



Philippine Court Rejects US Extradition Request of Accused Wife Killer

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 11:17 AM August 25, 2011

The Court of Appeals has rejected a US request to extradite a Filipino-American businessman charged with conspiring to kill his wife to collect \$300,000 in insurance money in California.

The appellate court said the United States "failed to sufficiently establish, such strong and convincing evidence" for the Philippines to extradite Abelardo Tasa.

The US "merely harped on what perceived to be circumstantial evidence," the appellate court said in a 21-page decision, upholding the ruling of the Manila City Regional Trial Court.

Tasa is set to face trial at the Supreme Court in California, Country of San Diego, Central Division for the death of his wife Rebecca 19 years ago in Lakeside, California.

On June 22, 1992, Tasa reported to police that he arrived home and saw his wife dead at the entrance of their residence.

Autopsy showed the victim sustained three stab wounds. Her neck was slashed.

Tasa, who owned and operated Taco Time restaurant, allegedly paid his employees, Timothy Shawn Victor and Jose Daniel Flores, to kill his wife to collect insurance money.

Victor was convicted on June 10, 1998 and sentenced to life without the possibility of parole. On September 12, 2005, Flores pleaded guilty to first degree murder and was meted 26 years to life in jail.

Tasa fled to the Philippines but was later arrested in Kalibo, Aklan

by members of the Interpol at the National Bureau of Investigation. He was released after the Manila denied the US government's extradition plea in 2007.

The Philippine appeals court said the US failed to present evidence to support its conspiracy claim against Tasa.

"(T)he petitioner failed to submit any statement from either of the two convicts or from any other person with personal knowledge of Tasa's participation in the crime," it said.

Instead, the US simply offered the transcripts of testimonies of witnesses Timmra Nakamura and Michel Nakamura Hartley, which the Manila RTC said were mere hearsay.

"Our examination of the records failed to yield any cogent reason which would warrant a conclusion different from that reached by the extradition court," the Court of Appeals said.

This article was written by Tetch Torres and published by Inquirer.net on August 25, 2011. To find additional global criminal news, please read [The Global Criminal Defense Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN List Removal.

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

Judge Rules

Bout's Statements to DEA Agents were Coerced and Inadmissible in Trial

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 11:31 AM August 25, 2011

Viktor Bout, a Russian accused of conspiring to sell weapons to a Colombian terrorist group, won a bid to bar from his trial statements he made after U.S. authorities threatened to abandon him in a Thai prison.

U.S. District Judge Shira A. Scheindlin in Manhattan today granted Bout's request to exclude his comments to Drug Enforcement Administration agents after his arrest in Bangkok, saying the agents ignored Bout's request for more time to decide whether to talk. Bout, 44, said he was told that if he didn't speak immediately, he'd be left in a Thai jail to face "heat, hunger, disease and rape," Scheindlin wrote in her ruling.

"When coupled with the agents' deceptive suggestion that if Bout 'cooperated' he could come back to the United States with them (rather than be 'abandoned' in a Thai jail), I find that this credible threat of violence also materially induced Bout to make statements," Scheindlin said.

"We respectfully disagree with the judge's opinion and plan to request that it be reconsidered," Ellen Davis, a spokeswoman for the Manhattan U.S. Attorney's office, said in a statement.

Bout was arrested on March 6, 2008, in a sting operation. The government said undercover agents told Bout they wanted to buy weapons for the Revolutionary Armed Forces of Colombia, or FARC, including surface-to-air missiles, armor-piercing rocket launchers and machine guns. His trial is set for Oct. 11.

Scheidlin, who this month denied a second request by Bout to have the charges dismissed, said in today's ruling that his "dramatic arrest," during which he was handcuffed and walked in front of reporters and photographers, along with denial of his requests for an attorney and contact with his embassy, led him to make involuntary statements.

According to Bout's version of events, he was taken into custody by 15 to 20 officers at the Sofitel Hotel in Bangkok, and then strip-searched as police looked for evidence in his hotel room, Scheindlin wrote in today's order. He was then transferred to police headquarters, where he was confronted with 40 to 50 members of the media who took pictures of him, Scheindlin said.

A Thai police official then told Bout that U.S. agents wanted to speak with him, and Bout responded that he didn't want to talk to them, saying that he wanted to meet with an attorney and see a representative of the Russian embassy, requests that were denied, Scheindlin said.

About an hour after his arrest, Bout was placed in a room with six or seven U.S. agents and was advised of his rights, which he said he understood, Scheindlin said. During a 20-minute interview that followed, Bout told the agents several times that he was "not in a

very good state of mind" and needed more time before he could speak with them, the judge said.

Bout was handcuffed throughout the interview and repeatedly asked the agents if he could speak with them the next day, Scheindlin said.

Two of the agents said during a May court hearing that they weren't aware that Bout had asked for an attorney or a representative of the Russian embassy, the judge said. One of the agents, Robert Zachariasiewicz, denied telling Bout that he wouldn't be able to survive in a Thai jail or that he would be subject to "heat, hunger, disease and rape," Scheindlin said.

Zachariasiewicz admitted that he told Bout that the conditions in a Thai jail may not be "pleasant," and that he told him he was facing 25 years to life in prison if convicted of the charges, the judge said. Zachariasiewicz also denied that any of the agents asked Bout to waive extradition and said that Thai authorities made it clear he wasn't coming with them, Scheindlin wrote.

The agents acknowledged that Bout told them he wasn't in a good frame of mind and needed more time before he could speak with them, and also that Bout asked for them to come back the next day, Scheindlin said.

"Both agents testified that they told Bout that it was unlikely that the Thai police would permit them to speak with him tomorrow," the judge said. "I find that the agents' representation on this point was false and find that it is likely they knew that they would have been permitted to see Bout the next day if they had made that request of the Thai police."

The agents also weren't credible when they denied insinuating that Bout might return to the U.S. with them if he cooperated and waived extradition and denied telling Bout that he would face "disease, hunger, heat and rape" in Thai jails, the judge said.

"To the extent that the statements in Bout's affidavit are uncontradicted I obviously credit them fully," Scheindlin wrote. "To the extent the statements are contradicted they would ordinarily be entitled to less weight than sworn testimony. However, based on Bout's uncontradicted description of the events surrounding the arrest, I find his version of the interview more credible than the version advanced by the agents."

This article was published by the San Francisco Chronicle on August 24, 2011.

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Murder Suspect Nabbed in US Faces Extradition to Canada

McNabb Associates, P.C. (U.S. Extradition Attorneys)

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Ninderjit Singh, the man arrested in connection with the 1999 murder of 18-year-old Poonam Randhawa, is also wanted in Vancouver for attempted murder in a shooting two years prior, according to new documents filed in a U.S. court.

On Wednesday Singh, 33, appeared in U.S. District Court in Los Angeles five days after federal agents arrested him as he was leaving his San Jacinto home. He told the judge he would waive extradition, paving the way for his immediate return to Vancouver. He'd been on the lam ever since he allegedly shot the popular 18-year-old honours graduate on Jan. 26, 1999 as they sat in a car.

Documents filed in the U.S. court also shed new light on the circumstances around the murder.

In the complaint filed in U.S. court based on information supplied by Vancouver's lead detective on the case, U.S. Department of Justice lawyer Lana Morton-Owens said Canadian investigators only became aware after he was arrested that Singh was wanted in Vancouver under an alias for attempted murder. In 1997 he allegedly got into a dispute with a couple at a movie theatre and shot one person in the leg. The warrant in that case was issued 18 months after Randhawa was murdered.

The U.S. court document doesn't identify Singh's alias, but a court case in B.C. Provincial Court shows Ninderjit Singh Soos was charged with attempted murder, aggravated assault and discharging a firearm with intent to wound. The incident took place on May 3, 1997 and the case was filed in July, 2000. The case was unreported in the media. Police in the past have said Singh used several aliases, including Ninderjit Soos and Bira Singh. Soos is his stepfather's last name.

Vancouver Const. Jana McGuinness said explained the old file in the court database wasn't accessible by the police department's database. She said investigators have been reassigned to both cases "and will be very aggressively pursuing charges", including anyone who aided Singh in the killing or his flight from justice.

The U.S. document also indicates when federal officers searched Singh's California home they found four guns, one of which was confirmed stolen.

Singh was arrested Friday after one of the longest manhunts in the Vancouver police department's history. He was tracked down by dogged investigators after they learned of an alias he might be using. They discovered he'd greatly changed his appearance, had married and was working as a long-haul trucker. He was arrested after California Highway Patrol surreptitiously obtained his thumbprints during a bogus traffic stop.

In her brief Morton-Owens said Randhawa "had been dating" Singh but ended the relationship in December, 1998 after he assaulted her. Friends said she'd been stalked by Singh.

A month later, on Jan. 26 at 12:13 p.m. Singh was in a car being driven by Paul Aulakh when he saw Randhawa in a vehicle with two friends at the same intersection.

Singh told Randhawa to get into the car with him and she got into the back seat. Singh was in the passenger seat up front.

"As Paul Aulakh drove westbound on West 57th Avenue between Cambie Street and Oak Street, Singh pulled out a gun and pointed at Randhawa's head. Singh then shot Randhawa in the head," the court document states.

Singh then dumped her in a lane at West 47th Ave. Less than 15 minutes later police arrived to find Randhawa's body.

Singh told another friend, Raja Bisla, that his aunt had died and he needed money and a ride to Seattle. Bisla gave Singh \$200 and drove him and Aulakh to Sea-Tac Airport near Seattle. From there Singh flew to Los Angeles.

Aulakh stored his bloody car in a garage and told Salinder Chahal, an associate of Singh, what had

happened. Chahal told Aulakh to immediately call police. Later that day Singh was charged with first degree murder and a warrant was issued for his arrest.

McGuinness said evidence at the time only supported a case against Singh but detectives will now re-examine whether others can be charged.

On Tuesday Vancouver police said they long believed that members of Singh's family had aided in his flight from justice and that more charges could be laid.

This article was written by Jeff Lee and published by the Vancouver Sun on August 24, 2011.

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