



FBI probes Foothills Regional Airport

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

Submitted at 10:39 AM June 13, 2012

Winston-Salem Journal on June 13, 2012 released the following:

“By: Sharon McBrayer and Julie N. Chang | Media General News Service MORGANTON –

The FBI is investigating Foothills Regional Airport and two of its employees have been suspended without pay.

A news release Tuesday from Foothills Regional Airport Authority said a federal criminal investigation involves two employees of the airport, Alex Nelson and Brad Adkins. Nelson was the airport manager but Adkins did not hold a management position, according to airport officials.

“The Airport continues normal operations without interruption,” the statement said. “Brent Brinkley, a long time employee, has been appointed as acting administrator.”

FBI Public Affairs Specialist Shelley Lynch said, “As a matter of Department of Justice policy, the FBI can neither confirm nor deny the existence of investigations.”

According to the FBI’s website, it investigates public corruption, major white-collar crime, significant violent crime, civil rights violations and transnational/national criminal organizations and enterprises and cyber-based attacks and high-technology crimes, along with national security threats.

Airport Authority Chairman and Burke County Commissioner Chair Wayne Abele said Tuesday no one has been charged with anything and federal investigators haven’t given them any information about the investigation. “All I know is it’s an ongoing investigation,” Abele said.

Abele said about 10 FBI personnel showed up at the airport last Tuesday, accompanied by Caldwell County Sheriff’s deputies, and seized records and computers.

“The FBI, they don’t charge people unless they have a concrete case,” Abele said.

The public airport, located on NC 18,

receives funding from Burke and Caldwell counties and the cities of Morganton and Lenoir. The funding the airport received in the 2011-12 budgets of the two counties and two cities were:

- Caldwell County — \$48,254, which includes money for capital improvements; and \$30,017 in property taxes the county collects on planes, said Stan Kiser, Caldwell County manager.
- Burke County — \$36,246 for operating expenses; \$4,166 in capital improvement money; and \$4,100 from property taxes paid on planes, said Paul Ijames, Burke County finance director and assistant county manager. He said more planes are kept on the Caldwell County side. He said even though \$4,100 was budgeted for taxes, only \$3,300 has been collected so far in property taxes on the 20 planes listed for the Burke County side.
- City of Morganton — \$38,088 for operating expenses and \$4,166 in capital funding, said City Manager Sally Sandy.
- City of Lenoir — \$42,320 total for operating and capital expenses, said Kaye Reynolds, communications and resource director for the city of Lenoir.

None of the boards of the four governments has voted on their individual budgets for next year.

Each one of the four has a representative on the Airport Authority, which alerted the two counties and two cities about the investigation, according to the release from city of Morganton Attorney Louis Vinay. Vinay also is acting as the authority’s attorney after its previous one retired, Kiser said.

Cuts to the airport’s budget from the four member entities resulted in a \$42,000 revenue shortfall on the operations side, Nelson recently told the Burke County Board of Commissioners. The airport made internal cuts, shortened operational hours and skipped on mowing to cut that amount down to about \$24,000, Nelson said at the time.

The airport planned on asking each entity for additional money for this fiscal year, Nelson said.

During that recent meeting, Burke County Commissioner Maynard Taylor questioned why the airport needed more money and why it isn’t self-supporting. He also questioned what the average county resident received from the airport. “We’re spending more money than we have every year to keep this thing above ground so to speak, but the average citizen in Burke – what are they getting for that,” Taylor said in previous reports.

The airport’s condition has improved since the authority took over, Abele said at the meeting.

At the time, Nelson said the airport is a “tourism magnet,” adding that area colleges recruiting athletes use the airport. Burke County commissioners have put off the funding request.”

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

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Assistant Attorney General Ronald Weich Announces Departure from Department of Justice

(USDOJ: Justice News)

Submitted at 4:36 PM June 13, 2012

The Justice Department announced today

that Assistant Attorney General for Legislative Affairs Ronald Weich will be leaving the department to join the

University of Baltimore School of Law as its new dean.



AG Holder and FBI Director Questioned in Leak Investigation

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

Submitted at 10:26 AM June 13, 2012

ABC News on June 12, 2012 released the following:

By Jason Ryan

"In what seemed to be an unusual disclosure, Attorney General Eric Holder today testified that both he and FBI Director Robert Mueller have been interviewed by FBI agents conducting the leak investigation into disclosures of the recent Al Qaeda bomb plot.

"In an abundance of caution — I'll just say this — both the director and I have been already interviewed in connection with the knowledge that we had of those matters; at least of that matter," Holder testified before the Senate Judiciary Committee.

Agents from the Washington Field Office have been investigating the leaks about the averted attack, which was first revealed by The Associated Press. The FBI is also investigating the source of the leak over who revealed that the individual at the center of the plot was a double agent working for Britain's MI-6 secret intelligence service and the CIA, along with Saudi Arabian intelligence assets.

"I can also tell you that I have been interviewed already and I can tell you that that interview was not some kind of pro forma, 'take it easy' interview. I mean, these were serious — a serious interview that was done by some serious FBI agents. The same thing happened to the director of the FBI, as well, because we were people who had knowledge of these matters and we wanted to make sure that with regard to the investigation that it began with us," Holder testified

Holder was extensively questioned by Republican senators about why he has not appointed a special counsel to oversee the leak investigations into the Al Qaeda in the Arabian Peninsula bomb plot and the disclosures about President Obama ordering cyber-attacks against Iran with the Stuxnet computer worm that appeared in an article in the New York Times by David Sanger. Last Friday Holder appointed Ron Machen, the U.S. attorney for the District of Columbia, and Rod Rosenstein to lead the criminal investigations.

Sen. Lindsey Graham, R-S.C., drew a connection of the leaks to the White House in his questioning of Attorney General Holder, citing Sanger's book on Obama's foreign policy, "Confront and

Conceal."

"Mr. Sanger clearly has enjoyed great access to senior White House officials, most notably to Thomas Donilon, the national security adviser. Mr. Donilon, in effect, is the hero of the book as well as the commentator of record on events. I don't know what Mr. Donilon did, but according to this review and from my reading of excerpts of the book, somebody at the highest level of our government has been talking about programs that I think are incredibly sensitive," Graham said. "I think they are extremely serious,"

Holder said about the damaging effect of the leaks but defended his appointment of the two U.S. attorney's to lead the cases. "The two people, I have appointed to look into these matters, are first-rate prosecutors, who will do, I think, a great job. And as we look at the history of what U.S. attorneys, who have been appointed in these kinds of cases, I think we can feel a great deal of comfort," Holder said.

Graham said it was a double standard that Holder has not appointed a special counsel yet when compared to the leak investigation of CIA Officer Valerie Plame, which focused on the Bush White House.

"Vice President Biden was on TV morning, noon and night, urging the Bush administration to appoint a special counsel in the Valerie Plame case," Graham said. "As attorney general, I am seized with the responsibility of looking at allegations, controversies and making the decision on the basis of what I think is best for a successful investigation and potential prosecution," Holder said.

In the Plame case then Attorney General John Ashcroft recused himself from the investigation when it appeared the White House may be involved. Several months after the initial investigation began then Deputy Attorney General James Comey appointed U.S. Attorney Patrick Fitzgerald as special counsel.

Under questioning from Sen. Jon Kyl, R-Ariz., Holder hinted today that he may have to recuse himself at some point. "Could you specifically tell us whether either David Axelrod or the president or Jay Carney have a valid basis for reaching the conclusion that the case does not present a conflict of interest? Can they really say that at this point knowingly?" Kyl asked.

"Well, I would say on the basis of what I know at this early stage of the investigation, there is not a basis for a

conflict determination. But it is something that we are monitoring on an ongoing basis. Director Mueller and I have both set up in place at the Justice Department and the FBI a mechanism so that we can be advised on the possibility of a conflict. And if, at some point, the people who have been given that responsibility indicate to Bob — to Director Mueller or to me that we are in a conflict situation, we will act appropriately," Holder said.

Texas Republican Sen. John Cornyn, who had called for Holder's resignation during the hearing, asked Holder if he was concerned that U.S. Attorney Ron Machen, who is heading up one of the criminal leak investigations, had made \$4,600 in political donations to the Obama campaign in 2007 and 2008 before he was appointed U.S. attorney.

"Would it surprise you to know that he is a political contributor to President Obama's campaign and indeed serves as a volunteer in 'Obama for America,' and assisted in the vetting of potential vice presidential candidates?" Cornyn asked. "I am confident that he has the ability, the capacity to investigate this case in a non-partisan, independent, thorough and aggressive way," Holder responded.

Following Holder's hearing Sen. John McCain, R-Ariz., introduced a resolution in the Senate calling for the appointment of a special counsel to investigate the string of recent national security and intelligence leaks."

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Arguments conclude in Roger Clemens perjury trial

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

Submitted at 1:11 PM June 13, 2012

CNN on June 12, 2012 released the following:

“By Paul Courson, CNN

Washington (CNN) — Dueling scientists, a former trainer, friends and family are among the witnesses whose testimony a jury will consider as they decide if famed baseball pitcher Roger Clemens lied to Congress during an investigation of steroid use among major league players. The case against Clemens involves one count of obstruction of Congress, three counts of making false statements and two counts of perjury. He is not charged with illicit use of performance-enhancing drugs, but his denial of such use is part of the case against him.

Federal prosecutor Courtney Saleski, in closing arguments Tuesday, told the jury Clemens “wanted to protect his brand, he wanted to protect his livelihood,” in denying the use of steroids during a 2008 investigation by the U.S. House of Representatives into the problem. “He did that at the expense of our Congress. He threw sand in their eyes. He stole the truth from them,” Saleski said.

She said a guilty verdict would give that truth back to lawmakers.

The Clemens defense team disputed whether the government has made its case, telling the jury all the evidence came through a former personal trainer, Brian McNamee, who had incentive to lie. “You saw Brian McNamee, the only witness in the history of the world who says he gave or saw an injection of that man,” said defense attorney Michael Attanasio. “One person in the entire world.” During closing arguments, the defense cited the lack of corroborating witnesses, which they said would be a basis for reasonable doubt against any conviction.

“McNamee defines reasonable doubt,” Attanasio said, because of perceived inconsistencies, retractions and corrections he made while testifying.

After verbally providing instructions to the jury late Tuesday, U.S. District judge Reggie Walton sent the jury back to begin deliberations, while acknowledging they may only have time to select a foreperson before letting them go for the day.

The trial has run longer than envisioned, and one juror was moved to alternate

status Tuesday because of a fellowship in Germany for which he must depart next week. An alternate was then sent back to join the others.

It took about eight weeks for the prosecution and defense to question 46 witnesses, and the most direct conflict came among expert witnesses as to how to interpret a collection of discarded medical items that allegedly link Clemens to steroid use.

Soiled medical wrappings, cotton balls, drug vials and hypodermic needles that McNamee kept were interpreted differently by both sides. Witnesses for the government said genetic material linked with Clemens suggested it was impossible for McNamee to fabricate the evidence.

But defense witnesses on the same topic said storage in a beer can for years allowed commingling and contamination of materials, making reliable conclusions impossible, and the evidence nearly worthless.

“If you have garbage at the start, you’ll have garbage at the end,” said defense expert witness Dr. Bruce Goldberger, who said his lab would refuse to test such materials without a solid basis for their storage and handling before analysis.

Prosecution witness Dr. Cynthia Morris-Kukoski, an FBI toxicologist, said it is not up to the toxicology lab to make judgments about the materials submitted for testing, with their job only to determine the substances and any genetic identifiers involved.

Former teammate and friend Mike Boddicker testified as to whether Clemens had ever accepted injections, providing an eyewitness account that he had. “I think it was either 1989 or 1990,” Boddicker said, referring to their time together with the Boston Red Sox, describing that he “came into the training room, and saw Roger bent over the table with his pants down, getting a shot.”

The vial, Boddicker said, was clearly marked “B-12 a substance said to provide a pick-me-up after a game or workout.

This is the second trial for Clemens. A year ago, a mistrial was declared before the case reached the jury. The government’s lawyers played video evidence the judge had already banned. Prosecutors said it was an editing mistake, but the Clemens defense team suggested prosecutors were unprepared and had

gotten off to a bad start.

“This was a mistake, a regretful mistake,” government attorney David Goodhand said in September in arguing for a new trial. But Walton blasted prosecutors for letting inadmissible evidence be shown. “I would hate to believe they just blatantly disregarded rulings that I made, but it’s hard for me to reach any other conclusion,” Walton said, before rejecting a defense request that he dismiss the indictment entirely. After consideration, Walton then ordered the new trial. Several pretrial hearings this time included protests from defense attorneys that the prosecution was trying to take advantage of having heard the initial opening statement last summer by the defense. In the latest trial, defense attorneys expressed concern that prosecutors were trying to “do over” certain efforts the defense may have refuted.

Deliberations Wednesday were set to begin at 1:30 p.m.”

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US Indicts 14 In Alleged Drug and Money Laundering Scheme Involving Horses

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

Submitted at 2:49 PM June 13, 2012

The Wall Street Journal on June 12, 2012 released the following:

“By Samuel Rubinfeld

A federal grand jury in Texas voted to return an indictment against 14 defendants in connection with a conspiracy to launder Los Zetas drug money by buying, training, breeding and racing American quarter horses in the U.S.

Among those charged was Miguel Angel Trevino Morales, the leader of Los Zetas, along with his brothers, Oscar Omar Trevino Morales and Jose Trevino-Morales, the Justice Department said.

The indictment, unsealed Tuesday, charges the defendants with one count of conspiracy to launder monetary instruments. It accuses the Zetas of directing part of the cash generated from selling drugs to buy, train, breed and race quarter horses in the U.S.

Miguel and Oscar sent their brother Jose and his wife cash to operate Tremor Enterprises LLC, the business they created for the horse training, the indictment said. “This case is a prime example of the ability of Mexican drug cartels to establish footholds in legitimate U.S. industries and highlights the serious threat money laundering causes to our financial system,” said Rich Weber, chief of the Internal Revenue Service’s criminal investigation division, [in a statement](#) (pdf). “This attack on one of the Zeta’s most profitable money laundering schemes is an essential front in the war on drugs and will financially disrupt and help dismantle this violent international criminal organization,” Weber said.

The indictment also seeks the forfeiture of several quarter horses, including Tempting Dash, winner of the Dash for Cash at Lone Star Park race track in Grand Prairie, Texas, on Oct. 24, 2009; Mr. Piloto, \$1 million All American Futurity winner at Ruidoso Downs on Labor Day, 2010; Dashin Follies;

Deputy Attorney General James M. Cole Speaks at the U.S. Conference of Mayors’ Criminal and Social Justice Standing Committee Meeting

(USDOJ: Justice News)

Submitted at 3:48 PM June 13, 2012

“This coordinated approach to finding solutions involves more than just enforcement -- we must also direct our efforts to prevent the occurrence of crime in the first place, provide support through

Coronita Cartel; and Separate Fire.

It also seeks the forfeiture of farm and ranch equipment; horse racing equipment; property in Lexington, Okla. and Bastrop County, Texas; and money contained in bank accounts used in the scheme.

Earlier Tuesday, authorities arrested seven of the 14 defendants, including Jose Trevino-Morales and his wife, Zulema Trevino, in Lexington, Okla. Also arrested were Fernando Solis Garcia in Ruidoso, N.M.; Carlos Miguel Nayen Borbolla, Adrian Farias and Felipe Alejandro Quintero in Los Angeles; and Eusevio Maldonado Huitron in Austin, Texas. They remain in federal custody, the Justice Department said.

None of those arrested could be reached for comment.

The New York Times, in a blockbuster 4,000-word story, [reported earlier](#) Tuesday about the scheme. The Times reported that an FBI affidavit said the Zetas channeled about \$1 million a month into buying quarter horses in the U.S., and that authorities were tipped off in January 2010, when the cartel paid more than \$1 million in a single day for two broodmares.

In its report, the paper said it became aware of Tremor’s activity in December 2011 while reporting about the Zetas and learned of the U.S. government probe last month, but agreed to hold the story until Tuesday morning’s arrests.

Among those charged but not arrested is Francisco Antonio Colorado Cessa of Veracruz, Mexico. Colorado Cessa is accused in the indictment of acting as a straw buyer for various horses. In connection with the indictment, the Treasury’s Office of Foreign Assets Control slapped Kingpin Act sanctions [[OFAC SDN Sanctions](#)] on him that label Colorado Cessa as a narcotics trafficker. “Our action cuts Colorado Cessa off from the U.S. financial system and it is yet another signal to Miguel and Omar Trevino Morales, and the Zetas, that OFAC will target their financial and

intervention programs, and provide individuals reentering our communities from jails and prisons with the tools they need to succeed and turn away from crime,” said Deputy Attorney General Cole.

business network wherever it is found,” said Adam Szubin, director of OFAC, in the statement.

The Zetas were designated under the Kingpin Act as a narcotics trafficker by the president in 2009. The group is notorious for its violence; officials blamed the Zetas for a dump of 49 headless and handless bodies in May along a Mexican highway. Since 2009, OFAC has designated several of its top leaders and dozens of its lieutenants.”

[US v. Miguel Angel Trevino Morales, et al. – Federal Criminal Indictment 18 U.S.C. § 1956](#)

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Deputy Attorney General James M. Cole Speaks at the U.S. Conference of Mayors’ Women Mayors Meeting

(USDOJ: Justice News)

Submitted at 9:28 AM June 13, 2012

“At the Department of Justice, we are fully engaged in combating human trafficking, with many components deeply involved in this fight,” said Deputy Attorney General Cole.



FBI raids law firm, call center in mortgage modification probe

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

Submitted at 10:14 AM June 13, 2012

Fox13Now.com on June 12, 2012

released the following:

“by Ben Winslow

WEST VALLEY CITY, Utah — Federal agents swarmed a call center here and questioned employees as part of an ongoing probe into a Midvale law firm’s mortgage modification business.

The U.S. Attorney’s Office for Utah confirmed to FOX 13 an investigation was under way into CC Brown Law, which advertised itself online as helping people with debt problems. The U.S. Attorney’s Office said the business operated under “Sentry Legal,” “WT Lee” and “JL Martin,” among other names.

FOX 13 was there as agents blocked off the exits to the building and escorted employees, one by one, into a command post to be questioned. FBI agents at the scene in West Valley City refused to comment.

In a statement, the U.S. Attorney’s Office for Utah said the search warrants served were sealed and no criminal charges have been filed. However, the office put out a plea for people who have been using the firm’s services to come forward and speak with the FBI.

“Individuals who have been working with the business on a mortgage modification, who would like information, can contact a toll free number established by the FBI at 1-877-236-8947 (press option 2). The toll-free number will be activated this evening,” the statement said.

“A recorded message will advise individuals that they can submit contact information and copies of any documents to the FBI by mailing them to the FBI Salt Lake City Division, attention CC Brown Investigation. The FBI’s address is 257 East 200 South, Suite 1200, Salt Lake City, UT 84111.”

“Individuals can also submit information about the company’s business practices to the FBI by e-mail at saltlakecity@ic.fbi.gov,” the statement said.

Attempts to reach CC Brown Law representatives for comment at its Fort Union offices on Tuesday afternoon were unsuccessful. A man who was seen being led into the FBI’s mobile command post refused to comment to FOX 13 as he walked to his car.

“I can’t say anything, man,” he said as he got into the vehicle.

In a statement sent to FOX 13 on Tuesday night, Sentry Legal disassociated itself with CC Brown Law Firm.

“While Sentry Legal is contracted to provide legal support services to the Law Offices of C. C. Brown, we are not, nor have we ever been, a subsidiary, principal or operated under the name of C.C. Brown,” the statement said. “Sentry Legal is a separate company from the Law Offices of C. C. Brown. Sentry Legal has not been “raided” by the FBI, in fact, upon hearing of the C.C. Brown news, Sentry Legal has contacted the FBI and U.S. Attorney’s Office to cooperate as needed.”

Online, CC Brown Law had numerous websites that appeared to no longer be in service. One listed testimonials, including one that proclaimed the firm “specialized in helping people in getting loan modifications for the last few years. Several people have been helped from the CC Brown Law services and they are looking to help many more.”

But also online were numerous websites and even a Facebook group blasting the firm for its customer service and claiming it is a scam.

The Utah Division of Real Estate said it has taken action against the company in 2010. The company was fined \$5,000 for advertising loan modification services without a mortgage license, state officials

said.

The state of Maryland issued a cease and desist order against CC Brown Law in 2011.

Judy Driggs, the president of the Better Business Bureau of Utah said her office had fielded 55 complaints against CC Brown Law, with people claiming they had given money to the firm to work with lenders. Those people, she said, had lost anywhere from \$1,000 to \$4,000 without hearing back from the firm.”

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Former BP Engineer, Kurt Mix, Trying to Clear His Name

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

Submitted at 10:49 AM June 13, 2012

Forbes on June 12, 2012 released the following:

Walter Pavlo, Contributor

“Kurt Mix, former drilling engineer who was arrested on April 24th, is trying to gain access to information that could clear his name. Mix is accused by federal prosecutors of deleting two (2) text

messages from his iPhone that were related to the flow rate of oil from BP’s Macondo well (Gulf of Mexico Oil Spill). The charge is obstruction of justice.

In a motion filed yesterday, Mix is asking for access to BP’s confidential (attorney client privileged information) files which he says will prove that he was not obstructing justice when he “may” have deleted those two messages. Where the government says that Mix “corruptly”

destroyed two text messages, Mix’s attorney, Joan McPhee, states in her motion that at the time Mix was supposedly deleting the offending text messages, he was simultaneously “affirmatively cooperating” with the government’s investigation and disclosing the very same information (flow rate of oil into the Gulf of Mexico) that he is accused

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FBI drops subpoenas at treasurer's office

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

Submitted at 10:31 AM June 13, 2012

TheTelegraph.com on June 13, 2012 released the following:

“By SANFORD J. SCHMIDT

The Telegraph

EDWARDSVILLE – Two FBI agents visited the Madison County Treasurer's Office Tuesday morning to deliver grand jury subpoenas to two employees.

Current Treasurer Kurt Prenzler said the two employees also worked under former treasurer Fred Bathon. He said he assumed the investigation was about either tax sales or bond purchases. He emphasized that he was only assuming and had no knowledge of what the issue was.

The agents also visited the Madison County Clerk's Office. A source in that office said they were there because County Clerk Mark Von Nida had previously been critical of Bathon's handling of tax sales.

Von Nida, who had no direct comment on the matter, is credited with helping switch the sales process to its current setup wherein tax debts are auctioned electronically, allowing a more genuine bidding process and lower bids. The bids under Bathon were consistently at 18 percent, meaning the tax buyers consistently collected 18 percent of each tax debt they recovered.

The agents also were asked the location of Bathon's personal secretary, but she

was not there and is employed in another office, Prenzler, a Republican, said.

In a tax sale, the county auctions off delinquent property tax debts. Tax buyers bid a percentage penalty they may collect on the debt. Once the auction is completed, the successful bidder pays off the debt to the county and attempts to collect the debt, plus the percentage penalty they bid.

The newer system employs a computer system designed to produce a true, spontaneous bid, rather than the 18 percent that applied under Bathon's term.

The system was in place under Prenzler's immediate successor, Frank Miles, and the average penalty was 9 percent. The most recent sale under Prenzler was 2.65 percent.

A spokesman for the FBI Springfield office said he could neither confirm nor deny the report.

County officials have also been exchanging criticism over Republican Prenzler's sale of \$41 million in bonds before their call date. The sale resulted in the loss of millions of dollars, his Democratic critics claim.

Prenzler's supporters say the losses were on paper, only, and that the sale was made because the bonds had a maturity date of more than the county's 10-year maximum. Prenzler fired two employees over the bond purchases.

Democratic supporters say the bonds were “callable,” meaning they could be sold at a profit before the 10-year term,

making them more profitable for the county and, in effect, within the 10-year guideline.”

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

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Federal prosecutors drop case against John Edwards

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

Submitted at 3:32 PM June 13, 2012

San Francisco Chronicle on June 13, 2012 released the following:

“(06-13) 13:20 PDT Greensboro, N.C. (AP) –

Federal prosecutors have filed an order dismissing the remaining criminal charges against John Edwards.

A jury in North Carolina acquitted the former presidential candidate last month on one count of accepting illegal campaign contributions. It deadlocked on five other felony counts, resulting in a mistrial on those charges.

A statement issued by the U.S. Justice Department on Wednesday said prosecutors will not seek to retry Edwards on the five unresolved counts.

Edwards was accused of masterminding a scheme to use about \$1 million in secret payments from two wealthy political donors to hide his pregnant mistress as he sought the White House in 2008.”

[US v. John Edwards – Order for Dismissal](#)

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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 Defense, OFAC SDN Sanctions Removal, International Criminal Court Defense, and US Seizure of Non-Resident, Foreign-Owned Assets. Because we have experience dealing with INTERPOL, our firm understands the inter-relationship that INTERPOL's “Red Notice” brings to this equation.

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**

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of deleting (texts). However, the information Mix needs is in the hands of his former employer, BP, and its lawyers. In other words, it is protected attorney-client information that BP is using to defend itself against fines it faces in federal court. Whereas BP's fight to keep the information confidential is about money, Mix's fight is to keep his freedom.

This case is more about the money than Kurt Mix deleting a few text messages. Mix's ordeal is in the middle of the larger fight between BP and the US government on how much oil spilled. While no one will ever know the real figure, BP is seeking to minimize the amount spilled, and thus the subsequent fine under the Clean Water Act. BP is hoping for "only" a \$15 billion penalty, while the U.S. is looking to get as much as \$17.6 billion. Kurt Mix finds his case in this \$2.6 billion difference.

Yesterday, BP lost a request to get e-mails from the White-House (Executive Branch) related to the oil spill. The government won its right to keep the e-mails confidential. BP's lawyer Robert Gasaway said that keeping the documents private was "fundamentally unfair" because they address how much oil was

being spilled and BP's role in capping the well. So the U.S. government is allowed to withhold data from BP that discusses how much oil spilled, while Kurt Mix is accused of withholding (deleting) text messages associated with the same spill?

In fact, there are no missing text messages, all the parties know the contents of the information that was deleted. The allegation is whether Mix deleted the messages with the intent of obstructing justice (illegal)or did he just delete the messages for the hell of it (not illegal). A jury might have to decide. I would put this case right there with other wasted prosecutions of John Edwards, Barry Bonds and Roger Clemens.

U.S. District Judge Carl Barbier in New Orleans has scheduled a trial for January 14, 2013 to determine blame of the spill. Perhaps the government should call off the dogs, drop the prosecution, on Kurt Mix and ask him to be a witness at that trial but BP might have a problem with that. How can the guy win?"

Douglas McNabb – McNabb Associates,
P.C.'s
Federal Criminal Defense Attorneys

Videos:

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John Edwards again asks for acquittal

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

Submitted at 2:59 PM June 13, 2012

ABC News Local on June 13, 2012 released the following:

“CHAPEL HILL — John Edwards once again asked a federal judge Tuesday to acquit him of all criminal charges stemming from his recent trial.

A jury acquitted the former Democratic presidential candidate on one felony count of receiving illegal campaign contributions, but deadlocked on the remaining five counts. Federal officials are weighing whether to retry Edwards on the five unresolved charges.

Last week, U.S. District Court Judge Catherine C. Eagles ordered new briefs on whether two of the charges should be tried in a different federal court and whether prosecutors played an improper role in a civil lawsuit over ownership of a sex tape of Edwards and his mistress.

In new filing obtained Tuesday by ABC11, Edwards' defense tells the judge that prosecutors got the venue wrong when they charged Edwards with

accepting illegal campaign contributions from his wealthy friend Fred Baron in 2007 and 2008. It contends the only money linked to North Carolina was a chartered flight out of RDU that Baron paid for.

That's technically Wake County, in the Eastern District of North Carolina – not the Middle District where he's charged.

But, it's a phone call Edwards made to his former aide Andrew Young that has prosecutors sticking to the charges. They say that in that call Edwards told Young to contact Baron to arrange that RDU flight in for his then-pregnant mistress.

If the judge sides with the defense, two of the charges would have to either be dismissed or tried elsewhere. The prosecution has until next week to respond.”

Douglas McNabb – McNabb Associates,
P.C.'s
Federal Criminal Defense Attorneys

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