



Senate votes to end ‘Fast and Furious’ gun program

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

Submitted at 8:33 AM October 19, 2011

Associated Press (AP) on October 18, 2011 released the following:

“By ANDREW TAYLOR

Associated Press

WASHINGTON (AP) — The Senate voted Tuesday to effectively block the Justice Department from undertaking gun-smuggling probes like the flawed “Operation Fast and Furious” aimed at breaking up networks running guns to Mexican drug cartels but that lost track of hundreds of the weapons, some of which were used to commit crimes in Mexico and the United States.

The 99-0 vote would block the government from transferring guns to drug cartels unless federal agents “continuously monitor or control” the weapons. The amendment’s sponsor, Sen. John Cornyn, R-Texas, called the vote “just the first step towards ensuring that such a foolish operation can never be repeated by our own law enforcement.” The Justice Department has already stopped the program.

A Justice Department official, who spoke on condition of anonymity because Congress did not ask the department for its views, said the amendment essentially reflects DOJ policy.

In an interview Tuesday with ABC News, President Barack Obama said “we will find out who and what happened in this situation and make sure it gets corrected.”

The vote came as the Senate debated a \$128 billion spending measure that would

Attorney General Holder Speaks at the 59th Annual Attorney General's Awards Ceremony

(USDOJ: Justice News)

Submitted at 2:38 PM October 19, 2011

“As we look back on the achievements that have marked the last year, I am grateful for the opportunity to recognize – and to personally thank – 384 extraordinary individuals whose hard work, courage, creativity, and willingness to go above and beyond the call of duty has helped to inspire and advance the progress we celebrate today,” said Attorney General Holder.

fund Justice Department operations and those of several other Cabinet agencies for the 2012 budget year already under way.

Operation Fast and Furious was a gun-smuggling investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives aimed at tracking small-time illicit gun buyers up the chain to major traffickers in an effort to take down arms networks. In the process, ATF agents lost track of many of the weapons.

Fast and Furious came to light after two assault rifles purchased by a now-indicted small-time buyer under scrutiny in the operation turned up at a shootout in Arizona where Customs and Border Protection agent Brian Terry was killed.

The operation has caused something of a firestorm in Washington and is the focus of an investigation by House Republicans, who have questioned whether Attorney General Eric Holder has been candid about all he knows about the botched operation.

Holder already has called a halt to the practice of allowing guns to “walk” in an effort to track them to arms traffickers, saying in a recent letter to lawmakers that “those tactics should never again be adopted in any investigation.”

In the past two weeks, two gun-trafficking investigations from the Bush administration have surfaced using the same controversial tactic for which congressional Republicans have been criticizing the Obama administration on Fast and Furious.

Emails obtained by The Associated Press show how in a 2007 investigation in

Deputy Attorney General James M. Cole Speaks at the Department's Conference on Post 9/11 Discrimination

(USDOJ: Justice News)

Submitted at 10:13 AM October 19, 2011

“The Department of Justice takes seriously its role in enforcing the laws that protect people against such discrimination, and it moved early to respond to this crisis,” said Deputy Attorney General Cole.

Phoenix, ATF agents – depending on Mexican authorities to follow up – let guns “walk” across the border in an effort to identify higher-ups in gun networks. Separately, it was disclosed that ATF agents carried out an operation in 2006 called Wide Receiver that resulted in hundreds of guns being transferred to suspected arms traffickers.

Fast and Furious was designed to respond to criticism that the agency had focused on small-time gun arrests while major traffickers had eluded prosecution.

As recently as 11 months ago, the Justice Department’s inspector general criticized ATF for focusing “largely on inspections of gun dealers and investigations of straw purchasers, rather than on higher-level traffickers, smugglers and the ultimate recipients of the trafficked guns.”

The IG said some ATF managers discourage agents from conducting complex conspiracy investigations that target high-level traffickers.”

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Teresa Carlson Named Special Agent in Charge of the Milwaukee Division

fbi (Current)

Submitted at 6:00 AM October 19, 2011

— Washington, D.C.

Six Arrested in Connection with Alleged Kidnapping and Death of Atlantic City Woman

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

Submitted at 8:26 AM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 18, 2011 released the following:

"CAMDEN, NJ— Six South Jersey residents charged by complaint in connection with the kidnapping and murder of a 20-year-old Atlantic City woman last March were arrested today, U.S. Attorney Paul J. Fishman announced.

A team of more than 50 federal, state, county, and local law enforcement officers executed a series of federal arrest warrants early this morning in connection with the kidnapping and murder of Nadirah Ruffin. According to the complaints, the victim was with four other women in a private residence in Atlantic City on March 26, 2011, when a number of intruders wearing masks and dark hooded sweatshirts and armed with handguns entered the residence. The intruders bound and blindfolded the women, then searched the residence for drugs and money. At least two of the women were pistol-whipped by the intruders, who remained for 30 to 40 minutes before leaving, taking Nadirah Ruffin with them. Her body was found in the Schuylkill River in Philadelphia on April 19, 2011. An autopsy revealed she died from a gunshot wound.

Three Atlantic City residents—a woman and two men—were taken into custody this morning on federal warrants in connection with Nadirah Ruffin's death. They were charged with kidnapping resulting in the victim's death, robbery, and weapons offenses. Shamerria Smith, 24, Aziz Sanders, 18, and Deshawn Hicks, 19, will appear before U.S. Magistrate Judge Joel Schneider this afternoon.

Two other men were arrested and charged with tampering with a potential witness in connection with the investigation. Henry Ruffin, 40, of Williamstown, and Ronnie Ruffin, 42, of Lindenwold (neither of whom are related to Nadirah Ruffin), are accused of using physical force and threats of physical force to prevent a witness from providing information to the FBI and other investigating officers. Ronnie Ruffin is defendant Smith's father. Henry Ruffin is an uncle to defendants Smith, Sanders, and Isiah Ruffin.

Isiah Ruffin (no relation to Nadirah Ruffin), 20, of Atlantic City, was arrested and charged with giving false information to FBI special agents who were investigating the disappearance and death of Nadirah Ruffin.

"The kidnapping and murder allegations

in the complaint detail an indifference to human life that is shocking," U.S. Attorney Fishman said. "The complaint describes how associates of those responsible attempted to use threats, violence, and lies to prevent us from finding and arresting the suspects. We are grateful for the tireless and cooperative investigative work of the Atlantic City Police Department, the Atlantic County Prosecutor's Office and the FBI, which ultimately led to the arrests of all of those involved."

"This investigation is of utmost importance to the FBI Safe Street Task Force due to aspects of home invasion, robbery, kidnapping, and the senseless murder of a young woman and mother," Michael B. Ward, Special Agent In Charge of the FBI's Newark Division, said. "Such acts of violence will not be tolerated and will be met forcefully by the united efforts of law enforcement. Today's arrests of six subjects believed to be responsible for this extreme violence are an example of that commitment, and would not have been possible without close coordination and partnership with the Atlantic City Police Department, Atlantic County Prosecutor's Office, Philadelphia Police Department, New Jersey State Police, and the United States Attorney's Office for the District of New Jersey. We also would like to recognize the Philadelphia Division of the FBI for their assistance in today's arrests."

"I would like to thank the U.S. Attorney's Office and the FBI for their supercession of this investigation at the federal level," Atlantic County Prosecutor Ted Housel said. "Our agency is pleased to have partnered with federal authorities in this interstate cooperative endeavor not only so as to pool resources in this complicated investigation, but additionally to be able to potentially seek more serious penalties, which a federal prosecution can result in under the appropriate circumstances."

"This is a very significant arrest," Deputy Chief Ernest Jubilee, Commander of the Atlantic City Police Department, said.

"This is the most significant series of arrests made in one case this year. It was a tragic occurrence and I'm glad that the collaborative effort put forth by all agencies has resulted in these arrests."

The arrests were the culmination of an intensive investigation by the Atlantic City office of the FBI, the Atlantic County Prosecutor's Office, and the Atlantic City Police Department. Members of FBI SWAT – Newark and Philadelphia; FBI Evidence Response Team; N.J. State

Police TEAMS," Atlantic City Police Department SWAT Team and detectives; the Philadelphia office of the FBI; and the N.J. State Police participated in today's arrest operation.

The defendants, charges, and potential maximum sentences are as follows:

Defendant Charges Maximum potential penalty Shamerria Smith (1)

Count 1—Hobbs Act Robbery

Count 2—Kidnapping

Count 3—Possession of Firearm in

Furtherance of a Crime of Violence

20 years in prison; \$250,000 fine

Death penalty eligible; \$250,000 fine

Mandatory minimum five years in prison;

Maximum, life in prison; \$250,000 fine

Aziz Sanders (2)

Count 1—Hobbs Act Robbery

Count 2—Kidnapping

Count 3—Possession of Firearm in

Furtherance of a Crime of Violence

20 years in prison; \$250,000 fine

Death penalty eligible; \$250,000 fine

Mandatory minimum five years in prison;

Maximum, life in prison; \$250,000 fine

Deshawn Hicks (3)

Count 1—Hobbs Act Robbery

Count 2—Kidnapping

Count 3—Possession of Firearm in

Furtherance of a Crime of Violence

20 years in prison; \$250,000 fine

Death penalty eligible; \$250,000 fine

Mandatory minimum five years in prison;

Maximum, life in prison; \$250,000 fine

Isiah Ruffin (4) Count 4—False

Statements Five years prison; \$250,000 fine

Henry Ruffin (5) Count 5—Witness Tampering 20 years in prison; \$250,000 fine

Ronnie Ruffin (6) Count 5—Witness Tampering 20 years in prison; \$250,000 fine

The government is represented by Assistant U.S. Attorney Jason M. Richardson of the U.S. Attorney's Office in Camden.

The charges and allegations contained in the complaint are merely accusations, and the defendants are considered innocent unless and until proven guilty."

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To find additional federal criminal news,

James Warren Hoffman and his wife Teresa Gay Hoffman Indicted for Allegedly Orchestrating a \$5 Million Mortgage Fraud Scam

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

Submitted at 1:48 PM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 18, 2011 released the following:

"Minnesota Couple Indicted for Orchestrating \$5 Million Mortgage Fraud Scam"

MINNEAPOLIS— Earlier today in federal court, a Minnesota couple was indicted in connection with a \$5 million mortgage fraud scheme. James Warren Hoffman, age 51, and his wife, Teresa Gay Hoffman, age 52, both of Stillwater, were indicted on one count of conspiracy to commit mortgage fraud through the use of interstate wire and nine counts of mortgage fraud through interstate wire.

The indictment alleges that from August of 2001 through 2009, James Hoffman conspired to defraud mortgage lenders and obtain money from those lenders. Teresa Hoffman began participating in the scheme in August of 2006. The defendants allegedly recruited straw buyers to purchase real estate in both Minnesota and Wisconsin with the proceeds of fraudulent mortgage loans arranged by James Hoffman, and in some instances by both defendants. The defendants owned several entities, which arranged financing for the fraudulent

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transactions.

From August 2001 through 2008, the couple lived in a Hastings home without ever owning it. James Hoffman arranged for a series of straw purchasers to buy the property entirely with the proceeds of fraudulent loans. From June 2001 through 2008, the couple used a Spicer Lake property as their vacation home without ever owning it by also arranging fraudulent mortgage loans for a series of straw buyers. Starting in June of 2006, the couple, through three of their businesses, purchased apartment buildings in Rochester, Sauk Rapids and Spicer to convert them into condominiums. Then they sold the condos to straw buyers, who paid for them with proceeds of fraudulent mortgage loans arranged by the defendants. In total, the estimated loss to mortgage lenders is approximately \$5 million. During the course of the conspiracy, the defendants allegedly received loan proceeds that were wire transferred by the lenders.

If convicted, the defendants face a potential maximum penalty of 20 years in prison on each mortgage fraud count and five years on the conspiracy count. All sentences will be determined by a federal district court judge. This case is the result of an investigation by the Federal Bureau of Investigation and the Internal Revenue

Service-Criminal Investigation Division. It is being prosecuted by Assistant United States Attorney David J. MacLaughlin.

An indictment is a determination by a grand jury that there is probable cause to believe that offenses have been committed by a defendant. A defendant, of course, is presumed innocent until he or she pleads guilty or is proven guilty at trial."

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Attorney Kimberly S. Daise Charged by a Federal Criminal Information with Alleged Conspiracy to Commit Fraud on a Financial Institution and Wire Fraud

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

Submitted at 2:15 PM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 19, 2011 released the following:

"Lawyer/Title Agent Charged in Versailles Mortgage Fraud Scheme 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; Jeff Atwater, Chief Financial Officer, Florida Department of Financial Services; and the Palm Beach County Mortgage Fraud Task Force, announced the filing of a criminal information charging defendant Kimberly S. Daise, 48, an attorney, of Miami, Florida, in connection with a mortgage

fraud scheme relating to a property in the Versailles development in Wellington, Florida. Daise made her initial appearance in federal court this morning before U.S. Magistrate Judge Ann E. Vitunac in West Palm Beach.

As alleged in the information, Daise submitted false documentation to

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John F. Williams, an Elected Member of Warner Robins City Council, Indicted by a Federal Grand Jury

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

Submitted at 1:24 PM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 18, 2011 released the following:

"Michael J. Moore, United States Attorney for the Middle District of Georgia, announced that John F. Williams, an elected member of Warner Robins City Council, has been indicted by a federal grand jury and was today arrested for extortion under color of official right, in violation of Title 18, United States Code, Section 1951(a); false statements to a federal agency, in violation of Title 18 United States Code, Section 1001; and tampering with a witness, in violation of Title 18, United States Code, Section 1512(b)(3).

Count one of the indictment alleges that John F. Williams did knowingly and intentionally attempt to obstruct and affect, in any way and degree, commerce and the movement of articles and commodities in commerce by extortion; that is Williams unlawfully obtained property from another person in the form of \$1,720.00 not otherwise due him and as a commission in relation to the sale of a vehicle to the Warner Robins Police Department. The maximum penalty for

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mortgage lenders substantially inflating the purchase price of the properties. As part of the conspiracy, two sets of HUD-1 Settlement Statements were prepared. One form, listing the real price, was provided to the seller. Another form, with the inflated price, was provided to the lender. The difference between the real price and the inflated price was either made to appear as if it were a debt owed to business entities controlled by the defendant and her co-conspirators, or was made to appear as profits to the sellers. The fraudulent loan proceeds were ultimately used for the benefit of the defendant and her co-conspirators.

More specifically, the information alleges that defendant Daise was involved in a mortgage fraud scheme that generated more than \$3.2 million in mortgage loans and approximately \$500,000 in fraudulent loan proceeds involving a properties located at 10543 Versailles Blvd., Wellington, Florida and 10727 Versailles

count one is 20 years' imprisonment; a \$250,000.00 fine; three years' supervised release; and a \$100 mandatory assessment fee.

Count two of the indictment alleges that John F. Williams did knowingly and willfully make a materially false statement to the Federal Bureau of Investigation concerning the sale of the vehicle to the Warner Robins Police Department, stating that he received no payment of money in relation to the sale of the vehicle, when in truth and fact Williams received a payment of \$1,720.00 in relation to the sale. The maximum penalty for count two is five years' imprisonment; a \$250,000.00 fine; three years' supervised release; and a \$100 mandatory assessment fee.

Count three of the indictment alleges that John F. Williams attempted to corruptly persuade another person with intent to hinder, delay, and prevent the communication to a law enforcement officer regarding the sale of the vehicle. The maximum penalty for count three is 20 years' imprisonment; a \$250,000.00 fine; three years' supervised release; and a \$100 mandatory assessment fee.

"My office is committed to fighting criminal activity wherever it is found, whether that be on the city streets or in the

city hall," said U.S. Attorney Michael Moore.

Criminal indictments are only charges and not evidence of guilt. A defendant is presumed to be innocent until and unless proven guilty."

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Blvd., Wellington, Florida. The defendant is charged with one count of conspiracy to commit fraud on a financial institution and wire fraud, in violation of Title 18, United States Code, Section 1349.

If convicted, the defendant faces a maximum statutory sentence of 30 years in prison for the conspiracy to commit fraud on a financial institution.

Mr. Ferrer commended the investigative efforts of the FBI, Florida Department of Financial Services, U.S. Secret Service, FDLE, State of Florida's Office of Financial Regulation, and the Palm Beach County Mortgage Fraud Task Force. The case is being prosecuted by Assistant U.S. Attorney Ellen Cohen.

An information is merely an accusation and a defendant is presumed innocent unless and until proven guilty."

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James Byers Indicted by a Cedar Rapids Federal Grand Jury for Allegedly Distributing Child Pornography, Receiving Child Pornography, and Possessing a Computer Containing Child Pornography

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

Submitted at 8:17 AM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 18, 2011 released the following:

"Belle Plaine Man Charged with Child Pornography Offenses"

James Byers, age 56, from Belle Plaine, Iowa, has been charged with three child pornography offenses. The charges are contained in an indictment unsealed October 11, 2011, in United States District Court in Cedar Rapids. The indictment alleges that, between May 2007 and February 2009, Byers knowingly distributed child pornography, received child pornography, and possessed a computer containing child pornography. If convicted, Byers faces a mandatory minimum sentence of five years' imprisonment and a possible maximum sentence of 50 years' imprisonment, \$750,000 in fines, \$300 in special assessments, and at least five years and up to life on supervised release following any imprisonment.

Byers appeared on October 13, 2011, for a detention hearing in federal court in

Cedar Rapids and was held without bond. Byers' next appearance for trial is set for December 12, 2011.

As with any criminal case, a charge is merely an accusation and a defendant is presumed innocent until and unless proven guilty.

This case is being prosecuted by Assistant United States Attorney Mark Tremmel and was investigated by the Federal Bureau of Investigation and the Belle Plaine Police Department.

This case was brought as part of Project Safe Childhood, a nationwide initiative launched in May 2006 by the Department of Justice to combat the growing epidemic of child sexual exploitation and abuse. Led by United States Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), Project Safe Childhood marshals federal, state, and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov.

Court file information is available at

<https://ecf.iand.uscourts.gov/cgi-bin/login.pl>. The case file number is CR 11-149."

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John David Neadeau Indicted for Alleged Aggravated Sexual Abuse

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

Submitted at 1:37 PM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 18, 2011 released the following:

"Red Lake Man Indicted for Aggravated Sexual Abuse"

MINNEAPOLIS—Earlier today in federal court, a 60-year-old Red Lake man was indicted for aggravated sexual abuse of an adult woman while on the Red Lake Indian Reservation. John David Neadeau was charged with one count of aggravated sexual abuse. The indictment alleges that on September 25, 2011, Neadeau engaged in a sexual act with force against the victim.

If convicted, Neadeau faces a potential maximum penalty of life in prison. All sentences will be determined by a federal district court judge. This case is the result of an investigation by the Federal Bureau of Investigation and the Red Lake Tribal Police Department. It is being prosecuted by Assistant United States Attorney Clifford B. Wardlaw.

Because the Red Lake Indian Reservation

is a federal jurisdiction reservation, some of the crimes that occur there are investigated by the FBI in conjunction with the Red Lake Tribal Police Department. Those cases are prosecuted by the U.S. Attorney's Office.

The U.S. Justice Department is taking steps to increase engagement, coordination and action relative to public safety in tribal communities, including the creation of the Violence Against Women Federal and Tribal Prosecution Task Force. This task force will explore current issues raised by professionals in the field and recommend "best practices" in prosecution strategies involving domestic violence, sexual assault, and stalking.

Violence against American Indian women occurs at epidemic rates. In 2005, Congress found that one in three American Indian women is raped during her lifetime, and American Indian women are nearly three times more likely to be battered in during their lives than Caucasian women.

An indictment is a determination by a grand jury that there is probable cause to believe that offenses have been committed

by a defendant. A defendant, of course, is presumed innocent until he or she pleads guilty or is proven guilty at trial."

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Alleged Members of Crack Cocaine Distribution Organization Indicted

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

Submitted at 8:29 AM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 18, 2011 released the following:

“FORT MYERS, FL— United States Attorney Robert E. O’Neill announces the unsealing of an indictment charging Jude Sereme (27), Neheme Ductant (27), Rick Jean (25), Wilmane Jean (22), Rashid Francois (26), Fritzco Desir (23), Jophaney Hypolite (28), and Eric Bonita (25), all residents of Miami, and Jennifer Nicole Sander (30) and Michael Dupin (29), both residents of Fort Myers, with conspiracy to manufacture, possess with intent to distribute, and distribution of crack cocaine. If convicted on all counts, each defendant faces a mandatory minimum sentence of five years up to 40 years in federal prison.

According to the indictment, since July 2010, the conspirators have been

manufacturing and distributing cocaine base, also known as crack cocaine, in Lee County. Several of the members of the organization also allegedly possessed cocaine and distributed crack cocaine during the course of the investigation.

An indictment is merely a formal charge that a defendant has committed a violation of the federal criminal laws, and every defendant is presumed innocent unless, and until, proven guilty. This investigation was the result of a comprehensive and dedicated effort by the Lee County Sheriff’s Office, Federal Bureau of Investigation, Collier County Sheriff’s Office, Cape Coral Police Department, Drug Enforcement Administration, Florida Department of Law Enforcement, and the Miami Police Department. The case will be prosecuted by Assistant United States Attorney Jesus M. Casas.”

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Teresa Carlson Named Special Agent in Charge of the Milwaukee Division

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

Submitted at 2:02 PM October 19, 2011

The Federal Bureau of Investigation (FBI) on October 19, 2011 released the following:

“Director Robert S. Mueller, III named Teresa L. Carlson special agent in charge of the FBI’s Milwaukee Division. Ms. Carlson most recently served as section chief in the Directorate of Intelligence, which is responsible for collecting, producing, and disseminating actionable intelligence that enables the FBI to identify and counter current and emerging threats.

Ms. Carlson is a 19-year veteran of the FBI. She entered on duty as a special agent and was first assigned to the Chicago Division, where she investigated violent crimes and public corruption matters. Ms. Carlson was a case agent for Operation Silver Shovel, an undercover investigation that involved bribery, drug

trafficking, and organized crime activity. It resulted in more than 20 convictions, including elected officials.

She was later promoted to the Inspection Division at FBI Headquarters. Ms. Carlson then transferred to the Birmingham Division, where she served as a supervisor in the white-collar crime program.

After serving in the Birmingham Division, Ms. Carlson was appointed assistant special agent in charge (ASAC) of the white-collar crime and cyber programs in the New York Division. While in this role, she oversaw high-profile investigations and subsequently was in charge of the intelligence program for the division.

She returned to FBI Headquarters after working as ASAC in the New York Division. Ms. Carlson worked in the FBI’s National Security Branch, which is responsible for national security matters, including budget matters and liaison with

the Office of the Director of National Intelligence, Congress, and the White House.

Ms. Carlson is from Grand Rapids, Michigan and graduated from Michigan State University. Prior to her career in the FBI, she did legal research for the Michigan Legislature.”

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