



US prosecutors seeking life sentence for former Soviet arms dealer Viktor Bout

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

Submitted at 9:32 AM April 5, 2012

The Washington Post on April 5, 2012 released the following:

“By Associated Press

NEW YORK — A Russian man who became known as the “Merchant of Death” for his exploits in arms sales markets worldwide is set to learn Thursday how long he’ll be in U.S. prison after his defense lawyers asked a judge to set him free and prosecutors asked that he never get out.

Viktor Bout, 45, faces a mandatory minimum of 25 years in prison and possibly life during sentencing for his conviction on terrorism charges. His lawyers have asked U.S. District Judge Shira Scheindlin to throw out his conviction, saying he’s a political prisoner who stepped into a vindictive U.S. government sting operation.

Federal prosecutors say Bout should spend life in prison because he agreed “without hesitation and with frightening speed” to ship “a breathtaking arsenal of weapons,” including hundreds of surface-to-air missiles, machine guns and sniper rifles along with 10 million rounds of ammunition to men he believed represented a foreign terrorist organization willing to kill Americans in Colombia.

They say his weapons fueled armed conflicts in some of the world’s most treacherous hot spots, including Rwanda, Angola and the Congo and that he was looking for new arms deals in places like Libya and Tanzania when he was arrested.

Lawyers for Bout, who was the inspiration for an arms dealer character played by Nicolas Cage in the 2005 film “Lord of War,” say their client became a political prisoner after Drug Enforcement Administration agents coaxed him from his Russian home to Thailand, where he was arrested in March 2008. They say the

charges stemmed from a made-up scenario to deliver weapons to rebels in South America to shoot down American helicopter pilots.

“The relentless pursuit of Viktor Bout and the abominable design to create a criminal case against him that brings him before this court for sentencing is the product of malice and object of private politics stemming from the then White House,” defense attorney Albert Dayan wrote in a letter to Scheindlin, a judge who recently ordered Bout moved from solitary confinement into the general prison population.

Dayan said the prosecution resulted from “outrageous, inexcusable government conduct” to get his client even after Bout rebuffed the first approach by U.S. operatives by saying the Russian government had ordered him to withdraw from any illegal arms deals.

Dayan said his client faked his way through negotiations for a \$15 million to \$20 million arms deal so he could sell two shoddy cargo planes for \$5 million to U.S. government operatives. He said the operatives followed a well scripted dialogue of anti-Americanism that would whip American jurors into “a blind rage ... and ultimately to conviction.”

Dayan said Bout’s conviction culminated a plan put in motion by the U.S. to avenge the embarrassing revelation that U.S. military contractors had arranged in late 2003 with Bout-owned or Bout-controlled companies to deliver tents, food and other supplies for U.S. firms working for the U.S. military in Iraq.

The deliveries occurred despite United Nations sanctions imposed against Bout since 2001 because of his reputation as a notorious illegal arms dealer, Dayan said.

The lawyer noted that the U.S. Treasury Department imposed its own ban on dealings with Bout in July 2004, citing in part the “unproven allegation” that Bout

made \$50 million in profits from arms transfers to the Taliban when Osama bin Laden and al-Qaida were based in Afghanistan.

Federal prosecutors said the government initiated its investigation in 2007 because Bout “constituted a threat to the United States and to the international community based on his reported history of arming some of the world’s most violent and destabilizing dictators and regimes.”

“Although Bout has often described himself as nothing more than a businessman, he was a businessman of the most dangerous order,” prosecutors said in their memo. “Transnational criminals like Bout who are ready, willing and able to arm terrorists transform their customers from intolerant ideologues into lethal criminals who pose the gravest risk to civilized societies.””

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RI governor makes case before US appeals court

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

Submitted at 10:13 AM April 5, 2012

Boston.com on April 4, 2012 released the following:

“By Laura Crimaldi

Associated Press

BOSTON— A lawyer for Rhode Island Gov. Lincoln Chafee asked a U.S. appeals court Wednesday to rule that he doesn’t have to surrender state custody of an inmate who could potentially face the death penalty if tried and convicted in federal court.

The legal tug of war over Jason W. Pleau, 34, went back before the 1st U.S. Circuit Court of Appeals in Boston, where a federal prosecutor argued the Woonsocket man should be handed over to federal authorities to stand trial in the fatal shooting of a gas station manager outside a bank.

Federal prosecutors have not said whether Pleau would face the death penalty if convicted of killing David Main, 49, in 2010. Rhode Island does not have the death penalty, and Chafee has said prosecutors want to try Pleau federally to make it a possible punishment.

Chafee, an independent, is believed to be the first governor to refuse to surrender a state inmate under a federal law governing the transfer of prisoners among states and the U.S. government. The National Governors Association and Council of State Governments have filed papers in court supporting Chafee.

Chafee’s lawyer, Claire Richards, said the provision allowing governors to refuse to surrender inmates does not carve out exceptions in cases when federal authorities seek to take prisoners into custody. She said 47 states and the federal government are bound by the law, the Interstate Agreement on Detainers Act.

“The United States must comply with all

the terms of the agreement,” Richards said.

Chafee released a statement calling Pleau a “career criminal who deserves to answer for his crimes and spend the rest of his life in prison.” He said his role in the case is about protecting Rhode Island’s opposition to the death penalty by invoking his right to refuse to surrender Pleau.

“Although seldom exercised, that right is crucial to ensuring that a state’s important public policy prerogatives are honored both by sister states and by the federal government,” Chafee said. He also extended his condolences to the victim’s family.

Main’s relatives attended the hearing and spoke with U.S. Attorney Peter F. Neronha outside court. They declined to comment.

In June, Chafee refused a request from federal prosecutors to surrender Pleau so he could be arraigned in U.S. District Court in Providence. The fatal shooting took place at the threshold of a federally insured bank, giving federal authorities the jurisdiction to prosecute Pleau.

Pleau and two co-defendants were indicted in federal court in 2010. Federal prosecutors say they hatched a plot to rob Main at least two days before the killing.

Main was shot as he approached the Woonsocket bank to deposit receipts from the nearby gas station where he worked. Prosecutors say Pleau was wearing a mask when he chased and shot Main several times. He’s accused of making off with a bag containing more than \$12,000.

Pleau’s attorney Robert B. Mann said federal prosecutors could have gone a different route in seeking to take Pleau into custody but are now bound by their choice, which gives Chafee the authority to keep Pleau in state prison.

Lawyers for Pleau contend federal

prosecutors are seeking to gut the law giving governors that discretion. They want Pleau to remain in state custody, where Pleau has offered to plead guilty to state murder charges and serve life in prison without parole.

If the appeals court rules against Pleau, his defense lawyers are asking the panel to delay his transfer to federal custody so he can appeal his case to the U.S. Supreme Court.

Pleau is serving an 18-year sentence in state prison for violating his probation in another case. One of his co-defendants pleaded guilty to robbery and other charges and is being sentenced in September; the other’s case is pending.”

[Interstate Agreement on Detainers Act](#)

[US v Jason Pleau, et al – Federal](#)

[Criminal Indictment](#)

[18 U.S.C. § 924](#)

[18 U.S.C. § 1951](#)

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FBI director Robert Mueller tells Miami Chamber: Mortgage fraud and other white-collar crimes rate high priority

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

Submitted at 9:19 AM April 5, 2012

The Miami Herald on April 5, 2012 released the following:

“FBI Director Robert Mueller told a Chamber of Commerce audience that the agency remains committed to solving major financial crimes prevalent in South Florida

BY MARTHA BRANNIGAN

The FBI has remade itself in the post-9/

11 era to focus on counterterrorism, but the agency continues to battle major financial fraud in key areas familiar to South Florida, like mortgages and healthcare as well as corporate and securities violations, FBI director Robert Mueller told a lunch audience at the Greater Miami Chamber of Commerce Wednesday.

The events of Sept. 11, 2001 triggered a new emphasis on cooperation among agencies and the use of intelligence to

drive traditional white-collar crime investigations, Mueller told the gathering of 350 business and government officials at the Jungle Island luncheon.

“We have not neglected our criminal responsibilities,” he said. “What has changed is that we make greater use of intelligence and partnerships to focus our limited resources.”

With tighter lending standards in the

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wake of the housing meltdown, mortgage fraud has morphed into “schemes aimed at distressed homeowners, such as loan modification scams and phony foreclosure rescues,” said Mueller, who became the FBI’s top cop on Sept. 4, 2001, the eve of the terror attacks.

Mueller said so-called “rescue services” hold out hope of helping homeowners avoid foreclosure, but instead extract big fees and personal information from victims, who sometimes are swayed “to sign away the deeds to their homes.”

Among other priorities for the new FBI, Mueller said, is targeting rampant healthcare fraud. “Providers bill the government and insurers for excessive or unnecessary services and even for services they never provide,” he said, citing the recent case against officials at South Florida-based American Therapeutic Corp., who manipulated patients to receive unneeded treatment and padded bills to Medicare.

Another FBI focus — corporate and securities fraud — is also a familiar

phenomenon to South Florida, Mueller said, citing the case of Scott Rothstein, the Fort Lauderdale attorney who led a \$1.6 billion Ponzi scheme that hinged on selling interests in the proceeds of judgments from non-existent lawsuits.

In summing up, the FBI director urged chamber guests to take action when they see financial shenanigans. “You can learn to recognize financial fraud and unscrupulous business practices to better protect yourself and your companies. And you can alert us when you see these activities take place,” he said.

Chamber president Barry Johnson said the FBI and the chamber worked for two years to schedule Mueller’s visit. “He was interested in talking to South Florida, given the level of financial fraud operating in our part of the world. And they were looking for a business venue,” Johnson said.”

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Source: FBI took computer belonging to West New York mayor’s kin in hacking probe

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

Submitted at 9:35 AM April 5, 2012

NJ.com on April 4, 2012 released the following:

“By John Heinis/The Jersey Journal

As part of an investigation into the possible computer hacking of an anti-Mayor Felix Roque website, the FBI has confiscated a computer belonging to a Roque family member, according to a source.

Recalloroque.com, a website that accused the administration of wrongdoing, lasted for just five days in February before its server crashed.

“I know that Roque is implicated in this hacking situation, but I can’t say much more right now,” the source said.

Town attorney Gilberto Garcia said Monday he couldn’t comment.

“The FBI has instructed us not to talk about the investigation, so we aren’t talking about it,” Garcia said. “In my legal opinion, sources who are speaking about

the investigation are violating the law.”

The Jersey Journal has reported that on March 22 the feds visited Town Hall, Roque’s medical practice, and his home, and confiscated at least one computer.

At the time, Roque denied any computers were taken and said that to his knowledge, the FBI had not visited any of those locations. He said he met with FBI agents on March 22, but would not comment further.

According to the source, the computer was confiscated on March 22 from a Roque relative who lives in New York. Based on “sources close to the mayor,” a local news outlet reported Friday that a computer had been confiscated from a Roque relative.

FBI spokesman Bryan Travers confirmed that FBI agents were in West New York on March 22, but would not elaborate.

Travers confirmed that cybercrimes, including hacking, fall under the purview of the FBI.”

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Federal Prosecutors Charge John Heary, an Ohio Chiropractor, in an Alleged \$1M Medicare and Private Insurance Fraud Case

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

Submitted at 9:58 AM April 5, 2012

The Republic on April 4, 2012 released the following:

“Federal prosecutors charge Ohio chiropractor in \$1M Medicare and private insurance fraud case

THE ASSOCIATED PRESS

CLEVELAND — A northeast Ohio chiropractor has been charged with defrauding Medicare and private insurers out of more than \$1 million, including orders for unneeded medical equipment and free dinner offers if patients would assist the alleged scheme.

Federal prosecutors in Cleveland announced the indictment Tuesday against 37-year-old John Heary, who most recently lived in Lodi (LOH'-dy) and had a practice in Medina (meh-DY'-nuh).

He was charged with 55 counts including health care fraud and paying kickbacks.

He allegedly offered patients the dinners or waived co-payments if they would come to his office and clear the way for the alleged billing fraud.

Heary's attorney, Joseph Morse, declined comment Wednesday.”

[US v. John Heary – Federal Criminal Indictment](#)

[18 U.S.C. § 1341 – Mail Fraud](#)

[18 U.S.C. § 1347 – Health Care Fraud](#)

[42 U.S.C. § 1320A-7B – Illegal](#)

[Kickbacks](#)

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