



Federal Trial Juror Charged for Allegedly Soliciting Bribe

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

Submitted at 9:42 AM October 10, 2011

The Federal Bureau of Investigation (FBI) on October 7, 2011 released the following:

“Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, and John V. Gillies, Special Agent in Charge of the Federal Bureau of Investigation (FBI), Miami Field Office, announced today that Italo Campagna, 55, a juror in an ongoing federal criminal trial, has been charged for soliciting a bribe in exchange for convincing fellow jurors to vote not guilty in a pending criminal case.

According to the complaint filed in federal court today, Campagna was a sworn trial juror in the federal criminal case of *United States v. Arturo Marrero*, pending in the United States District Court for the Southern District of Florida, Case No. 10-60244-CR-COOKE. Campagna allegedly approached the father of the defendant outside the U.S. Courthouse in Miami, Florida and stated that he had information about the case. Campagna gave the father a piece of paper with a telephone number on it, but did not identify himself by name or explain that he was a juror.

The complaint further alleges that later that afternoon, the defendant’s brother called Campagna and arranged to meet with him in Miami Beach to discuss the case. At that meeting, Campagna revealed to the brother that he was a juror in the case and that some of his fellow jurors were inclined to convict. Campagna offered to persuade other jurors to vote not guilty in exchange for a payment of

between \$50,000 and \$100,000. The brother expressed skepticism at Campagna’s claims, and added that money was tight, that he would think about Campagna’s offer, and that he would get back to him the next day.

On October 5, 2011, the brother began to cooperate with the FBI and made a recorded telephone call to Campagna to follow up on his discussions of the day before. The brother asked whether Campagna was still willing to help influence the outcome of the case, and Campagna answered yes. The brother then proposed a meeting at the same time and place to discuss money and other details. Campagna agreed. The brother stated that he had been able to get some money together but wanted to negotiate a final price.

Later that day, the brother participated in a recorded meeting with Campagna near the same Miami Beach location. Campagna reiterated that he could influence the jury and prevent a guilty verdict. The brother and Campagna then began to negotiate over price, and eventually settled on \$20,000, which is the amount the brother said that he had brought with him. Campagna followed the brother to his vehicle to obtain the cash payment. The brother then handed Campagna what appeared to be a bundle of cash in a brown paper bag. At that point, Campagna was arrested.

U.S. Attorney Wifredo A. Ferrer stated, “The credibility and public confidence in our criminal justice system hinge on the integrity of individuals serving as jurors. If that integrity is compromised, then so are our efforts to bring criminals to

justice. This case should serve as a stern reminder of the consequences that follow a breach of a juror’s sworn duty to follow the law. We will prosecute these cases swiftly and vigorously.”

“Mr. Campagna put himself on the defendant’s seat by soliciting a bribe as a juror to fix the outcome of a trial,” said FBI Special Agent in Charge John Gillies. “He not only blatantly violated his oath, his actions put the integrity of our justice system in jeopardy.”

This case was investigated by the FBI-led Miami Area Corruption Task Force, which includes the City of Miami Police Department and the Hialeah Police Department and will be prosecuted by Assistant U.S. Attorney Brian K. Frazier of the Public Integrity, National Security, and Civil Rights Section of the United States Attorney’s Office.

A criminal complaint is only an accusation, and a defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#). 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 and OFAC SDN Sanctions Removal.

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California's Top Federal Law Enforcement Officials Announce Enforcement Actions Against State's Widespread and Illegal Marijuana Industry

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

Submitted at 10:09 AM October 10, 2011

The U.S. Drug Enforcement Administration (DEA) on October 7, 2011 released the following:

“SACRAMENTO, Calif. – The four California-based United States Attorneys today announced coordinated enforcement actions targeting the illegal operations of the commercial marijuana industry in California.

The statewide enforcement effort is aimed at curtailing the large, for-profit marijuana industry that has developed since the passage of California's Proposition 215 in 1996. That industry has swelled to include numerous drug-trafficking enterprises that operate commercial grow operations, intricate distribution systems and hundreds of marijuana stores across the state — even though the federal Controlled Substances Act makes illegal the sale and distribution of marijuana.

While the four United States Attorneys have tailored enforcement actions to the specific problems in their own districts, the statewide enforcement efforts fall into three main categories:

- Civil forfeiture lawsuits against properties involved in drug trafficking activity, which includes, in some cases, marijuana sales in violation of local ordinances;
- Letters of warning to the owners and lienholders of properties where illegal marijuana sales are taking place; and
- Criminal cases targeting commercial marijuana activities, including arrests over the past two weeks in cases filed in federal courts in Los Angeles, San Diego, Sacramento and Fresno.

The enforcement actions being announced today are the result of the four United States Attorneys working with federal law enforcement partners and local officials across California to combat commercial marijuana activities that are having the most significant impacts in communities.

“The DEA and our partners are committed to attacking large-scale drug trafficking organizations, including those that attempt to use state or local law to shield their illicit activities from federal law enforcement and prosecution,” said DEA Administrator Michele M. Leonhart. “Congress has determined that marijuana is a dangerous drug and that its

distribution and sale is a serious crime. It also provides a significant source of revenue for violent gangs and drug organizations. The DEA will not look the other way while these criminal organizations conduct their illicit schemes under the false pretense of legitimate business.”

“The actions taken today in California by our U.S. Attorneys and their law enforcement partners are consistent with the Department's commitment to enforcing existing federal laws, including the Controlled Substances Act (CSA), in all states,” said Deputy Attorney General James Cole. “The department has maintained that we will not focus our investigative and prosecutorial resources on individual patients with serious illnesses like cancer or their immediate caregivers. However, U.S. Attorneys continue to have the authority to prosecute significant violations of the CSA, and related federal laws.”

Benjamin B. Wagner, the United States Attorney for the Eastern District of California stated: “Large commercial operations cloak their moneymaking activities in the guise of helping sick people when in fact they are helping themselves. Our interest is in enforcing federal criminal law, not prosecuting seriously sick people and those who are caring for them. We are making these announcements together today so that the message is absolutely clear that commercial marijuana operations are illegal under federal law, and that we will enforce federal law.”

André Birotte Jr., the United States Attorney for the Central District of California, stated: “The federal enforcement actions are aimed at commercial marijuana operations, including marijuana grows, marijuana stores and mobile delivery services – all illegal activities that generate huge profits. The marijuana industry is controlled by profiteers who distribute marijuana to generate massive and illegal profits.”

Laura E. Duffy, the United States Attorney for the Southern District of California, commented: “The California marijuana industry is not about providing medicine to the sick. It's a pervasive for-profit industry that violates federal law. In addition to damaging our environment, this industry is creating significant negative consequences, in California and throughout the nation. As the number one marijuana producing state in the country,

California is exporting not just marijuana but all the serious repercussions that come with it, including significant public safety issues and perhaps irreparable harm to our youth.”

Melinda Haag, the United States Attorney for the Northern District of California, said: “Marijuana stores operating in proximity to schools, parks, and other areas where children are present send the wrong message to those in our society who are the most impressionable. In addition, the huge profits generated by these stores, and the value of their inventory, present a danger that the stores will become a magnet for crime, which jeopardizes the safety of nearby children. Although our initial efforts in the Northern District focus on only certain marijuana stores, we will almost certainly be taking action against others. None are immune from action by the federal government.”

Dozens of letters have been sent over the past few days to the owners and lienholders of properties where commercial marijuana stores and grows are located. In the Southern and Eastern Districts, the owners of buildings where marijuana stores operate have received letters warning that they risk losing their property and money derived from renting the space used for marijuana sales. In the Central District, where more than 1,000 stores are currently operating, prosecutors have sent letters to property owners in selected cities where officials have requested federal assistance, and they plan to continue their enforcement actions in other cities as well. In the Northern District, owners and lienholders of marijuana stores operating near schools and other locations where children congregate have been warned that their operations are subject to enhanced penalties and that real property involved in the operations is subject to seizure and forfeiture to the United States.

In the Central District and Eastern District, prosecutors this week filed a total of seven civil forfeiture complaints against properties where landlords are knowingly allowing marijuana stores to operate. One complaint filed against a south Orange County strip mall, for example, alleges that eight of the 11 second-floor suites in the buildings are occupied by marijuana stores and that one small city has spent nearly \$600,000 in



FBI to launch nationwide facial recognition service

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

Submitted at 10:13 AM October 10, 2011

Nextgov.com on October 7, 2011 released the following:

“BY ALIYA STERNSTEIN

The FBI by mid-January will activate a nationwide facial recognition service in select states that will allow local police to identify unknown subjects in photos, bureau officials told Nextgov.

The federal government is embarking on a multiyear, \$1 billion dollar overhaul of the FBI's existing fingerprint database to more quickly and accurately identify suspects, partly through applying other biometric markers, such as iris scans and voice recordings.

Often law enforcement authorities will “have a photo of a person and for whatever reason they just don't know who it is [but they know] this is clearly the missing link to our case,” said Nick Megna, a unit chief at the FBI's criminal justice information services division. The new facial recognition service can help provide that missing link by retrieving a list of mug shots ranked in order of similarity to the features of the subject in the photo.

Today, an agent would have to already know the name of an individual to pull up the suspect's mug shot from among the 10 million shots stored in the bureau's existing Integrated Automated Fingerprint Identification System. Using the new Next-Generation Identification system that is under development, law enforcement analysts will be able to upload a photo of an unknown person; choose a desired number of results from two to 50 mug shots; and, within 15 minutes, receive identified mugs to inspect for potential matches. Users typically will request 20 candidates, Megna said. The service does not provide a direct match.

Michigan, Washington, Florida and North Carolina will participate in a test of the new search tool this winter before it is offered to criminal justice professionals across the country in 2014 as part of NGI. The project, which was awarded to Lockheed Martin Corp. in 2008, already has upgraded the FBI's fingerprint matching service.

Local authorities have the choice to file mug shots with the FBI as part of the booking process. The bureau expects its collection of shots to rival its repository of 70 million fingerprints once more officers are aware of the facial search's capabilities.

Thomas E. Bush III, who helped develop

NGI's system requirements when he served as assistant director of the CJIS division between 2005 and 2009, said, “The idea was to be able to plug and play with these identifiers and biometrics.”

Law enforcement personnel saw value in facial recognition and the technology was maturing, said the 33-year FBI veteran who now serves as a private consultant.

NGI's incremental construction seems to align with the White House's push to deploy new information technology in phases so features can be scrapped if they don't meet expectations or run over budget.

But immigrant rights groups have raised concerns that the Homeland Security Department, which exchanges digital prints with the FBI, will abuse the new facial recognition component. Currently, a controversial DHS immigrant fingerprinting program called Secure Communities runs FBI prints from booked offenders against the department's IDENT biometric database to check whether they are in the country illegally. Homeland Security officials say they extradite only the most dangerous aliens, including convicted murderers and rapists. But critics say the FBI-DHS print swapping ensnares as many foreigners as possible, including those whose charges are minor or are ultimately dismissed.

Megna said Homeland Security is not part of the facial recognition pilot. But, Bush said in the future NGI's data, including the photos, will be accessible by Homeland Security's IDENT.

The planned addition of facial searches worries Sunita Patel, a staff attorney with the Center for Constitutional Rights, who said, “Any database of personal identity information is bound to have mistakes. And with the most personal immutable traits like our facial features and fingerprints, the public can't afford a mistake.”

In addition, Patel said she is concerned about the involvement of local police in information sharing for federal immigration enforcement purposes. “The federal government is using local cops to create a massive surveillance system,” she said.

Bush said, “We do have the capability to search against each other's systems,” but added, “if you don't come to the attention of law enforcement you don't have anything to fear from these systems.”

Other civil liberties advocates questioned whether the facial recognition application would retrieve mug shots of those who have simply been arrested. “It might be

appropriate to have nonconvicted people out of that system,” said Jim Harper, director of information policy at the libertarian Cato Institute. FBI officials declined to comment on the recommendation.

Harper also noted large-scale searches may generate a lot of false positives, or incorrect matches. Facial recognition “is more accurate with a Google or a Facebook, because they will have anywhere from a half-dozen to a dozen pictures of an individual, whereas I imagine the FBI has one or two mug shots,” he said.

FBI officials would not disclose the name of the search product or the vendor, but said they gained insights on the technique's accuracy by studying research from the National Institute of Standards and Technology.

In responding to concerns about the creation of a Big Brother database for tracking innocent Americans, Megna said the system will not alter the FBI's authorities or the way it conducts business. “This doesn't change or create any new exchanges of data,” he said. “It only provides [law enforcement] with a new service to determine what photos are of interest to them.”

In 2008, the FBI released a privacy impact assessment summarizing its appraisal of controls in place to ensure compliance with federal privacy regulations. Megna said that, during meetings with the CJIS Advisory Policy Board and the National Crime Prevention and Privacy Compact Council, “we haven't gotten a whole lot of pushback on the photo capability.”

The FBI has an elaborate system of checks and balances to guard fingerprints, palm prints, mug shots and all manner of criminal history data, he said.

“This is not something where we want to collect a bunch of surveillance film” and enter it in the system, Megna said. “That would be useless to us. It would be useless to our users.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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Thirteen Charged in Alleged Telemarketing Scheme to Defraud Time-share Unit Owners

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

Submitted at 9:38 AM October 10, 2011

The Federal Bureau of Investigation (FBI) on October 7, 2011 released the following:

“Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, John V. Gilles, Special Agent in Charge, Federal Bureau of Investigation (FBI), Miami Field Office, Frank Adderley, Chief, Fort Lauderdale Police Department, announced today the filing of an information charging defendants Scott Faraguna, 41, Charles Blomquist, 52, Peter Borkowicz, 31, Raymond Harcar, 39, James Taylor, 23, Ryan Greene, 23, Jason Hampton, 28, Chris Faccone, 43, Steven Sokoloff, 47, Marco Sguera, 30, Joseph Giancola, 38, Ryan Soltow, 27, and Donna Ackermann Brown, 50, in a one-count Criminal Information with conspiracy to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Section 371.

The defendants are scheduled to make their initial appearances in court Tuesday morning October 11, 2011, in West Palm Beach before U.S. Magistrate Judge Linnea Johnson.

According to the Information, the defendants worked for Timeshare Mega Media and Marketing Group, Inc. (TMMMG), on Oakland Park Boulevard, in Fort Lauderdale. From in or about October 2009 and continuing to May 2010, the defendants and others at TMMMG called owners of time-share

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legal fees in its attempt to eradicate the illegal operations.

Criminal cases recently unsealed across the state reveal marijuana operations that produce huge profits, send their money and illegal narcotics to other states, and market products to young people. In a case involving a now-closed marijuana store in the San Fernando Valley, two conspirators allegedly used encrypted smartphones to coordinate marijuana sales to places as far away as New York and estimated that they would each receive \$194,000 in profits per month. In a San Diego dispensary case unsealed last week, six defendants were charged in a 77-count indictment that alleges a wide-ranging conspiracy that included numerous marijuana sales to under-aged persons.

units and told them that they had buyers for their time-share units if the time-share unit owners would send \$1,996 to TMMMG for the fees associated with the sale of the unit, such as closings costs and a title search. In fact, however, the defendants knew that they did not have buyers for the time-share units, and nor were the units previously sold.

The Information alleges that after the time-share unit owners agreed to pay the fee associated with the sale of their units, the time-share unit owners would be called by another employee from TMMMG who acted as a “verifier.” The “verifier” would try to get the time-share unit owners to admit on tape that they knew that the fee they were paying was for the advertising of their time-share units and that TMMMG could charge their credit card. Some of the defendants would pay the “verifier” \$50-\$100 per sale in order to either not call the time-share unit owners or to process the transaction with the credit card company, even though the victim did not want to go through with the transaction.

According to the Information, in order to make it more difficult for the time-share unit owners to obtain a refund of their money, the defendants were instructed by coconspirators not to give the time-share unit owners closing dates for the sale of their time-shares, or if they insisted, to give closing dates more than 60 days after the receipt of their money. When time-share unit owners would call TMMMG inquiring about the sale of their time

Victor S.O. Song, Chief, IRS Criminal Investigation, stated: “IRS Criminal Investigation is proud to work with our law enforcement partners and lend its financial expertise to this effort. We will continue to use the federal asset forfeiture laws to take the profits from criminal enterprises.”

Across California, the federal government will continue to investigate and prosecute those whose actions not only violate federal laws, but also the state laws regarding the use of marijuana. The problems associated with the marijuana business have dramatically increased over the past two years, even in areas where local governments and citizens actively oppose these businesses.

The statewide coordinated enforcement

shares, coconspirators would try to “lull” the victims by falsely stating to the time-share unit owners that the original buyer had a credit problem and was not approved, but that TMMMG had another buyer and that the sale would take place in the near future, in order to keep the victims from complaining to the credit card companies or the authorities.

If convicted the defendants each face a statutory maximum term of imprisonment of five years and a fine of up to \$250,000.

Mr. Ferrer commended the investigative efforts of the FBI and the Fort Lauderdale Police Department in connection with the investigation of this matter. The case is being prosecuted by Assistant U.S. Attorney Jeffrey N. Kaplan.

An Information is only an accusation, and a defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.”

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actions were announced this morning at a press conference in Sacramento.”

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