



Accused Underpants Bomber Wasn't Read Rights, FBI Agent Says

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

Submitted at 9:21 AM September 15, 2011

The San Francisco Chronicle on September 14, 2011 released the following:

"Sept. 14 (Bloomberg) — The man accused of the Christmas 2009 attempt to blow up a Northwest Airlines plane with explosives hidden in his underpants wasn't told he had a right to remain silent when interviewed by U.S. investigators, an FBI agent testified.

"We had to find out who he was in contact with," Timothy Waters of the Federal Bureau of Investigation testified at a hearing before U.S. District Judge Nancy G. Edmunds in Detroit today. "We felt there were other planes in the air with suicide bombers."

The defendant, Umar Farouk Abdulmutallab, who is representing himself, has said agents improperly questioned him in a hospital while he was under the influence of the painkiller fentanyl. Abdulmutallab, who was hospitalized with burns following the incident, also said the U.S. failed to read him his rights.

Abdulmutallab has asked the court to throw out statements he made to U.S. agents after being taken into custody. The U.S. has said that Abdulmutallab wasn't impaired by drugs and that concerns for public safety required agents to question him immediately, before advising him of his rights.

Northwest Airlines

Northwest Airlines Flight 253, carrying 279 passengers and 11 crew members, originated in Amsterdam and was approaching Detroit on Dec. 25, 2009, when Abdulmutallab tried to detonate the explosives, according to prosecutors. He set fire to his clothes and a wall before passengers subdued him, prosecutors said.

Abdulmutallab, a 24-year-old native of Nigeria, faces eight criminal counts, including conspiracy to commit an act of terrorism, attempted murder and attempted use of a weapon of mass destruction. He has pleaded not guilty and faces a possible life sentence if convicted. His trial is set for Oct. 4.

Edmunds didn't decide today whether the

statements will be admitted. The hearing will continue tomorrow.

Jury selection for the trial began today with Edmunds giving about 250 prospective jurors a questionnaire.

Osama bin Laden "is alive," Abdulmutallab said when he entered the courtroom, as prospective jurors watched on a monitor. He leaned back in his chair and put his right foot on the table in front of him, removing it after getting a glare from the lawyer assisting him.

The defendant, who was dressed in a white T-shirt and black pants, complained about being forced to wear prison clothing. He later put on an unbuttoned shirt over the T-shirt.

'Al-Qaeda'

Abdulmutallab told U.S. Customs and Border Protection officers immediately following the airplane incident that "he had detonated an explosive device hidden in his underwear, and that he had been acting on behalf of al-Qaeda," prosecutors said in court papers Aug. 26.

Abdulmutallab was sent to a hospital at the University of Michigan in Ann Arbor, where he was treated for burns and given fentanyl, the U.S. said. FBI agents were assured by medical staff that the amount of the painkiller he received "would not render him incommunicative or unable to understand them," the U.S. said.

"Once it became clear to the agents that what was under way was in fact an act of terrorism that could have been a part of a coordinated, multipronged attack similar to 9/11, it was lawful and appropriate for the agents to ask questions intended to respond to the imminent threat to public safety posed by the defendant and any possible confederates or co-conspirators," prosecutors said in the Aug. 26 filing.

Not Overmedicated

The defendant wasn't overmedicated and was able to respond to agents' questions, a nurse testified at today's hearing.

"He didn't appear to be high on fentanyl," Julia Longenecker, a treating nurse at the hospital, testified. When asked whether the fentanyl affected the defendant, she replied: "No, I don't think so."

Abdulmutallab's statements to the U.S. should be rejected because the U.S. used coercive means to obtain them, Anthony

Chambers, the defendant's standby counsel, said in court filings.

Abdulmutallab fired his court-appointed attorneys last year and is representing himself. He's being aided by Chambers, who has filed pretrial motions on the defendant's behalf.

Hospital staff advised federal agents that Abdulmutallab "could not be legally interviewed for four to six hours after administering the fentanyl," Chambers argued in court papers. "Abdulmutallab was heavily sedated and semiconscious when he was interviewed by the federal agents and made the statements."

'Coercive Activity'

The agents' interviews while Abdulmutallab was on medication constituted "coercive activity," Chambers said in a filing dated Sept. 1.

"Abdulmutallab lacked the cognitive ability to terminate the questioning and to know when to refuse to answer the question."

Edmunds today denied a separate motion by the defendant asking to change the location of the trial. Abdulmutallab said extensive media coverage had created an "environment of hostility" toward him. "The publicity in this case has been largely impartial reporting on the public court proceedings and motions," Edmunds wrote. Because the jury questionnaire and scheduled questioning of prospective jurors "will fully expose any prejudice from pretrial publicity, a change of venue is not warranted at this time," she said.

The case is U.S. v. Abdulmutallab, 10-cr-20005, U.S. District Court, Eastern District of Michigan (Detroit).

—Editors: Michael Hytha, Andrew Dunn

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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Bridgestone Corporation Agrees to Plead Guilty to Participating in Conspiracies to Rig Bids and Bribe Foreign Government Officials

(USDOJ: Justice News)

Submitted at 12:39 PM September 15, 2011

Bridgestone Corporation has agreed to plead guilty and to pay a \$28 million criminal fine for its role in conspiracies to rig bids and to make corrupt payments to foreign government officials in Latin America related to the sale of marine hose and other industrial products manufactured by the company and sold throughout the world.

Attorney General Eric Holder Speaks at the Department of Justice's Hispanic Heritage Month Event

(USDOJ: Justice News)

Submitted at 10:49 AM September 15, 2011

"The theme for this year's Hispanic Heritage Month – "Many Backgrounds, Many Stories . . . One American Spirit" – serves as a reminder of the many diverse threads woven through our nation's history," said Attorney General Holder.

Baton Rouge, La., Tax Preparer Sentenced to Prison for Aiding in Preparation of False Tax Returns

(USDOJ: Justice News)

Submitted at 3:26 PM September 15, 2011

Melissa Edwards was sentenced by U.S. District Court Judge Brian A. Jackson to 30 months in prison based on her plea of guilty to one count of wilfully aiding and assisting in the preparation and filing of a false income tax return.

U.S. v. Richard J Pisciotta, Jr.

(Antitrust Division: Criminal Case Filings)

Submitted at 7:05 AM September 15, 2011

Document filed on August 24, 2011

- [Information](#)

Alabama Real Estate Investors Agree to Plead Guilty to Conspiracy to Rig Bids for the Purchase of Real Estate at Public Foreclosure Auctions

(USDOJ: Justice News)

Submitted at 2:25 PM September 15, 2011

Two Mobile, Ala., real estate investors and one real estate investment company have agreed to plead guilty today for their roles in a conspiracy to rig bids for the purchase of real estate at public foreclosure auctions in southern Alabama.

Texas Federal Court Bars Two Men from Promoting Alleged Tax Scam Involving Fictitious Methane at Landfills

(USDOJ: Justice News)

Submitted at 10:27 AM September 15, 2011

A federal court in Beaumont, Texas, has permanently barred two men from promoting an alleged tax fraud scheme involving bogus tax credits for the production of methane gas from landfills.

U.S. v. David Margen

(Antitrust Division: Criminal Case Filings)

Submitted at 7:04 AM September 15, 2011

Document filed on August 10, 2011

- [Plea Agreement](#)

Tennessee Top Ten Most Wanted Fugitive Arrested in Augusta, GA

(U.S. Marshals Service News)

Submitted at 11:49 AM September 15, 2011

September 14, 2011 - A Ten Most Wanted Fugitive wanted by Tennessee Bureau of Investigation (TBI) for a June 2011 homicide and aggravated assaults was arrested by the U.S. Marshals Savannah Office of the Southeast

Regional Fugitive Task Force (SERFTF) in Augusta, Georgia. Thomas Lamont Dowlen was being sought by the Springfield Police Department on one count of criminal homicide and two counts of aggravated assault and was added to the TBI's Top Ten Most Wanted list.