney on Friday in which he said the government has given defense counsel ample materials pertaining to O’Sullivan, as requested, calling it typical procedure in the case.

He offered on his own, however, that “the First Circuit has already held that O’Sullivan was unaware of any promise of immunity.”

He added, “O’Sullivan himself testified under oath before Congress that he never extended immunity to either James Bulger or Stephen Flemmi.”

Carney added that, in addition to Stearns, he would call other Department of Justice leaders to testify as to why Bulger was never charged by the federal government. Those leaders would include FBI director Robert Mueller, who served as a federal prosecutor and chief of the criminal division in Massachusetts in the early 1980s, and with whom Stearns has a close relationship.

Carney said he will introduce evidence from a courthouse ceremony where Mueller characterized Stearns as a “friend and mentor,” and in which Stearns called the FBI director’s speech “the greatest tribute that a friend could pay.”

Bulger’s lead lawyer questioned whether Stearns could remain impartial in deciding whether he and Mueller could be called as a credible witness to testify about the immunity agreement, which has emerged as Bulger’s main point of defense in a trial that could trigger the death sentence.

“Federal law mandates in this situation that Judge Stearns recuse himself from this case,” Carney said in a 24-page motion filed late Wednesday. “The law — and common sense — says that a person cannot be both judge and witness. . . . To do so otherwise will put an irreparable taint on the public’s view of the fairness of the defendant’s trial, and allow citizens to believe that the infamous cover-up of misconduct by past members of the Department of Justice, the United State’s attorney’s office, and the FBI is continuing.”

Carney said Bulger wasn’t accused of any crimes in a US indictment until after Stearns, Mueller, and O’Sullivan left office, and he argued their testimony will focus on why that didn’t happen. That should be up to a jury to decide, he said.

Bulger was one of America’s Most

Wanted until his arrest in June 2011 after 16 years on the lam. He is accused in a federal racketeering indictment of participating in 19 murders.

He is also the notorious gangster at the center of one of the most scandalous periods in the history of the FBI. A series of hearings in Boston in the ’90s exposed a corrupt relationship between him and his FBI handlers. During that time, he was allegedly allowed to carry out crimes including murders in exchange for working as a cooperating witness against the New England Mafia.

Carney has said that Bulger was granted immunity in exchange for his cooperation, though legal analysts have questioned whether anyone could have had a right to kill, as Bulger asserts.

US prosecutors, who have argued Stearns does not have to recuse himself, also deny Bulger had any claim of immunity.

O’Sullivan suffered a heart attack and several strokes in 1998 when he was slated to testify about Bulger and Flemmi before US District Court Judge Mark L. Wolf. O’Sullivan was in a coma for a month.

In 2002, O’Sullivan was called before Congress during the Government Reform Committee’s investigation of the Boston FBI. He denied ever protecting Bulger and Flemmi from prosecution for serious crimes.

O’Sullivan acknowledged dropping the pair from a 1978 race-fixing case against the Winter Hill Gang, of Somerville, because he said he considered them small-time players and was focused on gang leader Howie Winter.”

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2 Ky. men acquitted of hate crimes in 1st prosecution under US law expanded to protect gays

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

Submitted at 10:10 AM October 25, 2012

The Washington Post on October 24, 2012 released the following:

“By Associated Press,
LONDON, Ky. — The first U.S. prosecution under a new federal law against anti-gay violence ended with a Kentucky jury acquitting two cousins of hate-crime charges while finding them guilty of kidnapping in a 2011 attack on a gay man.

Prosecutors had argued that Anthony Ray Jenkins and his cousin David Jason Jenkins attacked 29-year-old Kevin Pennington at a rural state park because of Pennington’s sexual orientation, violating a hate crime law that was expanded in 2009 to cover assaults motivated by bias against gays, lesbians and transgender people.

It was not clear why jurors late Wednesday rejected that argument. They were whisked away immediately after delivering the verdicts and did not make any comments.

Anthony Jenkins’ attorney, Willis Coffey, said after the trial that jurors didn’t find Pennington’s account of the events credible.

“You’d like to have an acquittal on all counts, but he’s happy he was found not guilty of a hate crime,” Coffey said of his client. “So am I.”

Prosecutors said they would issue a statement later.

Government attorneys have said this is the first U.S. prosecution charging a violation of the sexual orientation section of the Matthew Shepard-James Byrd Jr. Hate Crimes Prevention Act passed in 2009.

Pennington held hands with family

BULGER

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INTERPOL, our firm understands the inter-relationship that INTERPOL’s “Red Notice” brings to this equation.

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members and let out an audible sigh when the not-guilty verdicts on the hate-crimes charges were announced. He left the courtroom without talking to news reporters.

Jimmy Jenkins, an uncle who raised Anthony Jenkins, dropped his head into his hands and cried when the cousins were found guilty on the charges of kidnapping and conspiracy to a kidnapping. They are scheduled to be sentenced on Feb. 21.

Throughout the trial, the defense argued that any dispute between the Jenkinses and Pennington was over a drug deal gone sour.

Andrew Stephens, the attorney for David Jason Jenkins, argued that his client had at least 21 beers on the day of the assault and was too drunk to have formulated a plan for such an attack.

“These people who were stoned and drunk were going to form a plan? When this event took place, they were all about drugs,” Stephens said.

Coffey argued that Anthony Jenkins has an IQ of roughly 75 and was merely a follower who does not hate gay people. He called the allegations “the nearest thing to nothing I have ever seen.”

Coffey said Pennington pushed the idea that he was attacked for being gay to serve his own political agenda. Coffey invoked the name of President Barack Obama, who is unpopular in Kentucky and lost badly in the state four years ago.

“If the government and President Obama want to bow to the special-interest groups, that’s their business, but they picked the wrong case,” Coffey said.

U.S. Justice Department civil rights attorney AeJean Cha told jurors that the Jenkins cousins and two women planned to kidnap, beat and kill Pennington because of his sexual orientation.

Two Kentucky Men Face up to Life in Prison After Federal Jury Convicts on Kidnapping Charges

(USDOJ: Justice News)

Submitted at 11:55 AM October 25, 2012

A federal jury late last night convicted two Harlan County, Ky., men on federal kidnapping charges and conspiracy charges, exposing them to a maximum of life imprisonment. The jury also acquitted the men of violating the sexual orientation

“This is not about drugs, this is about the fact that Kevin is gay,” Cha said.

Hawkins also played a tape of Pennington’s 911 call after the attack. On the tape, Pennington’s voice can be heard cracking as he tries to describe the attack and relay information about the Jenkinses. “They’re trying to kill me,” Pennington told the 911 operator on April 4, 2011. “I didn’t know what they were going to do. I think it’s because I’m gay.””

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provision of the Matthew Shepard James Byrd, Jr. Hate Crimes Prevention Act. David Jason Jenkins, 37, and Anthony Ray Jenkins, 20, were convicted on the kidnapping and conspiracy charges for their roles in kidnapping and assaulting 28-year-old Kevin Pennington, a gay man.



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Justice Department Settles Discrimination Claim Against New Jersey Company

(USDOJ: Justice News)

Submitted at 2:29 PM October 25, 2012

The Justice Department announced today that it reached an agreement with Advantage Home Care LLC, a home health care provider based in Hackensack, N.J., resolving claims that the company violated the anti-discrimination provision of the Immigration and Nationality Act (INA), when it required newly-hired lawful permanent residents to provide more or different documents during the Form I-9 employment eligibility verification process.

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 Hunter, Toby, 3:12cr239
 Jones, Steven, 3:12cr239
 Jones, Tyree, 3:10cr230
 Marshall, Michael, 3:07cr283
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Boehringer Ingelheim to Pay \$95 Million to Resolve False Claims Act Allegations

(USDOJ: Justice News)

Submitted at 2:56 PM October 25, 2012

Connecticut-based Boehringer Ingelheim Pharmaceuticals Inc. has agreed to pay \$95 million to resolve allegations relating to the improper promotion of the stroke-prevention drug Aggrenox, the chronic obstructive pulmonary disease (COPD) drugs Atrovent and Combivent, and the hypertension drug Micardis, the Justice Department announced today.

Tyson, James, Sr., 3:12cr239
 Wellington, Phillip, 3:12cr332
 Wood, Purnell, 3:12cr239

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The author of this blog is Douglas C. McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.

Former Texas Parole Officer Indicted for Bribery Scheme Involving Assigned Parolee

(USDOJ: Justice News)

Submitted at 10:33 AM October 25, 2012

A former Texas state parole officer was arrested today in Dallas on charges of engaging in a bribery scheme involving one of her assigned parolees.

The FBI and U.S. Postal Service inspectors are investigating letters warning Florida voters they're not eligible to vote

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

Submitted at 11:06 AM October 25, 2012

NBC News on October 24, 2012 released the following:

“By Michael Isikoff
NBC News

The FBI and U.S. Postal Service inspectors are investigating bogus official-looking letters sent to voters in at least 28 Florida counties questioning their citizenship and their eligibility to vote, NBC News has learned.

David Couvertier, a spokesman for the FBI in Tampa, said his office opened up an investigation into the possible attempt at voter intimidation on Wednesday after receiving reports that eligible voters throughout the state have received the letters.

“We’re taking it as a serious situation,” he said. “We’re looking at everything from civil rights violations to election fraud — to everything in between.”

Chris Cate, a spokesman for the Florida Secretary of State’s Office, told NBC News, “We believe these letters appear to meet the standard of voter intimidation.” Between 50 and 100 such letters have been reported to state officials so far, “and those are only the ones we know about. We’re encouraging people to come forward.”

The fake letters, which first started showing up last Friday, have been sent

under the names of real Florida county election supervisors — with some correct contact information — informing the voters that the supervisors have received “information” about their citizenship status, “bringing into doubt your eligibility as a registered voter.”

The letters also say the voter must fill out a Voter Eligibility Form in the next 15 days — and failure to do so will result “in the removal of your name from the voter registration rolls and you will no longer be eligible to vote.”

“A non-registered voter who casts a vote in the state of Florida may be subject to arrest, imprisonment, and/or other criminal sanctions,” the letters state.

Some of the letters have been received by “longtime, staunch voters who have been exercising their right to vote” for years, Couvertier said. While those people are likely to vote anyway, “Our concern is someone who might not be secure and then questions whether they should vote.”

It’s not clear who sent the letters, which were machine postmarked in Seattle. Couvertier said the FBI in Tampa is working with its Seattle office to track down the perpetrator.

Cate said a “significant majority have gone to Republican voters, but not exclusively. We’ve got Democrats who received the letters, we’ve got independents. We’re telling everybody to be on the lookout.””

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James “Whitey” Bulger’s Lawyer: Former US Attorney Gave Him Immunity

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

Submitted at 10:19 AM October 25, 2012

The Seattle Times on October 25, 2012 released the following:

“Boston mobster’s lawyer: US atty gave him immunity

A lawyer for James “Whitey” Bulger has identified the federal official who he says gave the Boston mobster immunity to commit crimes while he was an FBI informant.

The Associated Press
BOSTON —

A lawyer for James “Whitey” Bulger has identified the federal official who he says gave the Boston mobster immunity to commit crimes while he was an FBI informant.

In court papers filed late Wednesday,

attorney J.W. Carney says former U.S. Attorney for Massachusetts Jeremiah O’Sullivan granted Bulger immunity for past or future crimes.

The revelation was made in a defense motion for Judge Richard Stearns to recuse himself from the case.

Bulger’s lawyers say Stearns has a conflict of interest because he worked in the U.S. attorney’s office in Boston at the same time as O’Sullivan, who died in 2009.

Prosecutors have said Bulger never received immunity from anyone.

The 83-year-old Bulger is accused of participating in 19 murders. He fled Boston in 1994 and remained one of the FBI’s most wanted fugitives until his capture in California last year.”

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