



FBI Didn't Need Warrant, Judge Says

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

Submitted at 9:48 AM January 3, 2012

Courthouse News Service on January 3, 2012 released the following:

“By JOE HARRIS

ST. LOUIS (CN) – The FBI did not need a warrant to secretly install a GPS tracking device on a St. Louis City Treasurer’s Office employee accused of not showing up for work, a federal judge ruled.

Fred Robinson, 69, is accused of stealing more than \$250,000 of public money from the Paideia Academy charter school to start a day-care business, and of taking as much as \$175,000 from his job in Treasurer Larry Williams’ office, where he was allegedly a no-show.

Robinson was indicated in September on one count of wire fraud and seven counts of federal program theft.

Robinson’s lawyer argued that the GPS results should not be allowed for several reasons, including the agents’ failure to get a warrant and violations of his Constitutional rights.

But U.S. Magistrate Judge David Noce disagreed, finding that appellate courts have found use of the tracking devices legal, even though the U.S. Supreme Court is still deciding the issue.

“The 8th Circuit held that the agents did not need a warrant prior to installing and using the GPS tracker device,” Noce wrote. “The court explained, ‘when police have reasonable suspicion that a particular vehicle is transporting drugs, a warrant is not required when, while the vehicle is parked in a public place, they install a non-invasive GPS tracking device on it for a reasonable period of time.’ Because installation of the GPS tracker device was non-invasive and because the agents installed the device when the truck was parked in public, installation of the GPS tracker device was not a search.”

Robinson failed to win dismissal of four counts of his indictment and failed to get his trial split into two parts. Robinson’s attorney had argued that the trial should be split so as not to prejudice the jury by hearing allegations involving unrelated charges.”

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

Federal Criminal Defense Attorneys

Videos:

[Federal Crimes – Be Careful](#)

[Federal Crimes – Be Proactive](#)

[Federal Crimes – Federal Indictment](#)

[Federal Crimes – Detention Hearing](#)

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.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.

Stanford Seeks to Delay Trial After Defense Expert Witnesses Quit Over Pay

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

Submitted at 9:12 AM January 3, 2012

Bloomberg on January 2, 2012 released the following:

“By Laurel Brubaker Calkins

R. Allen Stanford, accused of running a \$7 billion investment fraud, asked for a three-month delay in his trial set for Jan. 23 after his expert witnesses quit over not being paid, according to court filings.

Stanford’s experts haven’t been paid for four months, Ali Fazel, Stanford’s lead criminal-defense lawyer, said in court papers filed Dec. 30 in federal court in Houston. They quit last week after the U.S. Court of Appeals, which controls budgets for Stanford’s publicly funded defense, ruled that it will “modify and limit the expert budget moving forward” and withhold payments to them until after the trial, Fazel said.

Stanford, 61, has been in custody since he was indicted in June 2009 on charges of

defrauding investors through bogus certificates of deposit at his Antigua-based Stanford International Bank.

Stanford was declared mentally fit for trial on Dec. 22, after completing eight months of rehabilitation at a federal prison hospital in Butner, North Carolina. U.S. District Judge David Hittner found the former financier had sufficiently recovered from head injuries suffered in a September 2009 jailhouse assault and an addiction to anxiety drugs prescribed by prison doctors following the attack.

Fazel said in the Dec. 30 filings that prosecutors don’t oppose a one-week delay in tomorrow’s deadline for filing expert reports in the case.

Assistant U.S. Attorney Gregg Costa told Hittner last month that the government doesn’t oppose a delay of six to eight weeks in Stanford’s trial to give him more time to review documents with his attorneys.

Laura Sweeney, a Justice Department

spokeswoman, declined to comment today on the request for a three-month delay, citing a gag order issued by the judge.

The case is U.S. v. Stanford, 09-cr-00342, U.S. District Court, Southern District of Texas (Houston).”

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.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.



Texas: Man Detained at Airport Is a Green Beret

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

Submitted at 9:24 AM January 3, 2012

The New York Times on January 3, 2012 released the following:

“By THE ASSOCIATED PRESS

A man arrested Saturday with explosives at Midland International Airport is an Army-trained demolitions expert and member of the elite Green Berets who served in Afghanistan, military officials said Monday. Trey Scott Atwater, 30, was being held on a federal charge of attempting to board an aircraft with an explosive, the F.B.I. said. He is an Army sergeant first class, assigned as an instructor at the John F. Kennedy Special Warfare Center and School at Ft. Bragg, N.C. Sergeant Atwater was detained after a routine Transportation Security Administration agent noticed he had explosives in his carry-on luggage while trying to board an American Eagle flight to Dallas, the F.B.I. said. Michael Martinez, an F.B.I. spokesman, declined to say what type of explosive Sergeant Atwater was carrying, or the quantity. It is not known whether he was in uniform at

the time.”

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

Federal Criminal Defense Attorneys

Videos:

[Federal Crimes – Be Careful](#)

[Federal Crimes – Be Proactive](#)

[Federal Crimes – Federal Indictment](#)

[Federal Crimes – Detention Hearing](#)

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.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.