



Elizabeth Lombera Arrested for her Alleged Role in a Health Care Fraud Conspiracy

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

Submitted at 12:49 PM August 11, 2011

The U.S. Attorney's Office Eastern District of Texas on August 10, 2011 released the following:
"MIAMI WOMAN IS TENTH PERSON ARRESTED FOR HER ROLE IN LEADING \$27 MILLION HEALTH CARE FRAUD CONSPIRACY

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, John V. Gillies, Special Agent in Charge, Federal Bureau of Investigation (FBI), Miami Field Office, and Christopher B. Dennis, Special Agent in Charge, U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG), Office of Investigations, announced today's arrest of Elizabeth Lombera, 39, of Miami Lakes, Florida. On August 4, 2011, a federal grand jury in Miami indicted Lombera with one count of conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349, six counts of health care fraud, in violation of Title 18, United States Code, Section 1347, and six counts of aggravated identity theft, in violation of Title 18, United States Code, Section 1028A, Case No. 11-20528-Cr-Seitz.

If convicted, the defendant faces a possible maximum statutory sentence of 10 years' imprisonment on the conspiracy and the health care fraud counts. In addition, each count of aggravated identity theft carries a two year mandatory minimum term of imprisonment to run consecutive to any other sentence.

According to the indictment, Lombera and her co-conspirators installed nominee

Three Men Charged in Louisiana for Civil Rights Violations

(USDOJ: Justice News)

Submitted at 11:58 AM August 11, 2011

The Justice Department today announced that three men were charged for their role in intentionally attempting to intimidate and interfere with African-American students who were attending Beekman Junior High School in Beekman, Morehouse Parish, La.

presidents to hide her control of five durable medical equipment companies in Miami that submitted fraudulent claims to Medicare, including Mercy Medical Supply, Inc., JHH Group, Inc., La Numero 1 Farmacia Discount Corp., Yani's Pharmacy, Inc., and El Perimetro Farmacia Discount Corp. Collectively, these five companies submitted approximately \$27,383,328 in fraudulent claims to Medicare and received \$12,438,952 in reimbursements. The indictment alleges that Lombera used the proceeds for personal gain, including paying for a trip to Japan.

Six of Lombera's co-conspirators have already been sentenced for their roles in this conspiracy. Maykel Diaz Escalona, the nominee owner of Mercy Medical Supply, Inc., was sentenced to 37 months' imprisonment in United States v. Maykel Diaz Escalona, Case No. 09-Cr-20084-Graham. Marcelino Avila, the nominee owner of JHH Group, was sentenced to 46 months' imprisonment, in United States v. Marcelino Avila, Case No. 08-20730-Cr-Seitz. Douglas Reina, the nominee owner of Yani's Pharmacy, was sentenced to 37 months' imprisonment in United States v. Douglas Reina, Case No. 08-Cr-20330-Huck. Obel Martinez was sentenced to 36 months' imprisonment for laundering approximately \$620,000 of health care fraud proceeds in United States v. Obel Martinez, Case No. 10-Cr-20546-King. Emilio Bezanilla was sentenced to 30 months' imprisonment for laundering approximately \$195,000 in United States v. Emilio Bezanilla, Case No. 11-Cr-20096-Lenard. Finally, Edisnel Diaz Soler was sentenced to 27 months' imprisonment for laundering

The City of Newport, R.I., Will Upgrade Facilities and Pay Fine to Settle Clean Water Violations

(USDOJ: Justice News)

Submitted at 10:45 AM August 11, 2011

Under the terms of a settlement filed today in federal court, the city of Newport has agreed to eliminate illegal discharges of sewage into Narragansett Bay from its wastewater treatment plant and wastewater collection system.

approximately \$580,000 of health care fraud proceeds in United States v. Edisnel Diaz Soler, Case No. 10-Cr-20876-Huck.

Four other individuals have been charged. Luis Fuentes, the nominee owner of El Perimetro, was charged in United States v. Luis Fuentes, Case No. 08-Cr-20199-Martinez, but remains a fugitive. Eliezer Lazo, Joel Martinez Hernandez, and Casimiro Martinez have been arrested and charged separately for their roles in laundering the proceeds of the health care fraud and are awaiting trial in United States v. Eliezer Lazo, Case No. 11-20447-Cr-Altonaga; United States v. Joel Martinez Hernandez, Case No. 11-20446-Cr-Moreno; and United States v. Casimiro Martinez, Case No. 11-Cr-20448-Jordan.

Mr. Ferrer commended the investigative efforts of the FBI and HHS-OIG. These case are being prosecuted by Assistant U.S. Attorney H. Ron Davidson and Trial Attorney O. Benton Curtis of the Criminal Division's Fraud Section.

An indictment 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 Criminal Defense Daily](#).

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Mansfield, Texas, Man Admits to Theft of Government Property and Aggravated Identity Theft

(USDOJ: Justice News)

Submitted at 4:12 PM August 11, 2011

Thomas W. Richardson of Mansfield, Texas, pleaded guilty to one count of theft of government property and one count of aggravated identity theft before the Honorable Jane J. Boyle in Dallas.



Walter Ryan Macapaz, Tony David Maldonado, Buffy Marie Lawrence, and Lisa Carol Ross Indicted by a Houston Federal Grand Jury for Conspiracy to Commit Wire Fraud, Wire Fraud, and Conspiracy to Commit Money Laundering

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

Submitted at 4:17 PM August 11, 2011

The Federal Bureau of Investigation (FBI) on August 11, 2011 released the following:

“Businessmen, Loan Officer, and Title Company Attorney Indicted for Wire Fraud and Money Laundering in a Multi-Million-Dollar Mortgage Fraud Scheme HOUSTON— Two Houston businessmen, a mortgage company loan officer, and a title company attorney and escrow officer have been indicted for their alleged involvement in a scheme to defraud residential mortgage lenders of more than \$22 million in loans, United States Attorney José Angel Moreno announced today along with FBI Special Agent in Charge Stephen L. Morris and Internal Revenue Service-Criminal Investigations (IRS-CI) Special Agent in Charge Rodney E. Clarke.

A Houston grand jury returned a six-count indictment yesterday charging Walter Ryan Macapaz, 34, Tony David Maldonado, 31, Buffy Marie Lawrence, 40, and Lisa Carol Ross, 49, with conspiracy to commit wire fraud, wire fraud, and conspiracy to commit money laundering. Macapaz, Maldonado, and Lawrence are expected to surrender themselves to federal authorities next week. Ross is currently being held in the Harris County Jail on unrelated state

charges and is expected to be transferred into federal custody to answer the charges in the near future. According to the indictment, from November 2005 through October 2008 Macapaz and Maldonado recruited persons called “straw borrowers” to obtain mortgage loans to purchase condominium units in the Commerce Towers building located on Main Street in downtown Houston as well as residential homes in the Houston area. A straw borrower is paid money to allow his name and credit history to be used to obtain a mortgage loan to purchase a home when the person has no intention of actually living in the home or having any responsibility for making the mortgage payments. Macapaz and Maldonado allegedly used fraudulent documents to help the borrowers qualify for the loans including documents with false and misleading information about the borrowers’ income, assets, liabilities, employment status, bank deposits, rental payments, intent to use properties as a primary residence and source of funds used to close the real estate transactions. Lawrence, a loan officer for mortgage broker Mortgages First Real Estate Services LLC, allegedly assisted the borrowers to obtain the loans. Ross, an attorney and escrow officer for Vision Title LLC, allegedly arranged for disbursements from the title company to be turned into cash and money orders and

distributed to the involved parties.

According to the indictment, the mortgage loans allegedly totaled more than \$22 million.

The maximum penalty for each wire fraud and conspiracy count is 20 years in prison as well as substantial fines. A conviction for money laundering conspiracy carries the most significant fine of \$250,000 or twice the amount of the criminally derived property, whichever is greater.

The investigation leading to the charges was conducted by the FBI, IRS-CI, Federal Deposit Insurance Corporation – Office of Inspector General, and Houston Police Department. Assistant United States Attorney John Lewis is prosecuting the case.”

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

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Viktor Bout’s Family Seeks Justice in Thailand

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

Submitted at 2:08 PM August 11, 2011

Ria Novosti (Russia) on August 11, 2011 released the following:

“The family of the alleged international arms trafficker Viktor Bout is hoping that the Thai judicial authorities will rule the decision to extradite him to the United States illegal, his wife Alla Bout said on Thursday.

Bout, 44, who was arrested in a U.S. sting operation in Thailand in 2008 and extradited to the U.S. in November 2010, denies all the charges against him. He could face anything from 25 years to life in prison if convicted.

The Thai Criminal Court in Bangkok is currently reviewing Bout’s extradition case.

“We are seeking justice, and we believe it should prevail,” Alla Bout said in an exclusive interview with RIA Novosti.

Bout’s wife said if the court deems the extradition decision illegal, the Bout family could sue the former and current Thai officials who allowed the extradition. The list includes Thai Cabinet members, Justice Ministry officials and the head of the jail where Bout was held.

“In addition, we will have legal grounds to appeal [Bout’s case] in the UN Human Rights Committee or in the European Court of Human Rights,” she said.

Bout is being held in a New York prison while he awaits trial in the U.S. District Court for the Southern District of New York in October on charges including conspiring to supply arms to terrorist groups and conspiring to kill U.S.

nationals.

A U.S. judge recently denied a request to drop the arms trafficking case against Bout and his trial will begin as scheduled, on October 11.”

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

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Attorney Jose Martin “Joe” Valle Plead Guilty in Brownsville Federal Court to a One-count Criminal Information Charging Him with Aiding and Abetting Extortion by Former State Judge Abel Corral Limas

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

Submitted at 8:52 AM August 11, 2011

The U.S. Attorney’s Office Southern District of Texas on August 10, 2011 released the following:

“Local Attorney Pleads Guilty to Helping former Judge Abel Limas Misuse and Abuse his Court For Personal Gain
BROWNSVILLE, Texas – A local attorney has admitted to aiding and abetting former State District Court Judge Abel Limas’ unlawful use of his court for his and Limas’ benefit, United States Attorney José Angel Moreno announced today.

Jose Martin “Joe” Valle, 54, of Harlingen, Texas, pleaded guilty this afternoon to a one-count criminal information charging him with aiding and abetting extortion by former state judge Abel Corral Limas, in violation of Title 18, United States Code, Sections 1951 and 2 (The “Hobbs Act”). The criminal information was filed early this morning, Aug. 10, 2011, in Brownsville, Texas, and Valle pleaded guilty to the charge this afternoon before United States District

Court Judge Andrew Hanen.

Valle, a licensed Texas attorney, has practiced law in South Texas for many years. While his focus has been largely on criminal cases, he also has been handling civil personal injury cases. Today, Valle admitted that he aided and abetted former judge Limas to use the office of judge of the 404th District Court to enrich Limas and to retain an ad litem appointment in a case pending in Limas’ court by referring a wrongful death, civil case to the law firm to which Limas had committed himself to work upon leaving the bench currying additional favor for Limas with the firm. Valle received an advance payment of \$25,000 for the referral, \$3,000 of which he shared with Limas.

Limas, who stands convicted and is pending sentencing, has previously admitted accepting money and other consideration from attorneys involved in civil cases pending in his court in return for favorable pre-trial rulings in various cases, including cases handled by the firm to which Limas committed himself to work upon leaving the bench.

Valle faces a maximum prison term of 20

years, a fine of up to \$250,000 and a term of supervised release of up to three years at sentencing, which Judge Hanen has set for Nov. 14, 2011. Valle has been permitted to remain on bond pending that proceeding. The charges against Valle are the results of an investigation conducted by the FBI, DEA and the Brownsville Police Department. Assistant United States Attorneys Michael Wynne and Oscar Ponce are prosecuting this and other cases filed as a result of this investigation including the case against former judge Limas.”

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

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Former Judge Mark Ciavarella in Alleged ‘Cash-for-Kids’ Scheme Gets 28 Years

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

Submitted at 2:55 PM August 11, 2011

David Kidwell/Associated Press
Mark Ciavarella, center, leaves the federal courthouse in Scranton, Pa in this Feb. 12, 2009, file photo.

The Wall Street Journal on August 11, 2011 released the following:

“By Nathan Koppel

Update: Ciavarella was sentenced today to 28 years in prison. William Ruzzo, his attorney, told the Law Blog he considers the sentence “much too harsh” and amounts to a life sentence for the former judge, who is in his 60s. “This was a nonviolent offense. I’ve had people convicted of murder who received as little as a 6-to-12 year sentence,” he said, adding that he plans to appeal.

Today, former judge Mark Ciavarella will find out where he will soon reside.

Earlier this year, a jury convicted Ciavarella (pictured) on 12 counts of money laundering and conspiracy for sending large numbers of children to detention centers in exchange for kickbacks from the builder of the detention facilities.



Ciavarella, initially pleaded guilty before withdrawing his plea and heading to trial.

The jury found Ciavarella guilty of taking a \$997,600 kickback from the builder of the juvenile facilities, but jurors acquitted the former judge of other counts, including extortion.

Click here for Law Blog chapter and verse on the case, in which Ciavarella and another Pennsylvania judge also were accused of sentencing juveniles to lengthy incarceration for relatively minor offenses.

Today, the former judge is due to be sentenced. A pre-sentence report prepared by the U.S. Probation Office has concluded that Ciavarella is eligible for a life sentence under federal sentencing

guidelines, according to this report from the Scranton Times-Tribune.

The Law Blog has sought comment from lawyers representing Ciavarella.

Ciavarella’s attorneys have objected to parts of the pre-sentence report, claiming it calls for an inflated sentence and wrongly considers misconduct for which Ciavarella was acquitted by the jury, the Times-Tribune reports, adding that defense attorneys also are expected to reference Ciavarella’s community activities with the Catholic Youth Center and the Association for Retarded Citizens.”

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Neal Indravadan Desai and Patrick Fernand Brupbacher Sentenced In Beaumont Federal Court to Federal Drug Trafficking Conspiracy

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

Submitted at 12:34 PM August 11, 2011

The U.S. Attorney's Office Eastern District of Texas on August 10, 2011 released the following:

"Houston Men Sentenced In Federal Drug Trafficking Conspiracy

BEAUMONT, Texas – U.S. Attorney John M. Bales announced that two Houston men have been sentenced to federal prison for their roles in a major drug trafficking conspiracy. The sentencing hearings were held today before U.S. District Judge Ron Clark in the Eastern District of Texas.

Neal Indravadan Desai, 37, of Houston, pleaded guilty on Feb. 1, 2011, to conspiracy to possess with intent to distribute 50 grams or more of methamphetamine and was sentenced to 151 months in federal prison today.

Patrick Fernand Brupbacher, 34, of Houston, pleaded guilty on Jan. 18, 2011, to using a telephone to further the conspiracy to possess with intent to distribute methamphetamine and was sentenced to 48 months in federal prison

today.

According to information presented in court, in August 2008, an investigation began into a Houston-based drug trafficking organization that was distributing large quantities of methamphetamine and cocaine throughout Houston and the Beaumont, Texas area. In June 2009, agents began utilizing court-ordered telephone intercepts in an effort to determine those involved in the conspiracy, the amount of drugs being distributed and the source of the drugs. Law enforcement officers and agents also participated in undercover purchases of methamphetamine and revealed at least 40 persons were involved in the conspiracy and that no less than 113 pounds of methamphetamine and 31 kilograms of cocaine were distributed. At least 20 kilograms of cocaine was seized through undercover buys and during the execution of search warrants and arrests. A federal grand jury returned an indictment on June 3, 2010, charging 35 defendants with various drug trafficking charges. An additional five defendants were named in a superseding indictment on Nov. 3, 2010.

All defendants have since been convicted.

This case is being investigated by the DEA, ICE, ATF, Texas Department of Public Safety, Orange County Sheriff's Office, the Jefferson County Sheriff's Office, the Chambers County Sheriff's Office, the Beaumont Police Department, U.S. Marshal's Service, Brazoria County Sheriff's Office, Galveston County Sheriff's Office, Galveston Police Department, Houston Police Department and the Texas Rangers. This case is being prosecuted by Assistant U.S. Attorney Michelle Englade."

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FBI Agent Jerry Nau Admits Lying About Whereabouts of \$43,643 From Drug Case

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

Submitted at 2:28 PM August 11, 2011

Main Justice on August 11, 2011 released the following:

"An FBI agent pleaded guilty on Wednesday to lying about the whereabouts of \$43,643 seized in a 2008 drug investigation, but he denied taking the money and has insisted he doesn't know where it is.

Jerry Nau, 44, of Peoria, Ill., pleaded guilty in Urbana, Ill., to lying about the money seized by a multi-county task force he was part of, Allan Lengel reported on his Tickle the Wire blog, citing an account in the Peoria Journal Star. Nau, who is on unpaid leave, faces up to five years in prison when he is sentenced on Nov. 29

Fugitive Captured

(U.S. Marshals Service News)

Submitted at 2:44 PM August 11, 2011

August 11, 2011 - A Rincon man wanted on sixteen warrants by four departments was arrested by the United States

by U.S. Judge James Shadid of the Central District of Illinois.

Nau was supposed to bring back the cash from the task force to the FBI evidence vault. After a conviction in the drug case in 2009, FBI agents looked for the money but couldn't find it. On June 30, 2010, Nau falsely told his superiors the money was in an evidence vault and faxed to the FBI's Springfield office a receipt showing it was there, the Journal Star reported. Nau has maintained that he panicked and kept lying about the money while hoping it would turn up by itself, somehow.

But Assistant U.S. Attorney James Warden from the Southern District of Indiana, which prosecuted the Nau case, did not hide his skepticism. "Where that money is now, only Mr. Nau and God

know and he (Nau) isn't saying other than he has misplaced it," Warden said, according to the Journal Star."

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Marshals Southeast Regional Fugitive Task Force and Savannah Chatham Metropolitan Police Department in Savannah, Georgia. Aaron Craig Hubbard was being sought on two warrants from

the Effingham County Sheriff's Department for Sale of Cocaine and Unlawful Use of Communication Facilities.