



Immigration Officials Arrest More Than 3,100

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

Submitted at 12:12 PM April 3, 2012

The New York Times on April 2, 2012 released the following:

“By JULIA PRESTON

In a six-day nationwide sweep, federal immigration agents arrested 3,168 immigrants who had been convicted of crimes or had repeatedly violated immigration laws, officials said Monday.

The operation by Immigration and Customs Enforcement involved arrests in all 50 states and was coordinated with the local and state police, in the largest arrest campaign by the agency, officials said. Among those detained were 1,477 immigrants who had served prison sentences for felonies, and 1,063 immigrants with more than one criminal conviction, the agency reported.

Those arrested also included 559 immigrants who had returned to the United States illegally after being deported.

John Morton, the director of Immigration and Customs Enforcement, said the operation was an example of the agency’s shift in focus, to deporting immigrants in **Deputy Attorney General James M. Cole Speaks to Cincinnati Police Department Officers Attending Community Relations Service Training Session**

(USDOJ: Justice News)

Submitted at 12:43 PM April 3, 2012

“There are parts of the world where everyone shares the same culture, the same religion, and the same language. But that’s not America. And it’s not Cincinnati. According to the Census Bureau, there are over 13,000 people in this city who were born outside of the United States. There are around 20,000 whose primary language isn’t English. And there are still more who follow customs and traditions that our own upbringing didn’t expose us to,” said Deputy Attorney General Cole.

U.S. v. Hisamitsu Takada

(Antitrust Division: Criminal Case Filings)

Submitted at 10:40 AM April 3, 2012

the country illegally who also have been convicted of crimes or who “game the immigration system.”

The agency has also been pursuing a program intended to halt deportations of some illegal immigrants without criminal records, by exercising prosecutorial discretion to close their cases in immigration courts.

The former felons arrested in the sweep had been released from prison in past years before immigration agents were able to hold them for deportation. “We are addressing the backlog of people here unlawfully who were released to the streets because we weren’t able to respond in time,” Mr. Morton said.

The operation was carried out by agents from the deportation unit of the agency, which is known as ICE. The union representing those agents, Council 118 of the American Federation of Government Employees, has been in a protracted standoff with top officials over how to carry out the policy redirecting deportations toward criminals and sparing other illegal immigrants.

The arrests, Mr. Morton said, showed that the dispute has not hampered the agents’

G.S. Electech Agrees to Plead Guilty to Price Fixing on Auto Parts Installed in U.S. Cars

(USDOJ: Justice News)

Submitted at 11:23 AM April 3, 2012

Toyota City, Japan-based G.S. Electech Inc. has agreed to plead guilty and to pay a \$2.75 million criminal fine for its role in a conspiracy to fix the prices of auto parts used on antilock brake systems installed in U.S. cars

Three Men Convicted in Puerto Rico for Roles in Providing Armed Security for Drug Transactions

(USDOJ: Justice News)

Submitted at 12:37 PM April 3, 2012

Three men, including a former officer with the Puerto Rico Department of Corrections, were convicted by a federal jury in San Juan, Puerto Rico, yesterday for their roles in providing security for drug transactions.

Document filed on March 26, 2012

• [Plea Agreement](#)

work. “It’s hard to say that these issues have affected our performance or results as an agency,” he said.”

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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.

Miami-Area Assisted Living Facility Owner Pleads Guilty to Fraud and Kickback Scheme

(USDOJ: Justice News)

Submitted at 12:46 PM April 3, 2012

Billy Denica, 50, pleaded guilty before U.S. District Judge Joan A. Lenard in Miami to one count of conspiracy to commit health care fraud.

U.S. v. Tsuneaki Hanamura

(Antitrust Division: Criminal Case Filings)

Submitted at 12:54 PM April 3, 2012

Document filed on March 26, 2012

• [Plea Agreement](#)



D.C. taxi official turned FBI informant recalls role in corruption probe

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

Submitted at 11:59 AM April 3, 2012

Washington Post on April 2, 2012 released the following:

“By Del Quentin Wilber,

Leon Swain Jr. double-checked his recording device and then stepped from his black sport-utility vehicle into an overcast September Friday with one simple, yet potentially dangerous, task: to see if his cover had been blown. “It’s showtime,” he thought.

For the past hour, Swain, a D.C. taxi official turned FBI informant in a public corruption probe, had been mulling over how to keep the investigation going, if only for one more week. He knew it would not be easy: That morning’s newspapers had been filled with headlines trumpeting the arrest of a D.C. Council aide, and his FBI handlers were nervous that their targets might suspect Swain was an informant.

Clad in a dark suit that hung loosely from his rotund frame, the taxi commission chairman took a deep breath and then lumbered across the parking lot to meet one of the targets sitting in an idling gold Mercedes-Benz.

In a city where federal authorities are investigating the campaigns of the mayor and the chairman of the D.C. Council, where a council member was forced to resign in January after pleading guilty to corruption charges and where lower-level officials seem to be indicted all too frequently, Swain not only turned down a substantial bribe but also became an FBI informant. He willingly wore a wire, accepted about \$250,000 in payoffs from corrupt businessmen trying to control the D.C. taxi industry and spent two years looking over his shoulder wondering if anyone was onto him.

What did he get for his work? The voluble former D.C. police officer, a bespectacled 59-year-old retiree who shuffles because he has two wrecked knees, received not a dime, nor even a mention in self-congratulatory press releases issued by federal authorities. Stress wrecked his sleep, binge eating hoisted 60 pounds onto his considerable build, and his close-cropped hair and mustache turned increasingly gray. When his boss lost reelection, he was pushed out of his job.

Now, with the key figures recently sentenced, Swain is finally free to talk — about being an informant and what it was like to wonder whether the man in the Mercedes might put a bullet in his head.

To think it all started in a produce aisle.

The bribe

Swain was pushing his cart through a supermarket in College Park on the warm Saturday of Labor Day weekend in 2007 when Yitbarek Syume materialized at his side. A powerful figure in the D.C. cab industry, Syume had called 30 minutes earlier to demand a meeting with Swain, the newly installed chairman of the D.C. Taxicab Commission.

Syume — a diminutive and soft-spoken Ethio-pian American who had driven a cab before becoming a local taxi tycoon — had something important he needed to discuss, he told Swain over the phone. Immediately. The taxi commissioner, not wanting to offend Syume, suggested meeting while he shopped. Minutes later, Syume was throwing vegetables into Swain’s cart, extolling the importance of proper nutrition.

“What do you want, Yitbarek?” Swain finally asked, cutting short the small talk.

He and others in the taxi industry wanted to give Swain \$20,000 to help him build “community support,” Syume replied. And with that, he left the supermarket, but not before promising to appear at Swain’s office Tuesday with the cash.

The taxi commissioner finished his errand in a fog and felt sick to his stomach. As he drove to his home in Southeast Washington, his mind roiled. Had he just been offered a bribe? What did Syume want for the money? He had met with Syume before and heard him and some of his associates talk about their visions for the industry and how they thought they could profit from a controversial switch from the zone fare system to taxi meters. Did that, Swain thought, have something to do with the promise of money?

Swain also wondered why Syume would offer him cash when the businessman knew he had spent 17 years as a D.C. police officer. He had even gained a modicum of fame on the force: In 1981, he drove John W. Hinckley to D.C. police headquarters moments after President Ronald Reagan was nearly killed by the would-be assassin, and he enlisted Sugar Ray Leonard in 1987 to persuade a kidnapper to turn over an 18-month-old girl.

Swain, a lifelong city resident who has connections in the D.C. political community and has weighed runs for the D.C. Council, was on his second tour on the taxi commission.

Within days of taking office in 2007 and having heard rumors about corruption in the cab industry, he told a group of taxi

drivers: “I don’t want your money; I don’t want your liquor; and I don’t want women. There is nothing you have that I want.” For a brief moment, Swain wondered if Syume’s ham-handed approach bore the hallmarks of an FBI sting.

This account of Swain’s involvement in the taxi cab case was built on interviews with Swain, current and former federal authorities and lawyers familiar with the case, and a review of court records.

That night, Swain decided to report Syume to an adviser to then-Mayor Adrian M. Fenty (D), who had tapped him to be chairman of the commission. Then Swain spoke with D.C. Police Chief Cathy L. Lanier, who told him that she would send detectives to speak with him.

By Tuesday, the taxi commissioner was meeting with Syume in his Southeast office, which two D.C. police detectives had wired with recording devices before stationing themselves in a cramped adjoining bathroom.

Syume wasted little time in handing Swain an envelope stuffed with \$14,000 in cash, telling him that he wanted to purchase licenses to operate cab companies. The next day, he gave Swain \$8,000, explaining that he wanted to expedite the licensing process. He also said he thought the certificates would become increasingly valuable if the city limited the number of cab companies as expected.

Over the next two years, in exchange for licenses he didn’t realize were fictitious, Syume passed the taxi commissioner more than \$200,000 in cash in folded newspapers, envelopes, shopping bags and even a pillow case — so much money, Swain says, that he remembers the payoffs as “just a blur.”

The role

Not long after the first bribe, the FBI took the lead. And it soon became clear to agents and federal prosecutors that Swain seemed to relish his role, perhaps revisiting glory days on the police force. He strapped a pistol to his hip (as a former D.C. police officer he is allowed to carry one). And drawing on his lengthy experience as a vice officer, he provided a stream of advice about techniques, didn’t always take instructions well and criticized agents when he thought they made mistakes. Once, he chastised an agent for repeatedly driving through his meeting place in a conspicuous Ford Crown Victoria.



Supreme Court Ruling Allows Strip-Searches for Any Arrest

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

Submitted at 12:08 PM April 3, 2012

The New York Times on April 2, 2012 released the following:

“By ADAM LIPTAK

WASHINGTON — The Supreme Court on Monday ruled by a 5-to-4 vote that officials may strip-search people arrested for any offense, however minor, before admitting them to jails even if the officials have no reason to suspect the presence of contraband.

Justice Anthony M. Kennedy, joined by the court’s conservative wing, wrote that courts are in no position to second-guess the judgments of correctional officials who must consider not only the possibility of smuggled weapons and drugs, but also public health and information about gang affiliations.

“Every detainee who will be admitted to the general population may be required to undergo a close visual inspection while undressed,” Justice Kennedy wrote, adding that about 13 million people are admitted each year to the nation’s jails.

The procedures endorsed by the majority are forbidden by statute in at least 10 states and are at odds with the policies of federal authorities. According to a supporting brief filed by the American Bar Association, international human rights treaties also ban the procedures.

The federal appeals courts had been split on the question, though most of them prohibited strip-searches unless they were based on a reasonable suspicion that contraband was present. The Supreme Court did not say that strip-searches of every new arrestee were required; it ruled, rather, that the Fourth Amendment’s prohibition of unreasonable searches did not forbid them.

Daron Hall, the president of the American Correctional Association and sheriff of Davidson County, Tenn., said the association welcomed the flexibility offered by the decision. The association’s current standards discourage blanket strip-search policies.

Monday’s sharply divided decision came from a court whose ideological differences are under intense scrutiny after last week’s arguments on President Obama’s health care law. The ruling came less than two weeks after a pair of major 5-to-4 decisions on the right to counsel in plea negotiations, though there Justice Kennedy had joined the court’s liberal wing. The majority and dissenting opinions on Monday agreed that the search procedures the decision allowed —

close visual inspection by a guard while naked — were more intrusive than being observed while showering, but did not involve bodily contact.

Justice Stephen G. Breyer, writing for the four dissenters, said the strip-searches the majority allowed were “a serious affront to human dignity and to individual privacy” and should be used only when there was good reason to do so.

Justice Breyer said that the Fourth Amendment should be understood to bar strip-searches of people arrested for minor offenses not involving drugs or violence, unless officials had a reasonable suspicion that they were carrying contraband.

Monday’s decision endorsed a recent trend, from appeals courts in Atlanta, San Francisco and Philadelphia, allowing strip-searches of everyone admitted to a jail’s general population. At least seven other appeals courts, on the other hand, had ruled that such searches were proper only if there was a reasonable suspicion that the arrested person had contraband.

According to opinions in the lower courts, people may be strip-searched after arrests for violating a leash law, driving without a license and failing to pay child support. Citing examples from briefs submitted to the Supreme Court, Justice Breyer wrote that people have been subjected to “the humiliation of a visual strip-search” after being arrested for driving with a noisy muffler, failing to use a turn signal and riding a bicycle without an audible bell.

A nun was strip-searched, he wrote, after an arrest for trespassing during an antiwar demonstration.

Justice Kennedy responded that “people detained for minor offenses can turn out to be the most devious and dangerous criminals.” He noted that Timothy McVeigh, later put to death for his role in the 1995 Oklahoma City bombing, was first arrested for driving without a license plate. “One of the terrorists involved in the Sept. 11 attacks was stopped and ticketed for speeding just two days before hijacking Flight 93,” Justice Kennedy added.

The case decided Monday, *Florence v. County of Burlington*, No. 10-945, arose from the arrest of Albert W. Florence in New Jersey in 2005. Mr. Florence was in the passenger seat of his BMW when a state trooper pulled his wife, April, over for speeding. A records search revealed an outstanding warrant for Mr. Florence’s arrest based on an unpaid fine. (The information was wrong; the fine had been paid.)

Mr. Florence was held for a week in jails in Burlington and Essex Counties, and he was strip-searched in each. There is some dispute about the details, but general agreement that he was made to stand naked in front of a guard who required him to move intimate parts of his body. The guards did not touch him.

“Turn around,” Mr. Florence, in an interview last year, recalled being told by jail officials. “Squat and cough. Spread your cheeks.”

“I consider myself a man’s man,” said Mr. Florence, a finance executive for a car dealership. “Six-three. Big guy. It was humiliating. It made me feel less than a man.”

Justice Kennedy said the most relevant precedent was *Bell v. Wolfish*, which was decided by a 5-to-4 vote in 1979. It allowed strip-searches of people held at the Metropolitan Correctional Center in New York after “contact visits” with outsiders.

As in the *Bell* case, Justice Kennedy wrote, the “undoubted security imperatives involved in jail supervision override the assertion that some detainees must be exempt from the more invasive search procedures at issue absent reasonable suspicion of a concealed weapon or other contraband.”

The majority and dissenting opinions drew differing conclusions from the available information about the amount of contraband introduced into jails and how much strip-searches add to pat-downs and metal detectors.

Justice Kennedy said one person arrested for disorderly conduct in Washington State “managed to hide a lighter, tobacco, tattoo needles and other prohibited items in his rectal cavity.” Officials in San Francisco, he added, “have discovered contraband hidden in body cavities of people arrested for trespassing, public nuisance and shoplifting.”

Justice Breyer wrote that there was very little empirical support for the idea that strip-searches detect contraband that would not have been found had jail officials used less intrusive means, particularly if strip-searches were allowed when officials had a reasonable suspicion that they would find something.

For instance, in a study of 23,000 people admitted to a correctional facility in Orange County, N.Y., using that standard, there was at most one instance of contraband detected that would not otherwise have been found, Judge Breyer



D.C.

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“I was a pain,” Swain concedes.

Despite the commissioner’s bluster, law enforcement officials say Swain played the role of corrupt official to near-perfection — prodding and cajoling his targets while capturing every bribe and incriminating word on tape.

“Get the money straight,” he told one of Syume’s associates in a recorded conversation. “If you’re not going to get me the money, tell me. But don’t tell me you’re going to give me the money, then don’t show up with it.”

The undercover work and the stresses of his day job — implementing the meter system, for instance, sparked lawsuits and angry confrontations with taxi drivers — eventually wore him down.

He grew apprehensive that Syume and his financial backers, always nebulous in his mind, might resort to violence. Concerned that bystanders might get hurt in potential crossfire, Swain quit his church choir.

Twice divorced with three grown children, Swain removed every photograph and personal item — including a grandson’s hand-drawn birthday card — from his office because he worried Syume might target his family if things went sour. He even asked the FBI to buy him an expensive guard dog, a request that was denied.

“He did not look good,” LaVerne Swain-Thompson, one of Swain’s five siblings, recalled after seeing her brother in 2008 or 2009. “I could tell something was wrong. I asked him about it, and he just told me, ‘There’s something going on, but I can’t tell you about it.’”

Unable to talk to friends or family members — Swain was mostly a loner anyway — he came to increasingly rely on his D.C. police handler, Detective Joseph Sopata, a veteran officer who remained on the case with the FBI. Nearly every day, Sopata called Swain to measure his mood and keep him calm with reassurances and jokes.

One way Sopata reduced the tension was to wager that Swain could not slip non-sequiturs into his recorded conversations. When Swain uttered one such phrase, “the Great Gazoo,” during a meeting in his office, Sopata later told the taxi commissioner that he nearly burst out laughing in the nearby bathroom. (Sopata

declined to comment.)

“Joe knew what I was going through,” Swain said. “Without him, I would have put an end to it. It was just overwhelming. He helped me through a very tough period.”

Swain also came to depend heavily on the District’s then-Attorney General, Peter Nickles. Known for his brusque demeanor, Nickles surprised Swain by calling at least twice a week to check on him, always expressing earnest concern. “His effort was heroic,” Nickles recalled recently. “The roughest part was that it never seemed to end. The FBI would tell him it will be over in a week, then two weeks would pass and then a month would pass and they would have him accept more cash. ... I asked him a couple of times if it was too much and I had to pull the plug, and he would say: ‘No, I love the city. I love my job. I’m determined to see it to its end.’”

‘I hear rumors’

As the investigation wore on, Swain met with more people suspected of being involved in the scam, including Abdul Kamus, an advocate for Ethiopian taxi drivers and a close associate of Syume’s. Swain accepted \$20,100 from Kamus for taxi licenses, and the FBI soon confronted the suspect and persuaded him to also become an informant. While wearing a recording device, Kamus handed \$1,500 to Ted Loza, a top staffer to the influential council member Jim Graham (D-Ward-1).

When Loza was arrested on a Thursday in late September 2009 and word spread that Kamus was an informant, Swain was told by a taxi driver that Syume was gunning for him. Then he got a call from an FBI agent who said that Syume was sitting in his gold Mercedes in a parking lot near the Taxicab Commission offices.

Swain and an undercover FBI agent were worried that Syume knew the taxi commissioner was an informant. Maybe he was waiting there to silence him, Swain thought.

Still, Swain and the agents wanted to keep the operation going until they could arrest Syume and several dozen taxi drivers on charges of bribing Swain to obtain individual operator’s licenses.

As he got out of his truck and shuffled toward the Mercedes, Syume was getting

out of the car. Swain’s mind whipped through ways to handle Syume. As they converged, Swain decided to be bold, hoping to push Syume off balance.

“What the — happened,” Swain barked before a bit of probing: “I hear rumors you were pissed at me and you were going to take me out.”

“Oh, no, trust me,” Syume said — though it quickly became clear that he would not be forgiving Kamus.

“The one [Kamus] will be eliminated,” Syume said. “You’ll see ... eliminated soon. ... Permanently eliminated.”

Despite the heat, Swain persuaded the businessman to continue with the scheme. The next week, authorities nabbed Syume and 36 taxi drivers at the D.C. police academy when they showed up to take their tests and obtain their certificates. The major players, including Syume and Loza, would all eventually receive prison terms.

In the weeks after the arrests, Swain didn’t celebrate. Instead, he checked himself into a hospital to be treated for fatigue. “I had to be taught how to sleep again,” he said.”

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U.S. v. Hisamitsu Takada

(Antitrust Division: Criminal Case Filings)

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Document filed on January 30, 2012

• [Information](#)

U.S. v. Shigeru Ogawa

(Antitrust Division: Criminal Case Filings)

Submitted at 1:13 PM April 3, 2012

Document filed on March 26, 2012

• [Plea Agreement](#)



SUPREME

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wrote.

Justices Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan joined Justice Breyer's dissent.

Justice Kennedy said that strict policies deter people entering jails from even trying to smuggle contraband.

Chief Justice John G. Roberts Jr. and Justices Antonin Scalia and Samuel A. Alito Jr. joined all of Justice Kennedy's majority opinion, and Justice Clarence Thomas joined most of it.

In a concurrence, Chief Justice Roberts, quoting from an earlier decision, said that exceptions to Monday's ruling were still possible "to ensure that we 'not embarrass the future.' "

Justice Alito wrote that different rules might apply for people arrested but not held with the general population or whose detentions had "not been reviewed by a

judicial officer.'"

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U.S. v. Norihiro Imai

(Antitrust Division: Criminal Case Filings)

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U.S. v. Shiu-Min Hsu

(Antitrust Division: Criminal Case Filings)

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U.S. v. Ryoji Kawai

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- [Plea Agreement](#)