



Man charged in fatal ICE ambush

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

Submitted at 9:10 AM December 22, 2011

El Paso Times on December 22, 2011 released the following:

“By Diana Washington Valdez \ El Paso Times

A man accused of taking part in the Feb. 11 slaying of an Immigration and Customs Enforcement special agent that also left a second ICE agent wounded was charged on Wednesday in Washington, D.C., after Mexico extradited him to the United States.

Julian “Piolin” Zapata Espinoza faces charges for his alleged role in the murder of ICE Special Agent Jaime Zapata of Brownsville, and the attempted murder of ICE Special Agent Victor Avila of El Paso.

“The extradition and charges filed against Zapata Espinoza is an important step in bringing Jaime and Victor’s alleged shooters to justice,” ICE Director John Morton said. “All of us at ICE are encouraged by today’s action and appreciate the unwavering work and support of all our law enforcement partners in this case.”

“The indictment unsealed today and the successful extradition of ‘Piolin’ to the United States reflect the Justice Department’s vigorous and determined efforts to seek justice for Agents Zapata and Avila,” said Assistant Attorney General Lanny A. Breuer. “We will continue to work closely with our law enforcement partners in Mexico to hold violent criminals accountable.”

On April 19, a federal grand jury in the District of Columbia returned a four-count indictment against Zapata Espinoza, charging him with one count of murder of

an officer or employee of the United States, for the murder of Jaime Zapata; one count of attempted murder of an officer or employee of the United States; and one count of attempted murder of an internationally protected person, both for the attempted murder of Avila; and one count of using, carrying, brandishing and discharging a firearm during and in relation to a crime of violence causing death.

Zapata Espinoza, who is being held without bond, appeared in U.S. District Judge Royce Lamberth’s court and pleaded not guilty. His next appearance in court is scheduled for Jan. 25.

In a statement, the Mexican National Defense Secretariat said Mexican soldiers captured Zapata Espinoza on Feb. 23, along with other alleged members of the Zetas drug cartel.

Military officials said Zapata Espinoza “stated he was in charge of the group of gunmen that shot the U.S. agent, (and that) he said that this event was a mistake because they thought that the people in the (U.S. agents’) vehicle were members of an antagonistic (rival) group.”

U.S. officials said the two U.S. agents were traveling from a meeting in San Luis Potosi to Mexico City the day they were ambushed by a group of armed men.

Zapata, who began his law enforcement career with the Border Patrol, was assigned to the U.S. Embassy in Mexico.

Avila, the ICE agent who was shot twice in the leg, recovered from his wounds.

One of the charges is that Zapata Espinoza participated in the attempted murder of an “internationally protected person,” according to the indictment against him.

“He was apparently a U.S. federal agent

that pursuant to international law had special protection,” said Douglas C. McNabb, a lawyer and senior principal with McNabb Associates PC, a global criminal defense firm with a website at www.mcnabbassociates.com.

Sheldon Snook, a deputy court clerk in the U.S. District Court of Washington, D.C., said the U.S. Attorneys Manual defines “internationally protected persons” based on U.S. legislation and United Nations conventions, including the Vienna Convention.

Such persons can include heads of state, diplomats and others that in this case the U.S. State Department has determined holds the status.”

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

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United States Attorney Hogsett Announces the Indictment of Three Indianapolis-Area Individuals on Charges of Alleged Wire Fraud, Money Laundering

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

Submitted at 6:04 AM December 22, 2011

The Federal Bureau of Investigation (FBI) on December 21, 2011 released the following:

“Trio Allegedly Used the Position of an Elected Official to Defraud Investor of \$1.7 Million

INDIANAPOLIS—Joseph H. Hogsett, United States Attorney, announced this morning the indictment of three individuals for their alleged role in defrauding an investor out of \$1.7 million over the course of six months in 2007.

The defendants, all alleged to have been involved in the operation of The Russell Foundation in Indianapolis, include Michael Russell, age 53, Paul Bateman, age 57, and Manuel Gonzalez, age 53.

The indictment charges Russell with eight counts of wire fraud and 12 counts of money laundering. Bateman was charged with eight counts of wire fraud and 10 counts of money laundering. Gonzalez was charged with three counts of wire fraud and two counts of money laundering.

“This indictment is another example of this office’s dedication to ending a culture of corruption that has no place in Indianapolis, or anywhere else in this state,” Hogsett said. “Our policy on public corruption is very simple: if you violate the public trust, it doesn’t matter who you are, who you know, or what your politics happen to be. This office will find you, we will investigate you, and we will hold you accountable.”

The Russell Foundation, an Indianapolis-based organization founded in 2003 by Michael L. Russell, was ostensibly a religiously-affiliated nonprofit intended to provide community leadership and poverty relief. It is alleged that it instead served as the vehicle for roughly \$1.7 million in fraudulent activity.

All three individuals named in the indictment are alleged to have participated in the fraudulent activity. Gonzalez held a number of titles for the Foundation, including “Chief Financial Advisor” and “Chief of Latino Affairs.” Bateman served as “Chief Administrative Officer” and the “Chief Corporate Officer.”

The indictment alleges that in early 2007,

the three defendants solicited \$702,000 in investment money from an Indianapolis victim. The victim was told by Russell that he planned to fund the Foundation by investing in ethanol production through a company called Indiana Ethanol Capital Investments, which was organized as a limited liability corporation in February 1, 2007, with Paul Bateman listed as president.

All three defendants allegedly met with the defendant to urge him to invest in the company. Bateman is alleged to have accepted five checks totaling \$702,000 between February and April, 2007, almost all of which was allegedly deposited in Bateman’s personal bank account and spent on expenses other than the production and distribution of ethanol over the next 45 days.

It is also alleged that in May, 2007, all three defendants again solicited money from the victim, successfully urging him to invest \$1 million in a corporate bond for the Russell Foundation. This money was allegedly spent over the course of thirty-three days after it was received by the defendants.

The indictment lists a number of alleged purchases made using the investor’s money. These include, but are not limited to: \$74,000 in custom made clothing for members and associates of the Russell Foundation, 10 vehicles with a combined cost of more than \$265,000 for members and associates of the Russell Foundation, the payment of Bateman’s personal income tax liability, the payment of Russell’s rent for his residence, and various personal checks.

The indictment alleges that all three defendants repeatedly used Mr. Bateman’s elected position, and that of a high-ranking Indianapolis Metropolitan Police Department official, to provide the appearance of credibility, respectability, and legitimacy to their activities.

“The allegations in this indictment paint a picture of an elaborate fraud scheme,” Hogsett said. “Such a violation of trust would be tragic under any circumstances, but the fact that this scheme allegedly involved a repeated violation of the public trust makes this case even more disheartening.”

The charges were the result of an

investigation by the Federal Bureau of Investigation and the Internal Revenue Service Criminal Investigation Division. “The Russell Foundation was organized in part to enhance the overall quality of life for individuals and families who are economically disadvantaged,” said FBI Special Agent in Charge Robert Holley. “However, the indicted subjects did no such thing. They used their positions of leadership in the community and the non-profit to enhance the overall quality of life for themselves and their associates. They conned an innocent investor, who was generously willing to give large sums of money for their causes, and they poured the money down the drain of greed.”

According to Assistant U.S. Attorney Joe H. Vaughn, who is prosecuting the case for the government, if convicted, the charges of wire fraud carry a maximum sentence of 20 years in prison and a \$250,000 fine. The money laundering charges provide for a maximum sentence of 10 years in prison and a \$250,000 fine.

A charge is an allegation only, and the defendant is presumed innocent unless and until proven guilty at trial or by guilty plea.”

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

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California Woman Indicted on Charges of Allegedly Giving Money to Terrorists

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

Submitted at 9:03 AM December 22, 2011

CNN on December 22, 2011 released the following:

“By Chelsea J. Carter, CNN

(CNN) — A California woman was indicted late Wednesday on charges of sending money to Pakistan to help fund terrorist attacks against U.S. military personnel, federal officials said.

Oytun Ayse Mihalik, 39, of La Palma was charged with three counts of giving money to someone in Pakistan who knew the funds would be used to prepare and carry out attacks against American troops, the U.S. Attorney’s Office in Los Angeles said in a statement.

Mihalik, a native of Turkey, was accused of sending \$2,050 in three wire transfers to a person in Pakistan over a period of three weeks in late 2010 and early 2011, the statement said.

Thom Mrozek, a spokesman for the attorney’s office, would not comment on the identity of the person in Pakistan.

A telephone message left late Wednesday by CNN for Mihalik’s attorney, Alan Eisner, was not immediately returned.

Mihalik has been in U.S. custody since August 27, 2011, after she was detained at

Los Angeles International Airport where she was preparing to board a flight to Turkey, the statement said. She had a one-way ticket, it said.

Federal authorities say they first questioned Mihalik on August 8 at the airport where she had just arrived from a six-month trip to Turkey. At that time, they allege she lied to agents, saying she had never used an alias to send money via Western Union to a person overseas, authorities said.

It was unclear how authorities linked Mihalik to the alleged payments, and they did not say how they identified her alleged use of an alias.

Mihalik was initially indicted on August 30 on one count of making a false statement.

A federal grand jury returned a superseding indictment Wednesday, charging Mihalik with three counts of providing material support to terrorists and one count of making a false statement.

The charge of providing material support to terrorists carries a maximum penalty of 15 years in prison; the charge of making a false statement in a matter involving international terrorism carries a maximum penalty of eight years.

An arraignment date has not yet been set.

A trial on the initial count of making a false statement was previously scheduled for February 14.”

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

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