



Feds warn of crackdown on Seattle gun violence

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

Submitted at 2:21 PM June 19, 2012

SeattlePI on June 19, 2012 released the following:
“GENE JOHNSON, Associated Press SEATTLE (AP) — The Justice Department’s top official in Seattle promised Monday to start sending more people to federal prison for gun crimes following several tragic and random shootings in the city, including the deaths of four people at an artsy cafe.

For more than a decade, federal prosecutors have reviewed state cases of felons caught with weapons under a nationwide program called Project Safe Neighborhoods, and they’ve gone after some of the worst offenders — sending them to federal prison for longer than they would face under state law.

Seattle U.S. Attorney Jenny Durkan said her office will now prosecute all felon-in-possession gun cases in Seattle in which there is federal jurisdiction and in which the defendants would face more time federally.

“We have seen way too many shootings in the city this year,” Durkan said at a news conference. “If you bring a gun to a crime, you will do time, and you likely will do federal time.”

The federal penalties for gun crimes include up to 10 years for being a felon caught with a firearm, an automatic five-year minimum for bringing a gun to a drug deal, and a 15-year minimum for those who are caught with a gun after having three prior violent or drug-related felony convictions.

By contrast, under state law, ex-cons who are caught with a gun could face a two-year sentence if their underlying felony is considered “serious.” If the underlying felony is not considered serious — burglary, drug cases, and child pornography among others — it takes four convictions for being a felon-in-possession before the offender is sent back to prison for one year, said King County Prosecutor Dan Satterberg, who hosted the news conference Monday.

Few people realize how lenient state law is about felons who get guns, Satterberg

U.S. v. Wayne E. Kepple

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:45 PM June 19, 2012

Sentencing hearing has been rescheduled

said, and Washington state is also permissive when it comes to armed children. Children under 18 have to be convicted of illegal gun possession five times before they are sent to a state Juvenile Rehabilitation Authority facility for 15 weeks, he said.

Seattle has already seen more homicides this year — 21 — than it saw all of last year, though it remains one of the nation’s safer big cities.

On May 30, a man with a history of undiagnosed mental problems walked into a cafe in the city’s University District and opened fire, killing four people and wounding another. He then killed a woman downtown while stealing her car, and took his own life on a city street that afternoon as police moved in to arrest him.

The spree followed two unrelated, random killings. In the first, a 21-year-old culinary student who had just moved to Seattle was killed by a bullet fired from a passing car as she was walking home. In the second, a man was driving in a van with his children and his parents in broad daylight when a bullet struck him in the head. The still-undidentified shooter, who had been in an argument on the street, was aiming for someone else.

Last year, a King County deputy prosecutor specially designated to review gun cases for federal prosecution, Stephen Hobbs, looked at 200 cases. The U.S. attorney’s office wound up prosecuting 40 of those cases, and in about 50 others, Hobbs sent a letter to the defendants warning them that they would probably face federal prosecution — and a longer sentence — unless they agreed to plead guilty in state court.

In about 25 to 50 of the cases, the U.S. attorney’s office might have had jurisdiction but declined to prosecute, said spokeswoman Emily Langlie. For now, the office’s new policy of taking all cases applies only to Seattle.

Durkan, Satterberg and Seattle Mayor Mike McGinn acknowledged that solving gun violence takes more than tough prosecution. The state lacks the capacity in many cases to provide meaningful interventions in emergency mental health

situations, Satterberg said, and budgetary cuts to social services have compounded that.

But there are things people can do to help, they said. They urged gun owners to keep their guns properly locked up. While Seattle police have recovered 361 guns from criminals this year, 81 others have been reported stolen in burglaries, Deputy Seattle Police Chief Nick Metz said.

They also said state laws should be changed to make penalties stiffer for felons and children who get guns illegally, and to stop gun purchases at gun shows without a background check.

Durkan urged people to call police or mental health hotlines if they’re concerned about relatives who have weapons and may be mentally ill. “There’s more help out there than people understand,” she said.”

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

for November 9, 2012 at 1:30 p.m.
Eastern



Judge approves release on bail for Texas horse trainer in alleged Zetas plot

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

Submitted at 11:08 AM June 19, 2012

The Washington Post on June 18, 2012 released the following: "By Associated Press, Published: June 18 AUSTIN, Texas — A federal judge ruled Monday that a Texas horse trainer charged with conspiring to launder money for Mexico's powerful Zetas drug cartel should be released on bail, rejecting the prosecution's argument that the threat of cartel reprisals against him was so severe it could harm the surrounding community. Eusevio Maldonado-Huitron remained in custody because federal prosecutors said they will appeal the decision. Hours later, however, federal prosecutors filed a motion to withdraw their appeal, clearing the way for Maldonado-Huitron's release soon.

Maldonado-Huitron ran a horse farm in Bastrop County southeast of Austin and is among 15 people charged with helping the Zetas launder millions of dollars through quarter horse operations in Oklahoma, Texas, New Mexico and California.

After listening to a string of witnesses in a bail hearing that stretched over two days, U.S. Magistrate Judge Andrew Austin said he was setting conditions for Maldonado-Huitron's release, but he didn't immediately make them public.

Prosecutors conceded that they had no evidence Maldonado-Huitron was violent but said there was a risk he could flee to Mexico and disappear given his family ties in that country. However, the greater danger in releasing him from federal custody, they argued, was the threat posed by the Zetas targeting him and his family — and by extension, the community at large.

Assistant U.S. Attorney Michelle Fernald said she was limited on what she could say in open court prior to trial. But she argued that Maldonado-Huitron should remain in custody given the "nature and seriousness of the danger to any member of the community," due to both "the

nature of this organization and the seriousness of the potential retaliation, not just to him but to his family members and anyone else."

That argument was based on testimony Friday from FBI agent Haskell Wilkins, who said the defendant was a serious flight risk due to the possibility he could be targeted by the Zetas.

But Maldonado-Huitron's attorney, assistant federal Public Defender Jose Gonzalez-Falla, countered Monday that "we haven't heard anything to indicate" his client's guilt. He said prosecutors' arguments of "trust us, it's in the indictment" is not enough.

Gonzalez-Falla said Maldonado-Huitron is an illiterate horse trainer who poses no threat to the Zetas. An associate of Maldonado-Huitron's from El Paso testified Monday that the trainer was actually dismissed weeks before his arrest because his horses were underperforming, which the defense attorney said meant his client was now even less important in the eyes of the cartel.

"Why on earth would they hit my client?" he asked. "What has he done? He's a horse trainer."

Also testifying Monday was Maldonado-Huitron's brother, Jesus, who when asked if he knew what the Zetas were answered through an interpreter, "just what you hear on TV."

"From what they say, they killed a lot of people in Mexico and then they toss the bodies out," the elder Maldonado-Huitron testified.

Gonzalez-Falla said his client had a right to get paid for his services no matter who hired him, adding that the government's arguments were based only on "a bunch of rumors about receiving some money." He said prosecutors feared the ferociousness of any possible reprisals, "just because they're the Zetas and they're bad and they kill people and take their heads off."

"What does that have to do with my client?" he asked.

Austin sided with the defense, saying

ensure compliance with the Voting Rights Act of 1965. The Voting Rights Act prohibits discrimination in the election process on the basis of race, color or membership in a minority language group.

Maldonado-Huitron's family might be targeted, but that the threat was no less acute if the defendant was in prison. He said the only risk to the larger community he could see might be "someone's horse might get beat in a race if Mr. Huitron trains the horse."

Austin also said he appreciated the flight risk but couldn't imagine the defendant fleeing to Mexico given how powerful the Zetas are there.

Maldonado-Huitron is "frankly, a lot better off in the United States than in Mexico, which is the only place I can see he'd flee to," the judge said."

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Justice Department to Monitor Election in Maryland

(USDOJ: Justice News)

Submitted at 1:48 PM June 19, 2012

The Justice Department announced today that the Civil Rights Division will monitor the municipal election on June 20, 2012, in Crisfield, Md. The monitoring will

Owner and Employee of Miami Home Health Company Sentenced to Prison in \$22 Million Medicare Fraud Scheme

(USDOJ: Justice News)

Submitted at 4:26 PM June 19, 2012

U.S. District Judge Patricia A. Seitz in Miami sentenced Marietha Morales, 38, to

U.S. v. Roberto Jakubowicz

(Antitrust Division: Upcoming Public Hearings)

Submitted at 4:44 PM June 19, 2012

Sentencing hearing has been scheduled for August 23, 2012 at 9:30 a.m. Eastern

108 months in prison and Eduardo Saborit -Dominguez, 48, to 46 months in prison.



Prosecutors rest fraud case against alleged Indy financier

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

Submitted at 3:42 PM June 19, 2012

The Herald Bulletin on June 19, 2012 released the following:

“Associated Press

INDIANAPOLIS — Federal prosecutors wrapped up their case Monday against a prominent Indianapolis businessman who they say bilked investors out of \$200 million, much of it life savings.

For the past week, prosecutors have presented evidence against Tim Durham, business partner James F. Cochran and accountant Rick D. Snow. The men are accused of raiding the Akron, Ohio-based Fair Finance Co. and allegedly used a Ponzi scheme to steal the savings from about 5,000 mostly elderly investors. They are charged with 12 felony counts of wire fraud, securities fraud and conspiracy to commit wire and securities fraud.

One of them, Donald Russell of Doylestown, Ohio, testified that he lost \$350,000, and his 82-year-old mother lost \$125,000 and died a month later. He said he believes the stress of losing her life savings pushed her over the edge.

“They have no hearts or souls,” Russell said of Durham and his partners.

Defense attorney John Tompkins said Durham is innocent, but told The Indianapolis Star that he feels sorry for Russell.

“I don’t think that there are any words that could begin to address the situation that he faces,” Tompkins said. “He had a horrible circumstance, and words cannot console him.”

Prosecutors presented analyses of forensic accountants that showed money from Fair Finance being used to help pay for an expensive Playboy party, Durham’s classic cars and trips to luxury resorts and

Justice Department Files Lawsuit Against Rose Acre Farms in Indiana Alleging Discrimination Against Work-Authorized Non-Citizens

(USDOJ: Justice News)

Submitted at 5:33 PM June 19, 2012

The Justice Department announced today the filing of a lawsuit against Rose Acre Farms Inc., a major U.S. egg producer based in Seymour, Ind., alleging that Rose Acre engaged in a pattern or practice of discrimination against work-authorized non-citizens in the employment eligibility verification process.

casinos.

Donald Fair, who sold his company to Durham and Cochran in 2002, testified that the men loaned investors’ money to themselves and their businesses and never repaid it.

Prosecutors played recorded phone calls in which Durham and Cochran allegedly made up excuses to give investors about why their interest checks had stopped and they couldn’t cash in. The men tried to persuade Ohio regulators to allow them to sell another \$250 million in investment certificates, prosecutors said, and took cash deposits from investors to whom they promised to issue more investment certificates later.

Cochran doubted regulators would shut down the company, according to recordings played in court.

“If they’re gonna blow us up, we’re gonna blow them up,” Cochran allegedly said in a phone call with Durham on Nov. 13, 2009. “I mean nobody wins and everybody loses, but we lose the worst. ... I mean it would be a catastrophic event in the state of Ohio. And I’m sure they don’t want that kind of headline.”

Prosecutors presented emails and recordings in which the men discussed layoffs, selling off assets and other ways to cut costs or conceal the loans, yet Cochran also asked to raise his salary to \$1 million a year.

In the weeks before an FBI raid shut down Fair Finance in November 2009, prosecutors said Monday, Durham and his partners transferred \$85 million from the parent company, DC Investments, to Fair’s books to show more assets on the company’s balance sheet, the Indianapolis Business Journal reported.

Defense attorneys are expected to present their case Tuesday morning, and closing

U.S. v. Randall Lee Rahal

(Antitrust Division: Upcoming Public Hearings)

Submitted at 5:09 PM June 19, 2012

Sentencing hearing has been scheduled for October 16, 2012 at 9:15 a.m. Pacific

arguments are scheduled for Tuesday afternoon. Jury deliberations are expected to begin Wednesday.

Attorneys for Cochran and Snow have declined to talk about the trial, and Tompkins refused to discuss his defense strategy. He said he didn’t know if Durham would testify in his own defense. “That will be his decision, but I will advise him,” Tompkins said. “We haven’t had our discussion.””

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U.S. prosecutors to seek death penalty in Rhode Island shooting

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

Submitted at 1:14 PM June 19, 2012

Chicago Tribune on June 18, 2012 released the following:

“June 18, 2012 | Zach Howard | Reuters (Reuters) – The U.S. federal government will seek the death penalty against a man accused of robbing and killing a gas station manager in Rhode Island if the suspect is convicted of murder at trial, federal prosecutors said on Monday.

The move follows a rare face-off between the state and federal authorities over capital punishment, which was ended in Rhode Island in 1984. The state’s governor has resisted handing the suspect, Jason Pleau, over to federal custody.

Pleau, 34, is accused in the 2010 shooting death of David Main in the small city of Woonsocket, Rhode Island, according to the FBI, as Main attempted to make a bank deposit from the gas station he managed.

Pleau was indicted that same year by a federal grand jury for murder, while he was already serving an 18-year sentence in state prison for parole violations. The federal government asked for custody of Pleau under a federal law that governs the transfer of prisoners between states and the U.S. government.

Rhode Island Governor Lincoln Chafee, a political independent, initially resisted, asserting the state’s policy of opposing the death penalty. But a federal appeals court in Boston last month ordered him to hand

Pleau over to federal authorities.

Prosecutors filed Monday’s notice of intent to seek the death sentence at U.S. District Court in Providence, specifically on a count charging Pleau with possessing, carrying and discharging a firearm during a crime that caused Main’s death.

Responding to the decision to seek the death penalty, Robert Mann, an attorney for Pleau, told Reuters: “Obviously, we are very disappointed.”

Prosecutors, in the filing, said Pleau had a history of other acts of serious violence, had demonstrated a low rehabilitative potential, and displayed a lack of remorse.

Richard Dieter, executive director of the Death Penalty Information Center, said it was “unusual” for the federal government to pursue a death penalty case in a state opposed to it, especially since the crime does not involve terrorism or another matter of national concern.

“It’s surprising as the state has said it could handle the case and the defendant said he’d plead guilty and get life without parole – it could have been done differently,” said Dieter.

The Boston-based U.S. Court of Appeals for the 1st Circuit ruled in May that keeping Pleau in state custody shielded him from capital punishment, and would undermine the federal government’s ability to prosecute federal crimes.

A conference on the case’s status was scheduled for Friday at U.S. District Court.

(Additional reporting by Joseph O’Leary; Editing by Barbara Goldberg and Cynthia Johnston; Desking by G Crosse, Andrew Hay)”

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U.S. Accuses Colombian in Drug Bribes

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

Submitted at 1:55 PM June 19, 2012

The New York Times on June 18, 2012 released the following:

“By WILLIAM NEUMAN

CARACAS, Venezuela — Mauricio Santoyo led an elite antiterrorism squad in Colombia’s National Police force and then became chief of presidential security when Álvaro Uribe took office as the country’s tough-on-crime president. Once there, he worked closely with United States officials to beef up Mr. Uribe’s safety arrangements.

Now federal prosecutors in the United States say that at the same time, Mr. Santoyo was in the pocket of drug dealers, taking at least \$5 million in bribes from major narcotics traffickers from about 2000 to 2008 to help them evade law enforcement.

He even handed over intelligence

information collected by law enforcement officials that led the traffickers to target people for murder, according to an indictment unsealed on Wednesday in United States District Court in Virginia.

The document does not give details, but it appears that the murders may have been in retaliation for cooperating with authorities.

Mr. Santoyo, who was eventually promoted to the rank of general in the National Police, is now retired.

The Web site of the Bogotá newspaper El Tiempo reported Monday that Mr. Santoyo said he had not seen the indictment and could not comment on the charges.

A spokesman for the federal prosecutor’s office in the Eastern District of Virginia said that Mr. Santoyo was not currently in custody. He would not say whether officials had asked Colombia to arrest and extradite Mr. Santoyo.

The indictment was an embarrassment to Mr. Uribe, who has remained a high-profile figure since leaving office in 2010. He has been highly critical of his successor, Juan Manuel Santos, including his approach to the war on drugs.

On Sunday, Mr. Uribe called, in a Twitter post, for Mr. Santoyo and the National Police to respond to the charges.”

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Ecuador says WikiLeaks founder Assange is seeking asylum

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

Submitted at 2:34 PM June 19, 2012

CNN on June 19, 2012 released the following:

“By the CNN Wire Staff (CNN) — WikiLeaks founder Julian Assange is at the Ecuadorian Embassy in London and has formally requested asylum, Ecuador’s foreign minister said Tuesday.

Ricardo Patino read a statement to reporters at a news conference in Quito. He took no questions.

Assange has been fighting for a year and a half against being sent to Sweden for questioning about accusations of sexual abuse. Two women accused him in August 2010 of sexually assaulting them during a visit to Sweden in connection with a WikiLeaks release of internal U.S. military documents.

Assange has not been charged with a crime, but Swedish prosecutors want to question him about allegations of “unlawful coercion and sexual misconduct U.S.

continued from page 4

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including rape,” according to a Supreme Court document.

Assange has been under house arrest in Britain since December 2010. He has maintained his innocence and claims the allegations against him are politically motivated. He fears that if he is extradited to Sweden, authorities there could hand him over to the United States, where he then could be prosecuted for his role in the leaking of classified documents.

WikiLeaks, which facilitates the anonymous leaking of secret information, has published some 250,000 confidential U.S. diplomatic cables, causing embarrassment to the government and others. It also has published hundreds of thousands of classified U.S. documents relating to the conflicts in Iraq and Afghanistan.”

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