# REPORT TO CONGRESS

# ON THE ACTIVITIES AND OPERATIONS

# OF THE

# PUBLIC INTEGRITY SECTION

# FOR 2004

**Public Integrity Section**
**Criminal Division**
**United States Department of Justice**

**Submitted Pursuant to**
**Section 603 of the Ethics in Government Act of 1978**

## INTRODUCTION

This Report to Congress is submitted pursuant to the Ethics in Government Act of 1978, which requires the Attorney General to report annually to Congress on the operations and activities of the Justice Department's Public Integrity Section. The Report describes the activities of the Public Integrity Section during 2004. It also provides statistics on the nationwide federal effort against public corruption during 2004 and over the previous two decades.

The Public Integrity Section was created in 1976 in order to consolidate in one unit of the Criminal Division the Department's oversight responsibilities for the prosecution of criminal abuses of the public trust by government officials. Section attorneys prosecute selected cases involving federal, state, or local officials, and also provide advice and assistance to prosecutors and agents in the field regarding the handling of public corruption cases. In addition, the Section serves as the Justice Department's center for handling various issues that arise regarding public corruption statutes and cases.

An Election Crimes Branch was created within the Section in 1980 to supervise the Department's nationwide response to election crimes, such as voter fraud and campaign-financing offenses. The Branch reviews all major election crime investigations throughout the country and all proposed criminal charges relating to election crime.

During the year the Section maintained a staff of approximately 25 attorneys, including experts in extortion, bribery, election crimes, and criminal conflicts of interest. The section management included: Noel L. Hillman, Chief; Stuart Goldberg, Principal Deputy Chief; Raymond Hulser, Deputy Chief for Policy and Administration; Brenda Morris, Deputy Chief for Litigation; Peter Ainsworth, Deputy Chief for Litigation; Craig Donsanto, Director, Election Crimes Branch; and Bill Corcoran, Senior Counsel.

Part I of the Report discusses the operations of the Public Integrity Section and highlights its major activities in 2004. Part II describes the cases prosecuted by the Section in 2004. Part III presents nationwide data based on the Section's annual surveys of United States Attorneys regarding the national federal effort to combat public corruption from 1984 through 2004.

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# PART I

# OPERATIONAL RESPONSIBILITIES OF THE PUBLIC INTEGRITY SECTION

## A. RESPONSIBILITY FOR LITIGATION

The work of the Public Integrity Section focuses on public corruption, that is, crimes involving abuses of the public trust by government officials. Most of the Section's resources are devoted to the supervision of investigations involving alleged corruption by government officials and to prosecutions resulting from these investigations. Decisions to undertake particular matters are made on a case-by-case basis, based on Section resources, the type and seriousness of the allegation, the sufficiency of factual predication reflecting criminal conduct, and the availability of federal prosecutive theories to reach the conduct.

Cases handled by the Section generally fall into one of the following categories: recusals by United States Attorneys' Offices, sensitive cases, multi-district cases, referrals from federal agencies, and shared cases. These categories are discussed below, and examples of cases handled by the Section in 2004 under the categories are noted. The examples are described, along with the Section's other 2004 casework, in Part II.

### 1. Recusals by United States Attorneys' Offices

The vast majority of federal corruption prosecutions are handled by the local United States Attorney's Office for the geographic district where the crime occurred, a fact demonstrated by the statistical charts in Part III of this Report. At times, however, it may be inappropriate for the local United States Attorney's Office to handle a particular corruption case.

Public corruption cases tend to raise unique problems of public perception that are generally absent in more routine criminal cases. An investigation of alleged corruption by a government official, whether at the federal, state, or local level, or someone associated with such officials, always has the potential to be high-profile, simply because its focus is on the conduct of a public official. In addition, these cases are often politically sensitive, because their ultimate targets tend to be politicians or government officials appointed by politicians.

A successful public corruption prosecution requires both the appearance and the reality of fairness and impartiality. This means that a successful corruption case includes not just a conviction, but public perception that the conviction was warranted, not the result of improper motivation by the prosecutor, and free of conflicts of interest. In cases where the local conflict of interest is substantial, the local office is removed from the case by a procedure called recusal. Recusal occurs when the local office either asks to step aside, or is asked to step aside by Department Headquarters, as primary prosecutor. Federal cases involving corruption allegations in which the conflict is substantial are usually referred to the Public Integrity Section either for prosecution or direct operational supervision.

Allegations involving possible crimes by federal judges almost always require recusal of the local office, for significant policy as well as practical reasons. Having the case handled outside the local office eliminates the

possible appearance of bias, as well as the practical difficulties and awkwardness that would arise if an office investigating a judge were to appear before the judge on other matters. Thus, as a matter of established Department practice, federal judicial corruption cases generally are handled by the Public Integrity Section.

Similar concerns regarding the appearance of bias also arise when the target of an investigation is a federal prosecutor, a federal investigator, or other employee assigned to work in or closely with a particular United States Attorney's Office. Thus, cases involving United States Attorneys, Assistant United States Attorneys ("AUSAs"), or federal investigators or employees working with AUSAs in the field generally result in a recusal of the local office. These cases are typically referred to the Public Integrity Section, where they constitute a significant portion of its caseload, as can be seen from a review of the cases described in Part II.

During 2004 the Section handled a number of significant prosecutions as a result of recusals. The Section prosecuted two defendants for obstruction of justice in the United States District Court for the Southern District of West Virginia. The Section also handled the investigation and prosecution of an informant for the Federal Bureau of Investigation and two of his associates for a scheme in which they attempted to defraud the FBI by inventing false information on an international drug conspiracy in order to receive thousands of dollars in informant payments. In another recusal, the Section prosecuted a former revenue agent for the Internal Revenue Service for structuring cash transactions and causing several business owners not to file currency transaction reports. In a final example of a 2004 recusal case, the Section prosecuted a former member of the House of Representatives of the Commonwealth of Puerto Rico and two local political figures for extortion in connection with Puerto Rico's $372 million superaqueduct project.

### 2. Sensitive and Multi-District Cases

In addition to recusals, the Public Integrity Section handles other special categories of cases. At the request of the Assistant Attorney General of the Criminal Division, the Section handles cases that are highly sensitive and cases that involve the jurisdiction of more than one United States Attorney's Office.

Cases may be sensitive for a number of reasons. Because of its importance, a particular case may require close coordination with high-level Department officials. Alternatively, it may require substantial coordination with other federal agencies in Washington. The latter includes cases involving classified information, which require careful coordination with the intelligence agencies. Sensitive cases may also include those that are so politically controversial on a local level that they are most appropriately handled out of Washington.

In addition to sensitive cases, this category encompasses multi-district cases, or cases that involve allegations that cross judicial district lines and hence fall under the jurisdiction of two or more United States Attorneys' Offices. In these cases the Section is occasionally asked to coordinate the investigation among the various United States Attorneys' Offices, to handle a case jointly with one or more United States Attorneys' Offices, or, when appropriate, to assume operational responsibility for the entire case.

The Section handled a number of sensitive and multi-district cases in 2004. For example, the Section undertook an investigation into systemic corruption in the territory of American Samoa. The case has involved investigation and litigation in the District of Columbia, the District of Hawaii, and American Samoa, which is not located within any judicial district. In 2004, the former Director for the American Samoa Department of Human and Social Services, the former Chief Procurement Officer for the Office of Procurement for the United States Territory of American Samoa, and the former Director of the American Samoa Department of Education School Lunch Program all pled guilty to conspiracy to commit fraud concerning federal programs.

### 3. Federal Agency Referrals

In another area of major responsibility, the Section handles matters referred to it directly by federal agencies concerning possible federal crimes by agency employees. The Section reviews these allegations to determine whether an investigation of the matter is warranted and, ultimately, whether the matter should be prosecuted.

Agency referrals of possible employee wrongdoing are an important part of the Section's mission, particularly those cases involving document fraud and other threats to our nation's security. The Section works closely with the Offices of Inspector General (OIG) of the executive branch agencies, as well as with other agency investigative components, such as the Offices of Internal Affairs and the Criminal Investigative Divisions, and also invests substantial time in training agency investigators in the statutes involved in corruption cases and the investigative approaches that work best in these cases. These referrals from the various agencies require close consultation with the referring agency's investigative component and prompt prosecutive evaluation.

As in previous years, the Section handled numerous referrals from federal agencies in 2004, including two referrals from the Army Criminal Investigations Division concerning civilian employees who awarded contracts in exchange for bribes. The Section also received two referrals from the State Department Diplomatic Security Section, one involving a former foreign service officer providing false referrals for applicants to obtain non-immigrant visas, and another in which a foreign service national received money from visa applicants in exchange for processing visas.

### 4. Requests for Assistance; Shared Cases

The final category of cases in which the Section becomes involved are cases that are handled jointly by the Section and a United States Attorney's Office or other component of the Department.

At times the available prosecutorial resources in a United States Attorney's Office may be insufficient to undertake sole responsibility for a significant corruption case. In these cases the local office may request the assistance of an experienced Section prosecutor to share responsibility for prosecuting the case. In addition, on occasion the Section may be asked to provide operational assistance or to assume supervisory responsibility for a case due to a partial recusal of the local office. Finally, the Public Integrity Section may be assigned to supervise or assist with a case initially assigned to another Department component.

In 2004 the Section shared operational responsibility in a number of significant corruption cases. One example was an investigation into a group of individuals who falsified prescription documents in order to obtain

funds from a $400 billion settlement fund. This case was jointly handled by the Section, the Criminal Division's Fraud Section, and the United States Attorney's Office for the Southern District of Mississippi. The Section also worked with the United States Attorney's Office for the Southern District of Florida on a case involving the former Mayor of Key West, who was charged with tax fraud and making false statements to the FBI. In a final example, the Section worked with the United States Attorney's Office for the Eastern District of Kentucky on a case involving an extensive vote-buying scheme in Knott County, Kentucky. Several defendants, including the former County Judge Executive, were convicted of vote-buying.

## B. SPECIAL SECTION PRIORITIES

In addition to the general responsibilities discussed above, in 2004 the Public Integrity Section continued its involvement in a number of additional priority areas of criminal law enforcement.

### 1. Election Crimes

One of the Section's law enforcement priorities is its supervision of the Justice Department's nationwide response to election crimes. The purpose of Headquarters' oversight of election crime matters is to ensure that the Department's nationwide response to election crime is uniform, impartial, and effective. An Election Crimes Branch, headed by a Director and staffed by Section attorneys on a case-by-case basis, was created within the Section in 1980 to handle this supervisory responsibility.

The Election Crimes Branch oversees the Department's handling of all election crime allegations other than those involving civil rights violations, which are supervised by the Voting Section of the Civil Rights Division. Specifically, the Branch supervises three types of election crime cases: crimes that involve the voting process, crimes involving the financing of federal election campaigns, and crimes relating to political shakedowns and other patronage abuses. Vote frauds and campaign-financing offenses are the most significant and also the most common types of election crimes.

The election-related work of the Section and its Election Crimes Branch falls into the following categories:

a. Consultation and Field Support. Under long-established Department procedures, the Section's Election Crimes Branch reviews all major election crime investigations, including all grand jury investigations and FBI full field investigations, and all election crime charges proposed by the various United States Attorneys' Offices for legal and factual sufficiency, United States Attorney's Manual 9-85.210. In addition, the Branch reviews all proposed investigations concerning alleged violations of the Federal Election Campaign Act (FECA), 2 U.S.C. §§ 431-455, including all preliminary investigations. The increased coordination with the Section on FECA matters is the result of both the complexity of the campaign-financing statutes and the Department's shared jurisdiction over willful violations of these statutes with another federal agency, the Federal Election Commission (FEC).

The Section's consultation responsibility for election matters includes providing advice to prosecutors and investigators regarding the application of federal criminal laws to election fraud and campaign-financing abuses, and the most effective investigative techniques for particular types of election offenses. It also includes supervising the Department's use of the federal conspiracy and false statements statutes (18 U.S.C. § 371 and §

1001) to address schemes to subvert the campaign financing laws. In addition, the Election Crimes Branch helps draft election crime charges and other pleadings when requested.

In 2002, Congress passed the Bipartisan Campaign Reform Act (BCRA), which contained broad new prohibitions that were intended to close FECA loopholes that had developed over the past decade for disbursements involving so-called "soft money" and "issue ads." The year after BCRA's enactment, the Supreme Court upheld most of BCRA's provisions as appropriate legislative measures designed to protect the federal election process against corruption and the appearance of corruption. *McConnell v. FEC*, 540 U.S. 93 (2003). In addition to extending the scope of FECA, BCRA also contained two new felony penalties for FECA crimes. Finally, it contained a directive to the United States Sentencing Commission (USSC) to promulgate a strong sentencing guideline for campaign financing crimes. In response, the USSC, after comment from the Public Integrity Section, promulgated United States Sentencing Guideline §2C1.8. The guideline, which became effective on a temporary basis on January 25, 2003, and permanent on November 1, 2003, recommends stiff sentences for campaign financing offenses.

Vote frauds. During 2004 the Branch assisted United States Attorneys' Offices in the following states in the handling of vote fraud matters that occurred in their respective districts: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, Nevada, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin. This assistance included evaluating vote fraud allegations to determine whether investigation would produce a prosecutable federal criminal case, helping to structure investigations, providing legal advice concerning the formulation of charges, and assisting in establishing several task force teams of federal and state law enforcement officials to investigate vote fraud matters.

Campaign-financing crimes. During 2004 the Branch also continued its assistance in the implementation of the Department's nationwide enforcement strategy for criminal violations of the FECA. As part of this effort, the Branch assisted United States Attorneys in California, Colorado, Connecticut, the District of Columbia, Georgia, Hawaii, Kansas, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, and Wisconsin in applying this strategy to campaign-financing cases in their respective districts.

b. Litigation. The Branch Director or Section attorneys also prosecute selected election crimes, either by assuming total operational responsibility for the case or by handling the case jointly with a United States Attorney's Office. The Section also may be asked to supervise the handling of a case in the event of a partial recusal of the local office. For example, in 2004 the Branch continued to supervise the prosecution of a sheriff and his election attorney for using data from the National Crime Information Center regarding voters' criminal histories to wage an election contest. Its Attorneys also partnered with Assistant United States Attorney's from the Eastern District of Kentucky to convict nine individuals for vote buying in Knott County, Kentucky, including an incumbent county judge-executive.

c. District Election Officer Program. The Branch also assists in implementing the Department's long-standing District Election Officer (DEO) Program. This Program is designed to ensure that each of the 93 United

States Attorneys' Offices has a trained prosecutor available to oversee the handling of election crime matters within the district and to coordinate district responses with Headquarters regarding these matters.

The DEO Program involves the appointment of an Assistant United States Attorney in each federal district to serve a two-year term as a District Election Officer; the training of these prosecutors in the investigation and prosecution of election crimes; and the coordination of election-related initiatives and other law enforcement activities between Headquarters and the field. In addition, the DEO Program is a crucial feature of the Department's nationwide Election Day Program. The Election Day Program ensures that federal prosecutors and investigators are available both at the Department's Headquarters in Washington and in each district to receive and handle complaints of election irregularities from the public while the polls are open and that the public is aware of how these individuals can be contacted on election day. In 2002 the Department enhanced the DEO Program by establishing a Ballot Access and Voting Integrity Initiative, which is discussed below.

d. Ballot Access and Voting Integrity Initiative. Beginning in 2002, the Public Integrity Section, acting at the request of the Attorney General, assisted in the implementation of a Ballot Access and Voting Integrity Initiative for the 2002 general election and subsequent elections. This initiative included increasing the law enforcement priority the Department gives to election crimes; holding a special yearly training event in Washington, DC for DEOs and other representatives of the 93 United States Attorneys' Offices; publicizing the identities and telephone numbers of the DEOs through press releases issued shortly before the November elections; and directing the 93 United States Attorneys to communicate the enhanced federal prioritization of election crime matters to, and coordinate enforcement efforts with, state and local election officials and law enforcement authorities.

As part of the ongoing Ballot Access and Voting Integrity Initiative, on July 20 and 21, 2004, the Public Integrity Section and the Voting Section of the Department's Civil Rights Division co-sponsored a two-day symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes available to prosecute such cases, and the handling of civil rights matters involving voting. Attorney General John Ashcroft delivered the keynote address on the importance of protecting voting rights and the prosecution of election fraud. In addition, Assistant Attorney General Christopher A. Wray of the Criminal Division and Assistant Attorney General R. Alexander Acosta of the Civil Rights Division addressed conference attendees on voting rights and election fraud enforcement issues respectively.

e. Inter-Agency Liaison. The Election Crimes Branch is the formal liaison between the Justice Department and the FEC, an independent federal agency which shares enforcement jurisdiction with the Department over willful campaign-financing violations. The FEC has exclusive civil jurisdiction over all violations of the FECA; the Justice Department has exclusive criminal jurisdiction over FECA violations. The relationship between the FEC and the Justice Department is defined by a formal Memorandum of Understanding entered into in 1977.

As noted above, the 2002 Bipartisan Campaign Reform Act contained new felony penalties for FECA crimes, as well as a directive to the United States Sentencing Commission to promulgate a new sentencing guideline for these crimes. As a result of the these enhanced FECA criminal penalties, in 2003 the Department began negotiating with the FEC to modify the existing Memorandum of Understanding with the FEC to ensure

the prompt and effective enforcement of both the FECA's civil and criminal provisions. Those negotiations continued in 2004.

The Branch also serves as the Department's point of contact with the United States Office of Special Counsel (OSC). The OSC has jurisdiction over noncriminal violations of the Hatch Act, 5 U.S.C. §§ 7321-7326, §§ 1501-1508, which may also involve criminal patronage abuses that are within the Department's jurisdiction.

### 2. Conflicts of Interest Crimes

Conflicts of interest is a wide-ranging and complex area of law, with many layers of administrative and oversight responsibility. Moreover, the federal criminal conflicts of interest laws overlap to some extent with the sometimes broader ethics restrictions imposed by civil statutes, agency standards of conduct, Presidential orders, and, in the case of attorneys, bar association codes of conduct.

The Public Integrity Section's work in the conflicts area falls into the following categories:

a. Criminal Referrals from Federal Agencies and Recusals. The Section's criminal enforcement role comes into play with respect to a narrow group of conflicts of interest matters, namely, those that involve possible misconduct proscribed by one of the federal conflicts of interest statutes, 18 U.S.C. §§ 203-209. These crimes are prosecuted either by a United States Attorney's Office or by the Public Integrity Section. Conflicts of interest matters are often referred to the Section by the various federal agencies. If investigation of a referral is warranted, the Section coordinates the investigation with the Inspector General for the agency concerned, the FBI, or both. If prosecution is warranted, the Section prosecutes the case. In addition, on occasion the Section is asked to handle recusals and special assignments regarding conflicts matters.

b. Civil Enforcement for Conflicts of Interest. During 2004 the Section continued implementing an enforcement strategy for conflicts matters that is designed to accomplish the objectives of criminal enforcement while conserving prosecutorial and government resources. Under the federal criminal code, violations of the criminal conflicts of interest statutes may be addressed through civil sanctions as well as criminal prosecution. 18 U.S.C. § 216. The tiered remedies for conflicts violations reflect congressional recognition that many conflicts violations do not warrant criminal prosecution, yet nevertheless raise serious public policy and law enforcement concerns. In addition, the civil enforcement option for conflicts matters is particularly useful in those cases where proof of the requisite criminal intent to support criminal prosecution is difficult to establish beyond a reasonable doubt. The goal of this strategy is to encourage compliance with the law by achieving timely, predictable, and appropriate resolution of conflicts allegations while at the same time making it clear that violations are not tolerated.

c. Coordination. The Public Integrity Section works closely with the United States Office of Government Ethics (OGE), in order to coordinate conflicts of interest issues with OGE and other executive branch agencies and offices. The purpose of this coordination is to ensure that the Administration's overall legislative and enforcement efforts in this area are both complementary and consistent. OGE has broad jurisdiction over noncriminal conduct by executive branch personnel, as well as the authority to provide guidance concerning the coverage of the federal criminal conflicts of interest statutes. The Section's coordination with OGE ensures that

consistent guidance is provided with respect to the overlapping criminal, civil, and administrative interests implicated by the statutory and regulatory restrictions on federal personnel.

### 3. Special Counsel Matters

When the Independent Counsel Act expired in June 1999, the Attorney General adopted regulations to replace the Act. The regulations, set forth in Part 600 of Title 28 of the Code of Federal Regulations, describe the Attorney General's discretionary authority to appoint an outside Special Counsel when the Attorney General concludes that a conflict of interest or other extraordinary circumstances exist such that the public interest would be served by removing a large degree of responsibility for a matter from the Department of Justice. The regulations provide for the appointment by the Attorney General of an outside Special Counsel to handle the matter, free from day-to-day oversight of his or her decision making. Drawing upon the Department's experience with the Independent Counsel Act, the Section is available to review matters that may raise issues under the regulations, provide recommendations and advice to senior Department officials regarding these matters, and where appropriate lend prosecutorial assistance to such Special Counsel.

## C. LEGAL AND TECHNICAL ASSISTANCE

In addition to its litigation and oversight responsibilities, the Public Integrity Section provides legal and technical assistance to various federal, state, and local law enforcement agencies, as well as to other Departments and international organizations, on public corruption issues. The Section's assistance falls into the following general areas:

### 1. Training and Advice

The Public Integrity Section is staffed with specialists who have considerable experience investigating and prosecuting corruption cases. Section attorneys participate in a wide range of formal training events for federal prosecutors and investigators. They are also available to provide informal advice on investigative methods, charging decisions, and trial strategy in specific cases.

The Section helps plan and staff the annual public corruption seminar sponsored by the Attorney General's Advocacy Institute. Speakers at this seminar typically include both the Section's senior prosecutors and Assistant United States Attorneys from the field who have handled significant corruption cases. The seminars provide training for federal prosecutors and FBI agents in the statutes most commonly used in corruption cases, guidance in the use of the complex and difficult investigative techniques necessary to investigate government corruption, and advice from experienced prosecutors on conducting corruption trials. In 2004 the Chief, Principal Deputy, Director of the Election Crimes Branch, and a senior prosecutor addressed attendees on the federal laws and prosecutive theories relating to corruption, the use of covert investigations, and the prosecution of campaign financing crimes.

### 2. Advisor to President's Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency

The Public Integrity Section serves, pursuant to Executive Order 12993 (Mar. 21, 1996), as a legal advisor to the Integrity Committee of the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE). The PCIE/ECIE is a body composed of the Inspectors General of the various agencies of the executive branch of the federal government. The Integrity Committee of the PCIE/ECIE is charged by the Executive Order with handling allegations against Inspectors General and senior members of their staff.

In addition, the Integrity Committee is charged by the Executive Order with establishing policies and procedures to ensure consistency in conducting administrative investigations. The Committee's procedures, drafted with the assistance of the Public Integrity Section, provide a framework for the investigative function of the Committee. Allegations of wrongdoing by Inspectors General and their senior staff are initially reviewed by the Public Integrity Section for potential criminal prosecution. In noncriminal matters, the procedures guide the Committee's discretion to investigate the alleged misconduct and to report on its findings. The Public Integrity Section also advises the Integrity Committee on matters of law and policy relating to its investigations.

### 3. Legislative Activities

An important responsibility of the Public Integrity Section is the review of proposed legislation that may affect, directly or indirectly, the investigation and prosecution of public officials. The Section is often called upon to comment on legislation proposed by Congress, by the Administration, or by other departments of the executive branch; to draft or review testimony for congressional hearings; and to respond to congressional inquiries concerning legislative proposals. In addition, on occasion the Section drafts legislative proposals relating to various corruption matters. For example, in 2004 the Section provided comments and recommendations on proposals to amend the public corruption sentencing guidelines.

Also during the year, the Section reviewed and commented on legislative proposals relating to, among other things, the exchange of employees between the public and private sectors; criminal conflicts of interest statutes; homeland security; United States Olympic Committee reforms; financial disclosure requirements for federal employees; and amendments to the Inspector General Act.

### 4. Case Supervision and General Assistance

Public corruption cases are often controversial, complex, and highly visible. These factors may warrant Departmental supervision and review of a particular case. On occasion Section attorneys are called upon to conduct a careful review of a sensitive public corruption case, evaluating the quality of the investigative work and the adequacy of any proposed indictments. Based on its experience in this area, the Section can often identify

tactical or evidentiary problems early on and either provide needed assistance or, if necessary, assume operational responsibility for the prosecution.

The Section also has considerable expertise in the supervision of the use of undercover operations in serious corruption cases. The Section's Chief serves as a permanent member of the FBI's Criminal Undercover Operations Review Committee. Additionally, a number of the Section's senior prosecutors have experience in the practical and legal problems involved in such operations, and have the expertise to employ effectively this sensitive investigative technique and to advise law enforcement personnel on its use.

### 5. International Advisory Responsibilities

The Section's responsibilities in the area of international law enforcement have increased dramatically over the past few years, as the Justice Department's international law enforcement efforts have increasingly expanded. In addition to its routine briefings of foreign delegations on United States public corruption issues, the Section has become increasingly involved in supporting the United States' efforts to assist the international community in its efforts to combat public corruption in foreign countries and at the international level. This work included both participation in international proceedings and coordination with other components of the Justice Department and the State Department on the Administration's position in this area.

In 2004, the Chief of the Public Integrity Section and the Director of the Section's Elections Crimes Branch traveled to Mexico City to meet with representatives of the newly established Election Crimes Unit of Mexico's Office of the Prosecutor General of the Republic. The purpose of the meeting was to develop a program for Department prosecutors to train Mexican prosecutors in the detection and prosecution of election crimes. This assistance was requested by the Mexican authorities through the United States Embassy in Mexico City and the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training. Also in 2004, the Director of the Election Crimes Branch delivered a paper on the detection and prosecution of election fraud under United States law before the 2004 Latin-American Election Law Symposium in Acapulco, Mexico.

As noted above, Section experts also routinely address visiting foreign officials in connection with the detection and prosecution of public corruption offenses and continued to do so throughout 2004. These presentations are generally conducted under the auspices of the State Department's Foreign Visitor Program and the Justice Department's Office of Overseas Prosecutorial Development Assistance and Training. During 2004 the Section made presentations on corruption topics to officials from Brazil, Bangladesh, Bhutan, Chile, China, Columbia, Czech Republic, Egypt, Kosovo, Moldova, Peru, Serbia, Seoul, Taiwan, Tobago, Trinidad, Vanuatu and Vietnam. Also during the year the Section's Election Crimes Director addressed visiting foreign lawmakers and election officials from Azerbiajan, West Africa, Brazil, China, Egypt, Ghana, Latvia, Japan, Kyrgyzstan, Montenegro, Russia, Serbia and Tokyo on United States election crime statutes and their enforcement.

# PART II

# PUBLIC INTEGRITY SECTION INDICTMENTS, PROSECUTIONS, AND APPEALS IN 2004

## INTRODUCTION

As described in Part I, the Public Integrity Section's role in the prosecution of public corruption cases ranges from sole responsibility for the entire case to approving an indictment or providing advice on the drafting of charges. This portion of the Report describes each corruption case for which the Section had either sole or shared operational responsibility during 2004. These cases are also included in the nationwide statistics provided in Part III, which reflect the total number of public corruption cases brought by the Justice Department in 2004 and over the previous two decades. Part II also provides statistics on the number of matters closed by the Section without prosecution during 2004 and the number of matters pending at the end of the year. A "case" involves a

person who has been charged by indictment or information; a "matter" is an investigation that has not resulted in a criminal charge.

The Section's corruption cases for calendar year 2004 are separated into categories, based on the branch or level of government affected by the corruption. Election crime cases are grouped separately. Related cases are grouped together; unrelated cases are separated by double lines. In those cases where a conviction but not a sentence is reported, the sentencing occurred in a later year and will be included in that year's report.

## FEDERAL JUDICIAL BRANCH

As of December 31, 2004, nine matters involving allegations of corruption affecting the federal judicial branch were pending in the Public Integrity Section. During 2004 the Section closed two such matters. Also during 2004, the Section handled no cases involving crimes affecting the judicial branch.

## FEDERAL LEGISLATIVE BRANCH

As of December 31, 2004, three matters involving allegations of corruption in or affecting the federal legislative branch were pending in the Public Integrity Section. During 2004 the Section closed one such matter and handled no cases involving the federal legislative branch.

## FEDERAL EXECUTIVE BRANCH

As of December 31, 2004, 97 matters involving allegations of corruption within the federal executive branch were pending in the Public Integrity Section. During 2004 the Section closed 42 such matters. Also during 2004, the Section handled the following cases involving executive branch corruption:

**United States v. Aversa, District of New Jersey**

On August 20, 2004, Frank Aversa, a United States Postal Inspector, pled guilty to a one-count information charging him with defrauding the United States by using his official position to carry out a mail fraud scheme.

Aversa was principally engaged in the investigation of credit card fraud schemes as a senior United States Postal Inspector. He used his official position to access a United States Postal Service mail depository from which he stole several individuals' credit cards. Aversa then used those individuals' personal information to obtain additional credit cards in their names. Aversa fraudulently charged in excess of $18,000 worth of merchandise on the stolen credit cards for his personal benefit.

Aversa was subsequently sentenced to ten months in prison and 2 years of supervised release.

**Trial Attorney: James A. Crowell**

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**United States v. Blake, District of Columbia**

On May 18, 2004, Jacqueline M. Blake, a former Biologist for the Federal Bureau of Investigation ("FBI"), pled guilty to a one-count information charging her with making a false statement in a certificate or writing. Blake worked as a certified Polymerase Chain Reaction Technician in one of the FBI's two DNA laboratories at FBI Headquarters from 1988 until she voluntarily resigned in connection with this investigation.

From approximately August 1999 to June 2002, Blake authored and submitted over 100 casework reports containing false statements regarding the DNA analysis she performed. Specifically, Blake falsely certified that she properly completed several control tests, knowing that she had not performed them. These tests are designed to preserve the scientific integrity of the examination process and the reliability of the test results. FBI and Department of Justice analyses, including the retesting of the evidence in many of the cases, demonstrated that Blake's actions did not affect the outcome in any criminal case in which her test results were presented as evidence, but her false statements undermined the usefulness of the DNA tests she performed and, in general, the integrity of the FBI's DNA lab. The Department of Justice Inspector General has conducted a broad review of the lab unit in which Blake worked, and issued a report detailing its findings and recommendations.
On September 20, 2004 Blake was sentenced to two years of probation and 100 hours of community service.

**Trial Attorneys: Noah D. Bookbinder and Armando O. Bonilla**

**United States v. Canales, District of Columbia**

On April 19, 2004, Maria Canales, the former Acting Chief Information Officer and a member of the Senior Executive Service, pled guilty to making a false writing.

Canales approved a $1.5 million sole-source subcontract for a company whose consultant was a close friend of Canales's. Canales and the consultant had known each other for over three years, and the consultant had given Canales a number of gifts, including jewelry. When the Treasury Department's Office of Inspector General questioned Canales, she falsely denied accepting gifts from the consultant and falsely denied knowing that the company had received a sole-source contract.

On July 13, 2004 Canales was sentenced to one year of probation, a $2,500 fine, and 25 hours of community service.

**Trial Attorney: Howard Sklamberg**

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**United States v. Cullefer and Cox, Middle District of Georgia**

On May 27, 2004, in the Middle District of Georgia, a federal grand jury in Macon returned a nine-count indictment charging James H. Cullefer and Raymond P. Cox with honest services wire fraud and bribery, and Cullefer also with theft of government property and tax offenses. Cullefer was a project manager for the Fort Benning, GA, office of the Army and Air Force Exchange Service (AAFES), a U.S. instrumentality that provides merchandise and services to military personnel worldwide. Cullefer had authority to select and pay outside contractors for projects on AAFES military installations. Cox was a general contractor located in Dothan, Alabama, who performed extensive construction work for AAFES.

The bribery and honest services wire fraud charges stem from a corrupt financial relationship maintained by Cullefer and Cox between 1999 and 2001, during which Cox gave Cullefer through clandestine means over $78,000 in checks, wire transfers, and third party payments in return for which Cullefer exercised his discretion to repeatedly select Cox for work on AAFES installations, and to approve the payment of Cox's invoices for jobs. Cullefer was also charged with three tax offenses for not reporting income from Cox in any of the relevant tax years, and with theft for charging approximately $18,000 in lumber for his personal residence to his government procurement card in 2000.

_____Both Cullefer and Cox subsequently pled guilty and were sentenced. Cullefer was sentenced to 12 months in prison and 3 years of supervised release. Cox was sentenced to 6 months in prison and 3 years of supervised release. Cox was also ordered to pay a $10,000 fine.

**Trial Attorneys: John W. Scott and Matthew C. Solomon**

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**United States v. Edmonds, District of Columbia**

On June 14, 2004, Daisy J. Edmonds, a former secretary in the Office of Public Affairs ("OPA") for the Federal Highway Administration in the Department of Transportation, pled guilty to theft of public money.

Edmonds worked as the primary timekeeper for OPA, until she was placed on administrative leave and then resigned in April 2004. From February 2000 to December 2001, Edmonds input overtime hours into the timekeeping system for herself that she had not worked. Edmonds also input overtime hours for other OPA employees that she knew they had not worked. Edmonds failed to deduct leave hours that she and others had taken. As a result of her actions, Edmonds and others received approximately $11,318.09 in overtime and leave to which they were not entitled.

On September 20, 2004, Edmonds was sentenced to five years of probation and ordered to pay $11,318.00 in restitution.

**United States v. Lyons, District of Columbia**

On July 22, 2004, Roshone B. Lyons, a former secretary in the Office of Public Affairs for the Federal Highway Administration in the Department of Transportation, pled guilty to theft of public money.

Lyons had worked as Daisy Edmond's back-up timekeeper for OPA until April 2002. From February 2000 to December 2001, she accepted overtime hours that she knew she had not worked. Lyons admitted that the primary timekeeper failed to deduct leave hours that Lyons had taken and that Lyons accepted these hours. As a result of her actions, Lyons received over $3,000.00 in overtime and leave to which she was not entitled.

On October 18, 2004, Lyons was sentenced to 18 months of probation and ordered to pay $3,039.08 in restitution.

**Trial Attorney: Sabrina A. Houlton**

**United States v. French, District of Columbia**

On December 13, 2004, Stephen B. French pled guilty to converting federal funds. While serving as the senior manager at a Defense Intelligence Agency facility, French converted money for the purpose of furthering a personal relationship with a subordinate at resort and metropolitan locations including Bangkok, Thailand, Washington, DC, and a ski resort in Virginia. The conversion resulted from payments of salary, overtime, and travel reimbursements to French and the subordinate to which neither was entitled.

French was subsequently sentenced to two years probation and ordered to pay restitution of $8652.00.

**Trial Attorney: Richard C. Pilger**

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**United States v. Furlow, District of Arizona**

On March 17, 2004, Douglas C. Furlow, a Special Agent with the Drug Enforcement Administration ("DEA"), Phoenix Field Division, was indicted by a grand jury on one count of witness tampering. The charge stems from Furlow's inteference with a criminal investigation in which an undercover DEA informant was scheduled to meet a suspected drug trafficker to make a drug buy that lead to the trafficker's arrest. To block the investigation, Furlow made a series of telephone calls to the trafficker and warned of the informant's cooperation with law enforcement. As a result of Furlow's actions the DEA's investigation was aborted, and neither the drug buy nor the arrest could be made. The trafficker later fled.

Furlow subsequently pled guilty to making a false statement, and was sentenced to 6 months home confinement with electronic monitoring and 3 years of probation.

**Trial Attorneys: Kartik K. Raman and Shaun M. Palmer**

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**United States v. Haywood, District of Columbia**

On March 17, 2004, Earl Allen Haywood, former Assistant Treasurer for campaign committees associated with North Carolina Senator Elizabeth Dole's 2002 senatorial campaign, pled guilty to mail fraud.

Haywood admitted to stealing approximately $174,725.00 from the Dole campaign through several schemes. From early 2002 through mid-2003, Haywood served as an Assistant Treasurer for the Dole North Carolina Victory Committee (the "Dole Victory Committee"), a campaign committee that raised money for both the Elizabeth Dole for U.S. Senate Committee, and the North Carolina Republican Party. During the same time period, he also served as the Assistant Treasurer for North Carolina's Salute to George W. Bush Committee, Inc. (the "Salute Committee"), which raised money for three entities: Elizabeth Dole for U.S. Senate Committee, the North Carolina Republican Party, and Robin Hayes for Congress.

While serving as Assistant Treasurer, Haywood stole approximately $155,750.00 from the Dole Victory Committee account, and $18,975.00 from the Salute Committee account. He accomplished these thefts by writing checks from the campaign committee accounts and naming himself as the payee. These payments were not authorized by members of the campaign or committees. Haywood did not report these payments to the FEC on the pertinent forms that he prepared. Rather, he deposited these checks into his own personal account and used the funds for his personal benefit. Haywood attempted to conceal this fraud by labeling many of the checks in the check registry as having been used for "postage" for official committee business.

On May 26, 2004, Haywood was sentenced to 18 months in prison.

**Trial Attorney: Joshua G. Berman**

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**United States v. Hsu, District of Columbia**

On July 21, 2004, Hsin Hui Hsu, a former agricultural economist for the United States Department of Agriculture ("USDA"), was sentenced to 21 months in prison for his role in a visa fraud scheme. He also received three years of supervised release and was ordered to pay the government the $77,400.00 he illegally received through the scheme.

Hsu's official duties included inviting groups of Chinese nationals with expertise in agriculture to the United States to meet with officials at the USDA. Beginning in late 1999, Hsu conspired with visa brokers in California and China who would locate Chinese nationals who were willing to pay to come to the United States but who were not eligible to receive visas. These Chinese nationals would pay approximately $10,000 each to the visa brokers, who then provided their names and bogus biographical information to Hsu. Hsu wrote letters on USDA letterhead to be presented to U.S. consulates in China, stating that the Chinese

nationals were agricultural specialists invited to the United States for official meetings. Hsu knew when he drafted the letters that the Chinese nationals in question were not agricultural specialists and that the meetings would not take place.

Also as part of the scheme, Hsu drafted and signed letters from his spouse on behalf of her company, also purporting to confirm invitations to the Chinese nationals. Altogether, Hsu wrote dozens of letters on behalf of hundreds of Chinese nationals, 99 of whom received non-immigrant visas to enter the United States.

**Trial Attorneys: Peter R. Zeidenberg and Noah D. Bookbinder**

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**United States v. Johnson, Eastern District of Virginia**

On January 6, 2004, Demetris Johnson, an employee in the administrative office of the U.S. Department of the Interior's Geological Survey, was sentenced to two years of supervised probation and 100 hours of community service. Johnson previously pled guilty to a one-count information charging her with unlawful acceptance of supplementation to her government salary.

Johnson's official responsibilities for the Department of the Interior included purchasing office supplies and services using a government-issued credit card. Craig Vinarsky was a private individual engaged in the business of selling office supplies. Between October 2000 and March 2001, Johnson received approximately $500 in retail gift cards from Vinarsky and his company because she ordered supplies from his company.

**United States v. Turner**

On January 13, 2004, Shanda Turner, a purchasing agent in the administrative office of the U.S. Department of Agriculture, was sentenced to one year of supervised probation, a $500 fine and ten hours of community service. Turner previously pled guilty to a one-count information charging her with unlawful acceptance of supplementation to her government salary.

Turner's official responsibilities for the Department of Agriculture included purchasing office supplies and services using a government-issued credit card. Craig Vinarsky was a private individual engaged in the business of selling office supplies. In or about July 2000, Turner received a $500 retail gift card from Vinarsky and his company because she ordered supplies from that company.

The charges against Johnson and Turner were part of a broader investigation into misuse of government charge cards issued under the "IMPAC" program (International

Merchant Purchase Authorization Card). IMPAC cards are used by employees of a variety of government agencies for purchasing supplies and services. Twelve persons were convicted in the investigation.

**Deputy Chief: Raymond N. Hulser**
**Trial Attorneys: Monika Bickert and Natashia M. Tidwell**

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**United States v. Mapel and Reynolds, Southern District of West Virginia**

On May 4, 2004, Carl R. Mapel, Jr. pled guilty to all three counts of an indictment that charged him and co-defendant Mark Anthony Reynolds with two counts of wire fraud and one count of obstruction of justice by conducting a "rainmaking" scheme in which they falsely claimed that they were purchasing favorable official action on a federal criminal defendant's sentencing before a United States District Court Judge.

On August 3, 2004, a jury found defendant Mark Anthony Reynolds guilty of one count of wire fraud and one count of obstruction of justice. Reynolds was acquitted of one additional wire fraud count.

On information received from the defendant in the underlying case in February 2004, and following a sting operation on March 25, 2004, the Federal Bureau of Investigation arrested Mapel and Reynolds. Mapel, a convicted felon who had appeared as the federal criminal defendant's attorney and negotiated a guilty plea accepted by the Court, had repeatedly demanded $50,000 during recorded telephone calls to purportedly fix the defendant's sentencing. Reynolds, also a convicted felon, acted as Mapel's paralegal and demanded up to $250,000 to fix the case. Each defendant was recorded taking $9,000 in FBI funds for purported bribes to officials in the underlying case.

Mapel and Reynolds were both subsequently sentenced. Mapel received 66 months in prison, three years of supervised release and a fine of $2000. Reynolds received 10 years in prison, three years of supervised release, and restitution of $32,000.

**Trial Attorneys: Richard C. Pilger and Shaun M. Palmer**

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**United States v. Powers, District of Columbia**

On October 14, 2004, Percy Lee Powers, a former United States Department of Defense (DOD) official, pled guilty to a two-count information charging him with defrauding the United States and bribery.

Powers admitted that while he was serving as the Deputy Commander and Civilian Executive Assistant for the United States Army, Depot Support Activity for United States Forces, Korea, from 2001 to 2003, he used his official position to violate DOD contracting rules and sole-source several DOD contracts for truck parts, other supplies, and services to a Korean contractor's company in exchange for money. Powers admitted to defrauding the United States Army of more than $55,000 and accepting more than $30,000 in bribes.

Powers was subsequently sentenced to 26 months in prison, three years of supervised release, and ordered to pay $55,124 in restitution.

**Deputy Chief: Raymond N. Hulser**
**Trial Attorney: James A. Crowell**

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**United States v. Shajirat and Marghi, District of Columbia**

On January 13, 2004, a federal grand jury returned an eleven-count indictment against Shahram Shajirat and his wife, Soraya Marghi. The indictment stems from the defendants' participation in a visas-for-sale ring, which operated from the U.S. Consulate in Dubai, United Arab Emirates from July through August 1999. Marghi, a Iranian-Canadian dual citizen, was the Foreign Service National (FSN) at consulate Dubai, who processed the visas, and her husband Shahram Shajirat was an Iranian national and private citizen who received money from the visa applicants in exchange for brokering the visa sales.

The scheme resulted in at least 29 Iranian males being issued U.S. non-immigrant visas without undergoing any security background investigation or embassy interview as State Department regulations require.

On June 7, 2004, Soraya Marghi was arrested by Canadian officials and is awaiting extradition.

**Trial Attorneys: Matthew C. Solomon and Joshua G. Berman**

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**United States v. Smalls, District of Columbia**

On February 26, 2004, Narissa Smalls, a former legal technician in FBI headquarters, was sentenced to twelve months and one day in prison, and two years of supervised release. Smalls previously pled guilty to a one-count information charging her with accessing the FBI's Automated Case Support (ACS) computer system without authorization, and in furtherance of a criminal act.

Smalls was assigned to the Freedom of Information Act and Privacy Act Unit in FBI headquarters, and her duties included searching ACS for information in response to FOIA requests and for other administrative purposes. Between September and November 2002, Smalls conducted several searches in ACS for information regarding individuals who were subjects of ongoing drug investigations in the FBI's Washington Field Office. In one instance, she printed out the information and took it to her residence. Smalls shared the results of her ACS searches with individuals who were associated with the subjects of the FBI's drug investigations.

**Deputy Chief: Raymond N. Hulser**
**Trial Attorney: Sabrina A. Houlton**

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**United States v. Spronz, Northern District of Texas**

On May 25, 2004, Timothy G. Spronz, a former Alcohol, Tobacco and Firearms (ATF) Special Agent with the U.S. Department of Treasury, pled guilty to one count of theft of government property. Pursuant to his plea agreement, he retired from ATF and made full restitution.

Spronz, in his capacity as Task Force Supervisor for the North Texas High Intensity Drug Trafficking Area, converted $34,750.00 in government funds to his own personal use by falsifying informant payment request documents and submitting them to ATF for reimbursement. He used similar means to obtain an additional $6,000.00 while serving as an ATF Resident-in-Charge in Dallas.

On December 14, 2004, Spronz was sentenced to six months of home confinement, followed by two years of probation.

**Trial Attorneys: Monika Bickert and Natashia M. Tidwell**

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**United States v. Stallings, District of Columbia**

On March 31, 2004, Alden P. Stallings, a former Foreign Service Officer with the U.S. Department of State, was sentenced to one year of probation, 100 hours of community service, and a $5,000 fine. Stallings previously pled guilty to one count of submitting false statements while serving as the Deputy Public Affairs Officer at the U.S. Embassy in Seoul, Korea. Stallings resigned from the State Department as part of his plea agreement.

As the Deputy Public Affairs Officer in Seoul, Stallings had the authority to submit to the Embassy's Consular Section referrals on behalf of applicants for non-immigrant visas for entry into the United States. Between 1999 and 2001, Stallings submitted 54 referrals in which he provided false information about his relationship with the applicants. Specifically, Stallings stated that he recommended the issuance of a non-immigrant visa to the applicant because the applicant was an "important post contact" whom he had "personally known" since a specified date. In fact, Stallings did not personally know the applicants.

**Deputy Chief: Raymond N. Hulser**
**Trial Attorney: Monika Bickert**

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**United States v. Strong, Boone, Ready, Eastern District of Michigan**

On August 3, 2004, Andre Boone and Richard K. Ready pled guilty to conspiracy to obstruct justice and defraud the government, obstruction of justice, witness tampering, and retaliation against a federal law enforcement officer.

On July 29, 2004, Myron Strong, Andre Boone, and Richard K. Ready were indicted on charges of conspiracy to obstruct justice and defraud the government, obstruction of justice, witness tampering, and retaliation against a federal law enforcement officer. Strong, a convicted felon, was also charged with theft of government property, and felony possession of a firearm, after an AK47 assault rifle and a shotgun were recovered from his residence. In addition, Ready was charged with heroin distribution.

Beginning in May 2003, Strong, a longstanding informant for the FBI's Detroit Office, schemed to defraud the FBI by inventing a fictitious international drug conspiracy in order to receive thousands of dollars in informant payments and other expenses for penetrating the alleged drug organization and reporting about its alleged criminal activities. Besides providing FBI agents with fictitious accounts of the organization's drug activities, Strong utilized the services of his friends, Boone and Ready, and possibly others, to play the roles of various international drug dealers supposedly working for the organization. Moreover, during the course of several undercover drug deals between FBI undercover agents and supposed organization members in November and December 2003, Ready, acting in the guise of a drug dealer, met with the undercover agents and obtained several thousand dollars in buy money in exchange for selling drugs which were later determined to be fake. Strong ultimately kept the proceeds from these drug deals.

In December 2003, when Strong knew the FBI obtained a court-authorized wiretap to listen in on conversations taking place on one of the supposed drug dealers' phones, Strong, Boone, and Ready invented phone conversations about the organization's alleged criminal acts. These conversations, information Strong provided, and a fake drug transaction Strong orchestrated led, in part, to the December 2003 arrest and detention of two individuals against whom federal charges have since been dismissed.

Furthermore, between late December 2003 and early January 2004, after Strong perceived that the Special Agent in Charge (SAC) of the Detroit FBI Office was somehow blocking the payment of $40,000 dollars in funds marked for an additional undercover drug purchase, Strong, Boone, and Ready scripted conversations about alleged criminal misconduct by the SAC that they knew would be intercepted by the wiretap. In these conversations, the alleged drug dealers being played by Strong and Boone made statements falsely implicating the SAC of working for the drug trafficking organization and leaking sensitive law enforcement information to organization members when, in fact, there was no real drug organization and no such relationship.

Thereafter, to add credibility to the story about the SAC, Strong had Boone pose as a drug dealer who purportedly learned from the SAC the identity of an FBI undercover agent working on the underlying drug investigation. Then, playing the drug dealer, Boone read two scripted messages prepared by Strong, in which the reputed drug dealer threatened to kill the undercover agent. FBI Special Agents later recovered from Boone's apartment the scripts used to make the threatening calls.

**Trial Attorneys: Kartik K. Raman and Daniel A. Schwager**
**Assistant United States Attorney: Joseph Allen**

**United States v. Walker, Northern District of California**

On June 24, 2004, A federal grand jury returned a four-count indictment charging Clarence Walker, a former revenue agent for the Internal Revenue Service, with conspiracy, structuring and causing the failure to file Currency Transaction Reports (CTRs), and bribery.

The indictment alleges that Walker was responsible for educating businesses that cashed checks, such as liquor stores, groceries stores, and used car dealerships, about the requirement to file CTRs. Walker then monitored their compliance. Despite his obligation to educate businesses about and ensure their compliance with the CTR laws, Walker entered into a conspiracy to hide cash transactions. Walker cashed checks written by his co-conspirators at the businesses he monitored and instructed the owners of those businesses not to file CTRs. Walker received payments for cashing checks in this manner. Walker also directed his co-conspirators to write checks below $10,000 to avoid the CTR requirement. Through this conspiracy, Walker provided his co-conspirators with over $400,000 in underground cash. CTRs enable the government to track cash transactions in an effort to detect tax violations and other criminal activity.

**Trial Attorneys: Howard Sklamberg and Sabrina A. Houlton**

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**United States v. Waybright, District of Columbia**

On January 9, 2004, Robin R. Waybright, a former timekeeper and senior staff assistant for the Defense Intelligence Agency, was sentenced to 5 years of probation and ordered to pay $27,324.00 in restitution. Waybright previously pled guilty to theft of government property.

Between January 2001 and June 2002, Waybright falsely claimed hundreds of hours of overtime and compensatory time to which she knew she was not entitled. She was paid over $20,000 for these hours.

**Trial Attorney: Matthew C. Solomon**

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## Visa Fraud Prosecutions
## Eastern District of California

The following prosecutions involve a scheme in which individuals working at the United States Embassy in Colombo, Sri Lanka, were paid hundreds of thousands of dollars

to issue visas to foreign nationals, including numerous citizens of India and Vietnam. These cases are being handled jointly by the Section and the United States Attorney's Office for the Eastern District of California.

**United States v. Bhullar, D., Bhullar, N., Jaisingh, Johnson, Lam, Lee, Prasad, M., Prasad, V., Singh, Trinh and Virk**

On October 22, 2004, Long N. Lee, a Foreign Service Officer and career State Department employee, was sentenced to 60 months in prison and her husband Acey R. Johnson, a former Consular Associate at the U.S. Embassy in Sri Lanka, was sentenced to 63 months in prison for their roles in a large-scale visa fraud scheme. Lee and Johnson were also each fined $12,500 and sentenced to three years of supervised release, and they have agreed to forfeit $750,000 in illicit gains.

Lee, Johnson, and several co-conspirators were indicted in the Eastern District of California for their roles in the visa-fraud scheme. Long N. Lee was a career Foreign Service Officer, and her husband Acey R. Johnson had been a consular associate who was responsible for processing visa applications. Since early 2000, while both were working at the United States Embassy in Colombo, Sri Lanka, they were paid hundreds of thousands of dollars to issue visas to foreign nationals, including numerous citizens of India and Vietnam. Vinesh Prasad, Minesh Prasad, Narinderjit Singh Bhullar, and Rachhpal Singh are visa brokers who reside in the Sacramento, California area; Phuong-Hien Lam Trinh is a visa broker who lives in the area of Gardena, California; Rajwant Virk is a visa broker who resides in northern Virginia; Davinder Singh Bhullar is a visa broker who formerly resided in the Sacramento, California area and now is believed to reside in India, where he is a fugitive from an unrelated federal case in the Eastern District of California. All of them have acted as middlemen between Johnson and Lee, on the one hand, and foreign aliens and their sponsors on the other hand, to facilitate the purchase of visas. The brokers collected substantial sums of money from the purchasing aliens/sponsors and forwarded substantial payments to Johnson and Lee, or to members of Lee's family, for the purchased visas. In addition, Vinesh Prasad and Narinderjit Singh Bhullar structured transactions related to this scheme in order to avoid financial reporting requirements.

On February 20, 2004, Vinesh Prasad and Minesh Prasad both pled guilty to conspiracy to defraud the United States, bribery and visa fraud and they were subsequently sentenced. Vinesh Prasad was sentenced to 57 months in prison. Minesh Prasad was sentenced to 41 months in prison. They also agreed to forfeit $75,000 in illicit funds.

On June 18, 2004, Narinderjit Singh Bhullar pled guilty to conspiracy to defraud the United States, bribery and visa fraud. On November 19, 2004, Bhullar was sentenced to 33 months in prison, three years of supervised release and ordered to forfeit $41,101 in illicit gains.

_____On July 7, 2004, Phuong-Hien Lam Trinh pled guilty to supplementing the salary of a government official. On November 8, 2004, Trinh was sentenced to three years of probation, 100 hours of community service, and a $500 fine.

On July 16, 2004, Kim Chi Lam pled guilty to conspiracy to defraud the United States, bribery and visa fraud. Lam was subsequently sentenced to 30 months in prison and agreed to forfeit $40,000 in illicit funds.

On October 22, 2004, Ramesh K. Jaisingh was sentenced to 21 months in prison and three years of supervised release. Jaisingh had previously pled guilty to conspiracy.

On November 19, 2004, Virk was sentenced to 15 months in prison, a $50,000 fine and three years of supervised release. Virk previously pled guilty to conspiracy to defraud the United States, bribery and visa fraud.

Rachhpal Singh was subsequently sentenced to 21 months in prison. Singh had previously pled guilty to conspiracy.

**Trial Attorney: Noah D. Bookbinder**
**Assistant United States Attorneys: Benjamin B. Wagner and S. Robert Tice-Raskin**

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## GSA Contract Fraud Prosecutions
## Northern District of Illinois

The following cases are the result of a five-year undercover investigation in which numerous consensual recordings were made of General Services Administration (GSA) officials and contractors by cooperating GSA employees. These prosecutions are being handled by the Public Integrity Section with the assistance of Assistant United States Attorney Dean Polales of the United States Attorney's Office for the Northern District of Illinois; the remainder of the United States Attorney's Office is recused from this investigation.

During 2004, two former officials with the GSA and four GSA contractors were sentenced for charges relating to GSA contracts at the Dirksen Federal Courthouse in Chicago, Illinois. In addition, Theresa Pitt, a former FBI typist, and Merritt Pulkrabek, a former court

security officer, both of whom worked at the Dirksen Federal Courthouse, were also sentenced. They are alleged to have leaked information about the investigation to some of its targets, and they were each charged with one count of unlawful disclosure of wire and oral communications.

**United States v. Barratt**

On February 9, 2004, James Barratt, a former GSA contractor, was sentenced to 18 months in prison and a fine of $3,000. Barratt admitted to paying thousands of dollars in bribes to GSA officials in exchange for receiving favorable treatment in the awarding of GSA contracts.

**United States v. Bravos**

On April 7, 2004, Christopher Bravos, a GSA contractor, was sentenced to 4 months in prison and a $4,000 fine. Bravos was also ordered to perform 250 hours of community service and to pay $68,000 in restitution. Bravos previously admitted to paying thousands of dollars in bribes to GSA officials in exchange for receiving favorable treatment in the awarding of GSA contracts.

**United States v. Funke**

On May 20, 2004, Charles Funke, a former GSA contractor was sentenced to three years of probation with three months of work release, a $4,000 fine, and was ordered to pay $80,000 in restitution. Funke admitted to providing money and other favors to GSA officials in exchange for favorable treatment in the award of GSA contracts.

**United States v. Gibson**

On April 19, 2004, John Gibson, a former GSA contractor was sentenced to five months in prison, followed by 5 months of home confinement. Gibson admitted to providing money and other favors to GSA officials in exchange for favorable treatment in the award of GSA contracts

**United States v. Ingram**

On February 19, 2004, Raletta Ingram, a former GSA building supervisor, pled guilty to bribery. Ingram admitted that a GSA contractor provided her with free siding and windows for her personal residence. In exchange for these services, Ingram provided the contractor with

favorable treatment in the award of GSA contracts. Ingram was subsequently sentenced 30 months in prison and ordered to pay $45,000 in restitution.

**United States v. Kramer**

On February 19, 2004, James Kramer, a former GSA employee, was sentenced to five years of probation with six months home confinement, and was ordered to pay $25,000 in restitution. Kramer admitted to providing money and other favors to GSA officials in exchange for favorable treatment in the award of GSA contracts.

**United States v. Kulick**

On January 16, 2004, Terrence Kulick, a former GSA contractor, was sentenced to 15 months imprisonment, followed by three years of supervised release, a fine of $3,000, and was ordered to pay restitution of $7,000 for his role in the GSA bribery scheme. Kulick provided plumbing supplies to GSA employees for their own personal use, and then billed the cost of those supplies to GSA.

**United States v. Pitt**

On February 23, 2004, Theresa Pitt, a former clerk/typist employed in the FBI's Chicago Field Office, was sentenced to three years of probation with four months of home confinement, and a $5,000 fine. Pitt had previously pleaded guilty to illegal disclosure of oral and wire communications.

Pitt worked as a clerk/typist in the Chicago Field Office of the FBI, which is located in the Dirksen Federal Building. As part of her job, Pitt was tasked with transcribing the undercover recordings and learned that several individuals in the building with whom she was friendly had been targeted in the investigation. Pitt then told a court security officer that she had learned through her work that these individuals had been targeted by the FBI and that the court security officer, who also knew the potential targets, should warn them to be careful about what they say and do. The court security officer then warned the potential targets to "be careful."

**United States v. Pulkrabek**

On January 23, 2004, Merritt Pulkrabek, a former court security officer at the Dirksen Federal Building in Chicago, was given a $1,000 fine for aiding and abetting the illegal disclosure of oral and wire communications.

Pulkrabek worked as a court security officer deputized as a Special Deputy United States Marshal assigned to the Dirksen Federal Building. FBI clerk/typist Theresa Pitt told Pulkrabek that she had been transcribing undercover recordings and learned that several associates of Pulkrabek's in the building had been targeted in the investigation. The clerk/typist suggested that Pulkrabek warn these individuals to be careful about what they did and said. Pulkrabek, acting on this information, did in fact warn the targets of the investigation, advising them that the FBI was listening in on their phone calls.

**Trial Attorneys: Alison Van Horn and Peter R. Zeidenberg**
**Assistant United States Attorney: Dean Polales**

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## STATE AND LOCAL GOVERNMENT

At the end of 2004, 16 matters of alleged corruption involving state or local government were open in the Public Integrity Section. In 2004 the Section closed 11 such investigations. Also during 2004, the Section prosecuted the following cases involving state or local corruption:

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### United States v. Vazquez-Botet and Morell-Corrada

On April 9, 2004, a federal grand jury in San Juan, Puerto Rico returned a 13-count indictment charging Rene Vazquez-Botet and Marcos Morell-Corrada with conspiracy, extortion and fraud. The indictment alleges that in early 1995, the defendants, together with Jose Granados-Navedo – then a member of the House of Representatives of the Commonwealth of Puerto Rico – extorted money from engineering and construction contractors based in Puerto Rico who obtained contracts for the construction of Puerto Rico's Superaqueduct, a $372 million project that included the construction of a 50-mile water pipe from the west to the east of the island. The indictment charged that Vazquez-Botet, Morell-Corrada and Granados-Navedo demanded more than $2 million from the contractors for assistance in securing and preserving their Superaqueduct contracts.

Vazquez-Botet held a variety of positions with the National Progressive Party during the relevant period. He is also a pediatric ophthalmologist. Under the extortion scheme, between

1996 and 1999 he is alleged to have received cash payments totaling over $300,000 and to have directed that payments be made to third-parties totaling approximately $60,000. The indictment also charges that Vazquez-Botet fraudulently concealed the extortionate payments and other income on his income tax returns for the Commonwealth of Puerto Rico.

Morell-Corrada served as the Secretary-General of the same political party as Vazquez from 1991 until his resignation in 1996, when he resumed the private practice of law. The indictment alleges that he received approximately $120,000 between September 1997 and May 1999, mostly under the guise of a sham retainer agreement for legal services. He is also alleged to have received payments in the form of: (1) purchases of appliances for his residence, (2) the payment of fees he incurred for architectural services related to a building he was rehabilitating, (3) car rentals, and (4) a donation to basketball team with which he was associated. According to the indictment, Marcos Morell-Corrada fraudulently concealed a portion of his income from the extortion scheme on his tax returns for the Commonwealth of Puerto Rico.

In a related case, the court unsealed a plea entered by Jose Granados-Navedo, on March 31, 2004, to a one-count information charging him with conspiracy for his role in the scheme to extort money from the local contractors on the Superaqueduct project. Granados was the Vice President of the House of Representative of the Commonwealth of Puerto Rico, and Chairman of the House Social Economic and Development Commission, which had responsibility for oversight of infrastructure projects, including the Superaqueduct. As part of his plea, Granados-Nevedo admitted to receiving more than $150,000 in bribes in the scheme.

**Senior Trial Attorney: Mary K. Butler**
**Trial Attorney: Matthew C. Solomon**

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**United States v. Diaz, J., Diaz, O., Minor, Teel, and Whitfield, Southern District of Mississippi**

On February 20, 2004, a federal grand jury returned an 18-count superseding indictment charging Paul Minor, a personal injury attorney; Oliver E. Diaz, Jr., a justice on the Mississippi Supreme Court; his wife, Jennifer Diaz; John Whitfield, a former Mississippi Circuit Court judge; and Walter W. "Wes" Teel, a former Mississippi Chancery Court judge, with multiple violations of federal criminal law.

The indictment alleged that beginning in 1998, Minor provided things of value to the judges, including guaranteeing bank loans, providing money to make payments on those loans, and other monetary benefits. And, in return, Minor sought and received favorable treatment for himself and his clients. It further alleges that Minor and the judges took numerous steps to

conceal their financial relationships; and that the judges failed to disclose their relationship with Minor on reports required under Mississippi law and to counsel and parties opposite Minor in cases pending before them. For his part, Minor covered-up and concealed his involvement by using intermediaries, making payments in cash, and, in one case, by causing false documents to be created to disguise the source of funds paid on behalf of one of the judges.

The superseding indictment added attempted extortion charges against Minor and Oliver Diaz based on Minor's solicitation of $20,000 from two attorneys who had a $9 million medical malpractice judgment pending for review by Diaz on the supreme court.

Paul Minor was charged with racketeering and the use of the mails and wires to defraud the State of Mississippi of honest services, bribery in a program receiving federal funds, and extortion.

Oliver E. Diaz was charged with the use of the mails to defraud the citizens of the State of Mississippi of his honest services and bribery in a program receiving federal funds, and extortion.

Walter W. "Wes" Teel was charged with the use of the mails to defraud the citizens of the State of Mississippi of his honest services, and bribery in a program receiving federal funds.

John Whitfield was charged with the use of the mails and wires to defraud the citizens of the State of Mississippi of his honest services and bribery in a program receiving federal funds.

Jennifer Diaz was charged with the use of the mails to defraud the citizens of the State of Mississippi of her husband's honest services, and aiding and abetting bribery in a program receiving federal funds.

This case is being handled jointly by the Public Integrity Section and the United States Attorney's Office for the Southern District of Mississippi.

**Deputy Chief: Peter J. Ainsworth**
**Senior Trial Attorney: Nancy J. Newcomb**
**Assistant United States Attorneys: Ruth Morgan and David Fulcher**

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**United States v. Dowe, District of the Virgin Islands**

On August 12, 2004, a federal grand jury returned a two-count indictment against Senator Carlton Dowe of the U.S. Virgin Islands, charging him with stealing $75,207.00 in government funds. Specifically, the indictment alleges that, from January 2000 through February 2002, Dowe carried out a fraudulent scheme to resubmit a $50,000 court judgment for back pay to the Virgin Islands Fire Service -- where Dowe served as Director from January 1995 through January 1999 -- after receiving payment in full through the Legal Judgments Special Fund administered by the Virgin Islands Attorney General. In seeking to disguise the duplicate payment, Dowe instructed a Fire Service employee to alter his payroll records to reflect a retroactive increase in his hourly wage, and combine the payment with an unrelated and unpaid back pay claim, rather than disclose the true nature of the payment. According to the indictment, Dowe never informed the Fire Service employee that he already had received the $50,000 payment. In the end, Dowe fraudulently received a duplicate payment from the territorial government in the amount of $75,207.00.

The indictment further charged that, when the Office of the Virgin Islands Inspector General began investigating the double payment, Dowe coaxed the Fire Service employee who calculated and processed the fraudulent claim at his direction to lie to investigators about Dowe's involvement in calculating and submitting the duplicate back pay claim, and to lie about Dowe's payment of $600 to the Fire Service employee for her assistance.

**Trial Attorney: Armando O. Bonilla**
**Assistant United States Attorney: Kim L. Chisholm**

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## Fen-Phen Settlement Fund Fraud
## Southern District of Mississippi

The following cases involved a scheme to defraud, through corruption of the state judicial process, a $400 billion settlement fund that was established following a suit against American Home Products, the maker of the diet drugs Redux and Pondomin, for injuries caused by the so-called "Fen-Phen" drugs. The cases were handled jointly by the Public Integrity Section, the Criminal Division's Fraud Section, and the United States Attorney's Office for the Southern District of Mississippi.

### United States v. Frye and Hammett

On December 3, 2004, John Frye, a minister, and Lizzie Hammett, a teacher, were each sentenced to a year and a day in prison for charges related to falsifying prescription documents. The false documents were used to obtain funds from the $400 billion settlement fund. Frye

previously pled guilty to one count of tax evasion and one count of conspiracy to commit wire fraud. Hammett previously pled guilty to one count of tax evasion.

These two defendants, working with other individuals, submitted false documents to the diet drug settlement fund, and each received an award of $250,000.00.

**United States v. Buie**

On December 21, 4004, Robert Buie pled guilty to one count of wire fraud and one count of tax evasion related to falsifying prescription documents in order to obtain funds from the $400 billion settlement fund established following a suit against American Home Products.

**United States v. Johnson, Durrell and Fountain**

On September 9, 2004, the grand jury returned indictments charging Samuel Johnson, Cora Durell, Ethel Fountain with falsifying prescription documents in order to obtain funds from the $400 billion settlement fund established following the suit against American Home Products.

**United States v. Johnson**

On November 12, 2004, Sabrena Johnson pled guilty to one count of wire fraud and one count of tax evasion related to falsifying prescription documents in order to obtain funds from the $400 billion settlement fund established following a suit against American Home Products. Johnson was subsequently sentenced to 18 months in prison.

**United States v. Johnson and Malone**

On December 29, 2004, Eva Johnson and Evelyn Malone both pled guilty to one count of tax evasion related to falsifying prescription documents in order to obtain funds from the $400 billion settlement fund established following a suit against American Home Products.

**United States v. Reed**

On September 21, 2004, Regina Green Reed pled guilty to one count of tax evasion related to falsifying prescription documents in order to obtain funds from the $400 billion settlement fund established following a suit against American Home.0000 TD(abl)Tj15130 TD(t)Tj3.6000 0.0000 0.0

**United States v. Walker and Wright**

On October 12, 2004, Lillie Walker and Yvonne Wright both pled guilty to one count of wire fraud related to falsifying prescription documents in order to obtain funds from the $400 billion settlement fund established following a suit against American Home Products. On December 21, 2004, Walker was sentenced to ten months in prison.

**Trial Attorneys: Noah D. Bookbinder and Nicholas A. Marsh**
**Assistant Chief, Fraud Section: Robertson Park**
**Trial Attorney, Fraud Section: Geni Cowles**
**Assistant United States Attorneys: Richard Starrett and John Dowdy**

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**United States v. Moolenaar, District of the Virgin Islands**

On August 26, 2004, a federal jury in St. Thomas convicted Lucien A. Moolenaar, DDS -- former Acting Commissioner of the U.S. Virgin Islands Department of Health and Deputy Commissioner of Public Health Services -- of all charges stemming from his conversion of 63 monthly payments from the government totaling $102,497.00. Dr. Moolenaar was convicted of converting U.S. government funds, grand larceny and making a false statement to territorial officials investigating the overpayments.

The indictment alleged that, in January 1995, Dr. Moolenaar found two old government payroll checks totaling $1,626.95 that had not been negotiated. After submitting the stale-dated checks to the Department of Finance for re-issuance, the government added $1,626.95 to Dr. Moolenaar's June 22, 1995 net payroll as a negative deduction. Thereafter, from July 1995 through September 2000, due to human or computer error, the government added the sum of $1,626.95 to the second payroll check Dr. Moolenaar received every month. In the end, Dr. Moolenaar unlawfully received and spent for his own benefit $102,497.85. When interviewed by officials within the Virgin Islands Office of Inspector General and Office of the Attorney General investigating the overpayments, Dr. Moolenaar falsely stated that he had no knowledge of the monthly overpayments until after they were discovered by the government and discontinued.

**Trial Attorneys: Armando O. Bonilla and Nicholas A. Marsh**

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**United States v. Jackson, Eastern District of Louisiana**

On December 3, 2004, a grand jury returned a five count indictment charging Gilbert C. Jackson with tax evasion.

According to the indictment, Jackson's unreported income was derived from a consulting business that he maintained between 1998 and 2002, as well as payments toward the rent of an apartment that he had leased. According to the indictment, no form 1099s were filed in connection with these payments and Jackson failed to include the income when he filed returns substantially out of time. In furtherance of his evasion scheme, the indictment alleges that Jackson made false statements regarding his income and tax liability to FBI agents who were conducting an investigation into Jackson's relationship with another person.

**Senior Trial Attorney: Mark K. Butler**

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**United States v. London, Southern District of Florida**

On April 12, 2004, John "Jack" L. London, former Mayor of Key West and a Commissioner of Monroe County, Florida was indicted on charges of filing a false 1997 tax return and lying to the Federal Bureau of Investigation on three separate occasions in 2002 and 2003 regarding the source of the unreported income.

The charges stem from London's receipt of a $29,000 bribe while serving as a Monroe County Commissioner. London solicited the assistance of a political consultant, who is now cooperating with the government, to extort $75,000 from a Florida Keys land developer who had been denied building permits. After the developer paid the $75,000 to the political consultant, his real estate project was quickly approved by the Monroe County Board of Commissioners. In exchange for his gathering a unanimous vote for the project's approval, London had the political consultant forward $29,000 to Ireland to satisfy a civil lien placed on property owned by London in Cork, Ireland. London submitted to voluntary interviews by FBI agents on two occasions in 2002 and 2003 regarding the payment of the Ireland lien. London admitted receipt of the funds to satisfy the debt, but lied about the source of the funds, and denied any relationship with the political consultant. Because evidence of the bribe was not uncovered until after the statute of limitations had expired, a substantive bribery count could not be charged.

**Deputy Chief: Brenda K. Morris**
**Assistant United States Attorney: Christopher J. Clark**

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**United States v. Paulus, Eastern District of Wisconsin**

On August 2, 2004, Joseph F. Paulus, the elected District Attorney of Winnebago County, from 1989 to 2003 was sentenced to 58 months of incarceration, a $5,000 fine, and three years of supervised release. On April 26, 2004, Paulus pled guilty to one count of use of the mail and interstate facilities to promote bribery and one count of filing a false tax return. Paulus is also required to pay the Internal Revenue Service for the taxes he owes, plus interest and penalties.

Paulus admitted that he took bribes from a defense attorney in return for Paulus's use of his official position as District Attorney to provide the attorney's clients with favorable treatment. Paulus received one half of the attorney's client fees as payment for the concessions that he made to the clients. The concessions included dismissing cases, reducing charges, returning seized property, and requesting that another county's District Attorney give lenient treatment to one of the attorney's clients. Paulus took approximately $48,050 in bribes from the attorney in about 22 criminal and traffic cases. Paulus further admitted that he failed to declare this money on his tax returns.

**United States v. Schierland, Eastern District of Wisconsin**

On September 2, 2004, Milton D. Schierland was sentenced to two years of probation and a $5,000 fine. Schierland pled guilty to one count of filing a false tax return. Schierland is also required to pay the Internal Revenue Service the taxes that he owes, along with interest and penalties.

Schierland was an attorney who engaged in a general legal practice, representing clients in both civil and criminal cases. Schierland maintained a ledger that purported to contain a list of the fees that he received from clients and his business expenses. Between 1997 and 2000, Schierland caused over 30 fee payments that he had received from clients to be understated in the ledger or omitted from the ledger. Nevertheless, Schierland used the information recorded in the ledger to determine the gross receipts that he reported on his federal income tax returns for the tax years of 1997, 1998, 1999, and 2000. As a result, Schierland failed to report $157,813.00 in gross receipts and failed to pay $53,488.00 in taxes.

As part of his plea agreement, Schierland cooperated extensively in the government's investigation of Joseph Paulus, the former elected District Attorney of Winnebago County who accepted bribes from Schierland to provide concessions to defendants in 22 criminal and traffic cases.

**Trial Attorneys: Howard Sklamberg and Noah D. Bookbinder**

## American Samoa
## District of Hawaii

The following cases are part of an investigation into systemic corruption in American Samoa, an unincorporated territory of the United States that in not located within any judicial district.

**United States v. Mageo**

On October 1, 2004, Patolo Mageo, former Director of the American Samoa Department of Human and Social Services (DHSS) for the United States Territory of American Samoa, pleaded guilty to a one-count Information charging him with conspiracy to commit fraud concerning federal programs.

Mageo admitted that, beginning in 2001, he and his coconspirators agreed to fraudulently award federally-funded DHSS contracts worth at least $120,000. Mageo admitted that, as Director, he approved the fraudulent award and payment of the contracts in exchange for $10,000.

**United States v. Seumanutafa**

On May 21, 2004, Fa'au Seumanutafa, former Chief Procurement Officer for the Office of Procurement for the United States Territory of American Samoa, pleaded guilty in United States District Court in Honolulu, Hawaii to a one-count Information charging him with conspiracy to defraud the United States.

Seumanutafa admitted that, beginning in early 2001, he and his coconspirators agreed to divide and pre-set the prices on several American Samoa Department of Education contracts for bookshelves and library furniture for American Samoa schools. Seumanutafa used his official position to approve and submit for payment from the American Samoa Department of Treasury numerous false purchase orders for which he received at least $80,000. Further, Seumanutafa admitted that he paid bribes to other American Samoa government officials in exchange for having certain government contracts awarded to his family's company.

**United States v. Solaita**

On July 23, 2004, Toetu Solaita, former Director of the American Samoa Department of Education School Lunch Program for the United States Territory of American Samoa, pleaded guilty to a one-count Information charging him with conspiracy to defraud the United States.

Solaita admitted that, beginning in 2002, he and his coconspirators agreed to steal food and goods purchased by the American Samoa School Lunch Program paid for with United States Departments of Agriculture and Education funds that were supposed to have been used for feeding children in the American Samoa Public School System. Solaita further admitted that he stole or approved the stealing of more than $68,000 worth of food and goods from the American Samoa School Lunch Program warehouse in Pago Pago, American Samoa.

**Trial Attorney: James A. Crowell**

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## State Courthouse Investigation
## Eastern District of Louisiana

The following cases are part of a larger investigation resulting from allegations of corruption in the state courthouse in Jefferson Parish. These prosecutions are being handled jointly by the Section and the United States Attorney's Office for the Eastern District of Louisiana.

**United States v. Bodenheimer**

On April 28, 2004, Ronald D. Bodenheimer, a former 24th Judicial District Court Judge, was sentenced to a period of forty-six months in prison, a $50,000 fine, and three years of supervised release. Bodenheimer had previously pled guilty to a three-count information charging him with conspiracy to distribute and attempt to distribute, and to possess and attempt to possess with the intent to distribute, Oxycodone, a Schedule II narcotic drug controlled substance; defrauding and depriving the citizens of Louisiana of his honest services; and conspiracy to defraud and deprive the citizens of Louisiana of his honest services.

Bodenheimer admitted that he and an accomplice conspired to plant controlled substances in a vehicle of a neighbor with whom Bodenheimer had a long history of disagreements over various matters. In April 2002, after several weeks of discussing their plan over the telephone and in person, the accomplice placed a plastic bag containing Oxycodone in the glove compartment of the neighbor's vehicle.

Bodenheimer also admitted that he used his position as a judge to enrich himself by making rulings favorable to a party in a domestic proceeding over which he presided in exchange for things of value, including assistance with quashing unfavorable publicity, assistance in obtaining a lucrative seafood contract, and other things of value.

Bodenheimer also admitted that he conspired with the owners and employees of a Jefferson Parish bail bonding company to use his position as a judge to enrich himself by setting, reducing, and splitting bonds in various criminal matters pending before him and other judges on terms most advantageous to the bail bonding company in exchange for things of value, including meals, trips to resorts, campaign contributions, home improvements, and other things of value.

**Senior Trial Attorney: Nancy J. Newcomb**
**Assistant United States Attorneys: Michael W. Magner and William J. Gibbens**

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## FEDERAL ELECTION CRIMES

As described in Part I, during 2004 the Public Integrity Section continued its nationwide oversight role regarding the handling of election crime allegations. The Section continued to assist in the implementation and execution of the Department's Ballot Access and Voting Integrity Initiative. The purpose of this ongoing Initiative is to increase the Department's ability to deter, detect, and prosecute election crimes and voting abuses by prioritizing election crime cases. As a result of the Initiative, during 2004 the number of election crime matters opened by federal prosecutors throughout the country increased significantly, as did the Section's active involvement in election crime matters stemming from the Initiative. At the end of 2004, the Section was supervising and providing advice on approximately 133 election crime matters nationwide.

In addition, as of December 31, 2004, 22 matters involving possible election crimes were pending in the Section. During 2004 the Section closed one election crime matter and handled the following election crime cases:

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**United States v. Claspill, Eastern District of Missouri**

On March 5, 2004, James L. Claspill, a former candidate for Congress, was sentenced to two years probation for violations of the Federal Election Campaign Act.

The charge stemmed from Claspill's filing of false reports with the Federal Election Commission. In 1999, Claspill announced that he was running for Congress. He had no public support for his candidacy. To make it appear that he had such support, he filed false reports with the FEC. Claspill created the Citizens for Claspill Committee. He then filed reports of

receipts and disbursements for the Committee with the FEC, which falsely stated that the Committee had received contributions in excess of $240,000 from various individuals, that Claspill had lent the Committee $200,000, and that the Committee had incurred a number of expenditures. Claspill signed the reports using the fictitious name of "Paul Brown" as Treasurer of the Committee. In fact, Claspill only received a few contributions, none of which exceeded $25. He made no loans to the Committee. The Committee did not incur the expenditures described in the reports.

**Trial Attorney: Julian S. Greenspun**

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**United States v. Stipe, District of Columbia**

On January 30, 2004, Gene Stipe, a lawyer and former Oklahoma state senator, was sentenced to six months of home detention, five years of probation, 1000 hours of community service, and a fine of $735,567.

The charges against Stipe stem from his role in Walter L. Roberts's 1998 campaign for the U.S. House of Representatives. Stipe admitted to funneling $245,189 to the Roberts campaign through a variety of schemes. The schemes included: the transfer of $20,500 to the campaign supposedly for the sale of a trailer when, in fact, no sale was completed; the transfer of $17,000 to the campaign supposedly as payment for advertising services, which no one ever intended to perform; the transfer of $67,500 to the campaign supposedly for the sale of cattle when there was no such cattle sale; the transfer of $55,000 to the campaign supposedly pursuant to an option contract, which was actually a sham; and the transfer of $86,689 to 39 individuals who, at the direction of Stipe and others, then contributed that money to the Roberts campaign, thereby causing the Roberts campaign to file numerous FEC reports misidentifying the true source of the funds.

The FEC investigated these schemes. Stipe admitted that during the course of the investigation, he repeatedly lied to the Federal Election Commission in sworn written and oral statements.

As part of his plea agreement, Stipe agreed that he would pay $490,378 to satisfy the fine component of the charge of conspiracy to violate the FECA. Stipe also agreed to surrender his license to practice law in every state in which he held such a license, and to not seek reinstatement until the termination of any supervised release or term of probation the court might impose.

**Trial Attorneys: Howard Sklamberg and Matthew C. Solomon**

## Vote-Buying Scheme
## Eastern District of Kentucky

The following cases are the result of an extensive federal investigation into vote-buying in the 1998 primary election in Knott County, Kentucky, an Appalachian county in eastern Kentucky. The primary was contested by two slates of candidates. The ballot included the race for the position of Knott County Judge Executive, which controls local government hiring, contracting, and services. The ballot also included a primary contest for the office of United States Senator. The following cases are being handled jointly by the Section and the United States Attorney's Office for the Eastern District of Kentucky. In 2004 there were four defendants sentenced.

### United States v. Calhoun

On April 7, 2004, Jimmy Calhoun was sentenced to six months in prison and two years of supervised release. Calhoun pled guilty to two counts of vote-buying on behalf of a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. Calhoun paid two persons to vote by absentee ballot.

### United States v. Madden

On February 2, 2004, Patrick Wayne Madden was sentenced to 20 months in prison and two years of supervised release. Madden pled guilty to one count of vote-buying. Madden paid three persons to vote by absentee ballot for a slate of candidates headed by Newsome.

### United States v. Newsome, Pigman, and Smith

On March 16, 2004, Donnie Newsome, the former County Judge Executive for Knott County, Kentucky, was sentenced to 26 months of in prison, a $20,000 fine, and three years of supervised release. Willard Smith was sentenced to 24 months in prison, a $5,000 fine, and three years of supervised release. A jury previously convicted Newsome and Smith on all counts of an indictment that charged them with conspiracy to buy votes and five counts of vote-buying. A third defendant, Keith Pigman, previously pled guilty to the conspiracy charge,

and was sentenced to four months in prison, four months of community service, and two years of supervised release.

County Judge Executives are the chief executive officers for Kentucky counties, with control over most county services and employment. Newsome, while in office as a Kentucky State Representative, became a candidate for County Judge Executive in the 1998 Knott County primary.

Newsome, Pigman, and Smith, working together and with other conspirators, approached and paid numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for Newsome by absentee ballot, resulting in a large increase in the rate of absentee voting, and long lines at the County Clerk's Office. Newsome won the election to remain the County Judge Executive.

**Trial Attorney: Richard C. Pilger**
**Assistant United States Attorney: Thomas L. Self**

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# PART III

# NATIONWIDE FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS

## INTRODUCTION

The tables in this section of the Report reflect data that is compiled from annual nationwide surveys of the United States Attorneys' Offices by the Public Integrity Section.

As discussed in Part I, most corruption cases are handled by the local United States Attorney's Office in the district where the crime occurred. However, on occasion outside prosecutors are asked either to assist the local office on a corruption case, or to handle the case entirely as a result of recusal of the local office due to a possible conflict of interest. The figures in the following tables include all public corruption prosecutions within each district.

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**TABLE II:** Progress Over the Past Two Decades:
Nationwide Federal Prosecutions of Corrupt Public Officials

**TABLE III:** Federal Public Corruption Convictions by District
Over the Past Decade

**TABLE I**

**NATIONWIDE FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS IN 2004**

**Federal Officials**

| | |
|---|---|
| Charged | 424 |
| Convicted | 381 |
| Awaiting Trial | 98 |

**State Officials**

| | |
|---|---|
| Charged | 111 |
| Convicted | 81 |
| Awaiting Trial | 48 |

**Local Officials**

| | |
|---|---|
| Charged | 268 |
| Convicted | 252 |
| Awaiting Trial | 105 |

**Others Involved**

| | |
|---|---|
| Charged | 410 |
| Convicted | 306 |

| | |
|---|---|
| Awaiting Trial | 168 |

**Totals**

| | |
|---|---|
| Charged | 1,213 |
| Convicted | 1,020 |
| Awaiting Trial | 419 |

## TABLE II

## PROGRESS OVER THE LAST TWO DECADES: NATIONWIDE FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS

| | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|---|---|---|---|---|
| **FEDERAL OFFICIALS** | | | | | | | | | | |
| Charged | 563 | 596 | 651 | 629 | 695 | 615 | 803 | 624 | 627 | 571 |
| Convicted | 470 | 523 | 545 | 529 | 610 | 583 | 665 | 532 | 595 | 488 |
| Awaiting Trial as of 12/31 | 90 | 83 | 118 | 86 | 126 | 103 | 149 | 139 | 133 | 124 |
| **STATE OFFICIALS** | | | | | | | | | | |
| Charged | 79 | 88 | 102 | 66 | 71 | 96 | 115 | 81 | 113 | 99 |
| Convicted | 66 | 71 | 76 | 69 | 54 | 79 | 77 | 92 | 133 | 97 |
| Awaiting Trial as of 12/31 | 20 | 24 | 26 | 14 | 18 | 28 | 42 | 24 | 39 | 17 |
| **LOCAL OFFICIALS** | | | | | | | | | | |
| Charged | 248 | 232 | 246 | 276 | 269 | 257 | 242 | 232 | 309 | 248 |
| Convicted | 221 | 207 | 204 | 229 | 201 | 225 | 180 | 211 | 272 | 202 |
| Awaiting Trial as of 12/31 | 49 | 55 | 89 | 79 | 122 | 98 | 88 | 91 | 132 | 96 |
| **PRIVATE CITIZENS INVOLVED IN PUBLIC CORRUPTION OFFENSES** | | | | | | | | | | |
| Charged | 267 | 292 | 277 | 303 | 313 | 208 | 292 | 252 | 322 | 247 |
| Convicted | 240 | 225 | 256 | 240 | 284 | 197 | 272 | 246 | 362 | 182 |
| Awaiting Trial as of 12/31 | 97 | 84 | 135 | 109 | 109 | 71 | 67 | 126 | 99 | 95 |

| TOTALS | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Charged | 1,157 | 1,208 | 1,276 | 1,274 | 1,348 | 1,176 | 1,452 | 1,189 | 1,371 | 1,165 |
| Convicted | 997 | 1,026 | 1,081 | 1,067 | 1,149 | 1,084 | 1,194 | 1,081 | 1,362 | 969 |
| Awaiting Trial as of 12/31 | 256 | 246 | 368 | 288 | 375 | 300 | 346 | 380 | 403 | 332 |

## TABLE II (continued)

| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|---|---|---|---|---|---|---|---|---|---|---|
| **FEDERAL OFFICIALS** | | | | | | | | | | |
| Charged | 527 | 456 | 459 | 442 | 480 | 441 | 502 | 478 | 479 | 4 |
| Convicted | 438 | 459 | 392 | 414 | 460 | 422 | 414 | 429 | 421 | 3 |
| Awaiting Trial as of 12/31 | 120 | 64 | 83 | 85 | 101 | 92 | 131 | 119 | 129 | |
| **STATE OFFICIALS** | | | | | | | | | | |
| Charged | 61 | 109 | 51 | 91 | 115 | 92 | 95 | 110 | 94 | 1 |
| Convicted | 61 | 83 | 49 | 58 | 80 | 91 | 61 | 132 | 87 | |
| Awaiting Trial as of 12/31 | 23 | 40 | 20 | 37 | 44 | 37 | 75 | 50 | 38 | |
| **LOCAL OFFICIALS** | | | | | | | | | | |
| Charged | 236 | 219 | 255 | 277 | 237 | 211 | 224 | 299 | 259 | 2 |
| Convicted | 191 | 190 | 169 | 264 | 219 | 183 | 184 | 262 | 119 | 2 |
| Awaiting Trial as of 12/31 | 89 | 60 | 118 | 90 | 95 | 89 | 110 | 118 | 106 | 1 |
| **PRIVATE CITIZENS INVOLVED IN PUBLIC CORRUPTION OFFENSES** | | | | | | | | | | |
| Charged | 227 | 200 | 292 | 364 | 302 | 256 | 266 | 249 | 318 | 4 |
| Convicted | 188 | 170 | 243 | 278 | 306 | 242 | 261 | 188 | 241 | 3 |
| Awaiting Trial as of 12/31 | 91 | 80 | 106 | 128 | 89 | 109 | 121 | 126 | 139 | 1 |
| **TOTALS** | | | | | | | | | | |
| Charged | 1,051 | 984 | 1,057 | 1,174 | 1,134 | 1,000 | 1,087 | 1,136 | 1,150 | 1,2 |
| Convicted | 878 | 902 | 853 | 1,014 | 1,065 | 938 | 920 | 1,011 | 868 | 1,0 |
| Awaiting Trial as of 12/31 | 323 | 244 | 327 | 340 | 329 | 327 | 437 | 413 | 412 | 4 |

## TABLE III
### FEDERAL PUBLIC CORRUPTION CONVICTIONS BY DISTRICT OVER THE PAST DECADE

| U.S. Attorney's Office | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Alabama, Middle | 1 | 4 | 6 | 4 | 2 | 3 | 9 | 7 | 6 | 7 | 49 |
| Alabama, Northern | 2 | 4 | 4 | 1 | 17 | 9 | 15 | 11 | 6 | 4 | 73 |
| Alabama, Southern | 3 | 1 | 9 | 0 | 6 | 0 | 2 | 10 | 2 | 2 | 35 |
| Alaska | 2 | 2 | 3 | 1 | 4 | 16 | 6 | 5 | 0 | 0 | 39 |
| Arizona | 2 | 6 | 8 | 5 | 7 | 8 | 1 | 4 | 10 | 9 | 60 |
| Arkansas, Eastern | 0 | 1 | 4 | 4 | 5 | 7 | 0 | 0 | 18 | 18 | 57 |
| Arkansas, Western | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 3 | 1 | 0 | 7 |
| California, Central | 94 | 66 | 58 | 39 | 58 | 31 | 33 | 35 | 45 | 22 | 481 |
| California, Eastern | 18 | 26 | 17 | 18 | 17 | 18 | 18 | 20 | 20 | 39 | 211 |
| California, Northern | 25 | 16 | 7 | 14 | 9 | 18 | 3 | 4 | 5 | 14 | 115 |
| California, Southern | 7 | 16 | 2 | 4 | 4 | 7 | 12 | 5 | 5 | 2 | 64 |
| Colorado | 0 | 0 | 0 | 2 | 1 | 3 | 22 | 16 | 7 | 8 | 59 |
| Connecticut | 8 | 5 | 4 | 6 | 8 | 8 | 14 | 3 | 12 | 8 | 76 |
| Delaware | 0 | 0 | 1 | 4 | 2 | 1 | 8 | 7 | 3 | 5 | 31 |
| District of Columbia | Not Reported | 37 | 32 | 72 | 60 | 46 | 43 | 44 | 20 | 33 | 362 |
| Florida, Middle | 22 | 24 | 15 | 12 | 24 | 28 | 8 | 9 | 14 | 10 | 166 |

## TABLE III (continued)

| U.S. Attorney's Office | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Florida, Northern | 5 | 7 | 8 | 5 | 4 | 8 | 5 | 5 | 4 | 2 | 53 |
| Florida, Southern | 42 | 29 | 31 | 79 | 106 | 71 | 83 | 38 | 37 | 78 | 594 |
| Georgia, Middle | 6 | 5 | 6 | 3 | 2 | 2 | 11 | 1 | 8 | 4 | 48 |
| Georgia, Northern | 19 | 11 | Not Reported | 1 | 6 | Not Reported | 10 | 26 | 12 | 9 | 94 |
| Georgia, Southern | 7 | 1 | 38 | 6 | 3 | 0 | 3 | 6 | 1 | 0 | 65 |
| Guam | 1 | 3 | 7 | 6 | 7 | 19 | 19 | 13 | 16 | 9 | 124 |
| Hawaii | 6 | 4 | 4 | 6 | 2 | 3 | 2 | 10 | 4 | 14 | 55 |
| Idaho | 7 | 4 | 3 | 7 | 5 | 5 | 4 | 7 | 4 | 3 | 49 |
| Illinois, Central | 10 | 10 | 7 | 8 | 2 | 3 | 2 | 5 | 5 | 14 | 66 |
| Illinois, Northern | 67 | 71 | 55 | 55 | 53 | 49 | 24 | 19 | 54 | 22 | 469 |
| Illinois, Southern | 24 | 2 | 2 | 4 | 5 | 7 | 4 | 6 | 1 | 6 | 61 |
| Indiana, Northern | 7 | 12 | 14 | 3 | 8 | 7 | 4 | 4 | 10 | 13 | 82 |
| Indiana, Southern | 5 | 5 | 4 | 4 | 1 | 4 | 2 | 2 | 10 | 4 | 41 |
| Iowa, Northern | 4 | 2 | 1 | 3 | 2 | 0 | 0 | 1 | 1 | 1 | 15 |
| Iowa, Southern | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 8 | 1 | 12 |
| Kansas | 3 | 1 | 3 | 3 | 6 | 8 | 5 | 6 | 0 | 5 | 40 |
| Kentucky, Eastern | 9 | 8 | 11 | 8 | 17 | 25 | 15 | 25 | 22 | 27 | 167 |
| Kentucky, Western | 5 | 11 | 4 | 6 | 8 | 0 | 2 | 2 | 4 | 1 | 43 |
| Louisiana, Eastern | 6 | 30 | 24 | 17 | 19 | 18 | 20 | 19 | 17 | 29 | 199 |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|

## TABLE III (continued)

| U.S. Attorney's Office | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|
| New York, Northern | 11 | 22 | 9 | 9 | 9 | 8 | 11 | 5 | 22 | 16 | 122 |
| New York, Southern | 39 | 38 | 43 | 61 | 33 | 48 | 34 | 33 | 28 | 28 | 385 |
| New York, Western | 6 | 11 | 11 | 3 | 7 | 4 | 13 | 6 | 6 | 7 | 74 |
| North Carolina, Eastern | 2 | 5 | 9 | 5 | 4 | 0 | 7 | 4 | 9 | 18 | 63 |
| North Carolina, Middle | 1 | 0 | 4 | 8 | 7 | 4 | 5 | 12 | 6 | 0 | 47 |
| North Carolina, Western | 10 | 1 | 8 | 3 | 3 | 5 | 1 | 3 | 5 | 7 | 45 |
| North Dakota | 10 | 4 | 5 | 6 | 0 | 2 | 2 | 5 | 16 | 5 | 55 |
| Ohio, Northern | 19 | 25 | 29 | 90 | 25 | 36 | 34 | 29 | 28 | 32 | 347 |
| Ohio, Southern | 12 | 13 | 11 | 10 | 29 | 20 | 17 | 21 | 9 | 26 | 168 |
| Oklahoma, Eastern | 1 | 4 | 3 | 7 | 3 | 2 | 10 | 0 | 0 | 0 | 30 |
| Oklahoma, Northern | 2 | 2 | 4 | 4 | 2 | 3 | 2 | 5 | 3 | 0 | 27 |
| Oklahoma, Western | 6 | 1 | 1 | 0 | 7 | 4 | 0 | 2 | 1 | 4 | 26 |
| Oregon | 6 | 0 | 0 | 1 | 3 | 4 | 3 | 1 | 3 | 0 | 20 |
| Pennsylvania, Eastern | 24 | 11 | 35 | 25 | 37 | 30 | 36 | 57 | 57 | 26 | 338 |
| Pennsylvania, Middle | 8 | 8 | 14 | 7 | 12 | 14 | 20 | 9 | 13 | 12 | 117 |
| Pennsylvania, Western | 11 | 10 | 2 | 4 | 8 | 7 | 5 | 6 | 4 | 3 | 60 |
| Puerto Rico | 1 | 4 | 2 | 0 | 13 | 10 | 9 | 101 | 24 | 31 | 195 |
| Rhode Island | 6 | 0 | 2 | 1 | 3 | 5 | 2 | 6 | 0 | 2 | 27 |
| South Carolina | 5 | 4 | 6 | 13 | 11 | 13 | 8 | 5 | 8 | 8 | 890 |
| South Dakota | 6 | 6 | 7 | 7 | 1 | 2 | 2 | 4 | 3 | 2 | 40 |

| | | | | | | |
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