



Drug crime sends first-time offender grandmom to prison for life

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

Submitted at 8:43 AM May 10, 2012

Houston Chronicle on May 10, 2012 released the following:

“Houstonian, who has no secrets to trade, is doing more time than drug lords

By Dane Schiller

FORT WORTH – The U.S. government didn’t offer a reward for the capture of Houston grandmother Elisa Castillo, nor did it accuse her of touching drugs, ordering killings, or getting rich off crime. But three years after a jury convicted her in a conspiracy to smuggle at least a ton of cocaine on tour buses from Mexico to Houston, the 56-year-old first-time offender is locked up for life – without parole.

“It is ridiculous,” said Castillo, who is a generation older than her cell mates, and is known as “grandma” at the prison here. “I am no one.”

Convicted of being a manager in the conspiracy, she is serving a longer sentence than some of the hemisphere’s most notorious crime bosses – men who had multimillion-dollar prices on their heads before their capture.

The drug capos had something to trade: the secrets of criminal organizations. The biggest drug lords have pleaded guilty in exchange for more lenient sentences.

Castillo said she has nothing to offer in a system rife with inconsistencies and behind-the-scenes scrambling that amounts to a judicial game of Let’s Make A Deal.

“Our criminal justice system is broke; it needs to be completely revamped,” declared Terry Nelson, who was a federal agent for over 30 years and is on the executive board of Law Enforcement Against Prohibition. “They have the power, and if you don’t play the game, they’ll throw the book at you.”

Castillo maintains her innocence, saying she was tricked into unknowingly helping transport drugs and money for a big trafficker in Mexico. But she refused to plead guilty and went to trial.

In 2010, of 1,766 defendants prosecuted for federal drug offenses in the Southern District of Texas – a region that reaches from Houston to the border – 93.2 percent

pleaded guilty rather than face trial, according to the U.S. government. Just 10 defendants were acquitted at trial, and 82 saw their cases dismissed.

The statistics are similar nationwide.

The latest case in point came this week with the negotiated surrender of a Colombian drug boss Javier Calle Serna, whom the United States accuses of shipping at least 30 tons of cocaine.

While how much time Calle will face is not known publicly, he likely studied other former players, including former Gulf Cartel lord Osiel Cardenas Guillen.

Cardenas once led one of Mexico’s most powerful syndicates and created the Zetas gang. He pleaded guilty in Houston and is to be released by 2025. He’ll be 57.

As the federal prison system has no parole, Castillo has no prospect of ever going home.

“Any reasonable person would look at this and say, ‘God, are you kidding?’” said attorney David Bires, who represented Castillo on an unsuccessful appeal. “It is not right.”

Castillo’s elderly mother in Mexico has not been told she’s serving life, and her toddler grandson thinks she’s in the hospital when he comes to visit her in prison.

Castillo is adamant about her innocence. “Put yourself in my shoes. When you are innocent, you are innocent,” she said. “I don’t say I am perfect. I am not ... but I can guarantee you 100 percent that I am innocent of this.”

At the urging of her boyfriend, Martin Ovalle, Castillo became partners with a smooth-talking Mexican resident who said he wanted to set up a Houston-based bus company.

But the buses were light on passengers and shuttled thousands of pounds of cocaine into the United States and millions of dollars back to Mexico. Her lawyers argued she was naive.

Castillo claims she didn’t know about the drug operation, but agents said she should have known something was wrong when quantities of money and drugs were repeatedly found on the coaches.

“After hearing all the evidence as presented from both the government and defense in this case, the jury found her

guilty ...,” said Kenneth Magidson, chief prosecutor here.

Former federal prosecutor Mark W. White III said if Castillo had something to share, she might have benefited from a sentence reduction for cooperating.

“Information is a cooperating defendant’s stock in trade,” White said, “and if you don’t have any, ... the chances are you won’t get a good deal.”

Castillo has faith that she’ll somehow, some day, go free. Her daily routine doesn’t vary: when she eats breakfast, when she works, when she exercises, and when she brushes her hair, which has gone from red-blond to black and gray. The gray gets respect in prison.

“I will leave here one day with my head held high,” she said. “I don’t feel like a bug or a cockroach. I am a human being, with my feet firmly on the ground.””

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Federal Prosecutors won't call Rielle Hunter to testify at John Edwards' Federal Criminal Trial

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

Submitted at 10:19 AM May 10, 2012

Boston Herald on May 10, 2012 released the following:

"Prosecutors won't call Rielle Hunter to testify at John Edwards trial

By Anne Blythe and Martha Quillin / McClatchy Newspapers

GREENSBORO, N.C. — Prosecutors trying John Edwards have called a full cast of witnesses over the past three weeks to talk about \$400 haircuts, fancy houses, posh estates, the whirlwind details in a presidential run, back-biting, betrayal and an extramarital affair that sent a one-time political star plummeting to the depths of a criminal trial.

On Wednesday, the day before prosecutors plan to wrap up their evidence, the one witness from the Federal Elections Commission, Patricia Young, an administrator in the Public Disclosure Division, was on the witness stand for not much more than 30 minutes. But prosecutors won't be calling the woman who set the whole, sordid matter into motion — Edwards' former mistress, Rielle Hunter.

Prosecutors told Judge Catherine Eagles late Wednesday that they still were on schedule to wrap up their side of the case on Thursday, and Hunter, the woman with whom Edwards had an extramarital affair and a child, was not one of the witnesses they intend to call.

Legal experts said prosecutors apparently will skip Hunter because she didn't have direct knowledge of the money involved in hiding her and they can't be certain of what she might say on the stand.

The Edwards case could test the sweep of campaign finance law.

When the government rests, the stage will be set for the first key ruling in the trial. Defense lawyers will likely ask Eagles, who will by then have heard the best evidence against Edwards, to dismiss the case in whole or in part. It is a standard maneuver in a criminal trial, but it may have a greater chance in this case in which the applicability of the law is also at issue.

Defense lawyers have argued that the campaign laws Edwards allegedly broke don't apply to funds spent for personal reasons, such as the hiding of a mistress. Jurors will be asked to decide not only whether the expenses provided by two wealthy supporters should have been classified as campaign expenses, but whether there was any criminal intent by Edwards in not reporting that on public disclosure forms.

Prosecutors plan to call several federal agents on Thursday, but their case could go to a jury which will have to rule on the intent of key actors in a case that weighs heavily on intent without hearing from two, and possibly three, of the people at the center of the charges.

Prosecutors called the lawyer, librarian, farm manager and grandson of Rachel "Bunny" Mellon, the Virginia philanthropist who issued \$725,000 in checks to help Edwards. But Mellon, just three months shy of her 102nd birthday, was not called to testify.

Fred Baron, the wealthy Texas lawyer, who, prosecutors contend, provided several hundred thousand more dollars toward the effort to hide a pregnant Hunter from the media, died in October 2008. No one other than Edwards' former aide and his wife, Andrew and Cheri Young, who deposited more than two-thirds of the money in their private bank account, have offered any testimony about Baron's intent.

And Edwards, a trial lawyer who had much success with juries when he was in the courtroom, might or might not take the stand in his defense.

As prosecutors push toward the close of their case the defense team has offered themes of its own in their cross-examination of witnesses.

They contend that that most of the money prosecutors contend was coverup money say was used to hide Edwards' pregnant mistress from the public to keep his campaign alive went to Andrew and Cheri the Youngs, key witnesses for the prosecution.

They continue to attack the character and motives of Andrew Young, making the trial as much Edwards versus Young as the government versus Edwards.

And Wednesday, they continued to push with their theory that Young was working closely with the FBI to ensure that an indictment was issued against Edwards. The defense contends he was in close contact with agent Charles Stuber, or

"Chuck" as they've begun to call him.

The trial so far has offered political theater, psychological drama and wrought emotion from some of the witnesses.

Also on Wednesday, Jennifer Palmieri, a former Edwards' campaign spokeswoman and friend of Elizabeth Edwards, became emotional while describing her relationship with the former Democratic presidential hopeful's cancer-stricken wife and her last days.

"She was not able to speak at this stage," said Palmieri, who now works for the

Obama administration.

Shortly before she died, Elizabeth Edwards told Palmieri that she did not want to die alone, that when the time came, "there would not be a man around to love her."

Palmieri said she would be there and was. So was John Edwards.

As Palmieri testified, Edwards, rubbed his eyes and pressed his forehead against his hand.

Palmieri was under cross-examination by defense lawyer Abbe Lowell after testifying for prosecutors about a rancorous October 2007 Iowa hotel meeting in which Elizabeth Edwards was angry at Baron and his wife Lisa Blue.

The Texas couple had taken Hunter on a shopping trip in California and Elizabeth Edwards was livid that they were continuing to stay in touch with Hunter. keep up with a woman with whom her husband had an extramarital affair. Edwards had told his wife a while back the affair was over and Elizabeth Edwards could not fathom why Baron and Blue were still in communication with her. "Lisa kept saying, 'You've got to hold your friends close and your enemies even closer,'" Palmieri testified.

Palmieri, who has been involved with politics her entire career, offered testimony that played to contentions by prosecutors that Edwards built his campaign on a family-man image and that news of an affair could damage his chances. Therefore, the government argues, efforts to shield his family-man image were in fact campaign expenses.

Palmieri remembered the first National Enquirer story that mentioned the possibility of Edwards being involved in an extramarital affair.

It was months before the publication broke the news about Hunter being pregnant.

Palmieri talked about the efforts to keep the affair story from "jumping to the mainstream media."

As she tried to help tamp down the story of the affair, Palmieri turned to Edwards and said: "If it's true, don't think you're going to survive this."

When pushed by prosecutor David Harbach about why she told Edwards that, Palmieri said: "A big part of his appeal was his family and his relationship with Elizabeth."

Palmieri took the stand after speechwriter Wendy Button finished her testimony.

Button testified on Tuesday that Edwards



Prosecutors display weaponry seized after militiamen arrests

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

Submitted at 9:58 AM May 10, 2012

Anchorage Daily News on May 9, 2012 released the following:
“Jurors get a look at arsenal seized from homes, trailer.

By RICHARD MAUER

The weapons and conspiracy trial of three Fairbanks militia members continued into its third day Wednesday with the introduction of seized guns, ammunition and documents, some brought into the federal courthouse, others as pictures projected on a big screen.

Federal prosecutors are taking the early days of the trial to set the groundwork for the weeks ahead. They’re systematically — and somewhat tediously — working with witnesses from the FBI and Alaska State Troopers to show the jury what their search warrants uncovered in the homes and a trailer belonging to the three defendants, Schaeffer Cox, Coleman Barney and Lonnie Vernon.

On Wednesday morning, FBI Agent Jolene Goeden showed photographs of thousands of rounds of ammunition seized in March 2011 from a large white trailer owned by Barney that was found parked at a Fairbanks ice park after the three men were arrested.

FBI agents had thought the trailer would be at the home of one of the suspects. When it wasn’t there when the men were arrested March 10, 2011, it set off a frantic search that included the use of aircraft. Officials knew from an informant that the trailer was filled with weapons and were concerned on two fronts — that other militia members, upset with the arrests of their leadership, might stage an attack using the ordnance, or that it could pose an explosion hazard to innocent bystanders if something inside ignited accidentally.

Barney eventually told a U.S. Marshal where it was.

In addition to the ammo, the trailer also held a sniper rifle, a tripod-mounted semi automatic rifle, an M-16 assault rifle and grenade launchers, as well as supplies and equipment for Barney’s contracting business, Mammoth Electric.

Goeden also showed another copy of the 17 “Acts of War” that was found in the trailer. Unlike the one found in Cox’s house and entered as evidence Tuesday, this one had checkmarks next to the acts that presumably had already taken place,

including firearms restrictions, confiscation of “any property,” federalization of law enforcement and the surrendering of power to a corporation or foreign government.

Only three acts remained unchecked: “mandatory medical anything,” elimination of gold, cash or barter, and the use of chips or marks to track, control or monitor.

Cox, the 28-year-old leader of the Alaska Peacemaker Militia and an ideological force in the Alaska “sovereign citizen” movement, once rescinded a guilty plea to a 2010 reckless endangerment charge by filing a notice to the recorder’s office in Fairbanks. A copy of the notice and other filings in his case were among the documents seized in the search of the home of co-defendant Barney, 37, a major in the militia.

The jury saw a copy of the seized set of documents — the standard court order dated March 10, 2010, accepting his plea deal, providing for no jail time and two years probation, and the surreal documents Cox used to abrogate the plea, including the paperwork for his now-famous “trial” in a Denny’s restaurant before a jury of his pals in which he was acquitted. Among the papers was the document filed in the recorder’s office — a repository mainly for land transactions — in which Cox captioned his case, “State of Alaska, a fiction, plaintiff, v Schaeffer Cox, a natural Man, victim and witness, waiving no rights, EVER.”

Interspersed with written ramblings were displays of the arsenals the men had amassed: Kalashnikov- and M-16-style assault rifles, numerous pistols and long rifles, hundreds of ammo clips, launchers for firing pepper-spray and tear-gas type canisters along with dozens of those rounds, powder and explosives. Troopers and FBI seized numerous body armor vests, handcuffs, a lock-pick kit, police duty belts and a “go bag” with 10 hand-held radios, batteries, pistols, an assault rifle, loaded magazines and a roll of duct tape.

Alaska State Trooper Joshua Rallo said he counted 20,000 rounds of ammunition in a storage pantry on the first floor of Barney’s home in North Pole adjacent to his office.

At each break in the proceedings, one of the prosecutors and an FBI agent would wheel out the evidence already presented to the jury and return with a cart filled

with more stuff, some of it quite heavy. And there are still days to go in this phase of the trial.

The defense attorneys have not been saying much, but on one occasion, Barney’s attorney, Tim Dooley, asked Rallo whether everything he seized “was legal for a citizen to own?” “Provided they’re not a felon, I guess,” Rallo replied.

There’s been almost no evidence about how the defendants amassed their armaments, or managed to pay for them. Prosecutors introduced a credit card receipt from Cox for \$583 to Far North Tactical, a Fairbanks arms and police-supply merchant, and the phone number for the shop showed up on other seized paperwork.

They also introduced a mail-order box for a 37mm grenade launcher from a company called American Ammo from Ohio, and the stern instructions that came with it, warning that using the product for anything other than as a low-powered “wildlife control banger” could get the user in serious trouble with the federal government.”

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Jared Mitchell Rothenberger Indicted by a Federal Grand Jury Alleging Charges of Conspiracy to Commit Wire Fraud, Conspiracy to Commit Bank and Wire Fraud, Wire Fraud, Money Laundering, Monetary Transactions in Criminally Derived Property, and Bank Fraud

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

Submitted at 11:18 AM May 10, 2012

The Federal Bureau of Investigation (FBI) on May 9, 2012 released the following:
 “Minneapolis Man Indicted for Mortgage Fraud in Connection with Burnsville Condo Project

MINNEAPOLIS— Earlier today in federal court in St. Paul, a 43-year-old Minneapolis man was indicted with allegedly defrauding mortgage lenders out of millions of dollars in connection with the sale of condominiums at Chateau Ridge in Burnsville. Jared Mitchell Rothenberger was specifically charged with one count of conspiracy to commit wire fraud, one count of conspiracy to commit bank and wire fraud, six counts of wire fraud, seven counts of money laundering, two counts of monetary transactions in criminally derived property, and one count of bank fraud. The indictment combines charges related to Chateau Ridge with those Rothenberger also faces in connection to the Cloud 9 Sky Flats development in Minnetonka. Rothenberger was originally charged in the Cloud 9 case on November 8, 2011.

The most recent indictment alleges that from August 24, 2006 through July 15, 2007, Rothenberger and others conspired to defraud mortgage lenders out of money by finding straw buyers to apply for mortgage loans to purchase units at Chateau Ridge. He and others then allegedly made misrepresentations to the lenders regarding the straw buyers’ financial situation, among other things. In some instances, he also reportedly provided straw buyers with funds for down payments, although his actions were never disclosed to the lenders. Furthermore, Rothenberger allegedly participated in the distribution of mortgage loan proceeds outside of actual property closings, again without informing the lenders. Some of the funds—or kickbacks—distributed in that manner amounted to hidden purchase-

price discounts and were allegedly provided to the straw buyers. Kickbacks were also purportedly made to Rothenberger and others involved in the scheme in the form of “facilitator” fees or other bogus charges.

Rothenberger is accused of similar criminal activity in connection with the Cloud 9 Sky Flats condominium development in Minnetonka. That case involves more than 40 Cloud 9 units. In excess of \$4.2 million was reportedly transferred to accounts for the purpose of paying kickbacks and otherwise sharing in the proceeds of the fraud scheme.

If convicted, Rothenberger faces a potential maximum penalty of 30 years for conspiracy to commit bank and wire fraud, 30 years for bank fraud, 20 years for each count of money laundering and wire fraud, 10 years for each count of monetary transaction involving criminally derived property, and five years for conspiracy to commit wire fraud. 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. It is being prosecuted by Assistant United States Attorneys Christian S. Wilson and Robert M. Lewis.

This law enforcement action is in part sponsored by the interagency Financial Fraud Enforcement Task Force. The task force was established to wage an aggressive, coordinated, and proactive effort to investigate and prosecute financial crimes. It includes representatives from a broad range of federal agencies, regulatory authorities, inspectors general, and state and local law enforcement who, working together, bring to bear a powerful array of criminal and civil enforcement resources. The task force is working to improve efforts across the federal executive branch and, with state and local partners, investigate and prosecute significant financial crimes, ensure just and effective punishment for those who perpetrate financial crimes, combat discrimination in the lending and

financial markets, and recover proceeds for victims of financial crimes.

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.”

[US v. Jared Mitchell Rothenberger – Federal Criminal Indictment](#)

[18 U.S.C. § 1343](#)

[18 U.S.C. § 1344](#)

[18 U.S.C. § 1349](#)

[18 U.S.C. § 1956](#)

[18 U.S.C. § 1957](#)

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Federal Prosecutors, Defense Attorney Agree to Extend Deadline for Federal Indictment of Arlington Strip Club Owner

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

Submitted at 10:07 AM May 10, 2012

Star-Telgram on May 9, 2012 released the following:

“Prosecutors, defense attorney agree to extend deadline for indictment of Arlington strip club owner

BY PATRICK M. WALKER

FORT WORTH — Federal prosecutors and the attorney for the owner of an Arlington strip club who is accused of targeting Arlington Mayor Robert Cluck in a murder-for-hire plot have agreed to push back the deadline for an indictment.

Assistant U.S. Attorney Chris Wolfe and J. Warren St. John, who represents Flashdancer Cabaret owner Ryan Walker Grant, agreed to extend the deadline by 71 days to July 19, according to court filings. The filings say the two sides are conducting discovery as well as negotiations that could lead to a plea bargain.

Under the Speedy Trial Act, federal indictments must be filed within 30 days of the arrest. Federal agents detained Grant on April 9, meaning Wednesday would have been the deadline.

St. John declined to comment through his office. Wolfe did not immediately respond to a request for comment.

Mark Daniel, a Fort Worth attorney not related to the case, said the deadline extension isn't surprising, given that a public official was involved and federal agents moved quickly to make an arrest. “Due to the complexity and the seriousness of the case, it's not entirely unexpected,” he said, emphasizing that he doesn't know the details behind the move.

Hit-man accusation

Grant is accused of trying to hire hit men from Mexico through an intermediary to kill Cluck and Dallas attorney Tom Brandt, who represents Arlington in cases involving sexually oriented businesses.

The intermediary was an informant for the Drug Enforcement Administration. FBI Special Agent Matthew Wilkins testified at a detention hearing April 20 that several days after Grant contacted the informant and expressed interest in having Cluck and Brandt killed, he gave a final green light April 9 to proceed with the slaying of Cluck.

“Let's do the mayor. Let's hit him tomorrow,” Wilkins testified that Grant told the informant.

After receiving Grant's instructions, the informant left Grant's home in Kennedale, and Grant never contacted him again, Wilkins said. FBI agents arrested Grant a few hours later.

U.S. Magistrate Judge Jeffrey Cureton ruled that Grant poses a flight risk and a threat to the community and ordered him held without bail.

When agents arrested Grant, they seized 22 guns, two bulletproof vests and nearly \$150,000 in cash, Wilkins testified.

Club closed a year

Flashdancer, at Randol Mill Road and Texas 360 in north Arlington, has closed for a year under a settlement with the Texas attorney general's office and the city in a nuisance lawsuit. In labeling the club a nuisance, city and state authorities cited the prevalence of drugs, prostitution and assaults.

Police Chief Theron Bowman has revoked the club's sexually oriented

business license on the grounds that Flashdancer filed a misleading application with the city and allowed rampant sexual contact between employees and customers. Grant wanted Cluck and Brandt killed because he felt they stood in the way of the reopening, according to an arrest warrant affidavit.”

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FBI Agents Search Robert Gentile's Home in Connecticut

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

Submitted at 11:30 AM May 10, 2012

Fox News on May 10, 2012 released the following:

“Agents swarm reputed mobster's home in Conn.

Associated Press

HARTFORD, Conn. – FBI agents on Thursday searched the property of a reputed Connecticut mobster who is suspected of withholding information about an infamous unsolved art heist in Boston.

Dozens of agents dug in the yard and removed boxes of evidence from the ranch-style Manchester home of 75-year-old Robert Gentile, who has been detained since February on federal drug and weapons charges.

A lawyer for Gentile, A. Ryan McGuigan, said the FBI was searching his client's property for a second time because the agency had a new warrant allowing the use of ground-penetrating radar to look for buried weapons.

McGuigan said he believes agents are really looking for stolen paintings but will

find no such thing.

“This is nonsense,” McGuigan said. “This is the FBI. Are you trying to tell me they missed something the first time? They're trying to find \$500 million of stolen artwork. ... All they're going to find is night crawlers.”

A federal prosecutor said in March the FBI believes Gentile had some involvement with stolen property related to the 1990 heist at Boston's Isabella Stewart Gardner Museum, the largest art



FBI

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robbery in history. Thieves stole masterworks by Rembrandt, Vermeer, Degas and Manet worth more than a half-billion dollars.

McGuigan said Gentile doesn't know anything about the art heist.

A U.S. attorney's office spokesman declined to comment. A message left with an FBI spokesman was not immediately returned.

Gentile was arrested three months ago on a charge of selling illegally obtained prescription painkillers. Federal agents say they seized three revolvers, numerous rounds of ammunition and home-made silencers during a Feb. 10 search of Gentile's home.

Gentile was arraigned last month on weapons charges. He leaned on a cane as he slowly rose before a judge in federal court in Hartford to plead not guilty to three charges.

McGuigan has said prosecutors were "piling on" with the gun charges.

FEDERAL

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told her in 2009 that he was aware all along that Baron had provided support to Hunter.

But on cross-examination, defense lawyer Abbe Lowell pointed out that Edwards had not specifically elaborated on what that meant.

Edwards and Button at the time were talking about Quinn, the daughter he had with Hunter. He was upset and very emotional, Button said, that he had lied on an ABC interview nearly 11 months earlier that he was not the father.

Button was helping him prepare a statement that would acknowledge his lie and perhaps clear up other lingering issues.

That statement went through at least 13 renditions, was vetted by lawyers and others, and eventually was not delivered."

Douglas McNabb – McNabb Associates,
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Gentile was convicted of larceny in 1996. Convicted felons may not possess firearms or ammunition that have been transported across state lines or from overseas. Federal law also prohibits possession of a silencer unless it's been registered.

Each of the three charges carries a maximum prison term of 10 years and a fine of up to \$250,000.

Authorities say FBI agents have had unproductive discussions with Gentile about the art theft."

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