



## Judge won't bar evidence of other crimes allegedly committed by defendant in death-penalty case

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

Submitted at 2:40 PM June 15, 2012

Chicago Tribune on June 15, 2012

released the following:

“Prosecutors plan to connect man charged with killing Navy officer to rape in Virginia, murders in Lake County  
By Dan Hinkel

A federal judge has denied defense lawyers' efforts to bar potentially damaging evidence at the sentencing phase of the death penalty case against Jorge Torrez, the former Lake County man charged last month with murdering two young girls in Zion in 2005.

Federal prosecutors plan to seek Torrez's execution if he is convicted of killing 20-year-old Navy petty officer Amanda Snell in 2009 on the Virginia military base where they both lived. To aid that push, prosecutors plan to offer evidence that Torrez raped a woman in Virginia in 2010 and killed Laura Hobbs, 8, and Krystal Tobias, 9, seven years ago in Illinois.

Jerry Hobbs, Laura's father, had confessed to the killings and spent five years in jail before DNA pointed to Torrez, according to court records. Hobbs was freed in August 2010, but nearly two more years passed before Lake County prosecutors tacitly acknowledged his confession was false when they charged Torrez with the crime last month.

Torrez, 23, is serving five life sentences for a series of attacks on women in Virginia, including the rape.

In the federal case, Torrez's lawyers had asked the judge to bar prosecutors from using his convictions in those attacks as “aggravating factors” at sentencing, arguing that the attacks happened after the

petty officer's murder. His lawyers also asked the judge to strike other factors proposed by prosecutors, which range from the charge that he killed the Zion girls to contentions that he viewed violent pornography and tied up a female friend with a dog leash.

U.S. Judge Liam O'Grady put off ruling conclusively on whether he will allow the Zion killings and other alleged acts to be used as factors until after a hearing in December, though he denied the defense lawyers' call to have the factors immediately stricken.

The judge denied Torrez's lawyers' attempt to block prosecutors from using Torrez's convictions in the attacks in Virginia as factors at sentencing. O'Grady cited case law in ruling that prosecutors seeking to introduce aggravating factors can use crimes committed after the alleged crime that is the basis for the death penalty case.

Those aggravating factors are central to death penalty cases because of case law dictating that murder, absent circumstances adding to the horrific nature of the crime, does not justify execution, said David Bruck, a law professor at Washington and Lee University and an expert on the death penalty.

Even if a defendant has not been convicted of a crime — as Torrez has not been convicted of the Zion murders — prosecutors often can still introduce evidence of the alleged criminal act during the sentencing phase, Bruck said.

Federal authorities have only rarely executed defendants. In the past 35 years, federal courts have executed three men, one of whom was Oklahoma City bomber

Timothy McVeigh, according to the Death Penalty Information Center.

Lake County authorities have said they plan to try Torrez in the Zion killings, though a spokesman for federal prosecutors said the death penalty trial will go forward first.

A lawyer for Torrez declined to comment.”

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

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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](mailto:mcnabb@mcnabbassociates.com) or at one of the offices listed above.

## Three Tax Return Preparers Charged with Helping Clients Evade Taxes by Hiding Millions in Secret Accounts at Two Israeli Banks

(USDOJ: Justice News)

Submitted at 9:54 AM June 15, 2012

David Kalai, Nadav Kalai and David Almog were indicted by a federal grand jury in the Central District of California and charged with conspiring to defraud

the United States, the Justice Department and Internal Revenue Service (IRS) announced today. The superseding indictment, which was returned late yesterday, was unsealed following the defendants' arrests.

## FBI's Top Ten News Stories for the Week Ending June 15, 2012

*fbi (Current)*

Submitted at 6:00 AM June 15, 2012

— Washington, D.C.



# Megaupload charges should stay: US

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

Submitted at 3:33 PM June 15, 2012

The Sydney Morning Herald on June 15, 2012 released the following:

“AAP

Lawyers for the US government say attempts to have internet piracy charges against Megaupload founder Kim Dotcom thrown out are a waste of time.

German-born Dotcom, who the United States wants to extradite from New Zealand to face piracy charges, is arguing in a US court that the US has no jurisdiction over the Hong Kong-based cloud storage service.

But the US Attorney’s office argues that defence is a waste of time and resources, CNET reports.

It says some of Megaupload’s lawyers have conflicts of interest – representing in the past some of the witnesses and victims, including Google, Disney, Time Warner and Paramount Pictures.

Neil MacBride, US Attorney for Eastern District of Virginia, compared Megaupload’s request that more of the company’s money be returned to “returning money to a bank robber”.

Hollywood film studios say that Megaupload enabled millions of people

**Former Vice President at California Valve Company Pleads Guilty to Foreign Bribery Offense**

(USDOJ: Justice News)

Submitted at 4:42 PM June 15, 2012

David Edmonds, the former vice president of worldwide customer service at Rancho Santa Margarita, Calif.-based valve company Control Components Inc., pleaded guilty today to violating the Foreign Corrupt Practices Act

around the world to store pirated movies and TV shows in the company’s digital lockers.

Meanwhile, a New Zealand high court judge has effectively halted a previous court decision to allow Dotcom and his three co-accused access to some of the information that will be used against them in an extradition hearing scheduled for August.

An urgent two-day judicial review has been ordered, although a date is yet to be set.

In the meantime US government lawyers must prepare the information so it can be handed over if the review rules in favour of the Megaupload group.

When New Zealand police raided Dotcom’s mansion north of Auckland earlier this year at the request of the US, FBI agents seized a massive 150 terabytes of data.

Dotcom is also waiting on a decision on a High Court judicial review seeking the return of 135 computer and data storage devices, challenging the legality of the search warrants used to seize them.”

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

**Former Chief Financial Officer of Taylor, Bean & Whitaker Sentenced to 60 Months in Prison for Fraud Scheme**

(USDOJ: Justice News)

Submitted at 4:03 PM June 15, 2012

Delton de Armas, a former chief financial officer (CFO) of Taylor, Bean & Whitaker Mortgage Corp. (TBW), was sentenced today to 60 months in prison for his role in a more than \$2.9 billion fraud scheme that contributed to the failure of TBW.

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