



## Federal Prosecutors will introduce evidence of uncharged crimes at Ratigan's federal criminal trial

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

Submitted at 10:54 AM July 10, 2012

Shawn Ratigan (credit: Keith Myers) KansasCity.com on July 9, 2012 released the following:

“BY MARK MORRIS

The Kansas City Star

Federal prosecutors announced Monday that they plan to introduce evidence of uncharged crimes and other “bad acts” at the trial of the Rev. Shawn Ratigan in August.

Ratigan, 46, is charged with production and possession of child pornography while he was pastor of Catholic parishes in St. Joseph and the Northland.

Authorities arrested Ratigan in May 2011, five months after officials and staff at the Diocese of Kansas City-St. Joseph found hundreds of lewd images of young girls on a laptop computer that the priest had sent for servicing.

In the ensuing furor of how church officials handled the discovery, authorities charged Bishop Robert Finn and the diocese in Jackson County each with a misdemeanor count of failure to report suspicions of child abuse. A trial on those counts is scheduled for September.

Federal prosecutors said in their filing Monday that they need to present evidence of uncharged conduct to prove whether Ratigan intended to produce child pornography, knew what he was doing and had motive, such as a desire “to indulge in and satisfy a sexual interest in female children.”

Among the evidence not previously disclosed is an image of Ratigan in his underwear allegedly taken at the home of one of his purported victims.

Prosecutors also want to present evidence that Ratigan purportedly discarded or hid a removable electronic card from his cellphone while in police custody May 18, 2011.

Ratigan also allegedly visited nine websites whose addresses, which



prosecutors listed in court papers, clearly suggested an unsavory interest in young girls. Those addresses were, for the most part, discovered on a computer hard drive belonging to Ratigan and turned over to police by his family the day of his arrest.

Forensic evidence also established that Ratigan allegedly made multiple inquiries to websites using a literary title — “Lolita,” from the novel by Vladimir Nabokov — that has become a common search term for child pornography, prosecutors said.

Authorities apparently have established two instances in which Ratigan allegedly obtained girls' underwear.

Prosecutors alleged that he possessed “a minor female's underwear in the summer of 2009.”

As for the second instance, authorities noted that someone recovered “a different pair of minor female's underwear at defendant's residence in the spring of 2010.”

The second incident appears to match one that has been reported previously. In a letter of concern to diocesan officials in May 2010, a Northland Catholic school

principal said a parent found a pair of girls' panties in a planter at Ratigan's home when a group of Brownies were there to plant flowers.

And prosecutors announced that they wanted to show jurors Ratigan's alleged Web searches for photographs of children in swimsuits and his computer bookmarks for two-way mirrors and “spy pens,” which an earlier report on the case described as “small cameras disguised to look like ballpoint pens.”

The lawyer representing Ratigan did not return a call to his office Monday. Federal public defenders in Kansas City seldom comment on their cases.”

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

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

## Virginia Man Charged with Tax Crimes

(USDOJ: Justice News)

Submitted at 2:40 PM July 10, 2012

A Newport News, Va., federal grand jury

has indicted Jeffrey Charles for conspiring with his daughter and son-in-law to defraud the United States, the Justice

Department and the Internal Revenue Service (IRS) announced today.



# Federal prosecutors: Defense bid to remove Bulger judge ‘frivolous,’ immunity claim ‘absurd’

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

Submitted at 10:45 AM July 10, 2012

The Washington Post on July 9, 2012 released the following:

“By Associated Press, BOSTON — Former mobster James “Whitey” Bulger’s request to remove the judge at his upcoming trial is “frivolous and unsubstantiated” and should be dismissed, federal prosecutors said Monday in a court filing.

Their motion also calls “absurd” a related claim by Bulger’s attorney that the one-time FBI informant shouldn’t be prosecuted on charges he participated in 19 murders because the government promised him immunity for past and future crimes.

Bulger’s attorney J.W. Carney Jr. filed a motion last month to remove Judge Richard Stearns because he was a top federal prosecutor during a period when Bulger is accused of having committed crimes with impunity. The defense motion argued that the judge would do what he could to shield his former colleagues and could not be impartial. Carney said he might call the judge as a witness.

Carney had said he would file a motion to dismiss the charges against Bulger, who’s 82, because “a representative of the federal government” gave Bulger blanket immunity during the 1970s.

A former Bulger cohort, who also was an FBI informant, used a similar defense, which was rejected by the 1st U.S. Circuit Court of Appeals. The cohort is serving a life sentence.

Prosecutors said Bulger “has utterly failed to identify anyone who supposedly promised the defendant immunity from prosecution for committing such crimes as murder. Thus, there is no factual basis for the motion and it should be summarily denied.”

They said the claims in the recusal motion “are little more than unsubstantiated speculation.”

Bulger was captured in Santa Monica, Calif., last year after 16 years on the run. His trial has been set for next March.

His girlfriend, Catherine Greig, who was captured with him, pleaded guilty last March to conspiracy to harbor a fugitive, identity fraud and conspiracy. She admitted she helped Bulger while he was a fugitive, using false identities, accompanying him to medical appointments and picking up his prescriptions. She was sentenced to eight years in prison.

Prosecutors say Bulger and Greig, who’s in her early 60s, posed as married retirees from Chicago and had a stash of more than \$800,000 in cash and dozens of weapons in their apartment when they were captured.”

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## Attorney General Eric Holder Speaks at the NAACP Annual Convention

(USDOJ: Justice News)

Submitted at 9:22 AM July 10, 2012

"In short, it is time – yet again – to put our energy and skills to good use – in advocating for the most vulnerable members of society; in protecting the liberty – and the sacred rights – of every single person in this country; in safeguarding the basic infrastructure of

our democracy; in ensuring economic and educational opportunities for all of our countrymen – and women; and in carrying forward the fundamental and inclusive ideals upon which this country was founded, and which continue to drive our pursuit of a more perfect Union," said Attorney General Holder.



# FBI probes fatal shooting over U.S. border into Mexico

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

Submitted at 10:59 AM July 10, 2012

Chicago Tribune on July 9, 2012 released the following:

Reuters

“MEXICO CITY (Reuters) – The FBI has opened an investigation into the death of a Mexican citizen, who the Mexican government alleges was shot over the Rio Grande River by a U.S. Border Patrol agent, U.S. officials said Monday.

The victim was hit by a single bullet on Saturday, close to the Tomates-Veterans border crossing in Matamoros, Mexico, over the border from Brownsville, Texas, according to the Mexican government.

U.S. agents are cooperating in the probe of the death, although they do not know if they fired the gun that killed the victim, Enrique Mendiola, spokesman for the Border Patrol’s Rio Grande Valley sector said.

Mendiola believes the victim was a 29-year-old male, but Mexican officials have released no details.

On the Saturday when the killing happened, two agents had fired their service guns into Mexico at approximately the same time and near one another, Mendiola said.

The first agent had responded to someone throwing rocks at him, while the second agent had responded to someone aiming a weapon at him, Mendiola said.

Mendiola said that agents are permitted to respond to rock attacks with their guns and to fire into Mexico.

“A rock could be considered a lethal weapon and we are going to respond.

Agents have been very badly injured by rock attacks,” Mendiola said. “Our agents are highly trained and regardless of where the threat is coming from, our agent is going to respond to neutralize it.”

Mexico’s Foreign Ministry released a statement on Sunday condemning the killing and demanding an investigation.

“The Mexican government has reiterated that the disproportionate use of lethal force in immigration control is unacceptable under any circumstances,” it said. “Protocols of the federal forces in both countries have to be respectful of human rights.”

There have been several previous incidents of Border Patrol agents shooting Mexicans in U.S. territory but it is rare for them to shoot into Mexico.”

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