



Roger Clemens acquitted of all charges

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

Submitted at 3:55 PM June 18, 2012

The Washington Post on June 18, 2012 released the following:

“By Ann E. Marimow and Del Quentin Wilber

Legendary pitcher Roger Clemens was found not guilty Monday of all charges in the government’s perjury case against him.

Over seven weeks of testimony in the case against Clemens, jurors heard from more than 40 witnesses, including former major league ballplayers, a housekeeper, the general manager of the New York Yankees and the wife of the star pitcher. The trial, initially anticipated to last four to six weeks, was at times slow going, with two jurors dismissed for sleeping on the job.

Deliberations began Tuesday, but jurors were off on Thursday and Friday.

The baseball legend was on trial for a second time, charged with six counts of perjury, making false statements and obstructing Congress for denying in 2008 that he had ever taken steroids or human growth hormone. A House panel was following up on a 2007 report by former senator George Mitchell that connected dozens of ballplayers, including Clemens, to performance-enhancing drugs.

Clemens told Congressional staffers and lawmakers in a nationally televised hearing that his former strength coach Brian McNamee had injected him with liquid vitamin B 12 and the painkiller lidocaine – not steroids or human growth hormone. But McNamee told the same House committee that he injected the seven-time Cy Young Award winner with the banned substances on several occasions in 1998, 2000 and 2001.

Defense attorneys portrayed Clemens as a man who was unfairly pursued by a huge team of investigators and prosecutors for four and a half years. Despite more than 200 interviews and the work of more than 90 federal agents, Clemens’s attorney emphasized that McNamee, a man with a troubled past, was the only person to testify to firsthand knowledge of the ballplayer’s alleged use of performance-enhancing drugs. Clemens’s highly decorated 24-year career was the result of hard work and discipline, not drugs, his lawyers said.

Prosecutors responded that it was unremarkable to find just one witness to what they described as Clemens’s “dirty little secret.” Government’s lawyers noted that not one of the defense’s witnesses had testified to seeing McNamee inject Clemens with vitamin B-12 or lidocaine. And they put on the stand several athletic trainers and team doctors who testified that McNamee would not have had access or the authority to inject the star pitcher with such substances in their team clubhouses.

The defense team spent considerable time attacking McNamee’s credibility, at one point putting his estranged wife on the witness stand to contradict the former strength coach’s testimony about why he kept needles, cotton balls and other medical waste from the alleged injections. The former strength coach admitted to having exaggerated, changed his story and lied to authorities in a 2001 criminal investigation into an alleged sexual assault.

But prosecutors said McNamee had little incentive to turn on his former employer whose cachet helped McNamee’s own business as a personal trainer. McNamee only decided to turn over the medical waste — stored in a MillerLite can and FedEx box, he said — after Clemens allowed a taped conversation that mentioned McNamee’s sick child to be aired on national television.

Perhaps the most dramatic moment of the trial came when Clemens’s former teammate and friend, Andy Pettitte, backed away from a critical element of the prosecution’s case. Pettitte, a star pitcher in his own right, initially told jurors that Clemens confided in him in 1999 or 2000 about using HGH to help with recovery. Pettitte had earlier told Congressional investigators the same story. But on cross-examination, Pettitte agreed with one of Clemens’s attorneys, Michael Attanasio, that there was a 50/50 chance he had misheard his friend.

Even before the trial began, many of the Washingtonians called to the Prettyman Courthouse for jury duty questioned the wisdom of the government investigating the use of performance-enhancing drugs in big league baseball. In interviews with the judge, many prospective jurors — including some selected for the panel — said that Congress should have been

spending its time on weightier matters that affected more people.

In reaching a verdict, the panel of eight women and four men had to decide whether Clemens’s answers to questions from Congressional investigators and lawmakers were “material” or relevant to the work of committee “as distinguished from unimportant or trivial facts,” according to the lengthy jury instructions.

To find Clemens guilty of the obstruction charge, for instance, jurors had to unanimously agree that the all-star pitcher made at least one of 13 allegedly false or misleading statements on subjects including his use of vitamin B-12 and the circumstances of his wife’s injection of human growth hormone.

In July, during the pitcher’s first trial on the same charges, Walton declared a mistrial after just two days of testimony. But the judge subsequently decided not to dismiss the charges, allowing this year’s trial to proceed.”

Douglas McNabb – McNabb Associates, P.C.’s

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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.



Inside story: FBI nabs Alleged Ocean's Eleven-style ring of thieves after biggest heist in U.S history

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

Submitted at 3:38 PM June 18, 2012

NJ.com on June 17, 2012 released the following:

“By Ted Sherman/The Star-Ledger
The Eli Lilly warehouse in Enfield, Conn., is a nondescript beige building with a pebbled concrete exterior, just off Freshwater Boulevard.

Although just down the road from a suburban shopping mall and an Olive Garden restaurant, it feels like the middle of nowhere, surrounded by woods and little else.

A light rain was falling on Saturday, March 13, 2010, when a tractor-trailer rumbled up to the loading dock about 9:33 p.m. Shut down for the weekend, the building had no security fence or watchman to keep an eye on the pallets of the costly pharmaceuticals awaiting shipment.

A video surveillance camera captured the fuzzy image of two men apparently checking to see if there was anyone inside the office. Then they quickly carried a ladder to get to the roof. Little more than tar and metal sheeting, it would not take much effort to cut through if nobody was watching.

And nobody was.

The Enfield warehouse was about to become legend — the scene of an \$80 million commercial drug heist, the biggest in U.S. history.

This is the inside story of how it went down and how authorities tracked and arrested 22 alleged members of an Ocean's Eleven-style ring of thieves, who operated with their own trucks, warehouses and black market wholesalers.

Criminal complaints filed in federal court in New Jersey, Florida, Connecticut and Illinois detail an operation that stole and then sold an eclectic litany of products: trailer-loads of pharmaceuticals exchanged for cash in the parking lot of a Toys “R” Us in North Bergen, hair care products taken in San Antonio and unloaded to a buyer in Newark, boxes of respiratory medicine loaded onto a flatbed tow truck at a Home Depot parking lot in Hollywood, Fla. They made off with millions in cancer drugs and antidepressants, and carried away loads of whiskey, inflatable boats and cigarettes.

It was an operation, say federal law enforcement sources, that was penetrated by an FBI cargo theft task force in New Jersey after a buy-and-bust sting involving

a load of pharmaceuticals stolen in Georgia led investigators to Florida.

But the most revealing information comes by way of an FBI court affidavit, mistakenly unsealed, offering a rare insight into the workings of a network that operated like a big business with high-end, fast-moving theft crews — sometimes working independently, other times as teams.

The accused, say investigators, included two brothers — one an expert in alarm systems — each with a long history of taking stuff that did not belong to them. And both might still be free but for two mistakes that ultimately helped federal agents identify gang members and track them down — a discarded water bottle and a brand new set of tools.

“This wasn’t about a guy walking down the street with a black knit hat and a crowbar over his shoulder. It was nothing like that,” said Charles Forsaith, coordinator of the Pharmaceutical Cargo Security Coalition, an industry group that shares intelligence. “This was a group that had tentacles elsewhere.”

EL GATO AND THE CUBANS

Amaury Villa is a stocky man with close-cropped hair, a tattoo of a scorpion on his left arm, and a long rap sheet for burglary. “Unfortunately he has a substantial criminal background,” acknowledged his attorney, Frank Rubino of Miami.

Living in Miami with a girlfriend, and having to make monthly child support payments, Villa had recently incorporated a transportation company, Florida records showed. E-mails revealed he was looking to purchase several long-haul tractor-trailer rigs.

He also apparently knew his way around security systems. On an application for a safe deposit box at the Bank of America, Villa listed his occupation as a self-employed alarm installer.

Three months before the drug company warehouse in Enfield was hit, prosecutors said Villa boarded an American Airlines flight from Miami to LaGuardia Airport in New York on Jan. 7, 2010, together with another individual — a man not charged in the case, but identified in the FBI affidavit as “El Gato.” The Cat. According to the affidavit, El Gato’s real name was Yosmany Nunez Aguilar, who also had a record for theft of interstate freight.

Villa rented a luxury Infinity QX56 SUV from Hertz at the airport counter. He then drove to the Hyatt Regency Hotel on the Jersey City waterfront, where Villa — a

Hyatt platinum club member — had reserved two rooms for the night.

The next day, Villa and another man, believed to be Aguilar, drove to Windsor, Conn., approximately 11 miles from Enfield, where Villa checked into the Hyatt Summerfield Suites for a two-night stay.

It was a scouting mission, agents surmised in the affidavit. Late Saturday evening, about 10:35 p.m., the surveillance video at the Eli Lilly warehouse captured an individual walking around the outside and peering through the front doors of the locked building. Nobody was monitoring the camera, but someone — very likely Villa — appeared to be casing the joint, the FBI said. Villa returned to Miami the next day.

Cargo theft is a multibillion-dollar business, according to the FBI and Forsaith, a former New Hampshire state police officer who now works as a transportation security expert, said there is a methodology to how cargo thieves ferret out targets.

“In today’s day and age, you can pretty much go on the internet and tell what a company makes, where it is located — be it Pfizer or Purdue — and use that public information to make an educated guess as to what that company manufacturers, and where those products may be distributed,” he said.

Trucks leaving a warehouse may be followed to determine their routes of travel long before any theft takes place. Warehouses are not hard to find on Google Maps.

Villa, say authorities, had made a career out of it. Less than two weeks after his advance trip to Connecticut, Villa was tracked to another warehouse job 1,000 miles away. On Jan. 22, records show someone using Villa’s credit card checked into the Fairfield Inn in East Peoria.

The target that weekend, according to the FBI, was a commercial warehouse along Illinois Route 116 containing a sizable load of cigarettes being stored for distribution.

The operation seemed well orchestrated to police. Thieves did not try to go in through the front door, but rather climbed to the unsecured roof, cut through with power tools, and lowered themselves in with ropes. They seemed to know what they were looking for there. The alarm system was bypassed without cutting a



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single wire, and a convoy of stolen tractor-trailers pulled up to haul away more than 3,500 cases of cigarettes valued at more than \$8 million.

One of the truck trailers turned up in New Jersey two days later, abandoned near Newark on the southbound shoulder of the eastern spur of the New Jersey Turnpike, authorities say.

But inside the East Peoria warehouse, someone left a clue that would help connect the dots much later. According to the FBI affidavit, DNA that they now link to Villa's older brother, Amed, was recovered at the scene.

With dark hair and the tattoo of a skull on his right arm, Amed Villa was well known to law enforcement authorities. He reportedly installed fire doors for a living, according to his attorney, but he had a history of arrests and convictions for burglary. He had been arrested and convicted for burglary in January 2000 in Seminole County, Fla., and charged with multiple burglary-related offenses in Florida between 1995 and 2005, the FBI affidavit noted.

A Cuban citizen, he had been ordered deported from the United States, according to the FBI, although he had not been detained. Rather, he was required to periodically check in with immigration authorities. He had not done so for years, according to the affidavit.

In July 2009, another multimillion-dollar cigarette warehouse burglary was reported in Montgomery, Ill. Inside, said the FBI, they again found DNA that matched the same unique biological fingerprint picked up in East Peoria. Days before the July 4 break-in, the FBI found Amaury Villa had checked into a hotel in Rosemont, some 40 miles away, and checked out after the heist.

Then in August 2009, thieves struck the big GlaxoSmithKline distribution warehouse in Chesterfield, Va., cutting through the roof, disabling the alarms and driving away with at least \$4.3 million of its respiratory drug Advair Diskus.

Amaury again had not been far away. The day before, he had checked into a hotel in Chester, Va., some 15 miles away from Chesterfield, according to the FBI. And investigators again had a DNA match to the earlier jobs, they said, left on a coffee cup in the warehouse.

Officials will not disclose if they knew who they were looking for based on the DNA. But if they did not yet know the name of Amed Villa, the evidence showed that one person had been at the scene of three major unsolved crimes.

THE CONNECTICUT CAPER

In March, members of the gang were zeroing in on their new target, the Eli

Lilly warehouse in Enfield, Conn., according to complaints filed in the case and other court documents.

Amaury Villa had just negotiated lease agreements for two Freightliner CL-20 tractor trucks — one for \$20,205 and the other for \$23,211 — through the company he set up in Florida, called Trans-USA.

Villa rented another Infiniti QX56 in early March, between a flurry of flights he made to and from Miami and New York. On March 12, Villa checked back into the Summerfield Suites, using his platinum Hyatt membership card.

The Connecticut break-in occurred on the night of March 13, following the same script as that of the GlaxoSmithKline theft in Virginia, the cigarette heist in East Peoria, and the job in Montgomery. The thieves went in on a Saturday night, climbed to the roof, cut into the drugmaker's warehouse, rappelled down using climbing gear to the floor below and knocked out the alarm system without cutting wires.

"The security surveillance system and alarm were disabled in a manner which indicated familiarity with systems of this type," wrote FBI agent John Howell in his affidavit. "For example, wires were not cut, but rather unplugged and only certain of the wires were unplugged. Other wires, which might have set off alarms outside of Connecticut were not disconnected for some time."

The crew had plenty of time to themselves and put together 49 pallets of drugs, using forklifts inside the warehouse to load boxes of Zyprexa, an anti-psychotic drug used to treat bipolar disorder; Prozac and Cymbalta, both antidepressant drugs; and Gemzar, a chemotherapy drug used to treat lung cancer.

They drove away into the night, and into international headlines of what seemed like a Hollywood-style caper movie, starring a crack team of brazen professionals who knew what they were looking for before they punched their way inside.

But as smart as the alleged gang members were, law enforcement documents say, they left more evidence behind — enough to get the Villa brothers arrested.

When the Enfield Police Department was called to the scene, they found an opened case of water bottles, with several empty plastic bottles scattered on the floor of the kitchen and office area of the warehouse. Later in a lab, they found DNA on the water bottle that matched the DNA found on the coffee cup of the GlaxoSmithKline warehouse in Virginia, and at two Illinois warehouse break-ins, linking four jobs now to the same man — Amed Villa.

Also lying on the floor was a collection of several red-handled Husky-brand hand tools and an assortment of power tools, all with that immaculate, never-used look. The U.S. Attorney's Office in Connecticut would not disclose what specific tools were used, but the thieves could not have made a more ill-advised purchase.

Husky is a brand sold only at Home Depot stores, and investigators speculated that someone might have purchased everything at one time. Agents began scouring Home Depot computer records to find out if how many collections of the eight tools matching those recovered in Connecticut had ever been sold together in one place.

The answer was a blockbuster. The purchase had been made only once in the past 12 months — at the Flushing, N.Y., store on March 12, 2010, at 1:13 p.m.

The home improvement store's own records not only provided a road map, but images of the sale itself at the checkout line. Surveillance cameras in the store showed two men at the register, paying for the \$757 purchase in cash. Those same two men could then be seen on other video footage Home Depot maintained of its parking lot, as they put their purchases into the back of an SUV.

It looked a lot like the Infiniti QX56 rented by Villa.

AN UNSELLABLE CARGO

Just days after the theft, the FBI in New Haven got an anonymous call helping connect more of the pieces. Three of the perpetrators of the Eli Lilly heist, the caller said, would be meeting in the near future to negotiate the load.

Among them was Aguilar, who the caller knew only as El Gato. All of them, the FBI was told, hung out at the Rickenbacker Marina in Key Biscayne, Fla., where the nearby Rusty Pelican offers up a great waterside view of Miami, along with steaks, burgers with avocado fries, and Holy Mackerel Special Golden Ale.

The surveillance that followed would soon lead investigators to others, and an undercover buy operation to locate the stolen drugs, the criminal complaints show.

Pharmaceuticals are typically marketed through wholesalers, but there has long been a secondary wholesale market that often deals with products offered at cheaper prices because they are about to expire. Sellers are supposed to have "pedigrees" to show the stuff came from an authorized wholesaler.

"Typically you have these sellers with fax machines who blast out that they have this



Evidence Reveals James “Whitey” Bulger’s Secret Life on the Run

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

Submitted at 9:01 AM June 18, 2012

NBCLosAngeles.com on June 16, 2012 released the following: “The feds release 1,000 pages of evidence in the case of one of America’s most wanted mobsters

By Jason Kandel

A neighbor said the old man would sit up all night peering through binoculars from the third floor of The Princess Eugenia, a three-story building three blocks from a Santa Monica bluff that overlooks the Pacific Ocean.

A handwritten sign on the apartment door said “Please Do Not Knock” because he slept during the day.

But nearby residents had no idea that the man was really James “Whitey” Bulger, one of most wanted fugitives in the world.

Hundreds of documents and photos released by federal prosecutors Friday offer a detailed look inside the California apartment where Bulger and his longtime girlfriend, Catherine Greig, hid out during 16 years on the run.

In their Santa Monica apartment, investigators found a weekly planner filled with notes on everyday tasks, including laundry, cleaning, picking up prescriptions and going to doctor’s appointments.

But they also found holes in the walls filled with handguns, rifles and cash.

Bulger, the former leader of the Winter Hill Gang who was also an FBI informant, fled Boston shortly before he was indicted in early 1995 when a former agent told him he was about to be indicted.

He was one of the FBI’s most wanted fugitives until he and longtime girlfriend, Greig, were caught last June in Santa Monica. Bulger was captured 16 years after his run from the law sparked an international manhunt.

He is currently awaiting trial for his alleged role in 19 murders.

Descriptions and photos of the apartment, as well as interviews with people who knew the couple, were among hundreds of documents unsealed by prosecutors Friday, three days after Grieg was sentenced to eight years in prison for helping Bulger during his years as a fugitive.

The documents offer a glimpse into the

couple’s life as fugitives.

One photo shows a shelf with a stack of books about gangsters and crime, including several about Bulger himself.

Some of the titles include “G-Men and Gangsters;” “The Untold Story of My Life Inside Whitey Bulger’s Irish Mob,” co-written by Kevin Weeks, Bulger’s former right-hand man; and “A Mob Story” by former Boston Herald reporter Michele McPhee.

But in other parts of the apartment, there are signs of a simple, more pedestrian existence.

The weekly planner contained notes about going to pharmacies — Rite Aid and CVS — and grocery stores, Trader Joe’s and Vons.

Interviews with people who knew them in California — where authorities say they spent most of the 16 years — describe a quiet, older couple who mostly kept to themselves and pretended to be from Chicago.

Joshua Bond, the general manager of the apartment building where they lived, said they were known in the neighborhood as “the old couple that always wore white.”

Bulger, he said, always wore glasses and a hat, and always had a beard.

They called themselves Carol and Charlie Gasko, he said. Bond, who lived next door, said he would sometimes see Bulger through his window sitting up all night with binoculars.

“Bond only ever saw Charlie get mad one time. This was because Bond had startled him. Charlie yelled at him and told him not to startle him again,” a summary of an FBI interview said.

Bond said Bulger gave him several gifts over the years, including a black Stetson cowboy hat, a beard trimmer and workout equipment.

“If Bond had not thought the Gaskos were such a nice old couple, he would have thought that Charlie was trying to get Bond in shape because he (Charlie) was attracted to him (Bond),” the FBI said in its description of the interview.

The photos show holes cut into the apartment walls, where authorities say Bulger hid more than 30 weapons and more than \$800,000 in cash.

One photo shows handguns visible inside one hole. Another shows a picture of a crucifix taped to a doorframe above a hole

in the wall, where it appears the FBI removed a mirror that was hiding it.

Another shows stacks of cash.

Other photos show the couple’s separate bedrooms. Bulger’s room is cluttered, with an unmade bed, socks strewn on the dresser and crowded shelves. On one of the shelves is a Valentines’ Day card with a picture of a puppy in front of a big red heart. Five pairs of sneakers line the top of a shelf, including four identical white pairs with blue stripes.

Bulger, nicknamed “Whitey” for his shock of bright platinum hair, grew up in a gritty South Boston housing project, and went on to become Boston’s most notorious gangster.

Along with Stephen “The Rifleman” Flemmi, he led the violent Winter Hill Gang, a largely Irish mob that ran loan-sharking, gambling and drug rackets in the Boston area. U.S. Attorney Donald K. Stern said in 2000 that the two were “responsible for a reign of intimidation and murder that spanned 25 years.”

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Houston-Area Men Charged in an Alleged \$68 Million Bank Fraud

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

Submitted at 1:42 PM June 18, 2012

The Federal Bureau of Investigation (FBI) on June 15, 2012 released the following:

“MONTGOMERY, AL— George L. Beck, Jr., United States Attorney for the Middle District of Alabama, and Lanny Breuer, Assistant Attorney General, Criminal Division, U.S. Department of Justice, announced today:

- The indictment on June 6, 2012 of three Houston, Texas-area men: Paul Hulse, Sr., age 64, of Kingwood, Texas; Steven P. Mock, age 68, of Houston, Texas; and Frank J. Teers, age 49, of Montgomery, Texas, on federal conspiracy, wire fraud, and bank fraud charges.
- The guilty plea on June 5, 2012 of Paul Hulse, Jr., age 42, of Kingwood, Texas, to an information charging conspiracy to make a false statement to a bank.

According to court filings, Paul Hulse, Sr. (Hulse) was a director of H&H Worldwide Financial Service Inc.; Paul Hulse, Jr. (Hulse, Jr.) was H&H's president; Steven P. Mock was an attorney in the Houston area; and Frank J. Teers was a stockbroker employed by Tri-Star Financial Services in Houston. Beginning in 2003, Hulse began soliciting various persons and businesses for loans based on the false representation that he controlled a large portfolio of bonds—the amount ranged from tens to hundreds of millions of dollars—that could be used as collateral for the loans. Mock and Teers made false statements to the prospective lenders that supported Hulse's claim that he owned a substantial bond portfolio. In fact, Hulse did not have a bond portfolio. None of the solicited institutions, which included Western National Bank of Midland, Texas, MetLife, UBS Securities, and Jefferies and Co. agreed to make a loan to Hulse or H&H.

According to the indictment, in February 2005, Hulse began soliciting loans from the Federal Land Bank of South Alabama (the bank) in Montgomery, Alabama. During the course of the discussions:

Hulse falsely represented that he had a large bond portfolio that could serve as

collateral for the loans to H&H and submitted documents that concealed Hulse's plan to use approximately half the loan proceeds to purchase the bonds that were going to serve as collateral for the loans.

Mock falsely claimed that he was Hulse's “senior trust officer” and that the “trust agreements” permitted the use of \$15 million of trust bonds in connection with the proposed loan.

Teers falsely represented that he managed a significant bond portfolio for Hulse, provided documents to Hulse that Hulse used to support his claim of ownership, signed documents that represented that bonds were on account at Tri-Star and failed to disclose to the bank and to Tri-Star that he had been interviewed by IRS criminal investigators about Hulse's fraudulent activities.

According to the indictment, the bank made two loans to H&H totaling \$68.5 million in August and December 2005. H&H used more than half the money to buy the bonds that were to serve as collateral for the loan. A significant amount of the loan proceeds were used for the personal benefits of Mock, Hulse, and members of the Hulse family. Teers made more than \$600,000 in commissions from the buying and sale of bonds on behalf of H&H. By spring 2007, the relationship between H&H and the bank had deteriorated. In an effort to convince the bank to allow the principal of the bonds to be used to make the quarterly loan payment, on June 28, 2007, Mock, Hulse, and Hulse, Jr. sent a letter to the bank that (a) falsely claimed that H&H was on the “doorstep” of obtaining a loan from Wells Fargo that would allow the bank to be paid in full and (b) described how the loan proceeds had been used without disclosing the fact that more than half the loan proceeds had been used to buy the bond collateral.

Each count of the 10-count indictment carries a statutory maximum sentence of 30 years' imprisonment. The conspiracy charge to which Hulse, Jr. pled guilty carries a statutory maximum sentence of five years' imprisonment.

Hulse and Mock were arraigned yesterday before United States Magistrate

Judge Terry F. Moorer. Teers had his arraignment before Judge Moorer on June 13, 2012. Each defendant pled not guilty, and each was released on a \$25,000 unsecured bond. Trial is set for February 11, 2013 before United States District Judge Myron H. Thompson.

Hulse, Jr. pled guilty before Chief United States Magistrate Judge Susan R. Walker, who released him on a \$25,000 unsecured bond. Hulse, Jr. is scheduled to be sentenced on September 19, 2012 before Chief United States District Judge William Keith Watkins.

The case was investigated by the FBI and is being prosecuted by Assistant United States Attorney Andrew O. Schiff and Fraud Section Trial Attorney Ryan S. Faulconer.”

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Acting Associate Attorney General Tony West Speaks at the National Institute of Justice Conference

(USDOJ: Justice News)

Submitted at 10:07 AM June 18, 2012

“Ultimately, however, the role that science plays in forming our policies and practices -- that will depend on each of you: your

commitment; your vigilance; your dedication to ensuring that our work to create a criminal justice system that is more effective, more efficient, more just, will rest not merely on a foundation of

hope, or goodwill, or good intentions, but on a bedrock of integrity born of science and research,” said Acting Associate Attorney General West.



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stuff available cheap," said former New Jersey federal prosecutor A. Jeff Ifrah, whose Washington-based law firm represents major health, pharmaceutical and biotechnology companies. "There's a ready market," he conceded. "Although there's not necessarily a market super-diligent about the pedigrees of these products."

In fact, the U.S. Attorney's Office in New Jersey set up a major sting in 2004 called "Operation Pill Collector" to catch pharmaceutical thieves by setting up a fake wholesale company with the help of an informant who agreed to cooperate with the FBI after he was caught selling stolen drugs with fake pedigree paperwork. Instead of looking for the bad guys, the investigation had bad guys coming to them.

Ultimately, 17 people in New Jersey and three other states were arrested on charges of trafficking \$56 million in stolen or misdirected prescription drugs, which were sold to local pharmacies at big discounts.

The drugs taken from the Eli Lilly warehouse would have been much harder to move. Forsaith said that because of pressure from law enforcement, publicity about the Eli haul became almost too hot to handle. The alleged gang members only felt comfortable dealing small to the black market, FBI documents said.

In a meeting in Elizabeth, one of those eventually charged with hijacking a tractor-trailer load of inhalers stolen from Tampa, Fla., discussed the importance of holding "cold" stolen goods. Caught on surveillance tape by an informant, Reynado Tapanes, 45, of Miami, was recorded saying, "If you're holding hot stuff ... you're gonna get burned at some moment."

Samples of Advair stolen from Glaxo were already showing up in legitimate pharmacies as far west as Texas, sparking an alert by the Food and Drug Administration over concerns that improper storage conditions might render the products ineffective, risking the health of patients.

Assistant Attorney General for the Office of Justice Programs Mary Lou Leary Speaks at the National Institute of Justice Conference

(USDOJ: Justice News)

Submitted at 10:05 AM June 18, 2012

"As we all know, the challenges facing us in criminal justice are considerable. But our knowledge about what works is growing, and the tools and technology we

In mid-August 2010, according to the FBI affidavit, the U.S. Customs Service intercepted a FedEx package addressed to a business at the Rickenbaker Marina, sent from the Dominican Republic. The package contained approximately 2,200 counterfeit labels for the pharmaceuticals stolen from the Eli Lilly warehouse. Someone, the FBI believed, was trying to re-label the haul.

TAKEDOWN

By late 2010, the gang appears to have been penetrated, court documents suggest. Law enforcement sources said a buy-and-bust operation being directed by a cargo theft task force headed by FBI agent Tom Hauck in Newark led investigators to Florida beginning in 2009, after an \$8.8 million tractor-trailer load of drugs was hijacked at a truck stop in Georgia.

For more than a year, transactions in stolen merchandise tied to those eventually arrested were recorded by several unidentified individuals cooperating with the feds. In one meeting, an informant arranged to have part of a stolen drug shipment delivered to the Toys "R" Us parking lot in North Bergen.

When it arrived, the trailer was hooked up to another tractor and driven away, and then returned empty an hour later in exchange for a cash payment of \$64,000.

According to Amaury's attorney, the government told him that an informant fingered Villa when drugs stolen from Eli Lilly were being fenced.

"From what I understand, the government conducted surveillance on my client. When he turned in a rental car, they found a set of keys that fit a storage warehouse where they had followed him earlier," said Rubino.

The FBI agents tried the keys to every storage locker at the facility and found several that opened. Then they obtained a search warrant to look inside, and discovered the stolen pharmaceuticals, according to Rubino.

On the morning of May 3, teams of federal agents began arresting people — including the Villa brothers. In all, 22 men were charged in four states.

None of those charged has yet to go to trial.

Amed Villa on Thursday entered a plea of not guilty in Connecticut. His attorney, Jonathan Einhorn of New Haven, said it was still early in the process.

"The government has a very dramatic account of what happened," said Einhorn. "But this is not Hollywood. You have to prove the facts."

Amaury Villa sits in jail in Florida. "He's not happy he's been arrested," said Rubino. But the lawyer conceded this may not be the easiest case he has ever handled. "There may be significant physical evidence in this case," he 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.



FBI posts file of Watergate source 'Deep Throat'

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

Submitted at 8:52 AM June 18, 2012

KomoNews.com on June 15, 2012

released the following:

"By CNN Wire Staff

(CNN) — Forty years ago this Sunday, the Watergate break-in began the downward spiral of the Richard M. Nixon administration, ending with the disgraced president's resignation a little more than two years later.

On the night of June 17, 1972, the Washington hotel served as a base for an illegal break-in by operatives of the Nixon re-election campaign at the offices of the Democratic National Committee, located in the Watergate office building next door. Five burglars were arrested.

Rookie Washington Post reporters Bob Woodward and Carl Bernstein used leaked information from a source they dubbed "Deep Throat" in hundreds of articles about the ensuing scandal.

On Thursday, personnel files of W. Mark Felt, who identified himself as "Deep Throat," were posted on the FBI's online records site called The Vault.

"Deep Throat" became a part of the American lexicon. The film "All the President's Men" made famous the late-night parking garage conversations Woodward had with the mystery man.

Woodward, Bernstein and Felt kept the identity of "Deep Throat" a secret until 2005, when Felt told Vanity Fair he was the source.

Felt died in 2008 at age 95.

On Monday, Woodward and Bernstein

spoke of Felt's contribution to their coverage.

"We had uncovered the story," Bernstein said at a program put on by the Post. "He did contribute key details at various points."

"He gave us this assurance that we knew we were right," Bernstein added. "He confirmed these things and it eliminated a lot of doubt that I think we might have had."

But Woodward said Bernstein's discovery of the bookkeeper for Nixon's re-election campaign was "the real turning point in the coverage of Watergate."

The bookkeeper, Woodward said, had details of who controlled and received money.

Felt, who joined the FBI in the early 1940s, was its associate director at the time of the burglary.

Felt said he was unhappy with the way the administration meddled with the investigation into the break-in, which led him to divulge information to the newspaper.

"I'm proud of everything that Deep Throat did," Felt, then 92, told CNN's "Larry King Live" in 2006, his first public interview on the subject.

When King asked Felt whether he felt he had done anything wrong in going outside approved channels to get information out, Felt was unequivocal.

"I thought I was doing the right thing," he said

Felt, who retired from the FBI in 1973, had his own legal problems. He was convicted in 1980 on conspiracy charges

for authorizing government agents to break into homes without search warrants in a hunt for bombing suspects in 1972 and 1973.

When the case went to trial, former President Nixon testified on Felt's behalf. Felt was eventually pardoned in 1981 by President Ronald Reagan.

When asked how he would like to be remembered, Felt said, "I'd like to be remembered as a government employee who did his best to help everybody."

The FBI Vault file covers Felt's personnel file from 1941 to 1978 and a 1956 investigation into an extortion threat made against Felt."

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Joe H. Nichols Charged in a Criminal Complaint Alleging Mail Fraud Crimes in Connection with Charitable Donations from the Veterans of Foreign Wars of the United States (VFW)

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

Submitted at 9:24 AM June 18, 2012

The Federal Bureau of Investigation (FBI) on June 15, 2012 released the following:

"Houston Man Charged with Defrauding Veterans of Foreign Wars Organization HOUSTON— Joe H. Nichols has been arraigned on a one-count criminal information charging him with mail fraud in connection with charitable donations from the Veterans of Foreign Wars of the United States (VFW), United States Attorney Kenneth Magidson announced today. Nichols, 46, of Houston, appeared today before U.S. Magistrate Judge Stephen Smith.

The VFW is a charitable organization that supports veterans and active duty personnel who have or are serving in the United States military overseas.

According to the allegations in the criminal information, the VFW agreed to fund a communication project that would allow soldiers deployed in remote locations in Iraq to communicate with their families. Nichols allegedly agreed to assist the VFW by having his company, Prasolus, serve as project manager to get the communication hardware and software to Iraq.

The Texas VFW raised approximately \$182,000 for the communication project, from which Nichols submitted invoices for payment. In June 2007, he allegedly

traveled to the national headquarters of the VFW in Kansas City and induced the national VFW to give him an additional \$100,000, which he said he needed to complete the communication project and deploy it to Iraq. Although the national VFW mailed a check to Nichols for \$100,000, the communication system was never delivered. Instead, he allegedly used funds from the \$100,000 for his personal benefit.

Judge Smith permitted Nichols to remain free with the execution of a \$50,000 unsecured bond under the condition he surrender his passport and travel only within the continental United States.



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The maximum penalty upon conviction for mail fraud is 20 years in prison and a possible \$250,000 fine.

The investigation leading to the charges was conducted by the FBI. Assistant United States Attorney Belinda Beek is prosecuting the case.

A criminal information is a formal accusation of criminal conduct, not evidence. A defendant is presumed innocent unless convicted through due process of law.”

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