



## Prosecutors Poised to Rest in Roger Clemens' Federal Criminal Trial

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

Submitted at 12:07 PM May 29, 2012

MLB.com on May 29, 2012 released the following:

By John Schlegel / MLB.com

“Prosecutors poised to rest case vs. Clemens

WASHINGTON — As the seventh week of the Roger Clemens federal perjury trial begins, the prosecution is poised to rest its case against the former star pitcher.

With likely two witnesses remaining before the government's case gives way to the defense's case, which lead attorney Rusty Hardin has said will take seven or eight court days to present, the prosecution has called 21 witnesses over 19 days of complicated, detailed and sometimes tedious testimony to attempt to prove to jurors beyond a reasonable doubt that Clemens lied to Congress in 2008.

The defense will continue to endeavor to raise that doubt with its case, which will include repeat appearances from federal agents Jeff Novitzky and John Longmire, who each spent several hours on the stand as witnesses for the prosecution.

Before Hardin and fellow defense attorney Michael Attanasio, who proved to be a potent force in cross-examination of witnesses from Andy Pettitte to scientific experts, take their turn in presenting Clemens' case, the prosecution will wrap up its presentation with what it hopes is an effective finale Tuesday.

Clemens is charged with three counts of making false statements, two counts of perjury and one count of obstruction of Congress based on his testimony during a Feb. 13, 2008, hearing before the House Committee on Oversight and Government Reform and a Feb. 5, 2008, deposition conducted by committee staff members. Clemens said at the hearing, “Let me be clear: I have never used steroids or HGH.”

Brian McNamee, who served as a strength and conditioning trainer to Clemens in one capacity or another for nearly a decade, said in his own deposition and at that same hearing and again in a week-long stay on the witness stand in the trial that he had injected Clemens with performance-enhancing

drugs on numerous occasions, keeping items he says proves it in a beer can and a mailing box for nearly seven years.

Forensic scientist Alan Keel revealed Friday that Clemens' DNA was found on a needle and two cotton balls that were part of the physical evidence McNamee kept in his house for several years before turning it over to the government. Keel also withstood rigorous cross-examination from Attanasio and numerous skeptical questions from jurors.

When court reconvenes Tuesday, the government intends to call Wall Street investment manager Anthony Corso and FBI forensic scientist Eric Pokorak. Prosecutors indicated at one point they might call one other as yet unnamed witness as well.

Corso is expected to testify about how McNamee told him in 2002 that Clemens had used HGH to help with recovery and told him in 2005 that he had saved needles from Clemens, combining with the testimony from former Major Leaguer David Segui to further rebut defense attacks that McNamee made up his story to appease federal investigators in 2007.

Pokorak likely will tie up the loose ends on the forensics introduced so far. Testimony has yet to provide the link between the items Keel testified had Clemens' DNA to the steroids that other scientific experts testified were found on the items.

The government filed a pair of motions on Memorial Day. One moves to rebut the defense's attacks on Keel and inform the jury that the defense also could have tested the evidence.

The other motion attempts to head off some of the character witnesses the defense intends to call, asking the court to “preclude or limit additional evidence of the defendant's athletic work ethic and any opinion testimony by former coaches, trainers or teammates regarding the defendant not showing any signs of steroid or HGH use.”

The government argued that such testimony should open the door to testimony from other baseball players who “also adhered to strong athletic work ethics but nonetheless used steroids or

HGH to perform better than their competitors.”

The pace of the trial was a significant issue earlier in the trial, which was projected to last 4-6 weeks — so much so that Judge Reggie Walton imposed time limits on the attorneys of 90 minutes for direct and cross. But Walton allowed both sides some leeway on that with Keel, given the importance of the evidence he discussed. Juror questions of Keel took about an hour as well.

Two jurors were excused for falling asleep on the job, and now a third juror may not be able to return. Juror No. 16, a Metro transit police officer, found out as Friday's proceedings were coming to a close that her mother had passed away. Walton indicated it's unlikely she'll return to duty, which would leave the jury panel with 12 jurors and just one alternate remaining.”

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

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# Prominent defense lawyer faces US charges

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

Submitted at 11:58 AM May 29, 2012

The Boston Globe on May 29, 2012 released the following:

“Robert A. George goes on trial today on charges of conspiring to launder money By Milton J. Valencia

In a recent trial in federal court in Boston, well-known lawyer Robert A. George stood before a jury for his closing arguments, and spoke directly.

“When you’re innocent, you have a right to stand up and say something,” he declared in defense of his client, a Dorchester nurse and a mother of five charged with distributing prescription drugs.

But George might well have been speaking for himself – because he, too, is about to stand trial.

The 57-year-old father of three is accused by federal prosecutors of conspiring to help a former client launder drug money, and of restructuring bank deposits in violation of tax laws. Jury selection is slated for Tuesday. The case is a fight for his career and his livelihood.

The arrest of George in March 2011 caused a stir in the legal community, and defense lawyers descended on the Moakley courthouse to show their support.

In the year since FBI agents first swarmed his home, George, known for his testy exchanges with prosecutors, has represented clients just as aggressively as he did years ago when he defended Mafia figures and, later, the trash collector who maintains he was wrongly convicted of murdering Cape Cod fashion writer Christa Worthington.

George has also fought for a new trial for a former Stoughton police chief after finding information about one of the jurors that could have excluded her from serving on the panel in that extortion case. That request is pending in state court.

He has been working on his own case with two of the state’s better known defense lawyers, Robert M. Goldstein and Kevin R. Reddington. With them, he has filed repeated motions.

George has accused prosecutors of retaliating against him, being vindictive because of his defense of a man accused of plotting to kill a federal prosecutor several years ago. He has questioned the propriety of the government’s use of a confidential informant in his case, a man with a lengthy criminal history.

George and his lawyers are even attempting to include US Attorney

Carmen M. Ortiz on his witness list. “He has been laser focused on his clients’ cases, as well as his own,” said Thomas Shamshak, a former police chief in Spencer and Winthrop and a Somerville lieutenant who founded his own private investigative firm. He has worked with George on several cases, including this one. “He is a ferocious advocate unlike anyone I have ever worked for.”

Martin Weinberg, a lawyer who has represented high-profile clients in federal court and who won the acquittal of a lawyer in a racketeering case several years ago in Florida, said the case also demonstrates the quintessential challenge for any lawyer: representing another criminal defense lawyer and the symbolism that comes with it.

“There’s always that added context, that you’re representing the lifestyle,” said Weinberg. “You’re representing everything he is.”

Lawyers in Massachusetts can lose their law license if they are convicted of a felony, but nothing prevents them from carrying out their practice until their case has concluded.

Court rules require only that a lawyer notify his or her clients of the pending charges. A lawyer would have to notify the state Office of Bar Counsel if convicted.

George, who has lived on Cape Cod and the suburbs west of Boston, faces up to 20 years in prison on charges of trying to help a former client launder his drug-dealing profits for a fee, by referring him to a mortgage broker who would help him.

The former client, Ronald Dardinski, was cooperating with authorities, and George alleges he was targeted by authorities because he represented a man who in 2007 plotted to kill prosecutor Jack Pirozzolo.

Prosecutors rejected that allegation, and US District Court Judge Nathaniel Gorton refused to dismiss the case or to hold an evidentiary hearing, saying there was no evidence of retaliation. Prosecutors say they have audio recordings of George setting up the money-laundering scheme.

Rosemary Scapicchio, a friend of George’s, represented him at his initial hearing, before he could hire Reddington, and she lashed out at prosecutors for “investigating a criminal defense attorney who is out there protecting people’s rights. This is outrageous.”

It is not the first time a defense lawyer has been a defendant in federal court in Boston. Last January, for instance, Gorton admonished attorney Lawrence M.

Perlmutter before sentencing him to 5 1/2 years for laundering drug profits for his clients.

“You have disgraced not only yourself, but the rest of us who hold our profession in the highest esteem, and for what?” Gorton hissed. He is the same judge in George’s case.

George and his lawyers would not comment for this article.

One of George’s last appearances in a federal courtroom was May 9, for the sentencing of Gladys Ihenacho, the Dorchester nurse and wife of a pharmacist. Her husband, Baldwin, who had a different lawyer, was sentenced to 63 months in prison.

Gladys was acquitted of 23 of the 30 charges she faced.

Prosecutors had asked that she serve 27 months in prison, saying she showed greed. But George had asked that she serve no prison time because she had a family to care for, and argued that the charges did not reflect her work as a mother.

She was sentenced to probation, with 10 days of home detention, and went home that day.”

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

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# John Edwards Jury Resumes Deliberation for 7th Day

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

Submitted at 12:12 PM May 29, 2012

ABC News on May 29, 2012 released the following:

Associated Press

“The jury in the John Edwards campaign corruption trial is deliberating for a seventh day after a judge gave the panel a stern warning not to talk about the case over the weekend.

The jurors reconvened Tuesday morning. The judge met in a closed courtroom Friday with attorneys to talk about a problem with a juror, but she did not elaborate.

The judge again met with the attorneys behind closed doors Tuesday, but their discussions were not made public.

Some of the alternate jurors wore matching shirts last week, and one of them was said to be flirting with Edwards.

Edwards faces six charges involving nearly \$1 million provided by two wealthy donors to help hide his pregnant mistress as he sought the White House.”

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Douglas McNabb – McNabb Associates,  
**Mid-America Pipeline Company  
and Enterprise Products  
Operating to Pay \$1 Million for  
Spills in Iowa, Kansas and  
Nebraska**

(USDOJ: Justice News)

Submitted at 12:01 PM May 29, 2012

Mid-America Pipeline Company LLC (MAPCO), and Enterprise Products Operating LLC, of Houston, have agreed to pay a civil penalty of more than \$1 million to the United States to settle violations of the federal Clean Water Act related to three natural gasoline pipeline spills in Iowa, Kansas and Nebraska.

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## The Case of the Misbranded Drug

*fbi (White-Collar Crime)*

Submitted at 8:30 AM May 29, 2012

Pharmaceutical company penalized for misleading statements about pain killer.